



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

28 AUGUST 2024

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held via Teams on
Wednesday, 28 August 2024 at 3.00pm.

MEETING AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS

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4.1 Development Application for the demolition of existing shed and attachment to existing dwelling and construction of new additions to existing dwelling and a swimming pool at Blairmount, 85 Badgally Road, Blairmount

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4.2 Development application for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - Nos. 6-8 Palmer Street, Ingleburn

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General Information

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

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

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

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

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask your questions at the end of your submission.

Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The Panel's recommendations become public the day following the Local Planning Panel meeting.

Information

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

The following report is referred to the Local Planning Panel for its consideration and recommendation.

Lindy Deitz
Chief Executive Officer

4. REPORTS

4.1 Development Application for the demolition of existing shed and attachment to existing dwelling and construction of new additions to existing dwelling and a swimming pool at Blairmount, 85 Badgally Road, Blairmount

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.3.1 Acknowledge and protect our local cultural heritage

Delivery Program

Principal Activity
1.3.1.1 Promote and respect our City's history and rich cultural heritage (including Aboriginal and Torres Strait Islander culture and history)

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Local Planning Panel's direction this application is to be determined by the Campbelltown Local Planning Panel (the Panel) as prescribed in Schedule 1 of that direction due to the development involving the demolition of a heritage item.

Executive Summary

- A development application has been received for the demolition of existing outbuildings and attachment to existing dwelling and construction of new additions to existing dwelling and a swimming pool at Blairmount.
- The subject site is zoned C3 Environmental Management under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed alterations and alterations are ancillary to the existing dwelling house and are permitted with consent.
- The application was publicly notified and exhibited 12 February and 12 March 2024. No submissions were received during this time.
- Based on an assessment of the application against Section 4.15 of EP&A Act, the application has been found to be unsatisfactory and is recommended for refusal.

Officer's Recommendation

That pursuant to Section 4.8 of the *Environmental Planning and Assessment Act 1979*, the

Campbelltown Local Planning Panel refuse Development Application 4638/2023/DA-AL for the reasons listed in attachment 1 to this report.

Purpose

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

Property Description	Lot 102 DP708401 Blairmount, 85 Badgally Road, Blairmount
Application No	4638/2023/DA-AL
Applicant	Flossiy Rutter
Owner	Victor Kumar
Provisions	State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Environmental Planning and Assessment (Statement of Expectations) Order 2024
Date Received	4 January 2024

Application History

4 January 2024	Development Application lodged.
12 February to 12 March 2024	Public exhibition, no submissions received.
24 May 2024	Council requests further information. The key issue relates to the submitted Statement of Heritage Impact (SoHI), which was not properly prepared and did not appropriately outline the condition of the subject heritage item, assess its significance or address impacts of the proposed development on heritage values.
11 June 2024	Meeting held between Council and the applicant to discuss issues.
18 June 2024	The applicant requests additional time to supply further information. This was supported by Council providing the applicant until 9 July 2024.
9 July 2024	Additional information supplied to Council, including a new SoHI. The new SOHI recommended redesign of the development including retention and conservation of all significant outbuildings, which are

	currently proposed for demolition.
25 July 2024	Further meeting held with the applicant to discuss inconsistency of SOHI and the proposed development. The applicant is provided until 30 July 2024 to address these issues.
30 July 2024	A revised SoHI is submitted to Council. The revised SoHI no longer recommends an amended design, but still does not support the proposed demolition of outbuildings and recommends a conservation management plan be prepared including further research regarding the outbuildings to understand their original use and any significant association with the principal dwelling.

Given the above history and timeframes, the application is being reported to the Panel in its current form for determination in accordance with the Environmental Planning and Assessment (Statement of Expectations) Order 2024, made by the Minister of Planning on 1 July 2024.

Site and Surrounds

The site is legally defined as Lot 102 in Deposited Plan 708401, known as 85 Badgally Road, Blairmount. The site is an irregular shaped allotment with a frontage of 75 m to Badgally Road. The site has a total area of 11,600 m².

The site currently contains Blairmount, local heritage item I3, the specific heritage items are the house, gardens, gatehouse, outbuildings and brick silo. Other items on site include an extension to the heritage dwelling, timber deck, inground swimming pool, metal garage, water tank, retaining walls, and trees and vegetation.

The site is situated within the Scenic Hills boundaries and the locality characterised by a range of residential development including low density residential and rural residential, incorporating a mix of single and double storey development.

The site is identified as being bush fire affected, and of potentially containing Aboriginal archaeological values.



Figure 1: Structure identification image



Figure 2: Locality map



Figure 3: Artist's impression and schedule of colours and finishes

Proposal

Approval is sought for the demolition of the existing additions to the original dwelling, the circa 1910 corrugated metal clad outbuilding, metal garage, 2 timber outbuildings, retaining walls and inground swimming pool together with the removal of 30 trees.

The proposed construction of dwelling additions will include a 6 car basement garage with studio, recording room, bathroom, storage room, bar, cinema, bowling alley.

Ground floor additions will comprise a gym, sauna room, ice-bath room, plunge pool, lounge room, two offices, laundry, private alter, mud room, scullery, cool room, walk in pantry, kitchen, living room, dining room, formal lounge room, prayer room, study, bathroom, courtyards, alfresco areas, fire pit, and inground pool.

First floor additions will comprise three bedrooms with ensuite and walk in robe, rumpus room, storage area, art gallery room, and roof top terrace.

Associated structures and works including retaining walls, drainage and landscaping also form part of the development proposal

Report

1. Vision

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

- Outcome 1: Community and Belonging
- Outcome 2: Places for People
- Outcome 3: Enriched Natural Environment
- Outcome 4: Economic Prosperity
- Outcome 5: Strong Leadership

The proposal is inconsistent with the long-term vision for Campbelltown, particularly Outcome 1 as the proposed development does not acknowledge and protect local heritage.

2. Planning Provisions

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

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

2.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such Chapter 6 (Water Catchment) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application. Chapter 6 (Water Catchments) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

The proposal is considered to be consistent with Chapter 6 (Water Catchments) of the SEPP and will not have a negative impact on the environmental quality of the Georges River Catchment.

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

On 1 October 2023 SEPP BASIX 2004 was repealed, with the State Environmental Planning Policy (Sustainable Buildings) 2022 commenced operation. Chapter 4 of the Sustainable Buildings SEPP incorporates general savings provisions for a development application for BASIX development or BASIX optional development submitted on the NSW planning portal on or after 1 October 2023, if the BASIX certificate that accompanies the development application was issued before 1 October 2023. Accordingly, given the submitted BASIX certificate was prepared prior to 1 October 2023, SEPP BASIX applies.

A BASIX certificate for the development was submitted with the development application. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable under SEPP BASIX.

2.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards). The objectives of the SEPP include to promoting the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site has historically been used for residential purposes and the proposed development will continue this land use. However, Council notes that the hazardous materials assessments submitted with this application identify that the materials used in the 1960s extension to the dwelling and the metal shed contain bonded asbestos and lead paint. Should the proposal be supported, these contaminated materials could be removed from the site in a safe manner in accordance with the recommendations of the submitted reports. Additionally, conditions would be recommended to ensure demolition is undertaken in accordance with the required Australian and New Zealand Standards, and an unexpected contamination finds protocol be imposed.

Based on the above assessment, the proposal is considered to satisfy the requirement of the SEPP (Resilience and Hazards) 2021 as the subject site can be made suitable for the proposed development.

2.1.4 Campbelltown Local Environmental Plan 2015

The relevant local environmental plan applying to the site is the Campbelltown Local Environmental Plan 2015 (LEP). The aims of the LEP include to identify, conserve and protect the Aboriginal, cultural and natural heritage of Campbelltown and to minimise any adverse impacts of development on heritage items and conservation areas.

The proposal is considered to be inconsistent with these aims of the LEP as the proposal seeks to demolish structures that have been identified as potentially worthy of protection due to their cultural heritage value.

The subject site is zoned C3 Environmental Management pursuant to the CLEP 2015, where proposed dwelling additions are a permissible form of development.

The objectives for the C3 zone considered to be of particular relevance to the proposal include:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

The proposed development is inconsistent with these objectives as the demolition works would impact structures potentially worthy of preservation and therefore does not protect, manage and restore cultural heritage values.

Clause 4.3 Height of buildings

The objectives of Clause 4.3 include to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain. The building height prescribed by the CLEP is 9 m.

Comment: The submitted plans have not clearly demonstrated that the proposed building is under the 9 m height limit.

Clause 4.3A Height restrictions for certain residential accommodation

The objective of Clause 4.3A is to limit the number of storeys of certain types of residential development. This Clause limits the height of dwelling houses to 2 storeys.

Comment: The submitted architectural plans do not include dimensions of the basement level above existing ground level to the floor above to demonstrate that it is less than 1m. In this regard it cannot be accurately determined if the proposed development forms a 3 storey dwelling house.

Clause 5.10 Heritage Conservation

The objective of Clause 5.10 of the CLEP 2015 is to conserve the environmental heritage of Campbelltown, to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, to conserve archaeological sites, and to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment: The application has been accompanied by a SoHI, which is unresponsive of the proposed development in its current form. The SoHI recommendations are as follows:

Recommendation 1: Prepare a Conservation Management Plan for the site in accordance with the Heritage Council of NSW document Guidance on developing a heritage conservation management plan, 2021.

- This should include further research regarding the c.1910 metal clad outbuilding to better understand its original use / any significant association with the principal dwelling to assist to inform its future management in consideration of the engineering and hazardous material assessment advice.
- It should also include a detailed investigation regarding the historical provenance, usage and configuration of the two timber outbuildings to assist to inform their future management.

Recommendation 2: Retain and conserve the two early timber outbuilding structures with an appropriate setting in accordance with the future Conservation Management Plan policies/recommendations (See Recommendation 1).

Clause 7.1 Earthworks

The objective Clause 7.1 of CLEP 2015 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Comment: The application proposes earthworks where the c.1910 metal clad outbuilding is currently situated. The proposed earthworks are therefore considered unsatisfactory as they are contrary to the recommendations of the submitted SoHI.

Clause 7.4 Salinity

The objective Clause 7.4 of CLEP 2015 is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

Comment: If the proposal were supported conditions could be imposed regarding salinity management.

Clause 7.5 Preservation of the natural environment

The objective of Clause 7.5 is to preserve the natural environment.

Comment: The subject site is zoned C3 Environmental Management, therefore this clause applies. Subclause 3 states that development consent must not be granted to the removal of soil or bush rock from any land to which this clause applies, however subclause 4 states that subclause 3 does not prevent the relocation of soil or bush rock within the same site.

A geotechnical report has been submitted in support of this application and did not identify any bush rock located within the subject site, and if soil is to be removed to accommodate the proposed development, it will be relocated elsewhere within the site. In this regard, this satisfies this requirement of the CLEP 2015.

Clause 7.6 Scenic protection and escarpment preservation

The objective of Clause 7.6 are as follows—

- a) to recognise and protect the scenic, environmental, cultural and historic qualities of the Scenic Hills and the landscape setting of Campbelltown,
- b) to protect visual aesthetic amenity and views to and from the Scenic Hills,
- c) to reinforce the visual dominance of landscape over built form,
- d) to ensure development on land to which this clause applies is appropriate for the location and is located and designed to minimise its visual prominence in the landscape.

Comment: Based on the information supplied to Council it cannot be determined whether the proposal is consistent with this clause as the submitted architectural plans do not clearly demonstrate that the proposed development does not breach the 9 m height of buildings control.

Clause 7.10 Essential services

Clause 7.10 specifies that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: the supply of water, the supply of electricity, the disposal and management of

sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services, and the supply of natural gas.

Comment: The subject site is currently serviced by essential services including water, electricity, telecommunications and on-site sewage.

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

2.2.1 Campbelltown (Sustainable City) Development Control Plan 2015 (DCP)

An assessment against Part 2 Requirements to All Development Type and Part 4 Rural Residential Development and Ancillary Rural Residential Structures has been undertaken with full details included in attachment 2 to this report.

The proposed development is considered to be generally consistent with the DCP, except in relation to rear boundary setback. The applicant has sought a variation to this control and is proposing a 5 m rear setback on the basis that the reduced setback would not impact on adjoining sites privacy and would not create overshadowing as the adjoining dwellings are setback 145 m and 155 m.

This reasoning is supported and the proposed variation to the DCP is considered acceptable in the circumstances of the case.

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

No Planning Agreement has been proposed as part of this application and the site is not subject to a planning agreement.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia. Appropriate conditions of consent could be imposed if this application was able to be supported.

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

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

The proposed development will result in detrimental impacts on the existing built environment as the proposal involves demolition of heritage items. The demolition of these items is not supported by the SoHI prepared by the applicant's heritage consultant.

It is unlikely that the proposed development would result in any detrimental social or economic impacts as the proposed development is for residential purposes.

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

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

As demonstrated by the above assessment, the site is not considered to be suitable for the proposed development given that the proposed development does not conserve heritage items or clearly demonstrate compliance with the maximum building height.

2.7 Section 4.15 (1)(c) The public interest

Section 4.15(1)(e) of the EP&A Act requires the consent authority to consider the public interest when determining a development application. Based on the above assessment, the proposed development is not considered to be in the public interest.

3. Public Participation

Section 4.15(1)(d) of the EP&A Act requires Council to consider submissions.

The application was notified and publicly exhibited in accordance with the Campbelltown Community Participation Plan between 12 February and 12 March 2024. No submissions were received in response to the exhibition of the application.

Conclusion

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant statutory and policy provisions, the proposal is not considered to be suitable for the site and is not within the public interest. Therefore, it is recommended that it be refused for the reasons outlined in attachment 1.

Attachments

- 4.1.1 Recommended Reasons for Refusal (contained within this report)
- 4.1.2 Development Control Plan Compliance Table (contained within this report)
- 4.1.3 Architectural Plans (contained within this report)
- 4.1.4 Heritage impact statement - 30 July 2024 (due to confidentiality) (distributed under separate cover)
- 4.1.5 Heritage impact statement - 9 July 2024 (due to confidentiality) (distributed under separate cover)
- 4.1.6 Heritage impact statement - 19 December 2023 (due to confidentiality) (distributed under separate cover)
- 4.1.7 Floor Plans (due to confidentiality) (distributed under separate cover)

Reporting Officer

Manager Development Assessment

Reasons for refusal

1. The application has failed to demonstrate compliance with Clause 4.3 height of buildings of the Campbelltown Local Environmental Plan 2015.
2. The application has failed to demonstrate compliance with Clause 4.3A height restrictions for certain residential accommodation of the Campbelltown Local Environmental Plan 2015.
3. The application has failed to demonstrate compliance with Clause 5.10 heritage conservation of the Campbelltown Local Environmental Plan 2015.
4. The application has failed to demonstrate compliance with Clause 7.1 earthworks of the Campbelltown Local Environmental Plan 2015.
5. The application has failed to demonstrate compliance with Clause 7.6 scenic protection and escarpment preservation of the Campbelltown Local Environmental Plan 2015.
6. The application does not comply with the controls of the Campbelltown (Sustainable City) Development Control Plan (DCP) 2015 including:
 - a. The application has failed to demonstrate that it appropriately responds to Campbelltown's important views and vistas as required in Part 2.3 of Volume 1 of the DCP.
 - b. The application has failed to provide a Conservation Management Plan as required in Part 2.11 of Volume 1 of the DCP.

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
2.2 Site Analysis	A Site Analysis Plan shall be lodged with the development application for all development involving the construction of a building and the Torrens title subdivision of land	A satisfactory site analysis plan has been submitted in support of this application.	Yes
2.3 Views and Vistas	Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from: <ul style="list-style-type: none"> i) the Scenic Hills; ii) rural/semi-rural landscape areas; iii) the Georges and Nepean River corridors; iv) areas of significant public open space (formal and informal); and v) heritage items. 	The submitted SoHI acknowledges that the proposal has been designed with appropriate form/character and materials to integrate with the appearance of the existing 1880s dwelling, however the scale of the addition would dominate the heritage item from many angles.	No
2.4 Sustainable Building Design	In addition to satisfying BASIX, residential development is encouraged to provide a rainwater tank for new buildings.	An underground rainwater tank is proposed.	Yes
2.5 Landscaping	Landscape design shall enhance the visual character of the development and compliment the design/use of spaces within and adjacent to the site.	Proposed landscaping is satisfactory.	Yes
	Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	Council's environment officer has reviewed the submitted arborist report and is satisfied with the trees proposed for removal.	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
		The proposal has retained trees where possible.	
	Landscape design shall add value to the quality and character of the streetscape.	Satisfactory landscaping proposed.	Yes
	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person	Landscape plan illustrates height, species and trees to be retained and removed.	Yes
	Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Proposed landscaping is native species.	Yes
2.7 Erosion and Sediment Control	An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	A satisfactory erosion and sediment control plan has been submitted in support of this application.	Yes
2.8 Cut, Fill and Floor Levels	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A satisfactory cut and fill plan has been submitted in support of this application.	Yes
	For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metres below the ground level (existing) and the maximum level of fill shall not exceed 1.0 metre above ground level (existing), when measured at any corner of the building platform.	The subject site is not a residential zone.	N/A

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	A dilapidation report was requested but not provided. If this proposal were supported a condition of consent could be imposed requiring the submission of a dilapidation report prior to the issue of a construction certificate.	Could comply by condition
	Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	Cut and fill is contained within the proposed dwelling footprint and by retaining walls.	Yes
	All fill shall be 'Virgin Excavated Natural Material' (VENM).	If the proposal were supported, conditions could be imposed to ensure fill is VENM.	Could comply by condition
	No fill shall be deposited in the vicinity of native vegetation.	If the proposal were supported, conditions could be imposed to ensure fill is not deposited in the vicinity of native vegetation.	Could comply by condition
	All basement excavation shall be setback a minimum of 900mm from the property boundaries.	Basement excavation is greater than 900mm from the property boundaries.	Yes
	Provisions of basements shall not result in non-compliance with deep soil planting controls contained within this plan	The proposed basement does not create a non-compliance with deep soil requirements.	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
2.9 Demolition	<p>A development application involving demolition shall be considered having regard to the following information:</p> <p>i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);</p> <p>ii) details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure</p>	If the proposal were supported, conditions could be imposed regarding all matters pertaining to demolition.	Could comply by condition
2.10 Water Cycle Management	A Stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving	A satisfactory stormwater plan has been submitted in support of this application.	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	<p>construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.</p>		
	<p>The stormwater concept plan shall include the following information as a minimum:</p> <p>i) locations, layouts and sizes of stormwater pipes and pits;</p> <p>ii) minimum grades and capacity of stormwater pipes; and</p> <p>iii) existing and proposed easements, site contours and overland flow path/s.</p>	As above.	Yes
2.11 Heritage Conservation	<p>All developments that have the potential to impact upon Aboriginal cultural heritage must provide an assessment in accordance with the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW", published by the Office of Environment and Heritage (OEH).</p>	<p>An Aboriginal due diligence assessment was submitted in support of this application. The assessment notes that there are no sites or potential archaeological deposits within and/or adjacent to the proposal area. The due diligence assessment also asserts that it is unlikely for Aboriginal objects to be present in the proposal area. An unexpected finds procedure has been recommended for the proposal during redevelopment.</p>	Yes
	<p>Any development application made in respect to development on land that is:</p> <p>i) occupied by a heritage item; or</p>	<p>A SoHI was submitted in support of this application, however it is important to note that while the submission of this report technically complies with this DCP requirement, the recommendations of the SoHI conflict with the</p>	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	<p>ii) adjoining land occupied by a heritage item; or</p> <p>iii) located within a heritage conservation area, shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.</p>	<p>proposed development in that recommends that a CMP be prepared for the site that includes further research regarding the c.1910 metal clad building and the two timber outbuildings.</p> <p>The proposal in its current form seeks consent for the demolition of these structures.</p>	
	Any development on land occupied by an item of heritage, or land located within a heritage conservation area shall be designed by a suitably qualified person and have regard to the provisions of any relevant study or Conservation Plan (CMP).	This cannot be addressed as the submitted SoHI recommends a CMP be prepared and one has not been submitted in support of this application.	No
	Unless otherwise advised by council, a Conservation Management Plan (CMP) shall be required for all proposed development involving the adaptive reuse of a heritage item, or major alterations and additions.	<p>The submitted SoHI recommends that a CMP be prepared for the site that includes further research regarding the c.1910 metal clad building and the two timber outbuildings.</p> <p>A CMP has not been submitted for assessment.</p>	No
2.12 Retaining Walls	Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person	A condition is recommended to ensure that all retaining walls are designed by a suitably qualified person.	Complies by condition
	<p>In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted within 2m of</p>	Fill is not proposed within 2m of any boundary.	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.		
	In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has been obtained and submitted as part of the DA.	Retaining walls are setback a minimum of 500mm from any boundary.	Yes
	Any retaining wall shall not adversely alter surface flows to adjoining private land.	It is not anticipated that proposed retaining walls would adversely alter surface flows to adjoining private land.	Yes
	Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	All retaining walls are located wholly within property boundaries.	Yes
	Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Retaining walls are wholly within the property boundaries.	Yes

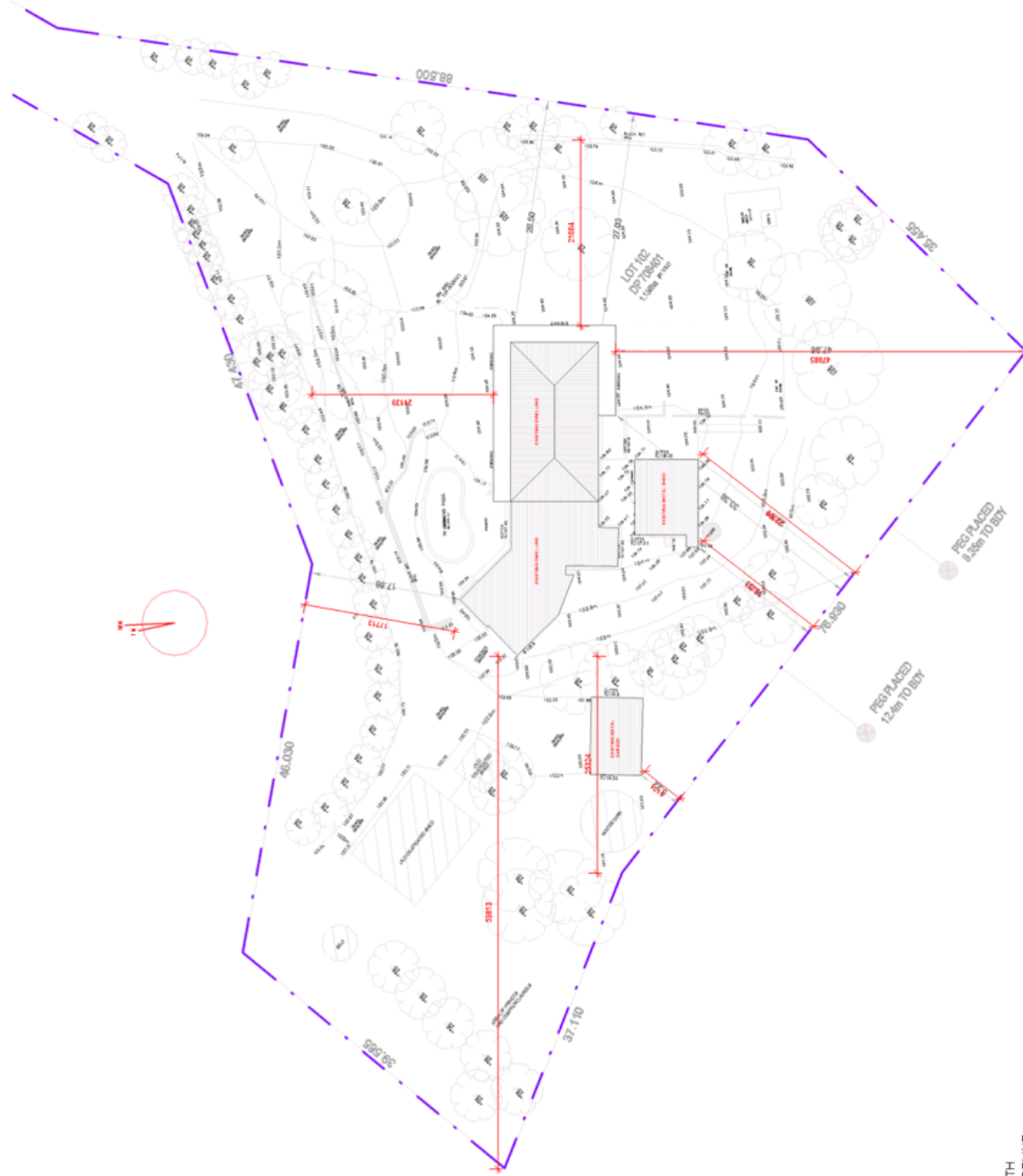
Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	If the proposal were supported, a condition could be imposed to ensure that all retaining walls are designed by a suitably qualified person and made of appropriate materials.	Could comply by condition
2.14.1 Contaminated Land	The requirements of Managing Land Contamination Planning Guidelines, SEPP 55 - Remediation of Land (EPA, DUAP, 1998) shall be satisfied on sites known to have, or may give Council reason to suspect, a potential for previous contamination.	The site has historically been used for residential purposes and the proposed development does not include a change of land use.	Yes
2.14.2 Salinity	This section details requirements for salinity affected sites.	If the proposal were supported conditions could be imposed regarding salinity management.	Could comply by condition
2.14.4 Subsidence	Any development on a site located within South Campbelltown Mine Subsidence District, or Appin Mine Subsidence District may be at risk of the effects of subsidence from past and/or future underground mining. An appropriate engineering outcome shall be achieved.	The subject site is not located within a Mine Subsidence District.	N/A
2.15.1 Waste Management	A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A satisfactory WMP has been submitted in support of this application.	Yes
2.16 Provision of Services	Ensure that development is provided with adequate water and power supply.	The subject site is currently serviced by all essential services.	Yes

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
Part 4 Rural Residential Development and Ancillary Rural Residential Structures			
4.3.1 Building Form and Character	Developments shall be designed to fit the existing contours and landform of the site and to minimise the amount of cut and fill.	The application proposes earthworks where the c.1910 metal clad outbuilding is currently situated. In this regard, the proposed earthworks are considered unsatisfactory as the demolition of this structure to accommodate earthworks and further development is contrary to the recommendations of the submitted SoHl.	No
	Materials, colours and finishes of roofing, walls, driveways and fencing shall: i) not be obtrusive; ii) not be highly reflective and/or include bright colours; iii) complement or be recessive to the landscape setting in which the building is to be situated; and iv) be submitted to Council as part of the development application.	Material and colour selection is satisfactory.	Yes
	Garages and outbuildings shall be designed and located so that they do not dominate the primary street frontage of the building as viewed from the street and prominent public places.	Not applicable, car parking will be provided within a basement.	N/A
	Garage doors facing public streets shall be no wider than 50% of the width of the main dwelling (at its street fronting facade).	Not applicable as there is not a garage door proposed to face the street.	N/A

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	Highly reflective materials and bright colours for roofing shall not be allowed.	Woodland grey roofing is proposed.	Yes
	Building shall not be sited downstream from existing dams in order to reduce the potential for inundation of the buildings if the dam fails or overtops.	The proposed building is not located downstream of a dam.	Yes
4.3.1.2 Building Height	The height of development shall not result in any significant loss of amenity (including loss of solar access and visual and acoustic privacy) to adjacent properties.	The proposed development will not create loss of amenity to the adjacent properties.	Yes
4.3.2 Car and Parking Access	The minimum dimensions of any required parking space shall be 2.5 x 5.5 metres.	Greater than 2.5m x 5.5m provided.	Yes
	The minimum internal dimensions of an enclosed garage shall be 3.0 x 6.0 metres.	11.482m x 9.060m	Yes
	Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Transitional grades are satisfactory.	Yes
	Driveways shall meet the following criteria: i) constructed to a standard that allows for all weather access; ii) designed and located to follow contours to avoid excessive site works, erosion and sedimentation run off; iii) have a minimum width of 2.5 metres and a maximum width of 5.0 metres;	The driveway is existing.	N/A

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	<p>iv) allow for entry to and exit from the property in a forward direction;</p> <p>v) located to minimise the impact on vegetation and the removal of mature trees; and</p> <p>vi) one (1) driveway access is permitted per property, in addition to any access required by the NSW Rural Fire Service, where relevant.</p>		
	Driveways shall be located a minimum distance of (six) 6 metres from the tangent point of any unsignalised intersection.	The driveway is greater than 6m from the tangent point of an unsignalised intersection.	Yes
	Driveways shall be designed and constructed so that they do not divert stormwater from the adjoining road onto the property.	The driveway is existing.	N/A
	Electric vehicle charging stations must be located behind the building line.	Electric vehicle charging not provided.	N/A
4.4.1 Fencing - Rural Residential	<p>Fencing shall:</p> <p>i) be a maximum of 1.8 metres in height;</p> <p>ii) be of an open style for any part of the fence that is higher than 0.6 metres, except for the parts of the fence that are pillars or columns (refer to Figure 4.4.1);</p> <p>iii) not be constructed of solid metal sheeting unless required by a Bush fire Risk Management Plan prepared by a qualified person; and</p>	Existing fencing is to be retained.	N/A

Part 2 Requirements applying to all types of development			
Part	Requirement	Proposed	Compliance
	iv) complement the design of the development.		
4.5.1 Dwelling Houses	<p>The minimum setbacks for a dwelling house shall be in accordance with the setback requirements for dwelling houses shown in Table 4.5.1.</p> <p>Primary setback for double storey - 50m</p> <p>Side and rear setback - 10m</p>	<p>The applicant has sought a variation to this control and is proposing a 5m rear setback on the basis that the reduced setback would not impact on adjoining sites privacy and would not create overshadowing as the adjoining dwellings are setback 145m and 155m.</p>	Merit



PLANS NOT FOR CONSTRUCTION

INTENT TO COMPLY WITH NSW RFS PSP2019 GUIDELINE FOR BUSHFIRE PROTECTION

Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018

COMPLETE HOME PROJECT

Ch.

COMPLETE HOME PROJECT
132A Victoria Road, Sydney NSW 2047
Phone 0482 708 790
E: h@chh.com p@chh.com

DESIGN COMPRISES TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION

CLIENT: RESHMI & VICTOR KUMAR

ISSUE: DA ISSUE

REV #	DATE	NOTES	BY

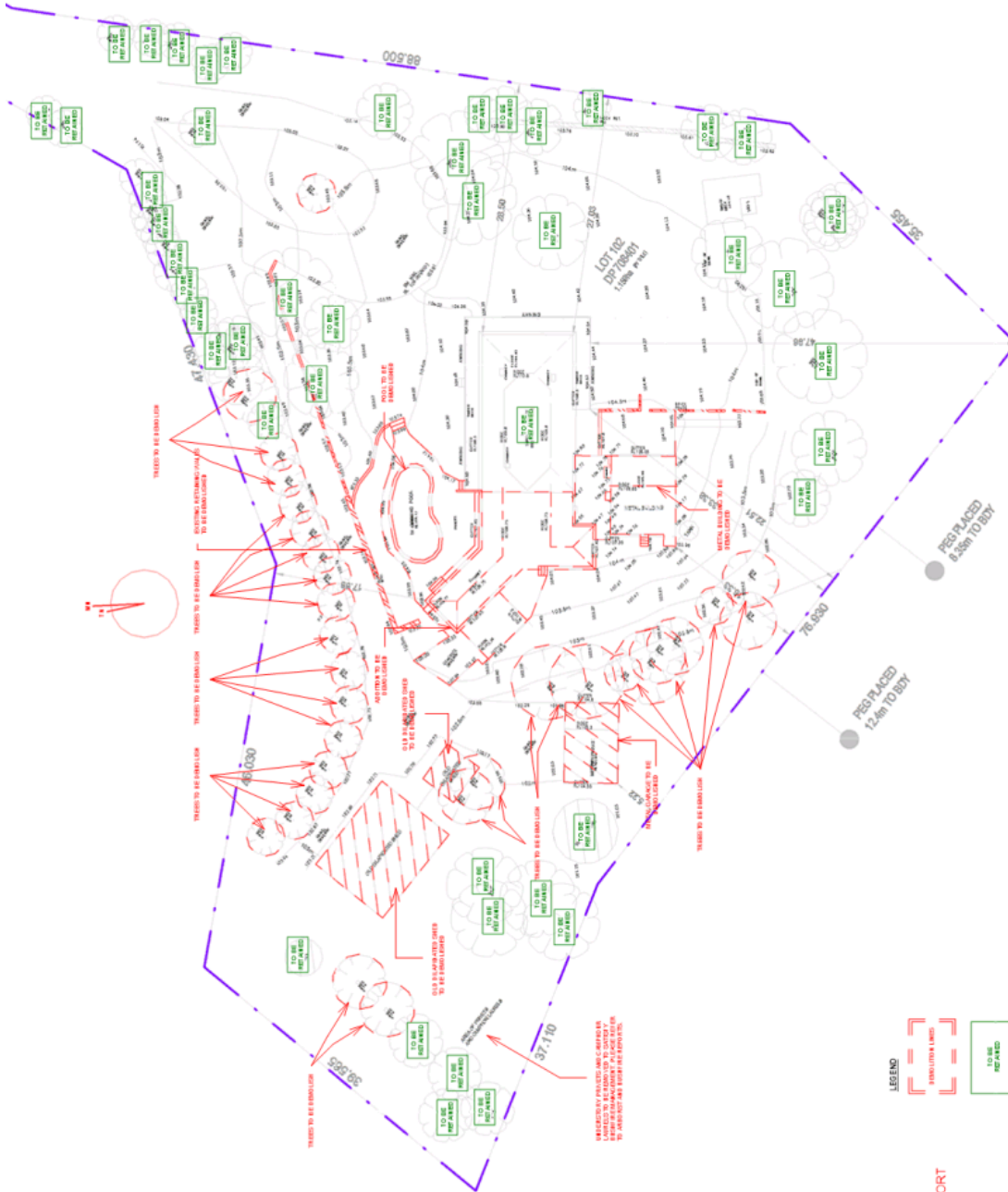
ADDRESS: 103 BADGALLY ROAD, BADGALLY (BLAIRMOUNT)

PROJECT: PROPOSED ALTERATIONS (BUSHFIRE RISK MITIGATION) & ADDITIONS WITH SUBSEQUENT.

DRAWING SCALE: 1:500

DRAWING	EXISTING SITE AND ROOF PLAN	DRAFTED	SIGNED OFF	DATE	BY

MARKING	SHEET NO	REVISION	CHECK BY
MARHAM H	001	NA	
PENDING			
25 JUNE 2024			



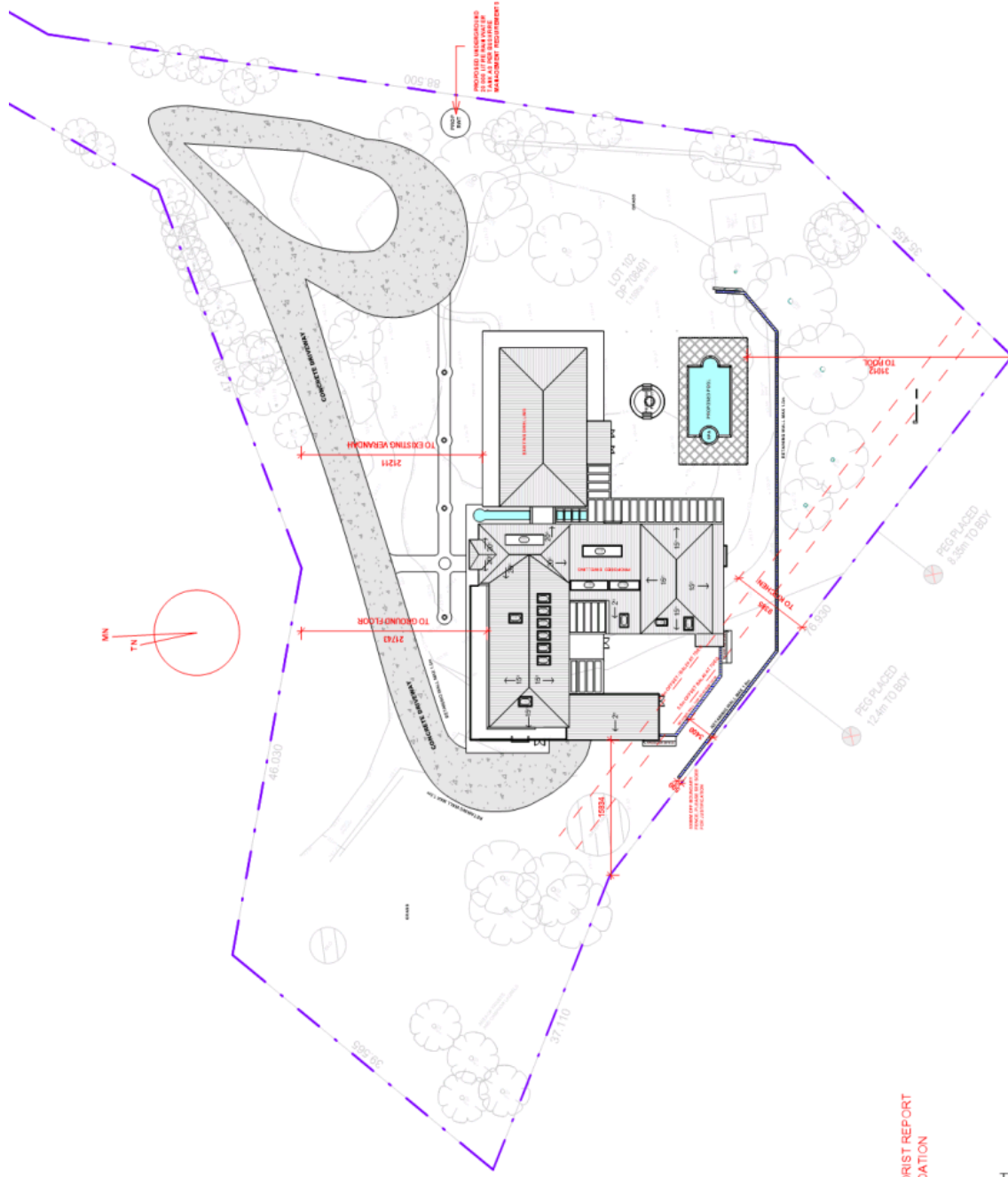
PLEASE REFER TO ARBORIST REPORT AS PER RFI RECOMMENDATION
 PLANS NOT FOR CONSTRUCTION

INTENT TO COMPLY WITH NSW RFS PSP2019 GUIDELINE FOR BUSHFIRE PROTECTION

Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3999-2018

<p>DESIGN COMPRISES TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION</p>		<p>PROJECT PROPOSED ALTERATIONS IS MAGGALLY ROAD, BLAIRMOUNT SUBDIVISION</p> <p>CLIENT RESHMI & VICTOR KUMAR</p>		<p>ADDRESS IS MAGGALLY ROAD, BLAIRMOUNT</p> <p>ISSUE DA ISSUE</p>		<p>PROPOSED DEMOLITION PLAN</p> <p>SCALE 1:500</p> <p>DRAFTED MARIAM H SHEET NO 003</p> <p>SIGNED OFF PENDING REVISION NA</p> <p>DATE 25 JUNE 2024 CHECK BY TALI</p>	
<p>COMPLETE HOME PROJECT 137A Victoria Rd, Dulais engine 2047 Phone 0482 708 790 Em at hvb@j.com plek@k.com #project.com</p>		<p>REVISIONS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION</p> <p>REPAIRED 12.4M TO BODY</p> <p>REPAIRED 8.55M TO BODY</p>		<p>REV # DATE</p> <p>NOTES</p> <p>BY</p>		<p>REV # DATE</p> <p>NOTES</p> <p>BY</p>	

COMPLETE HOME PROJECT



Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018

PLEASE REFER TO ARBORIST REPORT AS PER RFI RECOMMENDATION
 PLANS NOT FOR CONSTRUCTION
 INTENT TO COMPLY WITH NSW RFS PSP2019 GUIDELINE FOR BUSHFIRE PROTECTION

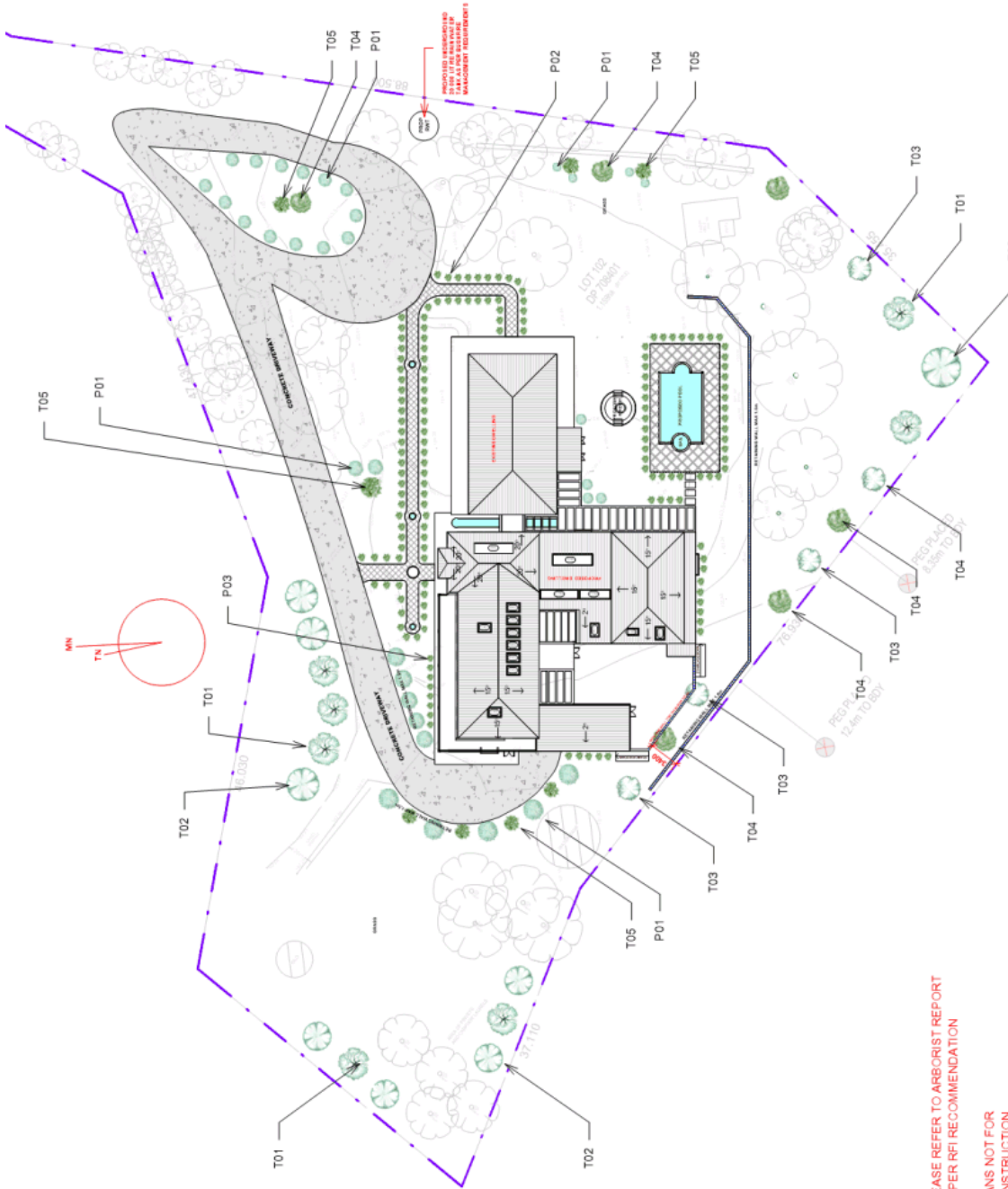
<p>COMPLETE HOME PROJECT 137A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 Email hlh@completehomeproject.com</p>		<p>DESIGN COMPRISES TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE FOR CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION</p>		<p>PROJECT PROPOSED ALTERATIONS & ADDITIONS WITH SUBSEQUENT CLIENT RESHMI & VICTOR KUMAR</p>		<p>ADDRESS 105 MADGALLY ROAD, BLAIRMOUNT ISSUE DA ISSUE</p>		<p>REV # DATE NOTES BY</p>	
						<p>DRAWING PROPOSED SITE PLAN SCALE 1:500 DRAFTED MARHAM H SIGNED OFF PENDING DATE 25 JUNE 2024</p>		<p>SHEET NO 005 REVISION NA CHECK BY TALI</p>	

COMPLETE HOME PROJECT

TREE & PLANT SCHEDULE

TREE/BASE	TYPENAME	SYMBOL	COMMON NAME	SUBSTRATUM	COUNT	IMAGE
T01	WILLOWBERRY		WILLOWBERRY	1000-1200mm	05	
T02	SHRUB		SHRUB	1000-1200mm	05	
T03	SHRUB		SHRUB	1000-1200mm	05	
T04	SHRUB		SHRUB	1000-1200mm	05	
T05	SHRUB		SHRUB	1000-1200mm	05	
P01	SHRUB		SHRUB	1000-1200mm	05	
P02	SHRUB		SHRUB	1000-1200mm	05	
P03	SHRUB		SHRUB	1000-1200mm	05	

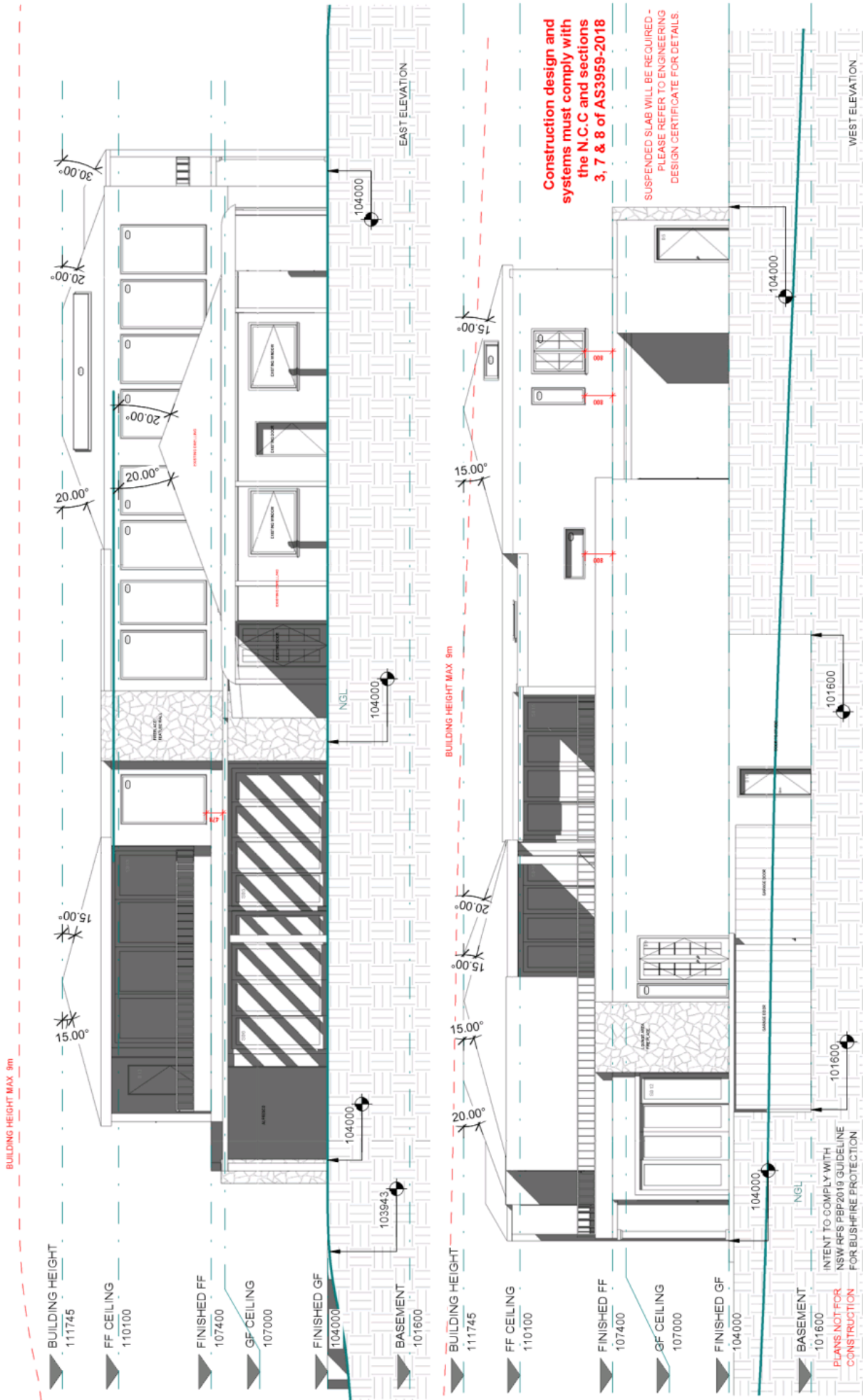
Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018



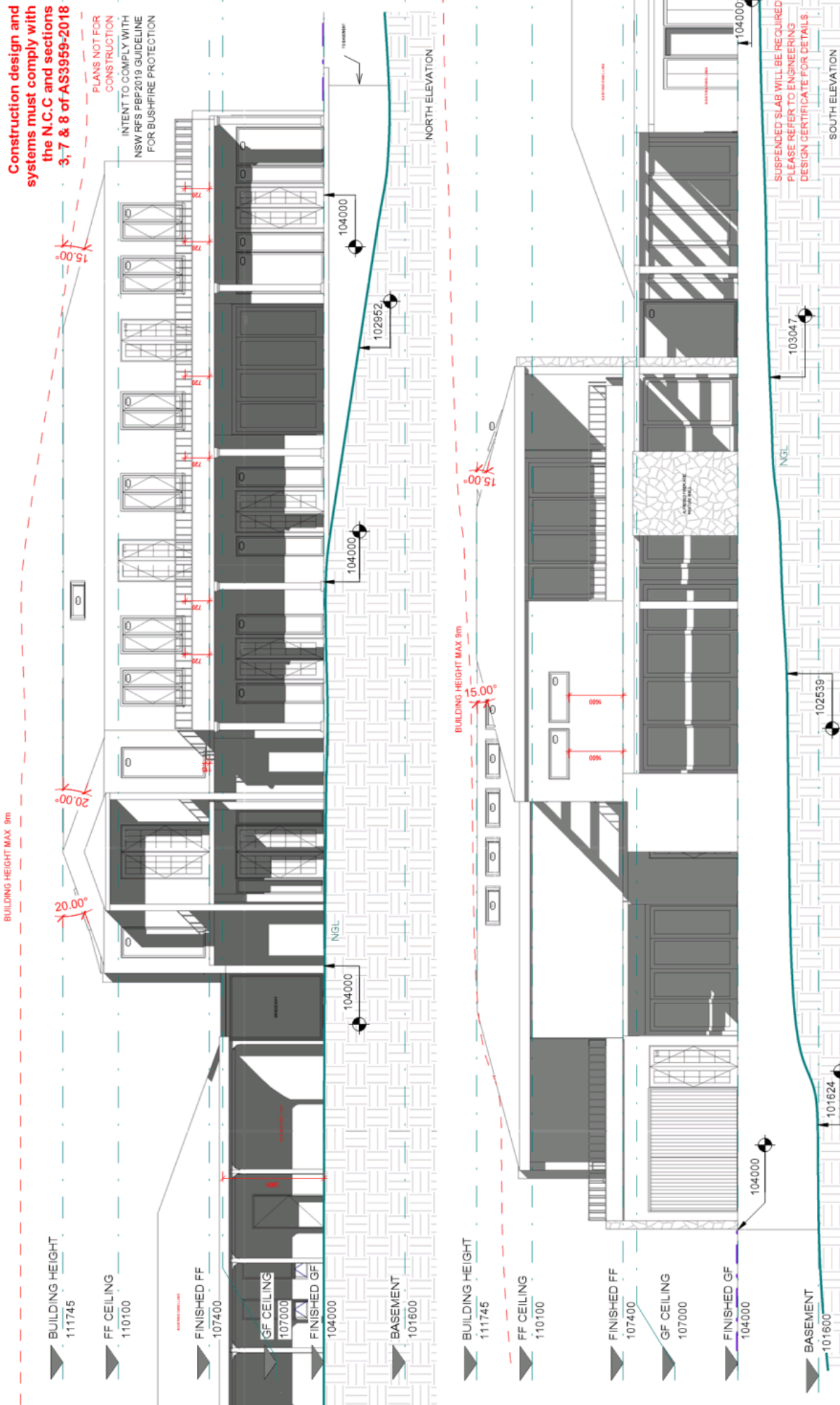
<p>DESIGN COMPROMISED TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION</p>		<p>PROJECT</p> <p>PROPOSED ALTERNATIONS TO BLAIRDRAUGHT SUBSISTENT</p> <p>CLIENT</p> <p>RESHMI & VICTOR KUMAR</p>	<p>ADDRESS</p> <p>100 MADGALLY ROAD, BLAIRDRAUGHT</p> <p>ISSUE</p> <p>DA ISSUE</p>	<p>DRAWING</p> <p>PROPOSED LANDSCAPE PLAN</p> <p>SCALE</p> <p>1:500</p>
<p>COMPLETE HOME PROJECT</p> <p>137A Victoria Rd, Dulwich Hill NSW 2067</p> <p>Phone 0482 708 790</p> <p>Email hv@chproject.com</p>	<p>REVISIONS</p> <p>NO. DATE</p> <p>1 25 JUNE 2024</p>	<p>DRAFTED</p> <p>MARIAM H</p>	<p>SIGNED OFF</p> <p>PENDING</p>	<p>DATE</p> <p>25 JUNE 2024</p>
<p>BY</p> <p>MARIAM H</p>	<p>NOTES</p>	<p>REV #</p> <p>1</p>	<p>DATE</p> <p>25 JUNE 2024</p>	<p>CHECK BY</p> <p>DAI I</p>

COMPLETE HOME PROJECT

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<p>COMPLETE HOME PROJECT 157A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 Email hvb@completehomeproject.com</p>		<p>DESIGN COMPRISES TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION</p>	<p>PROJECT PROPOSED ALTERATIONS 805 RADGALLY ROAD, BLAIRMOUNT CLIENT RESHMI & VICTOR KUMAR</p>	<p>ADDRESS 805 RADGALLY ROAD, BLAIRMOUNT ISSUE DA ISSUE</p>	<p>REV # DATE NOTES</p>	<p>DRAWING SCALE 1:100</p>	<p>PROPOSED EAST & WEST ELEVATION</p>
<p>COMPLETE HOME PROJECT 157A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 Email hvb@completehomeproject.com</p>		<p>CLIENT RESHMI & VICTOR KUMAR</p>		<p>ISSUE DA ISSUE</p>	<p>REV # DATE NOTES</p>	<p>DRAFTED MARIAM H</p>	<p>SHEET NO 010</p>
<p>COMPLETE HOME PROJECT 157A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 Email hvb@completehomeproject.com</p>		<p>CLIENT RESHMI & VICTOR KUMAR</p>		<p>ISSUE DA ISSUE</p>	<p>REV # DATE NOTES</p>	<p>SIGNED OFF MARIAM H</p>	<p>REVISION NA</p>
<p>COMPLETE HOME PROJECT 157A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 Email hvb@completehomeproject.com</p>		<p>CLIENT RESHMI & VICTOR KUMAR</p>		<p>ISSUE DA ISSUE</p>	<p>REV # DATE NOTES</p>	<p>DATE 25 JUNE 2024</p>	<p>CHECK BY RAJI</p>



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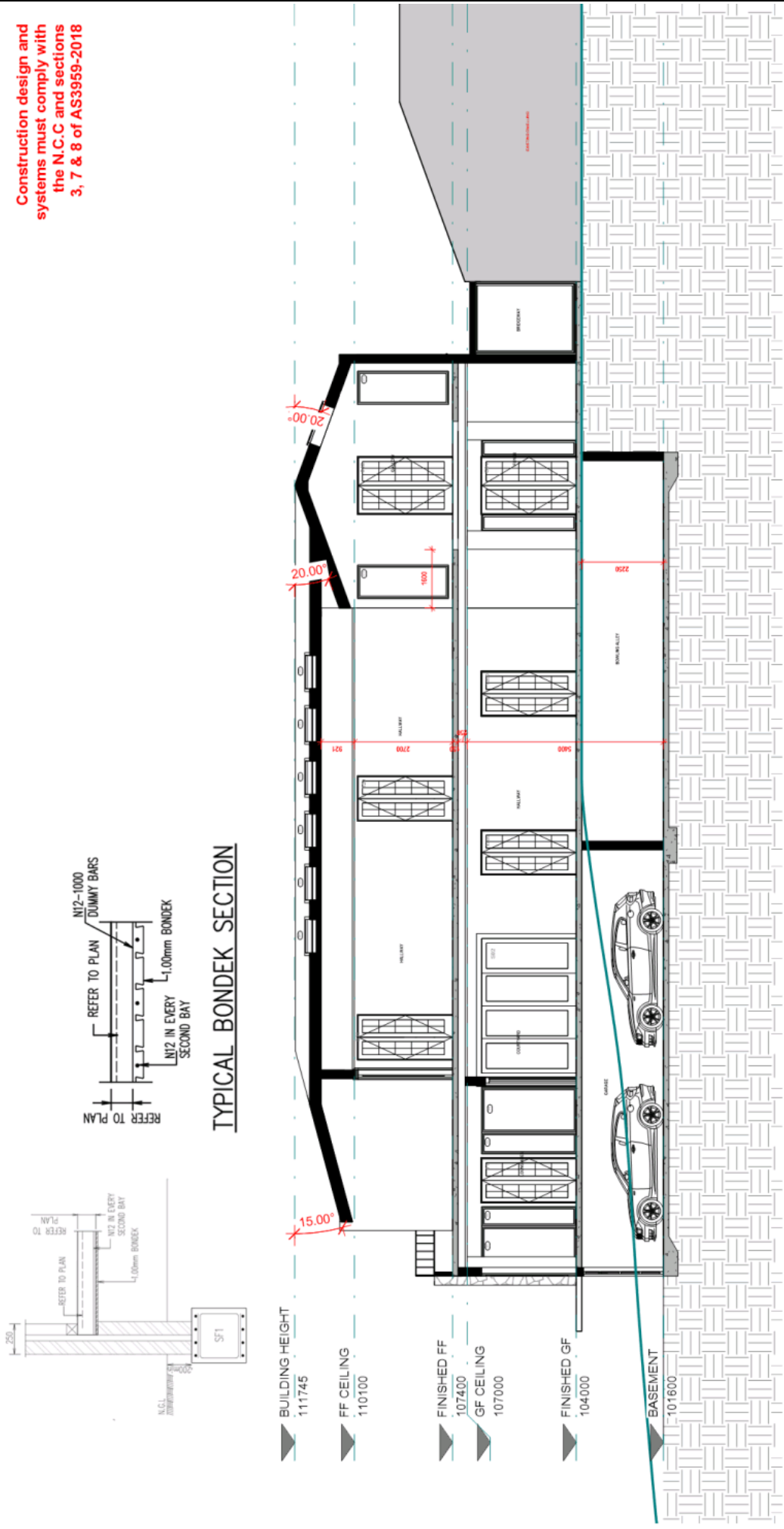
COMPLETE HOME PROJECT
157A Victoria Rd, Dulwich Hill NSW 2047
Phone 0482 708 790
E-mail hvb@completehomeproject.com

PROJECT: PROPOSED ALTERATIONS (B) RADGALLY ROAD, BLAIRMOUNT SUBURB
CLIENT: RESHMI & VICTOR KUMAR
ISSUE: DA ISSUE

REV #	DATE	NOTES	BY

DRAWING SCALE	PROPOSED NORTH & SOUTH ELEVATION		
1:100			
DRAFTED	SIGNED OFF	DATE	BY
MARIAM H	MARIAM H	25 JUNE 2024	RAI
SHEET NO	OF	REVISION	NA
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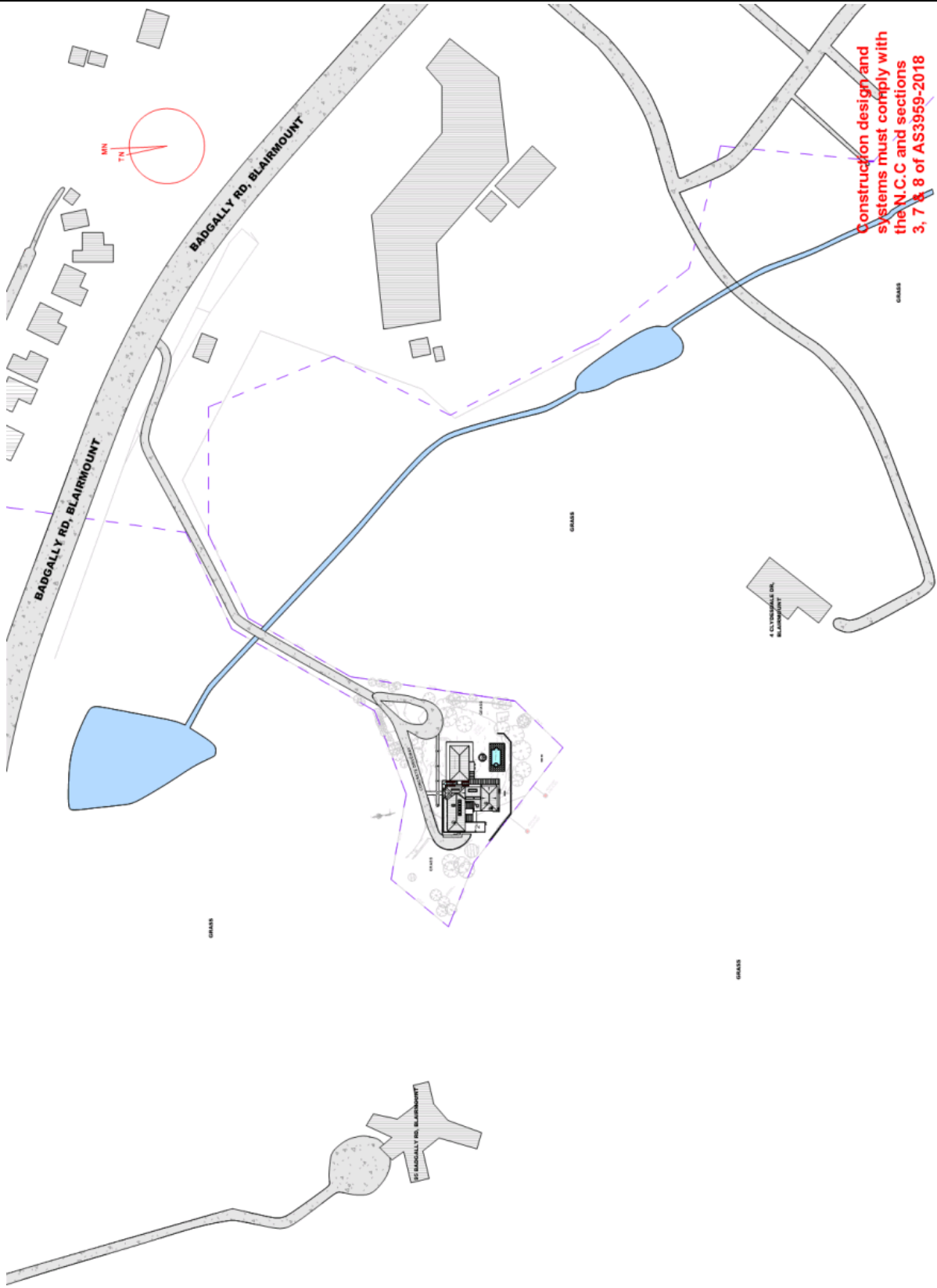
Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018



SECTION A

<p>DESIGN COMPRISES TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION</p>		<p>PROPOSED ALTERNATIONS (B RADGALLY ROAD, BLAIRHOUT) & ADDITIONS WITH SUBMITTAL</p>		<p>ADDRESS: 157A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 E: info@chproject.com</p>		<p>PROJECT: PROPOSED ALTERNATIONS (B RADGALLY ROAD, BLAIRHOUT) & ADDITIONS WITH SUBMITTAL</p>		<p>ISSUE: DA ISSUE</p>		<p>PROPOSED SECTION: 1100</p>	
<p>CLIENT: RESHMI & VICTOR KUMAR</p>		<p>ISSUE: DA ISSUE</p>		<p>DATE: 25 JUNE 2024</p>		<p>BY: MARHAM H</p>		<p>REVISION: NA</p>		<p>SHEET NO: 01/2</p>	
<p>DATE: 25 JUNE 2024</p>		<p>REV #</p>		<p>DATE</p>		<p>NOTES</p>		<p>BY</p>		<p>CHECK BY: NA</p>	

COMPLETE HOME PROJECT



PLEASE REFER TO ARBORIST REPORT AS PER RPI RECOMMENDATION

PLANS NOT FOR CONSTRUCTION

INTENT TO COMPLY WITH NSW RFS PBP 2019 GUIDELINE FOR BUSHFIRE PROTECTION

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 137A Victoria Rd, Dulwich Hill NSW 2047
 Phone 0482 708 790
 Email hvh@completehomeproject.com

DESIGN CONCEPTS TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION

PROPOSED ALTERATIONS TO BAGDALLY ROAD, BLAIRMOUNT & ADDITIONS WITH SUBSEQUENT CLIENT FRESHMI & VICTOR KUMAR

ISSUE DA ISSUE

REV #	DATE	NOTES	BY

DRAWING SCALE	SHEET NO	REVISION	CHECK BY
SITE MAP 1:2000 1:2000	013	NA	RAI

DRAFTED	SIGNED OFF	DATE
MARHAM H	PENDING	25 JUNE 2024

Construction design and systems must comply with the N.C.C. and sections 3.7 & 8 of AS3959-2018



MARCH 9AM



MARCH 12PM



MARCH 3PM



JUNE 21ST 9AM



JUNE 21ST 12PM



JUNE 21ST 3PM



SEPTEMBER 9AM

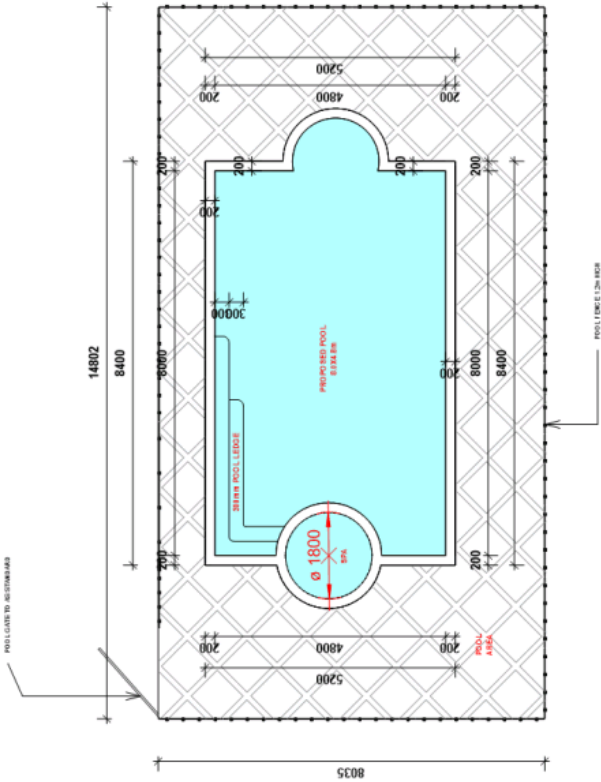
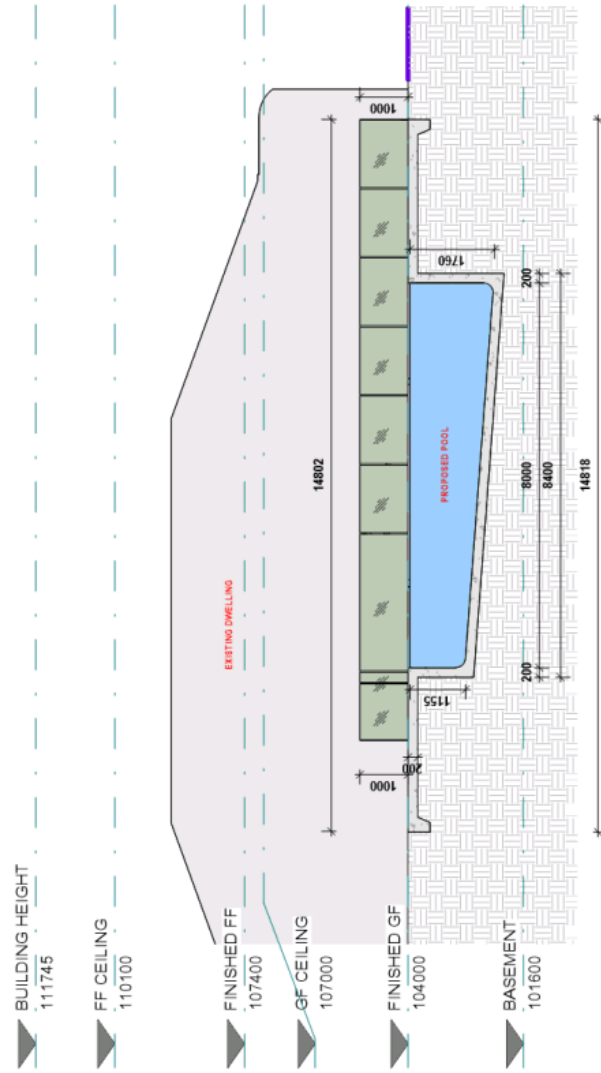
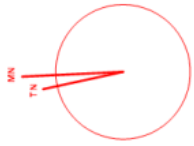
PLANS NOT FOR CONSTRUCTION

INTENT TO COMPLY WITH NSW RFS PBP2019 GUIDELINE FOR BUSHFIRE PROTECTION

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<p>COMPLETE HOME PROJECT 137A Victoria Rd, Dulwich Hill NSW 2067 Phone 0482 708 790 E: a.h@ch.com.au h@ch.com.au www.completehomeproject.com</p>			<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV #</th> <th>DATE</th> <th>NOTES</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			REV #	DATE	NOTES	BY	DATE						<p>DRAFTED MARIAM H</p> <p>SIGNED OFF</p> <p>DATE 25 JUNE 2024</p>			<p>SHEET NO 014</p> <p>REVISION NA</p> <p>CHECK BY TALI</p>		
REV #	DATE	NOTES	BY	DATE																	



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PLANS NOT FOR CONSTRUCTION

INTENT TO COMPLY WITH NSW RFS PBP 2019 GUIDELINE FOR BUSHFIRE PROTECTION

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COMPLETE HOME PROJECT
 137A Victoria Road, Dulwich Hill NSW 1585
 Phone 0482 708 790
 Email hch@completehomeproject.com.au

DESIGN COMMITTED TO COMPLETE HOME PROJECT THE CONCEPTS ARE TO BE USED SOLELY FOR THE INTENDED CLIENT DO NOT SCALE OFF THIS DRAWING MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION DRAWINGS NOT FOR CONSTRUCTION

PROJECT: PHE DA
 CLIENT: M SOMMERS
 ADDRESS: 14 CHANNEL STREET, DULWICH HILL
 ISSUE: PRELIMINARY DESIGN

REV #	DATE	NOTES	BY

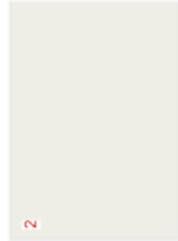
DRAWING	SHEET MAP
SCALE	1:100
DRAFTED	MARIAM H
SIGNED OFF	PENDING
DATE	11 DEC 2023

SHEET NO	015
REVISION	NA
CHECK BY	RAI

Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018



1
MORTAR SAND STONE



2
RAL6023 PASTEL WHITE



3
WHITE ALUMINIUM GLAZING



4
WOOD-LIKE GREY COLOR GRABBER



5
LAWN GRASS

PLANS NOT FOR CONSTRUCTION
 INTENT TO COMPLY WITH
 NSW RFS PBP 2019 GUIDELINE
 FOR BUSHFIRE PROTECTION

Construction design and systems must comply with the N.C.C and sections 3, 7 & 8 of AS3959-2018

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ch.

COMPLETE HOME PROJECT
 137A Victoria Rd, Dulwich Hill NSW 2067
 Phone 0482 708 790
 Email hlh@completehomeproject.com

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PROPOSED ALTERATIONS & ADDITIONS WITH SUBSEQUENT CLIENT FRESHMI & VICTOR KUMAR

ADDRESS 88 MADGALLY ROAD, BLAIRDOUNT
 ISSUE DA ISSUE

REV # DATE NOTES BY

DRAWING SCALE NA
 SIGNED OFF DATE

SCHEDULE COLOURS AND FINISHES
 MARKHAM H SHEET NO 016
 PENDING REVISION NA
 25 JUNE 2024 CHECK BY TALI

4.2 Development application for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - Nos. 6-8 Palmer Street, Ingleburn

Community Strategic Plan

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

Delivery Program

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

Referral Criteria

The Panel reviewed a report on the proposed development at its meeting on 26 June 2024. The Panel resolved to defer the application to allow the applicant to provide supplementary information. The supplementary information has been provided and assessed.

Executive Summary

At its meeting of 26 June 2024, the Campbelltown Local Planning Panel (the Panel) resolved to defer the application so that information could be submitted regarding an amended clause 4.6 variation and additional information in regard to flood storage. In addition, the Panel requested further clarification on 2 conditions (conditions 15 and 85) as well as amendments to 2 conditions (conditions 22 and 23).

Officer's Recommendation

That development application 151/2023/DA-RA for the demolition, tree removal, lot consolidation and construction of a 5 storey residential apartment building with strata subdivision be approved subject to the conditions in attachment 3.

Purpose

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

Property Description	Lot 13 DP 522853 & Lot 42 DP 522731, Nos. 6-8 Plamer Street Ingleburn
Application No	151/2023/DA-RA
Applicant	Mr Talaat Nasralla
Owner	Mr Talaat Nasralla
Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Campbelltown Local Environmental Plan 2015 (CLEP 2015) Campbelltown (Sustainable City) Development Control Plan 2015 Campbelltown 2032
Date Received	17 January 2023

History

The Panel initially considered a report recommending refusal of the original proposal at its meeting on 27 February 2024 with the following decision:

The Panel defers the application to allow the applicant a maximum of 30 days to provide the supplementary information, and redesign addressing all refusal items and have the matter presented before the Panel at a later date.

The Panel resolved to defer the application to allow the applicant to address issues relating to non-compliances with the Apartment Design Guide, Campbelltown Local Environmental Plan 2015 and Campbelltown (Sustainable City) Development Control Plan 2015 as well as issues in relation to flood impacts on adjoining properties and stormwater management.

The Panel subsequently reviewed a further report recommending approval of the proposed development at its meeting on 26 June 2024 with the following decision:

The Panel defers the application to allow the applicant to provide supplementary information on the matters outlined below to Council within 30 days of the date of the Panel.

- a) The documentation requesting clause 4.6 of Campbelltown Local Environmental Plan 2015 be used to allow development higher than the height control established under clause 4.3 of Campbelltown Local Environmental Plan 2015 (CLEP 2015) be

updated to reflect the correct proposed building height and the relevant height of building clause objectives.

- b) The applicant to liaise with Council to confirm that the flood storage proposed for the site satisfies clause 5.21 of CLEP 2015.

The Panel requested Council provide amended conditions 15 and 85 which directly relate to the requirements for this site and the proposed development.

The Panel requested Council to amend conditions 22 and 23 to allow the removal of trees 19 and 20 to accommodate the proposed footpath.

Both previous reports have been provided in attachments 2 and 3.

Report

1. Amended Information

Amended information was submitted to Council on 2 and 3 July 2024 with amendments made to the plans and additional information submitted to address the issues raised by the Panel. Discussion regarding the issues raised by the Panel is detailed in the table below.

Issue	Discussion
Amended clause 4.6 Variation to the Maximum Building Height	<p>The original clause 4.6 variation for the maximum building height addressed the wrong objectives of Clause 4.3 and as such an amended clause 4.6 has been submitted addressing the correct objectives.</p> <p>The amended clause 4.6 variation also details the exact building height and the exact height variation proposed. The height of the roof of the uppermost level is 17.28 m with the height to the lift overrun being 17.05 m. These height limits are shown on the amended elevation plans as well as the section plan.</p> <p>The rear portion of the building is higher as the natural ground level slopes towards the rear with the lift overrun located towards the front of the building where the natural ground level is higher. The section plan clearly labels the height from natural ground level to the highest point on both the lift overrun as well as the uppermost level of the roof.</p> <p>The applicant has provided a satisfactory and well-founded Clause 4.6 variation to the maximum building height that satisfies the objectives of clause 4.3 and addresses the Panels request for additional information. The clause 4.6 variation is shown in attachment 9 and it is recommended that it be supported.</p>
<p>Confirmation that the flood storage complies with clause 5.21 of CLEP 2015 as follows:</p> <p>a) the development is compatible with the flood function and behaviour on</p>	<p>An amended Flood Requirement Assessment was submitted with Table 2 addressing clause 5.21 of Campbelltown Local Environmental Plan. Clause 5.21 has been addressed as follows:</p> <p>a) Based upon the 1%AEP hydraulic category mapping</p>

<p>the land.</p> <p>b) the development will not adversely affect flood behaviour in a way that would result in detrimental increases in the potential flood affectation of other development or properties.</p> <p>c) the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routs for the surrounding area in the event of a flood.</p> <p>d) the development incorporates measures to manage risk to life in the event of a flood.</p> <p>e) the development will not adversely affect the environment or cause avoidable erosion, siltation, destruction or riparian vegetation or a reduction in the stability of river banks or watercourses.</p>	<p>prepared as part of the Bow Bowing and Bunbury Current Floodplain Risk Management Study, the frontage of 6 Palmer Street as well as the north eastern boundary would be floodway with the remainder of 6 Palmer Street classified as flood storage. The location of the floodway coincides with the areas of the proposed site left open for the conveyance of water and compensatory flood storage is provided. A site specific assessment has concluded that works will be completed in a manner that is compatible with the flood behaviour on the land.</p> <p>b) Plate 3 in the flood report demonstrates that no changes are predicted in the peak flood level outside of the development and that the proposed development is not predicted to impact flood behaviour or increase the flood affectation of other development or properties in the 1%AEP.</p> <p>c) the proposed building will be protected to the required freeboard levels for residential development and would provide safe occupation to the residents. Evacuation of the building is not considered necessary and would therefore not exceed the capacity of existing evacuation routes for the surrounding areas.</p> <p>d) the proposed multi-storey residential development will be protected to the required freeboard levels for residential development.</p> <p>e) Plate 3 in the report demonstrates that there are no changes in peak flood level predicted outside of the development.</p>
<p>Amend condition No.15 Flood Level Controls</p>	<p>This condition is to be amended to state the following:</p> <p>15. Floor Level Control</p> <p>The minimum floor level control for all habitable rooms associated with this development is RL 35.10 m AHD.</p> <p>This is to ensure that the proposed development complies with the floor level controls.</p>
<p>Amend condition No.85 Inundation of Flood Water</p>	<p>This condition is to be deleted as it does not apply.</p>
<p>Amended conditions No.22 Retention of Trees and No.23 Tree Removal relating to the retention and removal of trees.</p>	<p>These 2 conditions required the exact numbers of trees to be retained and to be removed. Two street trees were listed to be retained, however they are required to be removed to allow for the construction of a footpath. Therefore, these conditions will be amended to ensure that these trees are listed to be removed.</p>

2. Planning Assessment

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

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

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

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

2.3 Section 4.15(1)(b) The likely impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts. The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- Flooding
- Stormwater
- Side and rear setbacks
- Waste management
- Subdivision
- Incidental storage
- Built Form
- Social, economic and environmental impacts

As discussed in previous reports, the proposed development addressed the above key matters satisfactorily, and subject to recommended conditions of consent, provides a development that is consistent with the desired future character for development in the locality.

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

Section 4.15(1)(c) of the EP&A Act requires Council to assess the suitability of the site for the proposed development. It is considered that the proposed development demonstrates that there would be no adverse impact on the adjoining properties due to the increase flood level risk for adjoining properties as a result of the development as well as sufficient information submitted in relation to the proposed stormwater drainage of the site. The revised plans have addressed all relevant planning non-compliances and therefore it is considered that the proposal in its current form is appropriate for the site.

3. Public Participation

The amended plans were not required to be re-notified in accordance with Council's Community Consultation Plan.

Conclusion

The subject development application (151/2023/DA-RA) for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential

apartment building with strata title subdivision has been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Having regard to the issues discussed in this report, it is considered that the application is consistent with the relevant planning controls relating to the impact of flooding on adjoining properties, and compliance with the Apartment Design Guide, Campbelltown Local Environmental Plan 2015 and Council's Sustainable City Development Control Plan 2015.

The applicant has provided a satisfactory and well-founded Clause 4.6 variation to the maximum building height that satisfies the objectives of Clause 4.3 and addresses the Panels request for additional information. The clause 4.6 variation is shown in attachment 9.

It is therefore considered that the proposal can be supported in its modified form.

Attachments

- 4.2.1 Original Local Planning Panel Report (contained within this report)
- 4.2.2 Local Planning Panel Report 26 June 2024 (contained within this report)
- 4.2.3 Recommended Conditions of Consent (contained within this report)
- 4.2.4 Architectural Plans (contained within this report)
- 4.2.5 Landscape Plans (contained within this report)
- 4.2.6 Subdivision Plan (contained within this report)
- 4.2.7 Flood Assessment (contained within this report)
- 4.2.8 Subdivision Plan (contained within this report)
- 4.2.9 Clause 4.6 Variation (contained within this report)
- 4.2.10 Floor Plans (due to confidentiality) (distributed under separate cover)

Reporting Officer

Manager Development Assessment



4.1 Development Application for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - 6 - 8 Palmer Street, Ingleburn

Community Strategic Plan

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

Delivery Program

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

Referral Criteria

In accordance with Section 4.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Local Planning Panel's direction, this application is to be determined by the Campbelltown Local Planning Panel (the Panel) as prescribed in Schedule 1 of that direction due to the development seeking a variation to a development standard of a magnitude greater than 10 per cent.

Executive Summary

- A development application has been received for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision.
- The subject site is zone R4 High Density Residential under the Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed residential apartment building is permissible with consent within the R4 High Density Residential zone.
- The application was publicly notified and exhibited between 31 January 2023 and 28 February 2023. During this time three submissions objecting to the proposal were received.
- The proposed development seeks approval for the variation to the maximum building height set by Clause 4.3 of CLEP 2015. The proposal has a maximum height of 17.52 m which exceeds the 15 m maximum building height by 15.49 per cent.
- An assessment under section 4.15 of the EP&A Act has been undertaken and it is recommended that the application be refused due to the potential flood impacts on adjoining properties, non-compliance with planning controls and insufficient information submitted to support the development proposal and demonstrate site suitability.

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Officer's Recommendation

That development application 151/2023/DA-RA for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision be refused for the reasons listed in Attachment 1.

Purpose

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

Property Description	Lot 13 DP 522853 & Lot 42 DP 522731, Nos. 6-8 Palmer Street, Ingleburn
Application No	151/2023/DA-RA
Applicant	Mr Talaat Nasralla
Owner	Mr Talaat Nasralla
Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Campbelltown 2032
Date Received	17 January 2023

History

A Pre-Development Application meeting was held on 21 March 2022, including a referral of the proposed scheme to the Design Excellence Panel on 19 May 2022. Issues of concerns identified at the Pre-DA stage broadly included:

- Communal open space and a communal room is required to be provided in accordance with the Apartment Design Guide and Council's (Sustainable City) Development Control Plan 2015 (SCDCP).
- A Clause 4.6 is required to be submitted for any departures to the development standards within CLEP 2015.

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- The driveway and layout of the basement car park areas will need to comply with AS2890.1 and AS2890.6.
- Stormwater design is required to comply with Council's Development Engineering Guide.
- The proposal is required to be presented to Council's Design Excellence Panel and must demonstrate design excellence in terms of architectural and urban design, residential amenity, materials and colours and open space design.
- It should be noted that the Ingleburn CBF is the subject of a current Planning Proposal where the applicant and developer are encouraged to review.

Following the Pre-DA meeting, additional email discussions between Council's Flood Engineer and the applicant were had in relation to the flood impacts of the proposed development. The applicant was advised that Council has a zero tolerance to afflux and additional works were required for the proposed development.

Following lodgement of the development application, Council issued a request for further information on 20 July 2023. The main issues included:

- The increased flooding impacts on adjoining properties;
- Inadequate information relating to stormwater design, calculations and modelling.
- Unsatisfactory Clause 4.6 variation.
- Non-compliance with the Apartment Design Guide and Council's development controls.
- Unsatisfactory landscape plan.
- Unsatisfactory vehicle access and manoeuvring.
- Unsatisfactory waste management.

Site and Surrounds

The site is identified as Lot 13 DP 522853 and Lot 42 DP 522731, known as 6-8 Palmer Street, Ingleburn. The sites are regular shaped allotments with a combined street frontage of 46.33 m to Palmer Street, north eastern side boundary of 36.73m, south western side boundary of 36.73 m and a rear boundary of 46.33 m. The site has a total area of 1701 m² and has a slope from the western corner of the site to the eastern corner of the site.

The sites currently comprise of a dwelling on each lot with associated structures including sheds, hard stand areas and an inground swimming pool. There are a number of trees on both sites, scattered along the front boundary as well as the side boundaries.

Palmer Street is a cul-de-sac with both lots being located at the head of the cul-de-sac. No.8 Palmer Street is accessed directly from Palmer Street however No.6 is accessed via a paved section extending from the head of the cul-de-sac.

The subject site is adjoined by single detached dwellings to the south western side and rear of the site and a multi dwelling development to the north eastern side. The locality is characterised by detached dwellings, dual occupancy and multi dwelling developments. Ingleburn Public School is in close proximity to the site as well as Ingleburn Train Station. There is a drainage channel directly opposite the site. There have been several development consents granted for residential apartment buildings within Palmer Street however none of them have been constructed or have commenced construction.

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



Figure 1: Locality map

Proposal

The proposed development seeks the demolition of the existing dwellings, tree removal, lot consolidation and construction of a 5 storey residential apartment building. The residential apartment building would contain 30 apartments in the following dwelling mix:

- 7 x one bedroom apartments
- 16 x 2 bedroom apartments
- 6 x 3 bedroom apartment
- one x 4 bedroom apartment

The proposal comprises of the following:

	Car Spaces	Garbage Room	Bicycle Spaces	Storage Areas
Basement Level 1	17 including one disabled space	1	4	61
Basement Level 2	24 spaces including 2 disabled spaces	0	0	23

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	1 Bedroom Apartments	2 Bedroom Apartments	3 Bedroom Apartments	4 Bedroom Apartments	Communal Room	Garbage Room
Ground Floor	1	1	2	0	1	1
First Floor	2	4	1	0	0	1
Second Floor	2	4	1	0	0	1
Third Floor	2	4	1	0	0	1
Fourth Floor	0	3	1	1	0	1
Total	7	16	6	1	1	5

Additional landscaping is proposed mainly around the boundaries of the site and within the front setback area.

Each level has a garbage storage room with bins for those apartments to use. These bins will then be transported to the garbage room within the basement level where they will await collection. The collection point is along the boundary of the paved area via Palmer Street where a private waste collection company will collect. There will be 12 garbage bins and 12 recycling bins required to be collected with the private waste vehicle required to reverse onto the paved area for collection. There is no opportunity for the private waste truck to manoeuvre within the paved area.

Referrals

The application was referred to Council's Engineering, Environment, and Waste Officers. The application was also externally referred to Endeavour Energy. Comments were provided from the relevant officers and additional information was required to be submitted.

Report

1. Vision

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

- Outcome 1: Community and Belonging
- Outcome 2: Places for People
- Outcome 3: Enriched Natural Environment
- Outcome 4: Economic Prosperity
- Outcome 5: Strong Leadership.

The proposed development is inconsistent with the long-term vision for Campbelltown as it cannot demonstrate that the site is suitable for the development.

2. Planning Provisions

The development has been assessed in accordance with matters for consideration under section 4.15 of the EP&A Act, and having regard to those matters, are discussed below.

3. Planning Assessment

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

A BASIX Certificate for the development was submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. It is considered that the development is acceptable under State Environmental Planning Policy (Building Sustainability Index - BASIX) 2004.

2.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.

Clause 2.48 sets out provisions relating to development in proximity to electricity infrastructure, and in certain circumstances requires notice to be given to the relevant electricity supply authority.

The proposal does not include underground electricity infrastructure or relocation of existing electricity infrastructure, however there are low voltage overhead service conductors in the vicinity of the site. The development application was therefore referred to Endeavour Energy, who raised no objections to the project and recommended certain conditions.

Clause 2.122 sets out provisions relating to traffic generating development as defined within Schedule 3. As the proposed development includes 30 apartments, it is not defined as traffic generating development and therefore referral to Transport for New South Wales is not required.

2.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Requirement	Action	Response
<p>Clause 4.6 1. Is the development for a change of use to a sensitive land use or for residential subdivision?</p> <p>Sensitive land use include residential, educational, recreational, childcare purposes or hospital.</p>	<p>a. Check if the DA proposes a new childcare centre, residential accommodation or residential subdivision.</p> <p>b. If the DA is for a dwelling (including dual occupancies and secondary dwellings) on lots subdivided as part of a residential subdivision consent issued after 28/8/1998 then you should answer no to this question.</p>	<p>The proposal includes residential accommodation with strata subdivision.</p>
<p>Clause 4.6 2. Is Council aware of any previous investigation or orders about contamination on the land?</p>	<p>a. Is there any property information for any evidence of contamination information?</p> <p>b. Check for contamination information and planning certificates linked to the property.</p>	<p>A search of Council's records for evidence of potentially contaminating activities was undertaken. No evidence was found of contaminating land activities having occurred on the land.</p> <p>A search of planning certificates linked to the property was undertaken. No evidence was found of contaminating land activities having occurred on the land.</p>
<p>Clause 4.6 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?</p>	<p>a. Check the approval for any potentially contaminating uses have been approved on the site.</p>	<p>A search of previous contaminated land uses approved on the site was undertaken. No evidence was found of approved contaminated land activities having occurred on the land.</p>
<p>Clause 4.6 4. Has the land previously been zoned for potentially contaminating uses?</p>	<p>a. Check if the land is currently zoned, or was zoned under the previous LEP, Rural, Industrial or Special Purposes for a contaminating use.</p> <p>NB: if the proposal is industrial then you should answer no to this question.</p>	<p>The Campbelltown (Urban Area) Local Environmental Plan 2002 was the previous EPI that applied to the land and the site was previously zoned 10(b) –District Comprehensive Centre.</p>
<p>Clause 4.6 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?</p>	<p>a. Conduct site inspection to check for any obvious signs on the site or adjoining land of an industrial use, underground storage tanks, land filling, agriculture, chemical storage, dumping or unregulated building demolition (especially fibro material).</p>	<p>No evidence of potentially contaminated signs were present on site when the site was inspected.</p>

Given that there was no potential for any contamination from the previous residential use, it was considered that a Preliminary Site Investigation was not required to be submitted.

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

2.1.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 - Water Catchments applies to the subject site as it falls within the Georges River Catchment area. This chapter aims to ensure that development has regard to minimising adverse impacts in regard to water quality and quantity, flooding, on-site domestic sewerage systems and stormwater management.

The proposed development is considered to be inconsistent with this chapter as there would be an adverse impact on flood levels on adjoining properties and stormwater management would not be acceptable due to insufficient information being submitted.

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

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP) applies to all land in a growth centre. Pursuant to WPC SEPP, the subject site is located within the Greater Macarthur Growth Area and is therefore subject to the provisions of the WPC SEPP.

Pursuant to Part 3.4, Section 3.21(1) of the WPC SEPP, until provisions have been specified in a Precinct Plan or in Section 3.11 with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following:

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

The proposal will contribute to the local economy within Campbelltown through short term employment during construction and the proposed development is not considered to preclude the future urban and employment development land uses identified in the relevant growth centre structure plan. In addition, the proposed development is generally consistent with the now approved Ingleburn CBD Planning Proposal.

As such, it is considered that the development is consistent with the provisions of Chapter 3, Section 3.21(1) of the WPC SEPP.

2.1.6 State Environmental Planning Policy (Housing) 2021

Chapter 4 – Design of residential apartment development applies to the proposal. The aim of this chapter is to improve the design of residential apartment development in New South Wales recognising that the design of residential apartment development is significant because of the economic, environmental, cultural and social benefits of high quality design.

Clause 147 states that development consent must not be granted to residential apartment development unless the consent authority has considered the design principles set out in Schedule 9, the Apartment Design Guide and any advice from a design review panel. An assessment of the proposed development against the design principles and a planning response to each comment are set out in Table 1 below:

Table 1: Assessment against the Design Principles

Principle	Verification Statement	Planning Comment
1. Context and Neighbourhood Character	<ul style="list-style-type: none"> The construction of a residential flat building on the site promotes the desired future character of the locality given the high density zoning. The design solution maintains appropriate setbacks to minimise overshadowing and privacy impact on adjoining properties and appropriate spatial separation between existing and likely future development. The street setback is compatible with both the existing and desired street setbacks. The proposed development has been designed to ensure the longevity of the street trees at the front of the site that will be supplemented by additional plantings. 	<p>The proposal is contextually appropriate within the current controls within the CLEP 2015 and the desired future character of the locality.</p> <p>The encroachment of balconies in the side setbacks demonstrate that there is potential to overlook adjoining properties and does not provide a compliant development.</p> <p>The proposed landscaping is considered to be sufficient given the 2 large trees have been proposed along the front boundary.</p>
2. Built Form and Scale	<ul style="list-style-type: none"> The building has been designed to comply with the 1 in 100 year flood level. The design is compliant with the key design controls with exception to the height variation proposed. The recessed upper level defines the top of the building with pedestrian entries and courtyards providing a well-defined base. 	<p>Council's Development Engineer has assessed the potential flood impacts of the proposal where it was determined that the proposal would increase the flood risk to adjoining properties.</p> <p>The nominated deep soil areas have a minimum of 6m in width and 7% in area and therefore complies with</p>

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	<ul style="list-style-type: none"> The building displays an appropriate proportion of horizontal and vertical elements that are further enhanced by the palate of finishes. Deep soil planting to all property boundaries will establish a well landscaped setting for the building. 	<p>the ADG requirements.</p> <p>The proposal has been reviewed by Council's Design Excellence Panel where no concerns were raised in regard to the design, articulation, built form and external colours and finishes of the current proposal.</p>
3. Density	<ul style="list-style-type: none"> The proposal provides 30 apartments with a mix of bedroom numbers. 	The density proposed is acceptable.
4. Sustainability	<ul style="list-style-type: none"> 21 of the 30 apartments receive 2 hours of solar access between 9am and 3pm. 25 of the 30 apartments achieve cross ventilation. A waste management plan was submitted detailing reuse and recycling where possible. 641m² of the site is for deep soil promoting natural water absorption. 	Appropriate measures have been included in the development to provide for the long term sustainability of the development with regard to solar access, natural ventilation, insulation, water saving measures and energy consumption.
5. Landscape	<ul style="list-style-type: none"> 641m² or 37.6% of the site is for deep soil zones and landscaping. A landscape plan has been submitted detailing all additional landscaping proposed. 	The deep soil area complies with the required 6 m width and 7% area.
6. Amenity	<ul style="list-style-type: none"> Ensuring that internal living areas and balconies of apartments within the building achieve the ADG requirements for solar access. Ensuring that development achieves the ADG requirements for cross ventilation. Ensuring that room sizes achieve the ADG thresholds. Providing high amenity common open space at ground level areas including the provision of a common room. Providing each apartment with a well configured private balcony or courtyard that has direct connectivity to internal living spaces. Minimising as far as is practical the number of living room/bedroom common walls between apartments. Isolating the car parking in basement levels. Negating any potential for overlooking between windows internal of the development. In 	<p>21 out of 30 apartments achieve appropriate levels of solar access in accordance with the ADG.</p> <p>Appropriate levels of cross ventilation are proposed.</p> <p>The proposed development provides for the amenity of the existing and future residents in the locality.</p> <p>Room sizes comply with the ADG requirements as detailed further in this report.</p> <p>Communal open space and communal outdoor areas are provided.</p> <p>Each apartment has a balcony.</p> <p>Car parking is isolated to the two basement levels.</p> <p>There are no internal windows that overlook between each other.</p> <p>Blade walls are proposed between balconies of units to minimise</p>

	<p>terms of external relationships to window setbacks to the boundaries enable compliance with ADG separation requirements upon the redevelopment of neighbouring properties.</p> <ul style="list-style-type: none"> • Negating the potential for overlooking between balconies through spatial arrangement and the use of fin/party walls. • Providing relatively short and wide internal corridors with a straight alignment. • Providing lift access to all floor levels including the rooftop terrace and the basements. • Providing each apartment with internal storage. • Providing functional and practical internal floor layouts having regard to room sizes and circulation paces. • Providing for adaptive layouts including the provision of study nooks where practical. 	<p>overlooking impacts between balconies.</p> <p>All internal corridors have a short, wide and straight alignment.</p> <p>Each apartment has internal storage within the unit as well as within the basement. There are several apartments that have storage on balconies.</p> <p>The proposed lift provides access to all levels.</p> <p>All apartments have a study nook and have functional floor layouts.</p>
7. Safety	<ul style="list-style-type: none"> • The design orientates the windows and balconies to the street with the pedestrian thoroughfare providing good casual surveillance of the public domain. • Pathways have been designed as straight rather than a curve to enable clear sight lines. • The demarcation between private and public land will be by means of landscaping. • Access control will be achieved with design features that guide legitimate users through a space, highlight entrances/exits and deny offenders access to targets. 	<p>The proposal delineates between public and private property and also provides for a clear lobby entry. Casual surveillance is provided to both street frontages, whilst still providing for privacy.</p>
8. Housing diversity and social interaction	<ul style="list-style-type: none"> • The proposal provides for a range of apartment sizes and bedroom numbers. • Adaptable apartments are provided. • A common room is provided for the benefit of residents. 	<p>The proposal provides for a mix of one, 2 and 3 bedroom apartments as well as one 4 bedroom apartment.</p>
9. Aesthetics	<ul style="list-style-type: none"> • The design of the building provides for a contemporary development that will sit comfortably with and integrate with its context. • The aesthetics of the building are achieved through its architectural form integrated with a high 	<p>The proposed design is considered to be generally well designed and would contribute to the streetscape character of Ingleburn.</p>

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	component of quality landscaping.	
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Apartment Design Guide

Clause 147(1)(b) states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the ADG. An assessment of the application against the ADG prepared by Council is provided in Table 2 below:

Control	Required	Proposed	Compliance
Building Height	Achievable with the building height set in the LEP. Building height controls must respond to the desired number of storeys, minimum floor to floor heights and generous ground floor heights. Allows for articulated roof plans and building services.	A Clause 4.6 variation has been submitted for the non-compliance for the maximum building height. The proposal has a maximum building height of 17.5 m with the maximum building height in the LEP being 15 m.	No
Building Depth	12-18 m range	Maximum building depth is 22 m.	No
Building Separation	Five to eight storeys: <ul style="list-style-type: none"> • 18 m between habitable rooms/balconies • 12 m between habitable and non-habitable rooms • 9 m between non-habitable rooms 	Generally complies however 12 balconies encroach by 0.5 m reducing the building separation by 0.5 m.	No
Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street. Where the street frontage is to the east or west, rear buildings should be orientated to the north. Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access. Solar access to living rooms, balconies and private open spaces of neighbours should be considered. Where an adjoining property does not currently receive the required	Building is orientated to the street which is north east. Living areas, balconies and communal open space receive appropriate levels of solar access. Neighbouring properties receive appropriate levels of solar access. Overshadowing is not an issue due to the orientation of the building.	Yes

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	<p>hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>		
<p>Public Domain Interface</p>	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.</p> <p>Opportunities for people to be concealed should be minimised.</p> <p>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</p>	<p>The ground level courtyards have direct access to the street.</p> <p>Casual surveillance is provided with doors and windows fronting the street.</p> <p>Upper levels have balconies that overlook the public domain.</p> <p>Front fences are integrated into the design of the building to present cohesion along the street frontage.</p> <p>No concealment opportunities have been proposed.</p> <p>Planting around the edges of the ground level courtyard areas and along the front property boundary has been proposed.</p> <p>Mail box design and location have not been provided.</p> <p>No underground car park vents are visible from the street.</p> <p>No services such as pump rooms, garbage storage areas and other service requirements not located where they are visible from the street.</p> <p>Pedestrian ramps are provided within the ground floor setback areas for the ground floor apartments.</p> <p>No information has been provided in regard to whether a substation is proposed at this stage.</p>	<p>No</p>

	<p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p> <p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p>		
<p>Communal and Public Open Space</p>	<p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter).</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups, incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</p> <p>Communal open space should be well lit.</p> <p>The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked</p>	<p>Minimum of 25% of communal open space area has been provided.</p> <p>The communal open space area receives more than 2 hours to more than 50% of the area.</p> <p>A communal room is provided that are for a range of ages.</p> <p>Services are not visible from the public street.</p> <p>Communal open spaces are well lit with external lighting.</p> <p>The public space is well connected to the public street.</p> <p>Appropriate levels of solar access are provided to the apartments.</p>	<p>Yes</p>

	<p>through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along with protection from strong winds</p> <p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space,</p> <p>Boundaries should be clearly defined between public opens pace and private areas.</p>		
	<p>7% in area and minimum dimension of 6 m with significant tree cover</p> <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> • basement and sub basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. 	<p>A minimum of 7% of deep soil area is provided along the rear setback area of the site with a portion of the deep soil area having a minimum width of 6m.</p> <p>Two existing trees are to be retained with one of those within the deep soil zone.</p> <p>Basement levels are contained within the building footprint.</p>	Yes
Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries.</p> <p>Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. increase visual separation.</p> <p>Bedrooms, living spaces and other</p>	<p>Twelve of the balconies encroach within the building separation distances required by 0.5m.</p> <p>The communal open space and common areas are separated from private open spaces.</p> <p>Living spaces and bedrooms are separate from gallery access and other circulation spaces.</p> <p>Balconies are accessed from living rooms.</p> <p>Windows are offset from the</p>	No

	<p>habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies and/or vertical fins should be used between adjacent balconies.</p>	<p>windows of adjacent buildings.</p> <p>Vertical fins are provided to separate balconies.</p>	
<p>Pedestrian access and entries</p>	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.</p> <p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents.</p> <p>For large developments electronic access and audio/video intercom should be provided to manage access.</p>	<p>Multiple entries are provided to activate the street edge.</p> <p>Building entries are clearly identifiable and communal entries are easily identifiable.</p> <p>Building access areas are clearly identifiable.</p> <p>Pedestrian ramps are integrated into the design of the building.</p> <p>Pedestrian links provide through connections and are direct, have clear sight lines and are well lit.</p>	<p>Yes</p>

	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.</p>		
<p>Vehicle Access</p>	<p>Car park access should be integrated with the building's overall facade.</p> <p>Car park entries should be located behind the building line .</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where</p>	<p>The basement car park levels are integrated into the design of the building.</p> <p>The car park entry is located in the south eastern corner of the site.</p> <p>No secondary street or lane access.</p> <p>No vehicle standing area provided within the front setback area.</p> <p>Access location will not provide any headlight glare to any habitable areas.</p> <p>No intersections close to the site.</p> <p>Only one access point is provided to the development.</p> <p>No long driveway proposed.</p> <p>Garbage storage areas are located in the basement car park.</p> <p>Clear sight lines are provided.</p> <p>Pedestrian access and vehicle access is separated.</p>	<p>Yes</p>

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	<p>appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable.</p>		
Bicycle and Car Parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 m of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street.</p>	<p>The car parking spaces provided are in accordance with Council's SCDCP requirements.</p> <p>All car parking is provided on the site.</p> <p>Bicycle spaces are provided on the ground level and the basement level.</p>	Yes
Solar and Daylight Access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.</p>	<p>21 of the 30 apartments (70%) achieve solar access for a minimum of 2 hrs to living rooms and private open spaces.</p>	Yes
Natural Ventilation	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support</p>	<p>The building is orientated to capture natural ventilation.</p> <p>Habitable rooms have an acceptable depth.</p> <p>Maximises natural ventilation</p>	Yes

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	<p>natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> adjustable windows with large effective openable areas a variety of window types that provide safety and flexibility such as awnings and louvres windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors <p>Apartment depths are limited to maximise ventilation and airflow.</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured glass line to glass line.</p>	<p>with doors and openable windows.</p> <p>Light wells are not the primary air source.</p> <p>25 of the 30 apartments (83%) have appropriate cross ventilation.</p>	
Ceiling Heights	<p>Habitable rooms 2.7 m</p> <p>Non-habitable 2.4 m</p>	<p>Habitable rooms 2.7 m</p> <p>Non-habitable 2.4 m</p>	Yes
Apartment size and layout	<p>Apartments are required to have the following minimum internal areas:</p> <p>Studio: 35 m²</p> <p>one bedroom: 50 m²</p> <p>2 bedroom: 70 m²</p> <p>3 bedroom: 90 m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum</p>	<p>one bedroom: 53 m² – 58 m²</p> <p>2 bedroom: 73 m² – 104 m²</p> <p>3 bedroom: 95 m² – 104 m²</p> <p>4 bedroom: 108 m²</p> <p>All apartments with an additional bathroom provides an extra 5 m² in internal area.</p>	Yes

	<p>internal area by 5 m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> <p>Master bedrooms have a minimum area of 10 m² and other bedrooms 9 m² (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3 m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6 m for studio and one bedroom apartments • 4 m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>The 4 bedroom apartment has an additional 12 m² in internal area.</p> <p>All habitable rooms have a window in an external wall.</p> <p>Master bedrooms all have a minimum of 10 m² with a minimum dimension of 3 m.</p> <p>Bedrooms all have a minimum dimension of 3 m.</p> <p>Living rooms and combined living/dining rooms all have the appropriate widths.</p> <p>Cross-over and cross-through apartments are at least 4 m internally.</p>	
Private Open Space and Balconies	<p>All apartments are required to have primary balconies as follows:</p> <p>Studio apartments: 4 m²</p> <p>one bedroom apartments: 8 m² with 2 m depth</p> <p>2 bedroom apartments 10 m² with 2 m depth</p> <p>3+ bedroom apartments 12 m² with 2.4 m depth</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1 m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 m² and a minimum depth of 3 m.</p>	<p>All balconies have the required area and depth.</p>	Yes
Common	The maximum number of	Maximum number of apartments	Yes

Circulation and Spaces	apartments off a circulation core on a single level is eight.	is 7 off a circulation core.	
Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <p>Studio apartments: 4 m³ one bedroom apartments: 6 m³ 2 bedroom apartments: 8 m³ 3+ bedroom apartments: 10 m³</p> <p>At least 50% of the required storage is to be located within the apartment</p> <p>Storage is accessible from either circulation or living areas Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p> <p>Left over space such as under stairs is used for storage.</p>	<p>Each apartment has the required area of storage within the apartment and within the basement.</p> <p>Apartments 1, 13, 16 and 20 all have storage on the balcony and is not integrated into the balcony design.</p>	No
Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings / adjacent uses.</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located</p>	<p>Adequate building is provided generally however there are twelve balconies that encroach into the side and rear setback areas by 0.5 m.</p> <p>Window and door openings are orientated away from noise sources.</p> <p>All corridors are located above each other.</p> <p>Party walls are limited where possible.</p> <p>Noises sources are not located near noise sources.</p>	No

	at least 3 m away from bedrooms		
Noise and Pollution	<p>Physical separation between buildings and the noise or pollution source.</p> <p>Residential uses are located perpendicular to the noise source and where possible buffered by other uses.</p> <p>Buildings should respond to both solar access and noise.</p> <p>Where solar access is away from the noise source, non-habitable rooms can provide a buffer</p> <p>Where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable.</p> <p>Landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.</p>	<p>The sites do not adjoin a noise or pollution source such as a main road or a railway corridor.</p> <p>The building has been designed to incorporate solar access and noise by keeping habitable rooms away from noise sources whilst still maintaining appropriate levels of solar access.</p> <p>Landscaping is provided to the rear and side setbacks as a buffer.</p>	Yes
Apartment Mix	A variety of apartment types is provided.	The proposed provides a mix of one, 2 and 3 bedroom apartments with one 4 bedroom apartment.	Yes
Ground Floor Apartments	<p>Direct street access is to be provided.</p> <p>Activity is achieved through front gardens, terraces and the façade of the building.</p>	<p>Direct street access is provided to ground floor apartments.</p> <p>Ground floor apartments have alfresco areas and landscaped gardens.</p>	Yes
Facades	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings • revealing and concealing certain elements • changes in texture, material, detail and colour to modify the prominence of elements. <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape</p>	<p>A number of vertical and horizontal elements have been used on the front façade.</p> <p>A variety of building materials and colours has been proposed.</p> <p>The fifth floor has been setback to minimise the bulk and scale of the development.</p>	

	<p>and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveal.</p>		
Roof Design	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings. <p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> • roof design proportionate to the overall building size, scale and form • roof materials compliment the building • service elements are integrated 	<p>The flat roof reduces the overall bulk of the building as opposed to having a pitched roof. The flat roof is proportionate to the building and does not extend further than the outer walls on the top level.</p>	Yes
Landscape Design	<p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p>	<p>The landscape plan incorporates a wide range of native trees and shrubs.</p> <p>Two large trees are proposed to</p>	Yes

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	<ul style="list-style-type: none"> • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls <p>Tree and shrub selection considers size at maturity and the potential for roots to compete.</p> <p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> • changes of levels • views • significant landscape features including trees and rock outcrops <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> • tree protection zones • appropriate signage and fencing during construction 	<p>be planted along the front setback with hedge planting used along the side and rear boundaries. The side and rear boundaries also have scattered trees along them.</p> <p>Existing trees will be protected during demolition and construction works.</p>	
Planting on Structures	<p>Structures are reinforced for additional soil weight.</p> <p>Plants are suited to site conditions.</p>	<p>No planting on any structures is proposed except for small hedging around the swimming pool.</p>	Yes
Universal Design	<p>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.</p> <p>Adaptable housing should be provided in accordance with the relevant council policy.</p>	<p>Six of the apartments contain 7 design measures to achieve silver level.</p> <p>Three adaptable apartments are provided which also complies with Council's SCDCP requirements.</p>	Yes
Awnings and Signage	<p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>Awnings should be located over building entries for building address and public domain amenity.</p> <p>Signage should be integrated into the building design and respond to the scale, proportion and detailing of the</p>	<p>No awning proposed over the main entry.</p> <p>No signage proposed.</p>	No

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	development.		
Energy Efficiency	<p>Adequate natural light is provided to habitable rooms.</p> <p>Well located, screened outdoor areas should be provided for clothes drying.</p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • the use of smart glass or other technologies on north and west elevations • thermal mass in the floors and walls of north facing rooms is maximised • polished concrete floors, tiles or timber rather than carpet • insulated roofs, walls and floors and seals on window and door openings • overhangs and shading devices such as awnings, blinds and screens <p>Provision of consolidated heating and cooling infrastructure should be located in a centralised location.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • rooms with similar usage are grouped together • natural cross ventilation for apartments is optimised • natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 	<p>Natural light is provided to habitable rooms where possible given the orientation of the building.</p> <p>All balconies have a roof which provides cover for clothes drying.</p> <p>70% of apartments have solar access for a minimum of 2hrs to living areas and habitable rooms.</p> <p>A Basix certificate was submitted detailing that the proposed development achieved the relevant water, energy and thermal targets.</p> <p>The apartments are all afforded cross flow ventilation.</p> <p>All services are located in a centralised location.</p> <p>Natural ventilation is provided for 25 apartments (83%).</p>	Yes
Water Management and Conservation	<p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered.</p>	<p>The application is accompanied by BASIX certificate indicating the water efficiency for each residential apartment provided.</p>	Yes

	<p>Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Water sensitive urban design systems are designed by a suitably qualified professional.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits. <p>Flood management systems are integrated into site design.</p> <p>Detention tanks should be located under paved areas, driveways or in basement car parks.</p> <p>On large sites parks or open spaces are designed to provide temporary on site detention basin.</p>		
<p>Waste Management</p>	<p>Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared.</p>	<p>Bin storage room located in the basement with a smaller bin storage room on each level.</p> <p>No bulky waste storage area has been provided.</p> <p>No details on ventilation of garbage rooms has been provided.</p> <p>A satisfactory waste management plan has been submitted for the storage and disposal of waste arising from demolition and construction works as well as ongoing waste management for the use of the apartments.</p>	<p>No</p>

Building Maintenance	Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	The proposed material is considered durable which may be easily cleaned.	Yes
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2.1.7 Campbelltown Local Environmental Plan 2015

The site is zoned R4 High Density Residential under the CLEP 2015. In accordance with the provisions of the CLEP 2015 the consent authority must have regard for the zone objectives in determining any development application.

The objectives for R4 High Density Residential zone are:

- a. To provide for the housing needs of the community within a high density residential environment.
- b. To provide a variety of housing types within a high density residential environment.
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- d. To encourage high density residential development in close proximity to centres and public transport hubs.
- e. To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.
- f. To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- g. To minimise overshadowing and ensure a desired level of solar access to all properties. The proposed development is consistent with the objectives.

It is considered that the proposed development would provide for the housing needs of the community within a high density residential environment.

The proposed development is defined as a “residential flat building” and is permissible with development consent within the R4 High Density Residential zone.

Clause 4.1C Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

The objectives of this clause are to achieve planned residential densities, achieve satisfactory environmental and infrastructure outcomes, minimise impact on residential amenity and minimise land use conflicts.

The minimum qualifying site area for a residential apartment building in the R4 High Density zone is 1200 m². The site has a total combined area of 1701 m² and as such complies with this clause.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject sites currently have heights limits of 15 m (6 Palmer Street) and 26 m (8 Palmer Street) due to the commencement of the Ingleburn Planning Proposal. Notwithstanding, and as stated in Clause 1.8A – Savings provisions relating to development applications, the previous maximum building height for both sites was 15 m and therefore applies to the sites given the development application was lodged prior to the commencement of the Ingleburn Planning Proposal. The proposed development has a maximum height of 17.52 m over 6 Palmer Street and reduces down to 15.9 m over 8 Palmer Street. The lift overrun has a height of 17.3 m. The proposal exceeds the maximum height development standard by a maximum 2.52 m. The variation to the development standard is discussed below.

Clause 4.4 Floor Space Ratio

Clause 4.4 sets out the floor space ratio requirements for all developments in accordance with the floor space ratio map. The floor space ratio map provides an FSR of 2.7:1 for 8 Palmer Street and no FSR for 6 Palmer Street. Notwithstanding, and as stated in Clause 1.8A – Savings provisions relating to development applications, there was no previous FSR for both sites. Accordingly, there is no specific FSR requirements applicable to the sites given the development application was lodged prior to the commencement of the Ingleburn Planning Proposal. As there is no specific FSR, this clause is not applicable.

Clause 4.6 Exceptions to Development Standards

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the EP&A Act.

It is important to note that changes to Clause 4.6 commenced on 1 November 2023. There is a savings provision that states that the changes to Clause 4.6 does not apply to development applications lodged prior to 1 November 2023 where a Section 4.6 was submitted.

The proposed development includes a variation to Clause 4.3 of the CLEP 2015 with respect to the maximum height of building. The applicant has provided a Clause 4.6 variation request which is assessed in detail below.

The objectives of Clause 4.6 are as follows:

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

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard, being Clause 4.3 relating to a proposed building height of 17.52 m in this instance.

The Clause 4.6 variation is an attachment to this report and addresses each provision of Clause 4.6. The Clause 4.6 variation details how the standard is unreasonable or unnecessary in the circumstances of this case and how the proposal would still satisfy the objectives of the zone in accordance with the Wehbe Test.

Below are key points from the Clause 4.6 Variation Request with respect to the proposed development:

- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally noting that the uneven topography is the key driver of the height variation rather than a desire to achieve greater yield on the site.
- The proposal has no impact on heritage or other views.
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.
- The site is adjoined by an approved development application on the adjoining site at 10-12 Palmer Street Ingleburn that is an approved 5 storey residential flat building with a similar height departure.
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.
- The site is subject to flooding constraints and raising the building is an appropriate response to this constraint.
- The proposal will provide for a number of distinct public benefits:
 - Delivery of additional housing within close proximity to the Ingleburn Town Centre.
 - Creation of jobs during the construction stage.
 - Activation of the street level.
 - Amenity impacts to adjoining properties are mitigated and the distribution of floor space across the site will not be discernibly different to a built form that is compliant with the height control.
 - The scale and intensity of the development is consistent with other approved residential flat buildings in the wider precinct.

The figures stated are contained within the Clause 4.6 variation document. The proposal presents a departure to the height controls by way of an encroachment to the prescribed height limit by 2.52 m at the highest point which is a percentage exceedance of 16.8%.

Below is an extract from the architectural plans which clearly indicates the area of the building above the maximum height limit.



Figure 2: South east (front)

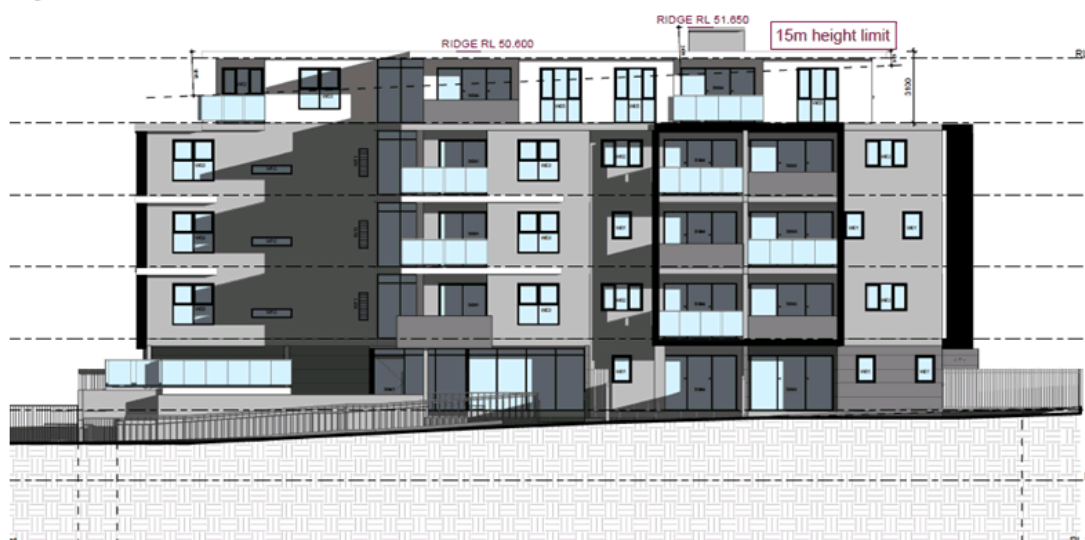


Figure 3: North - west (rear)

In accordance with Clause 4.6(3), as part of the assessment, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard which demonstrates:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard."

The assessment below has regard to the submitted Clause 4.6 variation request.

Is the planning control in question a development standard?

The 15 m maximum permissible building height applying to the subject land under Clauses 4.3 of CLEP 2015 is a development standard for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6(2) - (5) of the LEP.

What are the underlying objectives or purpose of the development standard?

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to CLEP 2015 - Clause 4.3(1) - Height of Buildings, as follows:

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

As can be seen on the building elevations, the proposed development exhibits a variation to the maximum permitted building height. This is principally a reflection of the topography of the natural ground level and to allow articulation with the building form.

The proposed development exhibits architectural quality and urban form consistent with the desired future character of the R4 zone in Ingleburn.

The proposed building height exceedance does not significantly reduce the opportunity for either the proposed development, or adjoining properties to receive satisfactory exposure to sunlight given the orientation. The impact of the height exceedance is minimised due to the top floor being setback further than the lower levels thus reducing the overall bulk and scale.

The design height of the proposed development is appropriate to the residential area and has had regard to the surrounding future development. The departure from the 15 m maximum permissible building height development standard does not cause significant visual impact and does not adversely impact view corridors from public spaces.

Matters for Consideration by the Director-General

Clause 4.6(4)(b) of CLEP 2015 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard. As the report is being determined by the Local Planning Panel, assumed concurrence is granted in accordance with the Assumed Concurrence notice dated 21 February 2018.

Under Clause 4.6(5), the following matters are to be considered in deciding whether to grant concurrence.

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The proposed development is consistent with State and regional planning policies/strategic directions. Approval of the proposed exceedance of the applicable maximum permissible building height development standard in this particular case, would not raise any matter of significance for State or regional planning.

The public benefit of maintaining the development standard

This report demonstrates that the proposed exceedance of the permissible maximum building height development standard does not have adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties. It is also noted that the one of the lots has a current height limit of 26m under the changes made to the LEP as a result of the Ingleburn Planning Proposal.

Any other matters required to be taken into consideration by the Director-General before granting concurrence

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

Consideration

It is considered that any requirement for the proposed development to strictly comply with the applicable 15 m maximum permissible building height development standard of Clause 4.3 of CLEP 2015 would be unreasonable or unnecessary in the particular circumstances. The proposed development will facilitate the redevelopment of the site to deliver additional housing in the locality. The proposed height variation is considered to be consistent with the strategic planning objectives for the development of the area.

Further, the proposed development is consistent with objectives of the maximum building height development standard as expressed in Clause 4.3(1) of CLEP 2015.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the topography of the site and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from neighbouring properties, or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of CLEP 2015.

This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clause 4.3 of CLEP 2015.

The Clause 4.6 variation to the height requirement for the proposed building is supported in this instance.

Clause 5.6 Architectural Roof Features

The objectives of this clause are to permit variations to the maximum height standards only where roof features contribute to the building design and to ensure that the majority of the roof is contained within the maximum building height.

The proposed building does not include architectural roof features.

Clause 7.1 Earthworks

The objectives of this clause are to ensure that required earthworks will not have a detrimental impact on environmental functions and processes. Earthworks are required for the proposed development given 2 basement levels proposed however, insufficient information has been submitted to demonstrate that the required earthworks would not negatively impact on the flooding issues of the site and that stormwater drainage of the site would be sufficient.

Clause 7.4 Salinity

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

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

The subject site has been identified as containing moderate potential for saline soils. No information has been submitted by the applicant detailing compliance with this clause.

Clause 7.10 Essential Services

This clause ensures that development consent is not granted to development unless the consent authority is satisfied that essential services such as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, suitable road and vehicular access, telecommunication services and the supply of natural gas are available. All required essential services are already in place. Notwithstanding, insufficient information has been submitted to demonstrate that stormwater drainage would be sufficiently available.

Clause 7.13 Design Excellence

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

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

The proposed development has incorporated a wide variety of façade treatments, materials and colours.

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

The external façade is of a contemporary design that is appropriate with the streetscape and public domain. The DEP stated the façade treatment was well proportioned and balanced.

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

The proposed development does not impact any significant view corridors.

- d. how the development addresses the following matters—

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

The site is not suitable for the proposed development as it would adversely impact the adjoining properties with regard to raising the flood level.

- (ii) existing and proposed uses,

The proposed development is consistent with the zone objectives and the proposed residential apartment building is permissible within the zone.

- (iii) heritage issues and streetscape constraints,

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

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

The design of the building is consistent with the future expectation of the area. The building design and presentation is what is expected from high density residential development. The DEP was happy with the design breaking up the built form with articulated elevations, material diversity, windows and balconies.

- (v) street frontage heights,

The proposed development as viewed from the street level provides for an appropriate upper level setback to reduce the visibility of the building that exceeds the maximum height of building control from the street level. Therefore, the proposed street frontage heights are considered to be acceptable. The proposed height non-compliance is discussed in detail elsewhere in this report.

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

The proposed development has given due consideration to its potential to result in an undesirable impact on the local environment. The provided shadow diagrams indicate that the proposed development allows the neighbouring allotments sufficient solar access given the orientation of the building. The proposed scale and materials would not cause wind or reflectivity issues, beyond what would be expected by high density development, and the materials are low reflectivity.

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

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

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

The proposed development would not adversely impact on the existing pedestrian networks surrounding the site. The proposed development provides car parking that is sufficient to the development requirements. The site is also well connected with existing pedestrian access to the Ingleburn Town Centre.

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

The proposed development would assist to complete the streetscape setting and associated public domain of the land which is evolving as the existing low density area is redeveloped into a high density locale.

- (x) the interface with the public domain,

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

- (xi) the quality and integration of landscape design,

The proposed landscaping along the front boundary enhances the streetscape.

2.1.8 Campbelltown (Sustainable City) Development Control Plan 2015

Part 2 of the SCDCP 2015 aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Part 2 Requirements Applying to all Types of Development			
2.2 Site Analysis	a) A Site Analysis Plan shall be lodged with the development application for all development involving the construction of a building and the Torrens title subdivision of land.	A site analysis plan was submitted.	Yes
2.3 Views and Vistas	a) Development shall appropriately respond to Campbelltown’s important views and vistas to and from public places.	The proposed development has an acceptable impact on views.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The proposed development has an acceptable impact on views.	Yes
	c) The opportunity to create new view/ vista corridors shall be taken wherever possible and appropriate.	The proposal does not create new view corridors.	Yes
2.4.1 Rain Water Tanks	a) In addition to satisfying BASIX, residential development is encouraged to provide a rain water tank for new buildings	A Basix certificate was submitted with all details on the architectural plans.	Yes
	b) A rain water tank shall be provided for all new buildings containing a roof area greater than 100 m ² for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	A 5000 L water tank is provided.	Yes
	c) All rainwater tanks shall comply with AS3500 (as amended) - National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water’s Guideline for Rainwater Tanks on	The water tank will comply with AS3500.	Yes

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Part	Requirement	Campbelltown (Sustainable City) Development Control Plan 2015	
		Proposed	Compliance
	Residential Properties.		
	d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000 m ² shall be connected to the plumbing in the building to provide water for toilets.	N/A	N/A
	f) Above ground water tanks shall be located behind the primary or secondary building line.	The water tank is located behind the main building line on the south western side of the building.	Yes
2.4.4 Light Pollution	a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	An external lighting plan was submitted and is considered to be satisfactory.	Yes
2.5 Landscaping – Design Requirements	a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	A landscape plan has been provided.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	Two existing trees on site will be retained, one along the rear boundary and one within the front setback area.	Yes
	c) Landscape design shall add value to the quality and character of the streetscape.	The proposal complies.	Yes
	d) A Landscape Concept Plan is required to be submitted with a development application for	A landscape plan was provided.	Yes
	e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan is satisfactory.	Yes
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The proposal complies.	Yes

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2.7 Erosion and Sediment Control - Design Requirements	a) An Erosion and Sediment Control Plan shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface.	An erosion and sediment control plan was submitted.	Yes
	b) Site activities shall be planned and managed to minimise soil disturbance.	All excavation works will be carried out to minimise soil disturbance. An erosion and sediment control plan has been submitted and is considered to be satisfactory.	Yes
	c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	N/A	N/A
	d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	No stockpiles will be located within an overland flow path.	Yes
2.8 Cut, Fill and Floor Levels	a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	A cut and fill management plan was not submitted.	No
	c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	A dilapidation report was not submitted.	No
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	A cut and fill plan was not submitted.	No
	e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	No details on fill submitted	No

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	f) No fill shall be deposited in the vicinity of native vegetation.	No details on fill submitted.	No
2.8.2 Surface Water and Floor Levels	a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The flood report submitted with the development application details that the flood level will increase by 20 mm on the adjoining properties as a result of the development.	No
	b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	Insufficient information submitted to demonstrate compliance.	No
	c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level.	The proposal complies with the habitable floor level of RL 35.00m AHD as provided by Council's Infrastructure Section.	Yes
	d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100 mm. These heights can be reduced locally to 50 mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).	Not applicable.	N/A
	f) Any solid fence constructed across an overland flow path shall be a minimum 100 mm above the finished surface level of the overland flow path.	No solid fence constructed in an overland flow path.	Yes
2.9 Demolition	a) A development application involving demolition shall be considered having regard to the following information: i) a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended); ii) details of the licensed demolition contractor engaged to	A demolition plan was submitted. Demolition contractor details can be provided at a later stage. A hazardous materials report was not submitted at the DA stage. No details of asbestos were provided at DA stage. A dilapidation report was not	No

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	<p>carry out the work (including name, address and building licence number);</p> <p>iii) a hazardous materials report that lists details of methods to prevent air, noise and water pollution and the escape of hazardous substances into the public domain;</p> <p>iv) details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>v) a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p>	provided at DA stage.	
	b) Where appropriate, demolished materials shall be recycled for reuse on site.	Demolition materials will be reused on site where possible.	Yes
2.10.1 Water Cycle Management	a) A comprehensive Water Cycle Management Plan (WCMP) shall be prepared and submitted as part of a development application.	Insufficient information was submitted.	No
2.10.2 Stormwater - Design Requirements	a) All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development.	A stormwater management plan has been prepared for the site.	Yes
	b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	The stormwater management plan was prepared by a suitably qualified engineer.	Yes
	c) Water quality control structures shall be located generally offline to creek paths or other watercourses. Major detention storages shall not be located on areas of native vegetation or within riparian areas.	Insufficient information submitted.	No
	d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	Insufficient information submitted.	No
	e) Safe passage of the Probable	The proposal was referred to Council's Development Engineer	No

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	Maximum Flood (PMF) shall be demonstrated for major systems.	where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	
	f) A treatment train approach to water quality shall be incorporated into the design and construction of major systems.	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	g) A major/minor approach to drainage is to be taken for stormwater flows. Generally the piped drainage system shall be sized to accommodate the difference between the 100-year ARI flow and the maximum safe overland flow, with minimum requirements as set out in section 4 of Council's Engineering Design Guide for Development	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility.	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
	j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The proposal will increase the flood level for adjoining properties.	No

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	k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with Council's Engineering Design Guide for Development	The proposal was referred to Council's Development Engineer where additional information was requested. The additional information submitted did not demonstrate that the original issues were addressed.	No
2.10.3 Stormwater Drainage - Design Requirements	a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	A stormwater concept plan was submitted.	Yes
	b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	Insufficient information was submitted.	No
2.12 Retaining Walls - Design Requirements	a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	There is an existing 1.7m high concrete block retaining wall along the northern side boundary. No new retaining walls proposed.	N/A
	b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply: i) No filling shall be permitted within 2m of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.	No new retaining walls proposed.	N/A
	c) In the case of retaining walls constructed to support proposed cut on an allotment, the following	No new retaining walls proposed.	N/A

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	design criteria shall apply: i) The retaining wall shall be setback a minimum of 450 mm from the rear and side boundary of the lot containing the cut.		
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	No new retaining walls proposed.	N/A
	e) Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	No new retaining walls proposed.	N/A
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	No new retaining walls proposed.	N/A
	g) Where retaining walls are proposed along the side boundary of the property, the side setback where the retaining wall is proposed shall be increased from 0.9 m to 1.2 m.	No new retaining walls proposed.	N/A
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	No new retaining walls proposed.	N/A
	i) Retaining walls higher than 900 mm shall be designed by a structural engineer and made from appropriate material.	No new retaining walls proposed.	N/A
	j) Any retaining wall(s) proposed on land designated as being bush fire prone must be constructed of non-combustible materials.	No new retaining walls proposed.	N/A
2.13 Security - Design Requirements	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead	The site is fenced and will have suitable measures in place for safety and security.	Yes

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	ends and other possible entrapment areas; iii) clearly identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space		
	b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres.	The development will have external lighting. An external lighting plan was submitted.	Yes
	c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention	A landscaping plan was submitted detailing appropriate landscaping.	Yes
	d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.	N/A	N/A
2.14.3 Bushfire – Design Requirements	a) Development shall be designed and located so as to minimise the risk of loss of life or property from bushfire.	The site is not bushfire prone land.	N/A
	b) Development on bush fire prone land (as detailed on the Campbelltown Bush Fire Prone Lands Map) shall comply with the requirements of Planning for Bushfire Protection, (NSW Rural Fire Service) as amended.	The site is not bushfire prone land.	N/A
	c) Development applications relating to land identified on the Bushfire Prone Land Map shall be accompanied by a Bushfire Hazard Assessment Report prepared by a suitably qualified person.	The site is not bushfire prone land.	N/A
	d) All 'Asset Protection Zones' shall be provided within the boundary of the subject land. National Parks, Crown Reserves, water catchments, easements, Council managed reserves, riparian corridors other private land shall not be considered as part of asset protection zones unless approved	The site is not bushfire prone land.	N/A

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	by the NSW Rural Fire Service.		
	e) Adequate water reserves for fire fighting shall be available and accessible on site as specified in Planning for Bushfire Protection, as amended. Hazard reduction (burning or mechanical) proposals shall be in accordance with the Campbelltown Bush Fire Risk Management Plan and the Bush Fire Environmental Assessment Code. Landowners wishing to undertake hazard reduction shall contact the NSW Rural Fire Service (NSWRFS) for any requirements. Applications to undertake hazard reduction will be assessed by the NSWRFS under the Bushfire Environmental Assessment Code. Guidelines for hazard reduction include: i) as far as possible, the frequency, time of year and intensity of any hazard reduction burning in native vegetation is to approximate the natural regime; and ii) periodic weed monitoring and control shall be undertaken after bushfires and hazard reduction burning, and appropriate action taken as necessary	Not required.	N/A
	f) Any development proposing the removal of native vegetation for APZ purposes shall investigate the environmental impact of the removal of that vegetation	Vegetation is not being removed for APZ purposes.	N/A
2.15.1 Waste Management Plan – Design requirements	a) A detailed 'Waste Management Plan' (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A waste management plan was submitted with the application.	Yes
	b) Plans submitted with a development application shall detail the following (as applicable): i) the size and location of waste and recycling storage areas; ii) routes for occupants to access waste and recycling areas;	The bin allocation is sufficient. Bin storage area does not demonstrate compliance with clause 5.4.8.3 of the DCP. No bulky waste storage is provided in accordance with clause 5.4.8.4 of the DCP.	No

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	<p>iii) collection point and/or access route for collection vehicles;</p> <p>iv) ventilation of waste and recycling 2.15 storage areas;</p> <p>v) location of garbage chute and service rooms;</p> <p>vi) bin and storage area washing facilities; and</p> <p>vii) occupants' disposal points for all waste streams</p>	Bin presentation is sufficient for a private waste contractor which is to be conditioned as Council cannot service the site as the bin presentation proposed is not sufficient.	
2.15.2 Waste Management During Demolition and Construction	a) Waste and recyclable streams shall be stored separately on site.	General waste and recycling waste will be provided on the site	Yes
	b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP	A waste storage area is provided as detailed on the plans.	Yes
	c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management or recycling facility. Details of disposal arrangements shall be specified in the WMP for each material type	All details have been provided in the waste management plan.	Yes
	d) Convenient and safe heavy vehicular access to waste and recycling material storage areas shall be provided	Satisfactory access has been provided for a private contractor only.	Yes
	e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements.	No details of whether asbestos is on the site have been provided.	No
2.15.9 Bin Storage Areas	a) The design of the bin storage areas shall be considered early in the design process so that they can be successfully integrated into the overall design of the development and are convenient	A waste storage area is provided as detailed on the plans however is not compliant with clause 5.4.8.3 of the DCP.	No

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	for all users.		
	b) Sufficient areas/space shall be made available within the property boundary to store the range of bins for the quantity of waste, recycling and organics (and other materials where appropriate) likely to be generated between collections.	A waste storage area is provided as detailed on the plans however is not compliant with clause 5.4.8.3 of the DCP.	No
2.17 Work On, Over or Near Public Land	a) Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	Council can provide written approval for any works on, over or near public land at a later stage.	Yes
2.17.2 Working Near Public Land	a) Notwithstanding clause 2.17.1 a) a hoarding or fence shall be erected between the work site and a public place where: i) the work involved in the development is likely to cause pedestrian or vehicle traffic in a public place to be obstructed or altered; and/or ii) the building involves the enclosure of a public place in accordance with Work Cover requirements	Hoarding details can be provided at a later stage.	Yes
2.19 Development Near or on Electricity Easements	a) Wherever possible electrical easements are to be located within open space corridors.	No electrical easements are required.	Yes
	b) Restrictions apply to planting and erection of raised public domain elements (such as light poles) and are identified in the Mains Maintenance Instruction MMI 0015 - Management of Endeavour Energy's electrical easements (Endeavour Energy, 2011) or as revised for design requirements.	No electrical easements are required.	Yes
	c) All proposed activities within electricity easements require approval from the relevant utility providers. Applicants shall consult with these agencies and obtain the relevant approvals prior to submitting a DA to Council	No electrical easements are required.	Yes
	d) Evidence of approval from the relevant utility provider shall be	No electrical easements are required.	Yes

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	submitted with the DA.		
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The proposal is generally consistent with Part 2 of the SCDCP with exception to cut and fill, stormwater and waste management controls which are discussed below in the report.

Part 5 – Residential Flat Buildings and Mixed-Use Development

The development application was assessed under the relevant controls outlined in Part 5 of the SCDCP with regard to requirements for residential flat buildings and mixed-use development and is detailed below.

		Campbelltown (Sustainable City) Development Control Plan 2015	
Part	Requirement	Proposed	Compliance
Pat 5 Residential Flat Buildings and Mixed-Use Development			
5.4.1 Relationship of the Plan to SEPP 65 Design Quality of Residential Flat Development	a) In addition to satisfying the requirements of the Plan, all residential flat buildings, and mixed use development having a height greater than 12 m or 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops) shall satisfy all the standards within State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (Published by the NSW Department of Planning and Environment, July 2015).	SEPP 65 has been repealed however the proposal has assessed against the Housing SEPP 2021 and the Apartment Design Guide has been detailed above in this report with several non-compliances. Not adjacent to any hazardous or offensive industries. Not located within a 150 m radius of a sex restricted premises or sex services premises. The proposal does not present a safety issue for vehicles or pedestrians.	No
5.4.2 Building Form and Character	a) Building design shall consider foremost the qualities (both natural and built) and the desired future character of the areas including the significance of any heritage item on the land.	The proposed building design is compatible with the desired future character of the area. There are no heritage items on the site or within close proximity to the site.	Yes
	b) Building design shall incorporate the following features to assist in the achievement of high quality architectural outcomes: i) incorporation of appropriate facade treatments that help the development properly address the respective street frontages, key vistas and to add visual interest to the skyline;	The building design incorporates facade treatments on the street front facade including vertical and horizontal elements.	Yes

	<p>ii) incorporation of articulation in walls, roof lines, variety of roof pitch, individualised architectural features (balconies, columns, porches, colours, materials etc) into the facade of the building;</p> <p>iii) variation in the vertical planes of exterior walls in depth and/or direction;</p> <p>iv) variation in the vertical and horizontal planes of the building so that the building appears to be divided into distinct base, middle and top massing elements;</p> <p>v) articulation of building facade (including rear and side elevations visible from a public place) by appropriate use of colour, arrangement of facade elements, and variation in the types of materials used;</p> <p>vi) utilisation of landscaping and interesting architectural detailing at the ground level; and</p> <p>vii) avoidance of blank walls at ground and lower levels.</p>	<p>Articulation is provided in the roof form by stepping the top floor back from the rest of the building and stepping the building in the facade built form.</p> <p>Variation is provided in the vertical and horizontal planes of the building.</p> <p>Varied external colours and building materials proposed.</p> <p>Landscaping is provided at the ground level.</p> <p>No blank walls at ground level.</p>	
	<p>c) Building design shall demonstrate to Council's satisfaction that the development will:</p> <p>i) facilitate casual surveillance and active interaction with the street;</p> <p>ii) be sufficiently setback from the property boundary to enable the planting of vegetation to soften the visual impact of the building at street level; and</p> <p>iii) maximise cross flow ventilation, therefore minimising the need for air conditioning.</p>	<p>Casual surveillance of the street is provided with windows on the front facade at ground level as well as pedestrian pathways.</p> <p>Landscaping is provided within the front setback area.</p> <p>Cross flow ventilation is provided.</p>	<p>Yes</p>
	<p>d) Building colours, materials and finishes shall generally achieve subtle contrast. The use of highly reflective or gloss materials or colours shall be minimised to feature and highlight element only.</p>	<p>No highly reflective or gloss materials or colours is proposed.</p>	<p>Yes</p>
	<p>e) Building materials shall be high quality, durable and low</p>	<p>The building materials proposed will be high</p>	<p>Yes</p>

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	maintenance.	quality, durable and low maintenance.	
5.4.3 Site Services	a) The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	No information has been provided in regard to whether a substation is required and where it will be located if required. All other utility servicing requirements will be provided to the satisfaction of Council.	No
	b) Development shall ensure that adequate provision has been made for all essential services (i.e water, sewerage, electricity, gas, telephone, internet and stormwater drainage)	Insufficient information has been submitted demonstrating that adequate stormwater measures are provided.	No
	c) All roof-mounted air conditioning or heating equipment, vents or ducts, lift wells and the like shall not be visible from any public place and shall be integrated into the design of the development.	All roof mounted plant will not be visible from the public street.	Yes
	d) All communication dishes, antennae and the like shall be located or integrated into the built form so as to minimise visual prominence.	No information has been submitted in relation to the location of any communication dishes, antennae and the like.	No
	e) An external lighting plan shall be prepared by a suitably qualified person and submitted with the development.	An external lighting plan was provided.	Yes
	f) All site services areas including any associated equipment and storage structures shall be incorporated into the design of the building and screened from public view.	Service areas are all contained within the building.	Yes
	g) An on-going waste management plan shall be prepared by a suitably qualified person and submitted with the development application.	An on-going waste management plan was submitted.	Yes
	h) Any development applications involving new construction work with a value of \$30 million or greater shall undertake the following at the developer's expense: i) Any existing above ground power lines which traverse the property's frontage, must be relocated underground; and ii) Installation of any required	Construction value is less than \$30 million.	N/A

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	electrical substation within the development basement level.		
	<p>i) The developer must allocate/set aside adequate space within the development to install a grease trap and mechanical ventilation, for any proposed food premises, in accordance with the Local Water Authorities recommendations and the following Australian Standards: Mechanical ventilation (for any proposed food premises) must comply with:</p> <p>i) Australian Standard (AS) 1668.2-2012: The use of ventilation and air conditioning in buildings:</p> <p>ii) Part 2: Mechanical ventilation in buildings; and (where applicable); and</p> <p>iii) Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings.</p> <p>All mechanical ventilation must be installed within the building during construction and is not permitted on any external building surfaces.</p> <p>All required grease traps must be located and serviced on private land as no permission will be granted to install such a facility on public or Council land.</p>	No food premises proposed.	N/A
5.4.4 Acoustic Privacy	<p>a) Residential flat buildings, and the residential component of a mixed-use development shall provide noise mitigation measures to ensure that the following LAeq levels are not exceeded:</p> <p>i) in any bedroom in the building—35 dBA ,</p> <p>ii) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dBA.</p>	An Acoustic Report was submitted as part of the application. Council's Environmental Officer reviewed the Acoustic Report and concluded that the recommendations made in the Acoustic Report be implemented.	Yes
	b) Residential flat buildings, and the residential component of a mixed-use development near railway corridors and major roads shall demonstrate to Council's satisfaction compliance with the	The sites are not located near a railway corridor and/or major road.	N/A

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	requirements under the Guidelines entitled Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008.		
5.4.5 Vehicular Access	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that existing road networks are capable of providing safe and efficient vehicle access to and from the proposed development.	The existing road network of Palmer Street is capable of providing safe access to and from the development.	Yes
5.4.6 Stormwater Drainage	a) Residential flat buildings and mixed-use developments shall only be permitted where Council is satisfied that sufficient provisions made for the management of stormwater. All necessary upgrades to existing public and private stormwater infrastructure shall be addressed as part of the proposed development and shall be in accordance with Council's Engineering Design Guide for Development (available from Council's website at www.campbelltown.nsw.gov.au)	Insufficient information has been submitted to demonstrate that stormwater drainage is sufficient for the site.	No
5.4.7 Thermal Comfort	a) Residential flat buildings and mixed-use developments shall be designed to maximise natural thermal comfort for occupants through the use of appropriate building materials. Examples include the use of energy efficient glazing and/or shading devices for windows and the like.	The proposed development provides compliance with Thermal requirements as detailed in the Basix certificate.	Yes
5.4.8.1 Number of Bins	a) All buildings shall be provided with household garbage bins at the following rates: i) one x 240 litre bin per 2.5 dwellings/ week for household garbage; or ii) one x 1100 litre bulk bin per 10 dwellings or part thereof, but only if the bulk bin is stored and located within the property where the waste collection truck is able to enter and exit the property in a forward-in forward-out arrangement with a maximum three point turning path.	Bin numbers proposed for the development is sufficient.	Yes
	b) All buildings shall be designed with provision for recyclable bins at a ratio of one x 240 litre bin per 2.5 dwellings per fortnight.	Recycling bins have been provided at the appropriate rate.	Yes
	c) A caretaker shall be available for	A caretaker will be	Yes

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	all sites where bins are shared between occupants, to ensure bins are correctly presented for collection and returned to the designated bin storage area when emptied.	appointed to take the bins to the street and return them to the garbage storage room.	
5.4.8.2 Waste Service Rooms, Garbage Chutes and Provision for Recyclables Bins	a) All buildings with a rise of 4 storeys or more (including the ground floor) shall make provision for a Waste Service Room on each section of each residential floor which is accessible for all residents.	Each level has a waste bin storage room.	Yes
	<p>b) All Waste Service Rooms shall have chutes to enable residents to dispose of garbage. Waste chutes must:</p> <p>i) not be located adjacent to bedrooms or living rooms unless they are outside the sound transmission barrier surrounding each apartment.</p> <p>ii) Not open into any habitable or public space and doors must have an effective self-sealing system;</p> <p>iii) Feed into appropriately sized bins located in the bin storage room. During collection periods, empty bins must be placed under the chute outlet to maintain continuity of access to the chute system for residents;</p> <p>iv) Be completely enclosed in a fire-rated shaft construction of an approved material and be fitted with sprinklers;</p> <p>v) Comply with the BCA;</p> <p>vi) Be accessible to anyone with a disability and comply with AS1428 Design for access and mobility; and</p> <p>vii) Include signage that explains the correct use of the system and which materials are able to be placed in the chute, and which must go in the recycling bin.</p>	No chutes proposed.	No
	c) The outlet area, in which the chute outlets and mechanical collection devices are located, shall be secured to prevent access by unauthorised persons.	No chutes provided.	No

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	d) Mechanical devices are permitted in order to assist with waste collection (eg. carousel).	No mechanical devices proposed.	N/A
	e) Compaction is not permitted for either garbage or recyclables.	No compaction proposed.	N/A
	f) Each Waste Service Room shall make provision for a sufficient number of 240-litre mobile recycling bins for residents on each floor to dispose of recyclables. Chute systems for recyclables are not permitted.	Garbage room can accommodate the required number of bins.	Yes
5.4.8.3 Bin Storage Room	<p>a) The development shall make provision for an appropriately sized bin storage room(s) that provides convenient access for all residents, maintenance and waste collection staff. The bin storage room shall:</p> <p>i) be located behind the primary and secondary building alignment;</p> <p>ii) be located to restrict or deter access by non-residents;</p> <p>iii) have a non-slip floor constructed of concrete or other approved impervious material at least 75 mm thick and be provided with a ramp to the doorway (where necessary);</p> <p>iv) be graded and drained to a Sydney Water approved drainage fitting;</p> <p>v) have coving at all wall and floor intersections;</p> <p>vi) be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned;</p> <p>vii) be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock; and</p> <p>viii) have a self-closing door openable from within the room with a door width of at least 1.5 m (or 2.5 m if bulk bins are proposed); and</p> <p>ix) allow access and manoeuvrability of the largest bin and any required waste handling equipment.</p>	Insufficient information submitted to demonstrate compliance.	No

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	<p>b) Bin storage rooms shall have sufficient capacity to allow for:</p> <p>i) Access, manoeuvring, cleaning and maintaining all bins by providing an extra 30% of the footprint of each waste container to the overall size of the storage area;</p> <p>ii) Spacing of at least 50 cm between all bins allocated for the development;</p> <p>iii) All bins to be arranged side by side within the bin storage room (no stacking);</p> <p>iv) A minimum 1.5 m aisle between rows of bins to minimise potential obstructions; and</p> <p>v) Future modifications of services, bin sizes and/or configurations by minimising the installation of fixed structures within bin storage areas.</p>	Insufficient information submitted to demonstrate compliance.	No
	<p>c) Bin storage rooms shall be ventilated by:</p> <p>i) a mechanical exhaust ventilation system; or</p> <p>ii) permanent, unobstructed natural ventilation openings having direct access to external air, and a total area of not less than one-twentieth (1/20th) of the floor area of the Room.</p>	Insufficient information submitted to demonstrate compliance.	No
	<p>d) Exterior doors of bin storage rooms shall be:</p> <p>i) consistent with the overall design of the building;</p> <p>ii) at least 1.5 m wide (or 2.5 m where bulk bins are proposed);</p> <p>iii) located away from the frontage of the building; and</p> <p>iv) fitted with a Council compatible keyed locking system that provides access to the room or activates the electronic opening and closing of the door (if collection service is to be carried out by Council).</p>	Insufficient information submitted to demonstrate compliance.	No
	e) All bin storage rooms and Waste	Insufficient information	No

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	Service Rooms shall be constructed in such a manner to prevent the entry of vermin.	submitted to demonstrate compliance.	
	f) All bin storage rooms must be located in an area where bins can be easily moved to the waste collection point.	Insufficient information submitted to demonstrate compliance.	No
	g) Any bin travel path must be free of steps or kerbs and have a maximum gradient of 1V:8H.	Insufficient information submitted to demonstrate compliance.	No
	h) Where waste collection personnel are required to enter the premises to service bins, the collection point shall be no further than 5 m from the collection vehicle.	Insufficient information submitted to demonstrate compliance.	No
	i) Where residents have access to bin storage rooms, signage on the correct use of the waste management system shall be displayed in all bin storage rooms.	Insufficient information submitted to demonstrate compliance.	No
5.4.8.4 Bulky Waste Storage	<p>a) Developments must make provision for the storage of bulky waste (kerbside clean-up) materials, ensuring that:</p> <p>i) a minimum area of 10 m² per building is provided;</p> <p>ii) the area is secure and caged for visibility into the enclosure;</p> <p>iii) the area is accessible to all residents and has a minimum doorway width of 1.5 m; and</p> <p>iv) the area is not more than 10 m from the waste collection point.</p>	No bulky waste storage area provided.	No
5.4.8.5 On-site Waste Collection	<p>a) Any development:</p> <ul style="list-style-type: none"> • containing 20 or more dwellings, and/or • when the number of bins proposed cannot be accommodated within 50% of the development's net frontage width on collection day, shall be designed to accommodate forward-in, forward-out, drive-on vehicular collection for on-site servicing. 	No on-site collection proposed. private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
	b) Where on-site waste and recycling collection is proposed, the site plan and layout shall consider how waste and recycling vehicles can access and move around the development.	No on-site collection proposed. private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
	c) The area designated for on-site	No on-site collection	N/A

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	<p>servicing must meet the following requirements:</p> <p>i) there shall be a minimum unobstructed height clearance of 5.2 m;</p> <p>ii) there shall be provision for a waste collection vehicle to empty bins on the vehicle's left side, allowing for a width of 3.8 m from the right hand side of the vehicle to the collection point;</p> <p>iii) where the waste collection vehicle is required to turn around on site, there must be provision for a heavy rigid vehicle of 10.4 m length (refer to indicative vehicle dimensions at Table 2.15.2) to negotiate a maximum 3-point turn allowing the waste collection truck to enter and leave the property in a forward direction;</p> <p>iv) the maximum grade of any path of travel for collection vehicle shall be 1V:20H for the first 6 m from the street, and 1V:12H thereafter;</p> <p>v) the minimum driveway width for a collection vehicle shall be 3.6 m wide, with sufficient area provided for another vehicle to pass; and</p> <p>vi) access driveway and servicing area to be constructed to withstand the loaded mass of the waste collection vehicle of 24 tonnes.</p> <p>vii) buildings and other structures must not extend over roads or corners where they may be struck by waste collection vehicles.</p>	<p>proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.</p>	
	<p>d) The distance between any dwelling and the waste disposal point shall be a maximum of 40 m (excluding distance travelled in a lift).</p>	<p>No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.</p>	N/A
	<p>e) Where on-site waste collection is required, the development must be designed and constructed to accommodate the above requirements, regardless of whether Council will be engaged to provide</p>	<p>No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.</p>	N/A

	waste services or not.		
	f) Where on-site collection is required, Council and its collection contractor must be indemnified against any loss or damages that may arise during the course of waste collection services.	No on-site collection proposed. A private contractor will collect the bins from the kerb along the paced area at the end of Palmer Street.	N/A
5.4.9 Strata Subdivision	a) No more than 50% of the required car parking within a strata title subdivision shall be allocated to individual commercial apartments within the mixed-use development.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	b) All car parking spaces that are allocated to individual apartments shall be proportioned in number to the size of the apartments.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	c) No car parking spaces shall be created as a separate allotment.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
	d) No internal or outdoor storage space shall be created as a separate allotment.	Strata subdivision is proposed but no concept subdivision plan was submitted.	No
5.4.10 Car Parking	a) Car parking provided for the residential dwellings shall be secured, separated from commercial car parking (where relevant) and have a separate access.	No commercial proposed therefore all car parking spaces are for the residents only.	Yes
	b) The design of car parking spaces shall take into consideration the principles of Crime Prevention Through Environmental Design (CPTED) to minimise opportunities for crime and enhance security.	Car parking considers CPTED principles and is designed accordingly.	Yes
5.4.11 Access for People with Disabilities	a) Residential flat buildings and mixed use development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	An Access Report was submitted stating that the proposal complies.	Yes
5.4.12 Advertising Material	a) As part of the letter box design for residential flat buildings and mixed use development a special container shall be provided for the placement of advertising and newspaper materials. Such container shall be located behind the building line and designed to be part of the letter box arrangement for the development.	No information provided for letterbox details.	No
	b) The newspaper/advertisement container shall be regularly emptied	The manager/caretaker will empty the container	Yes

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	by the manager/caretaker of the building.	regularly.	
5.5.1 Site Requirements for Residential Flat Buildings	a) Residential flat buildings shall only be permitted on an allotment having a minimum width of 30 m measured at the front property boundary.	46.33 m	Yes
	b) Sites shall be amalgamated where required, to achieve the minimum site area and width requirement applicable to the proposed development.	Two lots are proposed to be consolidated.	Yes
	c) Development shall not result in an "isolated allotment" adjoining the development site.	Proposal does not result in any isolated lots.	Yes
5.5.2 Building Setbacks for Residential Flat Buildings	a) Residential flat buildings shall be setback a minimum of: i) 5.5 m from any street boundary; and ii) 6 m from any other boundary.	Front setback: 5.5 m Other boundaries: min. 5.5 m (balconies encroach within the setback)	No
5.5.3 General Requirements for Residential Flat Buildings	a) A minimum of 5% of the total number of dwellings within a residential flat building shall be one bedroom flat(s) or a studio(s).	Required: 1.5 apartments Provided: 7 apartments	Yes
	b) A minimum of 10% of the total number of dwellings within a residential flat building shall be adaptable dwelling(s).	Required: 3 apartments Provided: 3 apartments	Yes
	c) The floor space occupied by each dwelling within a residential flat building shall not be less than: i) 35 m ² in the case of a studio flat; ii) 50 m ² in case of a one bedroom flat; iii) 70 m ² in case of a 2 bedroom flat; iv) 90 m ² in case of a 3 bedroom flat or more.	All apartments comply.	Yes
	d) For the purpose of clause 5.5.3 c), the floor space includes only one bathroom. Additional bathrooms shall increase the minimum floor space of each dwelling by 5 m ² for each additional bathroom.	Additional floor space has been provided for apartments with more than one bathroom.	Yes
	e) A fourth bedroom and further additional bedrooms shall increase the minimum internal area by 12 m ² for each additional bedroom.	Required: 107 m ² Apartment 29 has four bedrooms with an internal area of 108.5 m ²	Yes
	f) Each apartment building shall include a study/nook area that is capable of accommodating a desk	Study nook provided in all apartments.	Yes

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	for working/studying from home purposes. Such area shall be shown furnished on the proposed plans and shall have a minimum width 1.6 m		
	g) The main entry to each apartment building shall be designed to include an entrance nook for privacy purposes	Main entry of each apartment provides privacy.	Yes
	h) A maximum of 8 dwellings shall be accessible from a common lobby area or corridor on each level of a residential flat building.	Less than 8 apartments accessible from lobby area on each level.	Yes
	i) All residential flat buildings shall contain at least one lift for access from the basement to the upper most storey that provide access to a dwelling space. Further, the lift(s) shall extend to provide access to the roof space if the roof is intended for use by occupants of the building as a roof terrace.	Lift provides access from the basement to the top level.	Yes
	j) A maximum of 50 dwellings shall be accessible from a single common lift.	30 apartments access the lift,	Yes
	k) Access to lifts shall be direct and well illuminated.	Lift access is direct and illuminated.	Yes
	l) A minimum of 25% of the required open space area, or 15% of the total site area, whichever is the greater, shall be available for deep soil planting.	Required: 425.25 m ² Provided: 429.97 m ² or 25% (area with proposed OSD tank excluded)	Yes
	m) Each flat shall be provided with an 'incidentals' storage facility within the apartment and/or the basement, which shall be available for personal use of the occupants of each dwelling, and designed and constructed of materials to Council's satisfaction. Such storage facility shall have a storage capacity of not less than the following: i) 4 m ³ in the case of a studio flat; ii) 6 m ³ in case of a one bedroom flat; iii) 8 m ³ in case of a 2 bedroom flat; and iv) 10 m ³ in case of a 3 bedroom flat or more.	Most apartments have incidental storage within the apartment. All apartments have storage areas within the basement. Apartments 1, 16, 13 and 20 have incidental storage on the balcony and not within the apartments.	No
	j) The incidentals storage facility shall not be created as a separate (strata) allotment to the apartment it services.	No information on strata subdivision proposed.	No

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5.5.4 Car Parking and Access	a) All car parking and access for vehicles, including disabled access spaces, shall be in accordance with AS2890 parts 1 and 2 (as amended), except as otherwise specified in the Plan.	Council's Development Engineer has reviewed the car parking and access and determined that it can comply.	Yes
	b) The minimum dimensions of any parking space shall be 2.5 x 5.5 metres. The minimum width of any car parking space shall be increased by 300 mm for each side that adjoins a vertical edge.	All parking spaces comply.	Yes
	c) Driveways shall be located a minimum distance of 6 m from the splay of any unsignalled intersection (refer to Figure 5.5.4).	Driveway is located more than 6 m from the intersection.	Yes
	d) For development incorporating 20 or more dwellings, the DA shall be accompanied by a 'Traffic Impact Assessment Report'.	A Traffic and Parking Assessment Report was submitted.	Yes
	e) Where existing, vehicular entry points shall be located at the rear or side streets.	No rear or side street access.	N/A
	f) Development containing 3 or more storeys shall provide all required car parking at basement level.	Two levels of basement car parking provided.	Yes
	g) Parking provided at ground level shall be appropriately screened from public view.	No ground level car parking proposed.	Yes
	h) Each dwelling shall be provided with a minimum of one car parking space, and: i) an additional car parking space for every 4 dwellings (or part thereof); and ii) an additional visitor car parking space for every 10 dwellings (or part thereof).	Required: 41 spaces Provided: 41 spaces	Yes
	i) No required car parking space shall be in a stacked configuration.	No stacked car parking proposed.	Yes
	j) Each development shall make provision for bicycle storage at a rate of one space per 5 dwellings within common property.	Required: 6 spaces Provided: 6 spaces (4 in the basement, 2 at ground level)	Yes
	k) Electric vehicle charging stations must be located behind the building line.	No electric vehicle charging stations proposed.	N/A
5.5.5 Solar Access	a) Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces.	Building is orientated to the north east.	Yes
	b) A minimum 20 m ² area of the required private open space on adjoining land, (having a minimum width of 3 m), shall receive 3 hours of	20 m ² of the communal open space area receives 3 hrs of continuous solar access	Yes

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	continuous direct solar access on 21 June, between 9.00am and 3.00pm, measured at ground level.		
	c) Living rooms and private open spaces of at least 70% of dwellings within a residential flat building shall receive a minimum of 2 hours direct sunlight between 9:00 am and 3:00 pm at mid winter.	21 apartments or 70% receive solar access to living rooms and private open space areas.	Yes
	d) Council expects that with innovative and thoughtful design, all dwellings should receive some direct sunlight, however, when it can be shown that providing sunlight to every dwelling is unachievable, Council may allow a design solution that result in up to 15% of the dwelling receiving no direct sunlight between 9:00 am and 3:00 pm at mid winter.	N/A	N/A
5.5.6 Balconies and Ground level Courtyards	a) Dwellings shall be provided with a private courtyard and/or balcony.	Each apartment has a balcony or private courtyard.	Yes
	b) Courtyards/balconies shall be: i) not less than 8 m ² in area and have a minimum depth of 2 m; ii) clearly defined and screened for private use; iii) oriented to achieve comfortable year round use; and iv) accessible from a main living area of the flat.	All balconies have a minimum of 8 m ² and 2 m in depth. Balconies are orientated where possible. All balconies are accessed via the main living area.	Yes
5.5.7 Privacy	a) Ground level dwellings incorporating a courtyard shall be provided with a privacy screen.	Courtyards provided for ground level apartment shave privacy screens.	Yes
	b) No window of a habitable room or balcony shall be directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9 m of the proposed window or balcony.	No direct overlooking proposed. Adjoining properties are single storey dwellings.	Yes
	c) Notwithstanding 5.5.7(b) a window of a habitable room may be permitted only where it: i) is offset by 2 m to limit views between windows, or ii) has a sill height 1.7 m above the floor level; or iii) is splayed to avoid direct views between windows; or	N/A	N/A

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	iv) has a fixed translucent glazing in any part of the window within 1.7 m of the floor level; or v) is otherwise appropriately screened.		
	d) Notwithstanding 5.5.7(b), a balcony will be considered where the private open space area of any adjacent dwelling is screened from view.	No privacy screens proposed.	Yes
5.5.8 Communal Recreation Facilities	a) Each residential flat building shall be provided with communal recreation facilities for the use of all the occupants of the building comprising: i) a recreation room with a minimum area of a 50 m ² per 50 dwellings (or part thereof); and ii) a bbq/outdoor dining area with a minimum area of 50 m ² per 50 dwellings (or part thereof).	Communal room has an area of 50.1 m ² . Outdoor communal open space is greater than 50 m ² .	Yes
	b) Communal recreation facilities shall not be located within the primary or secondary street boundary setback.	Located in the rear setback area.	Yes
	c) All communal recreational facilities shall be provided on the same land as the residential flat building.	Located on the same land as the residential apartment building.	Yes
	d) Communal open space provided on the roof of a building shall not be included as part of the required communal open space.	No communal open space on the roof.	Yes
	e) All required communal and recreational facilities are required to be constructed prior to the issue of an interim occupation certificate for any residential apartments within a staged development.	Can comply.	Yes

The proposal generally complies with the requirements of the SCDCP with exception to stormwater details, waste details, side and rear setbacks, cut and fill, subdivision and incidental storage and are detailed below in Section 3.

3. Planning Assessment

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

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

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

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

3.3 Section 4.15(1)(b) The likely impacts of the Development

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

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

- Flooding
- Stormwater
- Side and rear setbacks
- Waste management
- Subdivision
- Incidental storage
- Sunlight access
- Access, transport and traffic
- Noise and vibration
- Safety security and crime prevention
- Built Form

Flooding

The subject site is affected by flooding and is a flood control lot due to overland flow from the local catchment and flow in Redfern Creek traversing along the side and front boundaries of the site. The applicant was advised as a result of the Pre-DA meeting that Council has a zero tolerance to any increase in afflux and that additional works was required to adhere to this advice. The flood report submitted with the information demonstrated that the proposal would result in a flood afflux of 20 mm to the neighbouring properties and as such additional information was requested to address the concern. Amended information was submitted in response to this issue however did not address the flood issue and still demonstrated that there would be an increase to the neighbouring properties.

Stormwater

Several stormwater issues were raised with amended information being requested to address the issues. Amended information was submitted, however did not address the issues. The additional information submitted did not detail the following:

- How the ground floor stormwater complies with Council's engineering requirements given that an amended ground floor plan was not submitted.
- Details of the OSD and bypass OSD for overland flow was not submitted.
- A report detailing the purpose of the OSD and capability of the OSD was not provided.
- No calculations or modelling were provided.
- An assessment of the Palmer Street drainage system was not provided detailing whether the existing infrastructure would accommodate additional flows as a result of the proposal. with the following information still outstanding:

Given that this information has not been submitted, it is considered that the proposal cannot be supported in its current format.

Side and rear setbacks

The proposed development provides twelve balconies for certain apartments in levels 1-5 that encroach within the required side and rear setback by 0.5 m. A variation has been requested for this non-compliance. Notwithstanding, the encroachment of the balconies by 0.5 m into the setback areas has impacts on the required building separation requirements contained within the ADG as well as having impacts on overlooking and privacy impacts given that these balconies will be utilised as open space areas for the occupants of the apartments. In addition, the encroachment of the balconies also presents a non-compliance with Council's setback controls contained within the SCDCP.

As the proposed development is for a new residential apartment building, it is considered that there is no reason as to why the setback controls cannot be complied with.

Waste Management

Council's Waste Management Officer reviewed the proposal and had requested additional information be submitted with regards to the proposal providing a bulky goods waste storage area and demonstrate that the garbage room in the basement level would comply with Council's construction requirements in relation to cleanliness, ventilation and vermin control. The plans were required to be amended detailing the construction methods of the garbage room as well as whether there was any ventilation and what drainage methods were proposed to be able to clean the garbage room. This information was not submitted and is still outstanding and as such does not comply with Council's SCDCP requirements for waste management.

Subdivision

The proposed development includes strata subdivision, however a draft strata subdivision plan was not submitted as part of the proposed development. As a result of no strata plan being submitted, the proposal could not be assessed against Section 5.4.9 of Council's SCDCP in regard to whether any car parking spaces would be allocated as a separate lot. In addition, the lack of a strata subdivision plan does not demonstrate that any internal or outdoor storage area would not be created as part of a separate allotment.

Incidental storage

Most of the apartments are provided with incidental storage both internally and within the basement level. Apartments 1, 13, 16 and 20 all have incidental storage on a balcony which is not internal to the apartment and does not provide good amenity for the occupants of these apartments to have to be able to access stored items through the outside balcony.

Sunlight access

The proposed development achieves compliance with the ADG with regards to solar access to the proposed development. Due to the orientation of the site the majority of the overshadowing from the proposed development is located over the adjoining property to the south west and Palmer Street. The private open space areas of the adjoining properties will maintain the existing levels of solar access currently provided to each site.

Access, transport and traffic

The site has basement access via Palmer Street. The applicant has submitted a traffic report in support of the proposed development which states that the proposed development would not adversely impact upon traffic and parking within the local road network. Council's Development Engineer reviewed the report and associated plans and did not raise any issues with regard to potential traffic impacts.

Noise and vibration

The applicant has submitted an acoustic report prepared by Rodney Stevens Acoustics dated 13 December 2022. The report addresses the proposed residential development and concludes that the proposed development complies with the Transport and Infrastructure SEPP 2021 noise criteria with recommendations made in the report to be implemented.

Safety security and crime prevention

The proposed development is considered to provide for safety and casual surveillance.

Built Form

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials in the local area. The use of painted render and knotwood cladding provides for a low maintenance durable façade which reflects the desired future character of the local area.

The proposed setbacks and massing to the fifth level are also considered to provide two distinct built forms and reduce the overall appearance of visual bulk of the building within the streetscape.

Overall, it is considered the proposed development is consistent with the desired future character for development in the locality.

Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the residential apartment building would contribute to the provision of housing choice within the Campbelltown locality, to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

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

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

It is considered that the proposed development fails to demonstrate that there would be no adverse impact on the adjoining properties due to the increase flood level risk for adjoining properties as a result of the development. In addition, insufficient information was submitted in relation to the proposed stormwater drainage of the site as well as there being numerous non-compliances with the Apartment Design Guide and Council's SCDCP. It is therefore considered that the proposal in its current form is not appropriate for the site.

4. Public Participation

The application was notified and publicly exhibited in accordance with the Campbelltown Community Participation Plan from 31 January 2023 to 28 February 2023 with 3 submissions being received during this time.

The issues outlined in the submissions are addressed below:

Issue: Development application is inconsistent with community expectations and wishes

Response: The proposal is permissible within the zone and consistent with the zone objectives and generally complies with the controls relevant to the proposed development.

Issue: Increased traffic and parking demand

Response: The proposed development provides for parking in accordance with the ADG and Council's SCDCP. The application is accompanied by a traffic report that states overall the development would result in 6 additional vehicle trips per hour during the weekday peak hour from Monday to Friday which is considered to be acceptable.

Issue: Location of the site on a cul-de-sac.

Response: The site has a frontage to Palmer Street and whilst Palmer Street is a no through road, the street actually connects through to Norfolk Street, albeit via a paved walkway between Palmer Street and Norfolk Street. The proposed development on the subject site is considered to be acceptable with regard to the proposed location as the only vehicles would be local residents given Palmer Street is no a through road.

Issue: View rights from property

Response: There are no view rights from properties and views from the site to/from neighbouring yards and distant trees are not considered views but are more akin to an outlook.

Issue: Obstruction of light

Response: The submitted shadow diagrams demonstrate that the proposal would still allow solar access for a minimum of 3 hrs to the adjoining properties open space area due to the orientation of the building and is in accordance with the requirements within the ADG and Council's SCDCP.

Issue: Dust

Response: The objector has stated they are allergic to dust and hold Council responsible for their ill health. The proposed development would generate dust associated with construction with regard to the demolition and excavation of the site however with measures implemented including but not limited to, erosion and sediment control fencing, all weather vehicle entry/exit points, and the use of water carts where required, dust can be controlled to an acceptable standard.

Issue: Council responsible for neighbours health issues if approved

Response: The objector has stated that Council is responsible if the objector falls ill. Council has assessed a development application that is permissible within the zone. Dust suppression measures would form part of any construction for any type of development including but not limited to, erosion and sediment control fencing, all weather vehicle entry/exit points, and the use of water carts where required.

Issue: Noise Pollution

Response: The proposed development will result in some increase in noise within the locality particularly during the construction stage as well as from the occupants of the apartments. In regard to the construction stage, there are requirements in place within the Interim Construction Noise Guidelines that the developer would need to adhere to. In regard to the occupation of the apartments, an acoustic report has been provided and includes measures to mitigate acoustic impacts on the surrounding properties in line with Council's SCDCP controls ensuring that the development does not exceed the relevant noise criteria.

Issue: Traffic congestion

Response: The proposed development will result in a net increase in cars within the locality with a traffic report submitted in support of the proposed development. The proposed development provides the required number of car parking spaces required by Council's SCDCP and minimises the number of access points to the development by providing one exit/entry driveway. The proposal also provides a number of bicycle spaces for the occupants. The sites are also located within walking distance to a number of bus stops which enable occupants to utilise public transport as well. Overall, the proposed development is considered to result in an insignificant increase in traffic on local roads and is therefore considered to be acceptable.

Issue: Redevelopment in the locality

Response: The objector has raised that they intended to live at the property for a number of years and object to developers purchasing properties for redevelopment.

Council has no power in where or when developers purchase properties for re-development and assesses development applications in accordance with the relevant planning controls that apply. The proposed development responds to the objectives of the zone for higher residential density for the site and would contribute to the housing supply and choice within the locality.

Issue: Overdevelopment and overpopulation

Response: The proposed development is permissible in the zone and responds to the relevant planning controls in regard to FSR and apartment mix. The proposal includes a number of one and 2 bedroom apartments as well as larger apartments, which in turn controls the number of occupants within each apartment and the building as a whole. The proposal is not considered to be an overdevelopment of the site and is consistent with the strategic directions for the locality.

Conclusion

The subject development application (151/2023/DA-RA) for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision has been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Having regard to the issues discussed in this report, it is considered that the application is not consistent with the relevant planning controls in regard to the impact of flooding on adjoining properties, non-compliance with the ADG and Council's Sustainable City Development Control Plan, stormwater management and a lack of information to demonstrate compliance with a number of LEP controls including salinity and subdivision. It is therefore considered that the proposal cannot be supported in its current form.

Attachments

- 4.1.1 Reasons for Refusal (contained within this report)
- 4.1.2 Architectural Plans (contained within this report)
- 4.1.3 Landscape Plan (contained within this report)
- 4.1.4 Clause 4.6 Variation (contained within this report)
- 4.1.5 Basement and Floor Plans (due to confidentiality) (distributed under separate cover)

Reporting Officer

Manager Development Assessment



4.1 Development application for demolition, tree removal, lot consolidation and construction of a 5 storey residential flat building with strata subdivision - 6-8 Palmer Street, Ingleburn

Community Strategic Plan

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

Delivery Program

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

Referral Criteria

The Panel reviewed a report on the proposed development at its meeting on 27 February 2024. The Panel resolved to defer the application to allow the applicant to provide supplementary information. The supplementary information has been assessed.

Executive Summary

At its meeting of 27 February 2024, the Campbelltown Local Planning Panel (the Panel) resolved to defer the application such that the reasons for refusal with regard to planning non-compliances, stormwater and flooding issues could be addressed.

Amended plans have been submitted and are the subject of this report.

Officer's Recommendation

That development application 151/2023/DA-RA for the demolition, tree removal, lot consolidation and construction of a 5 storey residential apartment building with strata subdivision be approved subject to the conditions in attachment 1.

Purpose

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

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Property Description	Lot 13 DP 522853 & Lot 42 DP 522731, Nos. 6-8 Palmer Street, Ingleburn
Application No	151/2023/DA-RA
Applicant	Mr Talaat Nasralla
Owner	Mr Talaat Nasralla
Provisions	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015 Campbelltown 2032
Date Received	17 January 2023

History

The Panel reviewed a report on the proposed development at its meeting on 27 February 2024 with the following decision:

The Panel defers the application to allow the applicant a maximum 30 days to provide supplementary information, and redesign addressing all refusal items and have the matter presented before the Panel at a later date.

The Panel resolved to defer the application to allow the applicant to provide supplementary information and redesign to address the reasons for refusal as detailed below:

1. The proposed development is inconsistent with State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guide (in accordance with Section 4.15(1)(a)(i) of the EP&A Act) with respect to:
 - The proposal does not provide a height that is achievable within the building height set in the LEP.
 - The depth of the building exceeds the 12 m-18 m range.
 - The proposal has 12 balconies that encroach within the required building separation distances.
 - The proposal does not comply with the visual privacy requirements as there are 12 balconies that encroach within the distance from the side and rear boundaries.

- The proposal includes 4 apartments that have storage on balconies which are not integrated into the design of the balcony.
 - The proposal does not comply with the acoustic privacy requirements as there are 12 balconies that encroach within the building separation distance.
 - The proposal does not provide a temporary storage area for bulky items.
 - The proposal does not provide an awning over the front main entry.
 - The proposal does not propose any apartment signage incorporated into the design of the building.
2. The proposed development is inconsistent with Campbelltown Local Environmental Plan 2015 (CLEP 2015) (in accordance with Section 4.15(1)(a)(i) of the EP&A Act) with respect to the following:
- The proposed development does not demonstrate that there would be no adverse impacts on the environment in accordance with Clause 7.1 Earthworks.
 - The proposed development does not demonstrate that there would be no adverse impacts on salinity given the site has moderate potential for saline soils in accordance with Clause 7.4.
 - The proposed development does not demonstrate there would be sufficient stormwater drainage in accordance with Clause 7.10 Essential Services.
 - The proposed development does not demonstrate that the site is suitable for the development in accordance with Clause 7.13(d)(i) with regard to stormwater drainage and flooding.
3. The proposed development is inconsistent with Council's (Sustainable City) Development Control Plan 2015 (in accordance with Section 4.15(1)(a)(iii) of the EP&A Act) with respect to the following:
- A cut and fill plan was not submitted.
 - A dilapidation report was not submitted demonstrating that adequate measures would be implemented to protect the integrity of any structure within the zone of influence.
 - A Hazardous materials report was not submitted and no details of whether the site contains any asbestos was provided.
 - Waste Management is insufficient as no chutes are provided in the garbage rooms on each level and no bulky goods storage area was provided.
 - The waste bin storage room on the basement level does not demonstrate compliance with the construction requirements in accordance with section 5.4.8.3.

- Insufficient information was submitted that details the proposal complying with Council's controls with regard to stormwater design and stormwater management.
 - No information has been submitted with regard to whether a substation is required and where it would be located if required in accordance with Section 5.4.3.
 - No information has been submitted with regard to the location of communication dishes, antennae and the like in accordance with Section 5.4.3.
 - A draft strata plan was not submitted demonstrating compliance with section 5.4.9.
 - The incidental storage provided on the balconies for units 1, 13, 16 and 20 is not acceptable.
4. The proposed development fails to demonstrate that the proposed development would not increase the flood impact on the adjoining properties (in accordance with Section 4.15(1)(b) of the EP&A Act).
 5. The proposed development fails to demonstrate the acceptable disposal of stormwater from the subject property given that insufficient information was submitted (in accordance with Section 4.15(1)(b) of the EP&A Act).
 6. It is considered that in the circumstances of the case, insufficient information as submitted to determine whether the proposal would be in the public interest having regard to the flood impacts, stormwater management and amenity for the adjoining properties (in accordance with Section 4.15(1)(e) of the EP&A Act).

The original report submitted to the Panel on 27 February 2024 is provided in attachment 2.

Report

1. Amended plans

Amended plans were submitted to Council on 2 April 2024 with amendments made to address the issues raised in the reasons for refusal. Compliance with each refusal reason is detailed below.

Issue	Compliance
Inconsistent with Housing SEPP 2021	
Building height exceeds CLEP.	The building height remains unchanged with a Clause 4.6 variation submitted supporting exceedance in building height. The Clause 4.6 variation is considered to be acceptable and is discussed further in Section 2.1.2.
Building Depth exceeds 12 m - 18m range.	Parts of the building still exceed the required building depth with a variation to this control submitted. The variation is considered to be acceptable and is discussed further in Section 2.1.1.

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Balcony encroachment within building separation distances.	Design has been amended such that there are no balconies encroaching within the building separation distances.
Visual privacy due to encroachment of balconies within building separation distances.	Design has been amended such that there are no balconies encroaching within the building separation distances and therefore there are no adverse visual impacts.
Storage on balconies not integrated into the design.	The balcony storage has been removed with all storage internal in the unit or provided in the basement.
Acoustic privacy due to encroachment of balconies within building separation distances.	Design has been amended such that there are no balconies encroaching within the building separation distances and therefore there are no adverse acoustic impacts.
Temporary storage area for bulky items is not provided.	A temporary bulky waste storage area is provided in the basement.
An awning is not provided over the front main entry.	The entry path to the main lobby is covered by the existing building and provides weather protection.
No signage was provided.	The revised plans incorporate building signage on the awning over the car park entry.
Inconsistency with Campbelltown Local Environmental Plan 2015	
Non-compliance with Clause 7.1 Earthworks of the CLEP 2015.	A cut and fill management plan was submitted demonstrating that there would be no adverse impacts on adjoining properties.
Non-compliance with Clause 7.4 Salinity	A geotechnical report has been submitted that concludes that site investigation and testing has shown no indication of saline soils.
Non-compliance with Clause 7.10 Essential Services with regard to stormwater drainage.	A revised stormwater plan and associated information was submitted. Council's Development Engineer has reviewed the revised stormwater plan and has provided conditions for approval.
Non-compliance with Clause 7.13(d)(i) in regard to stormwater drainage and flooding.	A revised stormwater plan and associated information was submitted. Council's Development Engineer has reviewed the revised stormwater plan and has provided conditions for approval. A revised Flood Assessment Report was submitted that concluded the revised building footprint and alterations to existing ground levels, the building will allow for additional flood storage and therefore there will be no adverse flood impacts outside of the development site or on adjacent properties.

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Inconsistency with Council's (Sustainable City) Development Control Plan 2015	
A cut and fill plan was not submitted.	A revised cut and fill management plan was submitted and considered to be satisfactory.
A dilapidation report was not submitted.	A dilapidation report was submitted that details measures required to ensure the structural integrity of stormwater infrastructure that adjoins the site and considered to be satisfactory.
A Hazardous Materials Report was submitted with no information on whether there was any asbestos contained within the site.	A demolition work plan was submitted confirming that the existing buildings on both sites contain some asbestos with the demolition work plan detailing measures to safely handle the asbestos. In addition, conditions of consent will be applied to ensure that any asbestos removal is carried out by a licensed contractor and in accordance with the relevant Australian Standards.
Waste Management Plan is insufficient with no garbage chutes being provided and no bulky goods storage provided.	Revised plans have been submitted detailing garbage chutes on each level as well as a temporary bulky goods storage area within the basement.
Construction of the waste storage room within the basement does not comply.	The waste storage room will be constructed in accordance with the DCP requirements including the provision of a tap. In addition, conditions of consent will be applied to ensure compliance.
Insufficient stormwater design and management information submitted.	Revised stormwater plans and associated information has been submitted and reviewed by Council's Development Engineer. The revised plans are considered to be satisfactory with appropriate conditions of consent applied.
No information was submitted on services such as antennae, communication dishes and the like.	The revised plans indicate an area on the roof for the location of communication dishes.
Draft strata plan not submitted.	A draft strata subdivision plan was submitted and is considered to be satisfactory.
Storage on the balconies is not acceptable.	The revised design has removed the storage from the balconies.
Flooding	
Proposal fails to demonstrate there would be no adverse flood impacts on the adjoining properties.	The revised Flood Assessment report concludes the revised building footprint and alterations to existing ground levels surrounding the building will allow for additional flood storage, and subsequently there will be no adverse impacts to flood levels outside of the development site or to adjacent properties.

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Stormwater	
Proposal fails to provide sufficient information in regard to stormwater design.	Revised stormwater plans and associated information has been submitted and reviewed by Council's Development Engineer. The revised plans are considered to be satisfactory with appropriate conditions of consent applied.

2. Planning Provisions

2.1.1 State Environmental Planning Policy (Housing) 2021

Apartment Design Guide

Clause 147(1)(b) of State Environmental Planning Policy (Housing) 2021 states that in determining a development application for consent to carry out a residential flat development, a consent authority is to take into consideration the Apartment Design Guide (ADG). The original assessment highlighted a non-compliance with the building depth requirement within the ADG. The applicant has requested a variation to this requirement as there are a number of apartments that exceed the building depth. The variation is discussed below.

Building Depth

Part 2E of the ADG has a building depth requirement that states that the maximum apartment depth should be within the 12 m -18 m range. Portions of the proposed building have a building depth of up to 22 m and therefore exceeds this control by up to 4 m. The objectives of this requirement are to ensure that the bulk of the development relates to the scale of the desired future context and to ensure that building depths support apartment layouts that meet the objectives, design criteria and design guidance within the ADG. The applicant has stated that the proposed variation still satisfies the objectives of the requirement as follows:

- The bulk and scale of the complex is consistent with that envisioned by the planning controls, noting that the development complies with the separation controls contained within the ADG as well as the setbacks suggested by Campbelltown DCP;
- The proposed layout facilitates solar access and natural cross ventilation as suggested by the ADG with 70 per cent of apartments receiving at least 2 hours of solar access in mid winter and 83 per cent of apartments being naturally cross ventilated;
- The development is consistent with a further guide within the ADG for building depth that states where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length. Four of the 5 units on the upper levels that vary the 18 m depth are either corner apartments that have significant perimeter walls or are wider apartments; and
- The layouts of the apartments maximises access to natural light and places at least one living room on an external wall, ensuring that adequate amenity will be provided to future residents.

Given the above, it is considered that the proposed variation to the building depth of the apartments is supported.

2.1.2 Campbelltown Local Environmental Planning Panel

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject sites currently have height limits of 15 m (6 Palmer Street) and 26 m (8 Palmer Street) due to the commencement of the Ingleburn Planning Proposal. Notwithstanding, and as stated in Clause 1.8A – Savings provisions relating to development applications, the previous maximum building height for both sites was 15 m and therefore applies to the sites given the development application was lodged prior to the commencement of the Ingleburn Planning Proposal. The proposed development has a maximum height of 17.52 m over 6 Palmer Street and reduces down to 15.9 m over 8 Palmer Street. The lift overrun has a height of 17.3 m. The proposal exceeds the maximum height development standard by a maximum 2.52 m. The variation to the development standard is discussed below.

Clause 4.6 Exceptions to Development Standards

The purpose of this clause is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the EP&A Act.

It is important to note that changes to Clause 4.6 commenced on 1 November 2023. There is a savings provision that states that the changes to Clause 4.6 does not apply to development applications lodged prior to 1 November 2023 where a Section 4.6 was submitted.

The proposed development includes a variation to Clause 4.3 of the CLEP 2015 with respect to the maximum height of building. The applicant has provided a Clause 4.6 variation request which is assessed in detail below.

The objectives of Clause 4.6 are as follows:

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

Clause 4.6 allows consent to be granted for development even though the development would contravene a development standard, being Clause 4.3 relating to a proposed building height of 17.52 m in this instance.

The Clause 4.6 variation is an attachment to this report and addresses each provision of Clause 4.6. The Clause 4.6 variation details how the standard is unreasonable or unnecessary in the circumstances of this case and how the proposal would still satisfy the objectives of the zone in accordance with the Wehbe Test.

Below are key points from the Clause 4.6 Variation Request with respect to the proposed development:

- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally noting that the uneven topography is the key driver of the height variation rather than a desire to achieve greater yield on the site.
- The proposal has no impact on heritage or other views.
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.
- The site is adjoined by an approved development application on the adjoining site at 10-12 Palmer Street Ingleburn that is an approved 5 storey residential flat building with a similar height departure.
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.
- The site is subject to flooding constraints and raising the building is an appropriate response to this constraint.
- The proposal will provide for a number of distinct public benefits:
 - Delivery of additional housing within close proximity to the Ingleburn Town Centre.
 - Creation of jobs during the construction stage.
 - Activation of the street level.
 - Amenity impacts to adjoining properties are mitigated and the distribution of floor space across the site will not be discernibly different to a built form that is compliant with the height control.
 - The scale and intensity of the development is consistent with other approved residential flat buildings in the wider precinct.

The figures stated are contained within the Clause 4.6 variation document. The proposal presents a departure to the height controls by way of an encroachment to the prescribed height limit by 2.52 m at the highest point which is a percentage exceedance of 16.8 per cent.

Below is an extract from the architectural plans which clearly indicates the area of the building above the maximum height limit.



Figure 1: South east (front)



Figure 2: North - west (rear)

In accordance with Clause 4.6(3), as part of the assessment, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard which demonstrates:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

The assessment below has regard to the submitted Clause 4.6 variation request.

Is the planning control in question a development standard?

The 15 m maximum permissible building height applying to the subject land under Clauses 4.3 of CLEP 2015 is a development standard for the purposes of Clause 4.6 (Exceptions to development standards) and may therefore be varied by the consent authority pursuant to the provisions of Clauses 4.6(2) - (5) of the LEP.

What are the underlying objectives or purpose of the development standard?

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to CLEP 2015 - Clause 4.3(1) - Height of Buildings, as follows:

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

As can be seen on the building elevations, the proposed development exhibits a variation to the maximum permitted building height. This is principally a reflection of the topography of the natural ground level and to allow articulation with the building form.

The proposed development exhibits architectural quality and urban form consistent with the desired future character of the R4 zone in Ingleburn.

The proposed building height exceedance does not significantly reduce the opportunity for either the proposed development, or adjoining properties to receive satisfactory exposure to sunlight given the orientation. The impact of the height exceedance is minimised due to the top floor being setback further than the lower levels thus reducing the overall bulk and scale.

The design height of the proposed development is appropriate to the residential area and has had regard to the surrounding future development. The departure from the 15 m maximum permissible building height development standard does not cause significant visual impact and does not adversely impact view corridors from public spaces.

Matters for Consideration by the Director-General

Clause 4.6(4)(b) of CLEP 2015 requires the concurrence of the Director-General to be obtained for development that contravenes a development standard. As the report is being determined by the Panel, assumed concurrence is granted in accordance with the Assumed Concurrence notice dated 21 February 2018.

Under Clause 4.6(5), the following matters are to be considered in deciding whether to grant concurrence.

Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The proposed development is consistent with State and regional planning policies/strategic directions. Approval of the proposed exceedance of the applicable maximum permissible building height development standard in this particular case, would not raise any matter of significance for State or regional planning.

The public benefit of maintaining the development standard

This report demonstrates that the proposed exceedance of the permissible maximum building height development standard does not have adverse scenic/visual impacts, or amenity impacts on either the public domain, or neighbouring properties. It is also noted that the one of the lots has a current height limit of 26 m under the changes made to the LEP as a result of the Ingleburn Planning Proposal.

Any other matters required to be taken into consideration by the Director-General before granting concurrence

There are no other matters currently specified to be taken into consideration by the Director-General before granting concurrence.

Consideration

It is considered that any requirement for the proposed development to strictly comply with the applicable 15 m maximum permissible building height development standard of Clause 4.3 of CLEP 2015 would be unreasonable or unnecessary in the particular circumstances. The proposed development will facilitate the redevelopment of the site to deliver additional housing in the locality. The proposed height variation is considered to be consistent with the strategic planning objectives for the development of the area.

Further, the proposed development is consistent with objectives of the maximum building height development standard as expressed in Clause 4.3(1) of CLEP 2015.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the topography of the site and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from neighbouring properties, or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of CLEP 2015.

This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clause 4.3 of CLEP 2015.

The Clause 4.6 variation to the height requirement for the proposed building is supported in this instance.

3. Planning Assessment

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

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

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

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

3.3 Section 4.15(1)(b) The likely impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts. The key matters for consideration when considering the development's potential impact on the natural and built environment is as follows:

- Flooding
- Stormwater
- Side and rear setbacks
- Waste management
- Subdivision
- Incidental storage
- Built Form
- Social, economic and environmental impacts

Flooding

The subject site is affected by flooding and is a flood control lot due to overland flow from the local catchment and flow in Redfern Creek traversing along the side and front boundaries of the site. The applicant was advised as a result of the Pre-DA meeting that Council has a zero tolerance to any increase in afflux and that additional works was required to adhere to this advice.

The amended flood report submitted that is subject of this report was undertaken by Catchment Simulation Solutions. The report states that the revised building footprint and alterations to the existing ground levels surrounding the building will allow for additional flood storage within the lot which would mean that there will be no adverse impacts to flood levels outside of the development site or to adjacent properties. The report appears to address the original Pre-DA concerns of zero impact to adjacent lots. It is considered that the flood issues have been addressed and, with appropriate conditions of consent, the proposal can be supported.

Stormwater

Several stormwater issues were raised with the original proposal with insufficient information being submitted to undertake a proper assessment. Revised stormwater plans and details were submitted and reviewed by Council's Development Engineer. No further issues were raised with the proposal able to be supported with appropriate conditions of consent.

Side and rear setbacks

The revised plans have been amended such that no balconies encroach within the required side and rear setback areas. This allows means that the proposal now complies with the building separation requirements of the ADG. It is considered that any additional visual and privacy impacts are now satisfied with the revised plans.

Waste Management

Council's Waste Management Officer reviewed the proposal and had requested additional information be submitted with regards to the proposal providing a bulky goods waste storage area and demonstrate that the garbage room in the basement level would comply with Council's construction requirements in relation to cleanliness, ventilation and vermin control. The plans were required to be amended detailing the construction methods of the garbage room as well as whether there was any ventilation and what drainage methods were proposed to be able to clean the garbage room.

The revised plans now show a temporary bulky storage area within the basement and provides garbage chutes on every level. The waste storage room will be constructed in accordance with Council's requirements with a tap provided and non-slip flooring. A condition of consent will also be applied to ensure the waste storage room is constructed to Council's satisfaction.

Subdivision

The proposed development includes strata subdivision with a draft subdivision plan now being submitted to Council. The draft subdivision plan is considered to be satisfactory with conditions of consent applied in regard to the required linen plans to be submitted at a later stage.

Incidental storage

The revised plans now detail every apartment with incidental storage within the units and within the basement levels. The incidental storage that was originally provided on balconies has been removed.

Built Form

The proposed development provides an appropriate design with a range of building materials which reflects the predominant building materials in the local area. The use of painted render and knotwood cladding provides for a low maintenance durable façade which reflects the desired future character of the local area.

The proposed setbacks and massing to the fifth level are also considered to provide two distinct built forms and reduce the overall appearance of visual bulk of the building within the streetscape.

Overall, it is considered the proposed development is consistent with the desired future character for development in the locality.

Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the residential apartment building would contribute to the provision of housing choice within the Campbelltown locality, to meet the housing needs of the local community.

The demolition and construction phases of the development will have minor flow on economic benefits for the locality, through the generation of employment.

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

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

It is considered that the proposed development demonstrates that there would be no adverse impact on the adjoining properties due to the increase flood level risk for adjoining properties as a result of the development as well as sufficient information being submitted in relation to the proposed stormwater drainage of the site. The revised plans have addressed all relevant planning non-compliances and therefore it is considered that the proposal in its current form is appropriate for the site.

4. Public Participation

The amended plans were not required to be re-notified in accordance with Council's Community Consultation Plan.

Conclusion

The subject development application (151/2023/DA-RA) for the demolition of the existing structures, tree removal, lot consolidation and the construction of a 5 storey residential apartment building with strata title subdivision has been assessed against the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Having regard to the issues discussed in this report, it is considered that the application is consistent with the relevant planning controls with regard to the impact of flooding on adjoining properties, compliance with the Apartment Design Guide, Campbelltown Local Environmental Plan 2015 and Council's Sustainable City Development Control Plan. It is therefore considered that the proposal can be supported in its modified form.

Attachments

- 4.1.1 Original Local Planning Panel Report (contained within this report)
- 4.1.2 Recommended Conditions of Consent (contained within this report)
- 4.1.3 Architectural Plans (contained within this report)
- 4.1.4 Landscape Plan (contained within this report)

Local Planning Panel Meeting

26/06/2024

- 4.1.5 Subdivision Plan (contained within this report)
- 4.1.6 Flood Requirements Assessment (contained within this report)
- 4.1.7 Subdivision Plans (due to confidentiality)(distributed under separate cover)
- 4.1.8 Floor Plans (due to confidentiality)(distributed under separate cover)

Reporting Officer

Manager Development Assessment

151/2023/DA-RA**Recommended Conditions of Consent****GENERAL CONDITIONS**

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

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

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.

Plan Detail	Job Number	Version	Prepared by	Date
Site Context / Streetscape	999287-0.1	B	Advanced Architecture & Construction Pty Ltd	February 2024
Existing Streetscape of Palmer Street and Proposed Section through Carlisle St and Palmer St	999287-0.2	B	Advanced Architecture & Construction Pty Ltd	February 2024
Site Analysis	999287-1.1	B	Advanced Architecture & Construction Pty Ltd	February 2024
Demolition Plan	999287-1.2	B	Advanced Architecture & Construction Pty Ltd	February 2024
Site Plan / Roof Plan	999287-1.3	B	Advanced Architecture & Construction Pty Ltd	February 2024
Second Basement Plan	999287-2.1	B	Advanced Architecture & Construction Pty Ltd	February 2024
First Basement Plan	999287-2.2	B	Advanced Architecture & Construction Pty Ltd	February 2024
Ground Floor Plan / Site Plan	999287-2.3	B	Advanced Architecture & Construction Pty Ltd	February 2024
Ground Floor Plan and Schedules	999287-2.4	B	Advanced Architecture & Construction Pty Ltd	February 2024
First Floor Plan and Basix Commitments	999287-2.5	B	Advanced Architecture & Construction Pty Ltd	February 2024
Second Floor Plan and Noise Control Treatment	999287-2.6	B	Advanced Architecture & Construction Pty Ltd	February 2024
Third Floor Plan	999287-2.7	B	Advanced Architecture & Construction Pty Ltd	February 2024
Fourth Floor Plan	999287-2.8	B	Advanced Architecture	February

			& Construction Pty Ltd	2024
Unit Area Plans & Calculations, Solar Access & Cross Flow Ventilations, Storage Calcs	999287-2.9	B	Advanced Architecture & Construction Pty Ltd	February 2024
Floor Area Plans	999287-2.10	B	Advanced Architecture & Construction Pty Ltd	February 2024
Dimensions Sheet and Fencing Plan	999287-2.11	B	Advanced Architecture & Construction Pty Ltd	February 2024
Elevations	999287-3.1	B	Advanced Architecture & Construction Pty Ltd	February 2024
Elevation & Section	999287-3.2	B	Advanced Architecture & Construction Pty Ltd	February 2024
Sections	999287-3.3	B	Advanced Architecture & Construction Pty Ltd	February 2024
Shadow Diagrams	999287-4.1	B	Advanced Architecture & Construction Pty Ltd	February 2024
Roof Drainage Plan	24MB9354/D01 Sheet 1 of 7	A	United Consulting Engineers	14.03.24
Ground Floor Drainage Plan	24MB9354/D01 Sheet 2 of 7	A	United Consulting Engineers	14.03.24
Basement 1 Drainage Plan	24MB9354/D01 Sheet 3 of 7	A	United Consulting Engineers	14.03.24
Basement 2 Drainage Plan	24MB9354/D01 Sheet 4 of 7	A	United Consulting Engineers	14.03.24
Basement Drainage Plan	24MB9354/D01 Sheet 5 of 7	A	United Consulting Engineers	14.03.24
OSD Details	24MB9354/D01 Sheet 6 of 7	A	United Consulting Engineers	14.03.24
Erosion and Sediment Control Plan	24MB9354/D01 Sheet 7 of 7	A	United Consulting Engineers	14.03.24
Subdivision Location Plan	C9721-DSP Sheet 1 of 6		Mark Joseph Castelletti	21.03.24
Subdivision Basement Floor Plan – Level 2	C9721-DSP		Mark Joseph Castelletti	21.03.24

	Sheet 2 of 6			
Subdivision Basement Floor Plan – Level 1	C9721-DSP Sheet 3 of 6		Mark Joseph Castelletti	21.03.24
Subdivision Ground Floor Plan	C9721-DSP Sheet 4 of 6		Mark Joseph Castelletti	21.03.24
Subdivision First and Second Floor Plan	C9721-DSP Sheet 5 of 6		Mark Joseph Castelletti	21.03.24
Subdivision Third and Fourth Floor Plan	C9721-DSP Sheet 6 of 6		Mark Joseph Castelletti	21.03.24
Landscape Plan – Ground Floor Plan	2528.GD.01	E	Greenland Design Pty Ltd	11.03.24
Landscape Details & Specification	2528.GD.02	E	Greenland Design Pty Ltd	11.03.24
Cut and Fill Plan – Volume Calculation	2528.GD.01	1	Geopos Pty Ltd	February 2024
Cut and Fill Plan & Retaining Wall Section Details	A01	1	Ausegy Constructions	18.03.24
Survey Plan	C9721	1	Mark Castelletti Surveying	22.10.21

- Geotechnical Report prepared by J.L Geotechnical, Version 2, dated 15 March 2024.
- Flood Requirements Assessment prepared by Catchment Simulation Solutions, dated 11 March 2024
- Waste Management Plan prepared by ESD Consultants, Version 2, dated 13 February 2024.
- Demolition & Construction Waste Management Plan prepared by ESD Consultants, Version 2, dated 12 March 2023.
- Arboricultural Impact Assessment prepared by Bellevue Tree Consultants, Rev B, dated 7 March 2024.
- Demolition Work Plan prepared by E.S.I Demolition Pty Ltd, Revision A, dated 5 March 2024.
- Traffic Noise Assessment & NCC Assessment prepared by Rodney Stevens Acoustics, dated 13 December 2022.
- Traffic Management Report prepared by Loka Consulting Engineers Pty Ltd, dated 13 October 2022.
- Basix Certificate 1362999M dated 16 December 2022.

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

2. Building Code of Australia

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

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

3. Contract of Insurance (residential building work)

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

This clause does not apply:

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

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

4. Notification of Home Building Act 1989 Requirements

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

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

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

Condition reason: Prescribed condition under Section 71 of the Environmental Planning and Assessment Regulation 2021.

5. Landscaping

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

Trees are to be grown in accordance with the Australian Standard AS2303:2018 Tree Stock for Landscape Use.

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

6. External Finishes

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

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

7. Swimming Pool

The construction and operation of the swimming pool shall comply with the following requirements:

1. The pool shall not be filled with water nor be permitted to retain water until all required safety fencing has been erected in accordance with the provisions of the *Swimming Pools Act 1992, Swimming Pools Regulation 2008 and Australian Standard 1926* and a compliance certificate issued for such by the Principal Certifier.
2. Filter backwash waters shall be discharged to the sewer mains of *Sydney Water* in accordance with *Sydney Water's* requirements. Where *Sydney Water* sewer mains are not available in rural areas, the backwash waters shall be discharged into a 5-metre absorption trench constructed within the confines of the property to the satisfaction of the Principal Certifier.
3. A C.P.R. information resuscitation poster authorised by the *Life Saving Association* is to be displayed within the pool area. Such a poster may be obtained from Council for a prescribed fee.
4. Noise emissions from the filtration equipment must be maintained such that it does not cause a nuisance to adjoining residents.

Condition reason: To comply with legislation and requirements for pool safety.

8. Garbage Room

The garbage storage room identified on the approved plans shall:

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

Condition reason: To provide appropriate waste management facilities.

9. Fencing

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

Condition reason: To ensure that suitable boundary fencing is in place to protect the privacy and amenity of the occupants.

10. Switchboards/Utilities/Air Conditioning Units

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

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

11. Driveway

The driveway width, gradients, basement car park layout and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2* and Council's Engineering Design for Development (as amended) guide.

Driveways may be constructed using decorative paving materials such as pattern stencilled concrete or coloured stamped concrete. The finishes of the paving surfaces are to be non-slip.

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

12. Lighting

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

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

13. Graffiti Removal

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

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

14. Unreasonable Noise, Dust and Vibration

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

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

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

15. Floor Level Controls

The minimum floor level control for all habitable rooms associated with this development is RL 35.10 metres AHD.

Condition reason: To ensure there are no adverse flood impacts.

16. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), Engineering Design Guide for Development guide (as amended) and Campbelltown (Sustainable City) Development Control Plan 2015 (as amended).

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

17. Car Parking Spaces

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

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

18. Rubbish/Recycling Bin Storage

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

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

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

19. Shoring and Adequacy of Adjoining Property

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

1. Protect and support the adjoining premises from possible damage from the excavation, and
2. Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

20. Rain Water Tank/s

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

Condition reason: To reuse rainwater and comply with any BASIX commitments made in the application.

21. Construction Certificate

Before commencement of any works that require a construction certificate:

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

Condition reason: To comply with legislation.

22. Retention of Trees

- Trees 1, 2, 3, 4, and 18 are street trees that have sufficient setback from the proposed development footprint, with no encroachment into their TPZ. These trees are to be protected with TPZ fencing in compliance with AS4970.
- Tree 13 within the subject property is sufficiently set back from the proposed development footprint with a minor encroachment into the TPZ and no encroachment into SRZ. Tree canopy will overhang the development and may require minor (10%) selective pruning to accommodate structural elements. This work must be carried out under the supervision of the project arborist.
- Trees 10, 14, 15 are located within neighbouring properties. Tree 14 has a minor corner encroachment (3.64%) into its TPZ from the proposed development footprint, considered a low level of impact. Trees 10 & 15 have no encroachment into their TPZ from the development footprint. Trees are to be protected with existing boundary fence and ground protection within the subject property refer to Arboricultural Impact Assessment by Bellevue Tree Consultants Appendix G2 & section 7.3.3.

Condition reason: To protect and retain trees.

23. Tree Removal

- Trees 5, 6, 7, 8, 9, 11, 12, 16, 17, 19 and 20 (Total 11) within the subject property and road reserve area are wholly or partially within the footprint of the proposed development and are approved for removal.
- Tree removal shall be performed by a fully insured and qualified arborist with a minimum AQF level 3 qualification in arboriculture.
- All works performed must not damage any adjacent trees to be retained.
- The works must be undertaken in compliance with Safe Work Australia's – Guide to Managing Risks of Tree Trimming and Removal Work.
- Stump grinding must not be performed within 5 metres of any retained tree.
- Any ropes used to lower branches shall not be placed over any part of trees to be retained without the appropriate trunk or branch protection.

Condition reason: To permit tree removal.

24. Tree Protection

- Install and maintain tree protection measures for trees 1, 2, 3, 4, 10,13,14,15,18,19,20 as outlined in Arboricultural Impact Assessment by Bellevue Tree Consultants Appendix G2, Tree protection plan and Section 7, Arboricultural method statement and in compliance with AS 4970-2009 Protection of trees on development sites.
- No trees or vegetation are to be cut down, lopped, destroyed or removed without the separate written approval of Council.
- All works within proximity to existing trees or vegetation are to comply with Australian Standards AS4970 - Protection of Trees on Development Sites:
 - a. All compound/ stockpile, laydown, vehicle park up and amenities shall be located in cleared areas and beyond the dripline of existing trees
 - b. Prior to the commencement of any works, the area required for site access will be clearly demarcated to ensure there is no damage to native vegetation outside of the development impact zone.

Condition reason: To protect and retain trees.

25. Acoustic Report

The noise control treatments outlined in Traffic Noise and NCC Assessment report RSA; Section 5.2 and 5.3 Glazing are to be implemented at all times.

The apartments are to be constructed in accordance with the National Construction Code Acoustic Requirements to minimise sound transmission between adjoining sole-occupancy premises and also from common spaces into sole-occupancy premises, as outlined in Traffic Noise and NCC Assessment report RSA; Section 6 and Appendix E

Noise emissions criteria for mechanical plant have not been established and will require a noise survey assessment once the mechanical plan schedules are available.

Condition reason: To ensure there are no adverse noise impacts.

26. Waste Management Plan Implementation

The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.

Condition reason: To ensure appropriate waste management processes are implemented at all times.

27. Ongoing Maintenance

The Owner's Corporation is responsible for the ongoing maintenance, repair and replacement of all equipment related to waste management in the development including waste chutes, compaction equipment and turntables if applicable. This also includes ensuring that mobile garbage bins (MGBs) are kept clean.

Condition reason: To ensure appropriate waste management processes are maintained.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

28. Utility Servicing Provisions

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

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

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

29. Demolition of Existing Dwelling

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the existing dwellings on the properties shall be demolished and all materials removed from the site.

Condition reason: To comply with Council's requirements.

30. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a comprehensive geotechnical engineering report prepared and undertaken by a professional geotechnical engineer from a NATA registered laboratory, shall be submitted to the satisfaction of the appointed registered certifier.

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

- a. An overall assessment of all approved architectural and construction engineering plans for the proposed development (Building and site civil works) and suitability in relation to the site's geotechnical characteristics, and compliance with requirements outlined in the BCA, Campbelltown City Council's (Sustainable City) Development Control Plan and Engineering Design for Development guide.
- b. Identify land that will be subject to subsidence, slip, slope failure or erosion, where; excavation and/or filling exceeds 900mm in depth or is identified as filled land.
- c. Preferred excavation/retention/stabilisation techniques and suitability of excavated materials for use in on-site earthworks.
- d. Construction methods to avoid problem areas associated with loose materials and groundwater seepage.
- e. Requirements for surface and subsurface drainage lines.
- f. Analysis of the level of risk to all existing adjacent structures/buildings, including the scenario of vibratory rollers and other large earthworks machines used anywhere within the site the subject of these works. In the event that the proposed development, its construction, and use of vibratory rollers or other machinery could affect adjacent structures/buildings, high risk areas and method of mitigation must be identified on a plan and discussed in the report. This analysis shall include outlining the potential for possible damage to adjoining premises from excavation on the site and specifying safe method(s) of underpinning the adjoining premises to prevent such damage.
- g. Recommended treatment of any unstable areas within privately owned allotments surrounding the site the subject of these works.
- h. Impact of the installation of services on overall site stability and specify recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during construction.
- i. Specification of foundation conditions and footing requirements of the site, such as bearing pressures, pile design parameters, special techniques for expansive clays, saline soil conditions etc, and provide solutions for consideration of structural and civil engineers. Note Campbelltown is known for significant soil salinity issues, and footing design shall assume maximum salinity potential foundation soils, providing recommended design and mitigation strategies.

- j. Recommendations for footing design and prevention of adverse impacts to building footings and foundation from existing and proposed landscape vegetation and large trees proposed adjacent the buildings. Geotechnical engineer to collaborate with the applicant's arborist, civil and structural engineers.
- k. Extent and stability of any existing and proposed embankments.
- l. All required Geotechnical testing requirements.
- m. Level of geotechnical supervision required for each part of the works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments.

Condition reason: To inform the certifier of any structural design requirements for the approved building works.

31. Soil and Water Management Plan

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

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

32. Traffic Control Plans

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

Condition reason: To maintain safe and adequate management of vehicular and pedestrian traffic.

33. Dilapidation Report

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all structures (both internal and external), including ancillary structures located on land adjoining the site located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify all services and public infrastructure that are within the zones of influence.

The dilapidation reports must be completed and submitted to Council and the appointed registered certifier prior to issuing a construction certificate.

Condition reason: To establish and document the structural condition of buildings on adjoining properties prior to work commencing.

34. Work on Public Land

Prior to Council or the appointed Principal 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 a compliance certificate, approving the works, shall be obtained from Council, prior to the principal certifying authority issuing an occupation certificate.

Access driveways (footpath crossing), kerb laybacks, kerb and gutter, stormwater drainage and connections, street tree relocation or removal and other civil works required as part of the development within a public road reserve must be designed and constructed in accordance with Council standard requirements and drawings.

Condition reason: To ensure that work on public land is undertaken with approval.

35. Design for Access and Mobility

Prior to Council or the appointed Principal Certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

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

36. Telecommunications Infrastructure

1. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
2. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

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

37. Sydney Water

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

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

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

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

38. Architectural Finishes Validation Statement

A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Services.

Condition reason: To ensure that the architectural design of the building as approved is constructed.

39. Section 7.11 Contribution

Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$439,472.11** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

Open space and recreation facilities	57% of total
Community facilities	16.4% of total
Traffic, transport and access facilities	16.1% of total
Cycleways	5.6% of total
Town centre public domain facilities	3.5% of total
Plan management and administration	1.4% of total
Total	\$439,472.11

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

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\frac{\$CC \times CPI_P}{CPI_C}$$

Where:

- \$CC is the contribution amount shown in this certificate expressed in dollars.
- CPI_P is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution.
- CPI_C is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate - **137.7 – Mar 2024**.

Time for payment

The contribution must be paid to the release of the construction certificate for any works authorising construction above the floor level of the ground floor.

Works in kind agreement

This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.

How to make the contribution payment

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

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

40. Construction Traffic Management Plan

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a comprehensive Construction Traffic Management Plan (CTMP) shall be prepared by a Department of Fair-Trading accredited person with a Prepare a Work Zone qualification and be submitted to the satisfaction of the appointed registered certifier.

The CTMP shall provide, but not be limited to, the following traffic, vehicle and development related activities, internal and external to the site, for Council's information and to assist with S138 road occupancy, standing plant and S138 Civil Works applications and approvals:

- a. Day to day management of all development related construction traffic and staff, visitor and public pedestrian movements in and around the site.
- b. Method of daily log book keeping to record all construction traffic activities and movements, including waste and fill certification for review and approval by the sitesuperintendent,
- c. External heavy vehicle movements, parking/standing arrangements, and proposed routes. Traffic Control Plans for each stage of development in accordance with the State Roads Authority manual "Traffic Control at Work Sites "and Australian Standard AS 1742 (as amended). A colour copy of approved TCPs shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records. It is anticipated that TCP's will be revised during the construction phase of development, and approval obtained from the relevant roads authority.
- d. Internal site vehicle movements.
- e. Number of trucks/machinery and their related movements.
- f. Location of truck/machinery maintenance and storageareas.
- g. Hours of operation.
- h. Access arrangements.
- i. Methods to mitigate impacts of construction traffic on internal and external pedestrian and local traffic activity.
- j. Removal of soil/rock/spoil/vegetation from the site and delivery of materials.
- k. Method(s) of briefing/informing all staff, construction workers, sub-contractors, supervisors, visitors, and relevant public adjacent to the site to ensure that the CTMP procedures are adhered to at all times.

Condition reason: To maintain safe and adequate management of vehicular and pedestrian traffic.

41. Retaining Structures

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a detailed engineering design and construction plan shall be prepared by a professional engineer registered on the NER with relevant qualifications and experience, for all proposed retaining structures.

All retaining structures adjacent to existing or future public infrastructure shall be constructed of a masonry material and shall be constructed wholly within the property boundary, including footings and agricultural drainage lines. No encroachments within land to be dedicated to Council is permitted.

Condition reason: To comply with engineering standards.

42. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a detailed stormwater drainage design plan and associated design report prepared by an experienced and qualified professional civil or hydraulics engineer registered on the NER, shall be submitted to the satisfaction of the appointed registered certifier.

The plan and report shall clearly demonstrate:

- a. general compliance with the approved stormwater plan outlined in condition 1 of this consent.
- b. compliance with geotechnical and structural engineering requirements outlined in any engineering report/investigation that has been submitted to support the development or to comply with conditions of this consent required to be met for issue of the construction certificate.
- c. details of all hydrologic and hydraulic engineering design, calculations, HGL analysis and assumptions made in relation to site regrading, collection and disposal of stormwater from

- the site, building/s and adjacent sub-catchments to the approved point of discharge. Where third party proprietary software is used to model design stormwater events, full model setup details including parameters, assumptions made, calibration, validation, and sensitivity analysis shall be provided in the engineering report. Copies of all model files shall be submitted with the plan and report.
- d. no adverse impacts to surrounding properties for stormwater behaviour up to and including the 1% AEP storm event.
 - e. minor and major stormwater flows for all storm events up to and including the 1% AEP event shall be safely conveyed by gravity through the site to the approved point of discharge. Formalised overflow drainage paths shall be provided to cater for any surcharge from the existing and proposed underground stormwater drainage system, overland flow up to and including the 1% AEP storm event, including adequate freeboard to all building floor levels, basement parking facility, and prevent ponding of stormwater against the buildings or entering into the basement carpark.
 - f. management and disposal of all stormwater and groundwater, connection from the site's drainage system into Council's existing stormwater drainage network to the fronting road reserve (including augmentation of any existing line), existing and finished ground and surface levels, all pervious and impervious areas, estimated surface and pipe flow rates, velocities, invert levels, clearances between other services, and sizes of all pipelines.
 - g. no long-term ponding of water on site.
 - h. hydraulic and structural design and construction details of rainwater tanks(s), on-site detention/retention tank(s), and any water harvesting systems, including but not limited to dimensions, materials, overflow discharge path to safe overland flow path or pipe system designed to cater for 1% AEP stormwater flows, and associated pump and pipe system details for irrigation purposes.

Condition reason: To ensure that water is captured and disposed of lawfully and in accordance with engineering standards.

43. On-Site Detention

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a detailed design plan and associated design report for the on-site detention (OSD) system prepared by an experienced and qualified professional civil or hydraulics engineer registered on the NER, shall be submitted to the satisfaction of the appointed registered certifier.

The applicant shall note in the Strata Management documentation that the ongoing maintenance of the on-site detention facility is the responsibility of the Strata Corporation. An Operation and Maintenance Manual shall be submitted to Council for its record prior to the issue of a construction certificate.

The OSD system must comply with the requirements detailed in Council's Engineering Design for Development (as amended) guide.

Condition reason: To ensure that water is captured and disposed of lawfully and in accordance with engineering standards.

44. Basement Operation and Car Parking Layout

Prior to Council or the appointed Principal Certifier issuing a construction certificate, engineering design plans and a design report for the basement car parking layout shall be submitted to the satisfaction of the appointed registered certifier.

The driveway width, gradients, basement car park spaces, layout and manoeuvring areas must be designed in accordance with Australian Standard 2890 and Council's Engineering Design for Development (as amended) guide.

Condition reason: To ensure that car parking is in accordance with the relevant Australian Standards.

45. Consolidation of Allotment

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit a copy of the plan which consolidates the allotments that are the subject of the development application prior to registration at the *NSW Land Registry Services*.

Condition reason: To ensure that the building is constructed on one lot and to promote orderly development as per objective 1.3(c) of the EP&A Act.

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.

46. 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.

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

47. Erection of Construction Sign

Prior to the commencement of any works on the land, signs must be erected in prominent positions on the site:

1. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
2. Stating that unauthorised entry to the work site is prohibited
3. Pollution warning sign promoting the protection of waterways (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)
4. Stating the approved construction hours in which all works can occur
5. Showing the name, address and telephone number of the principal certifier for the work.

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

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

48. 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:

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

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

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

49. 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.

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

50. 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.

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

51. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

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

52. 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.

Condition reason: To confirm requirements for works over Council land.

53. Demolition Works

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

1. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 - The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
2. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
3. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

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

Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

54. Hoarding / Fence

Before 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.

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

55. Geotechnical Reference

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the appointed Principal Certifier. The designing structural engineer shall also nominate a site classification in accordance with *AS2870 – Residential Slabs and Footings*.

Condition reason: To inform the Principal Certifier of any structural design requirements for the approved building works.

56. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifier of all details prepared by a practicing structural engineer.

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

57. Demolition of Existing Dwelling

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

Condition reason: To ensure that any buildings approved to be removed do not remain on the site.

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.

58. Construction Work Hours

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

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

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

59. Erosion and Sediment Control

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

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

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

60. 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.

Condition reason: To comply with legislative requirements and minimise impacts on traffic safety and efficiency.

61. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

Condition reason: To protect and retain existing trees.

62. Fill Compaction Requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least 1 test shall be taken for every 500m² of the filled area (minimum 1 test per 300mm layer).

Condition reason: To ensure any fill material is suitably compacted.

63. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the Landcom's Managing Urban Stormwater: Soils and Construction, Volume 1 (the Blue Book). Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

Note: Council may impose significant financial penalties for any non-compliance with this requirement without any further notification or warning.

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

64. Certification of Location of Building during Construction

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

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

65. Certification of Location of Building upon Completion

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

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

66. Certification of Levels of Building during Construction

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

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

67. Termite Control

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

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

68. 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.

Condition reason: To ensure that the levels of the land remain consistent with the approved plans.

69. 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), Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Development (as amended), and the approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with Australian Standard 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 Australian Standard AS 3798.

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

70. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with Australian Standard 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.

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

71. 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. Council's Engineering Design for Development (as amended) guide;
- c. Council's applicable Development Control Plan;
- d. Landcom's Managing Urban Stormwater: Soils and Construction, Volume 1 (the Blue Book);
- e. TfNSW Traffic Control at Work Sites Technical Manual;
- f. Australian Standard AS 2890 various (Parking Facilities);
- g. Australian Standard AS 1742 various (Manual of uniform traffic control devices); and
- h. Other relevant Australian Standards, Austroads and/or State Government publications.

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

72. Footpath

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

Condition reason: To provide satisfactory pedestrian access.

73. Commercial Footpath Crossing and Layback Crossing

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

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

Condition reason: To provide satisfactory pedestrian access.

74. 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.

Condition reason: To ensure that work on public land is undertaken with approval in accordance with Councils requirements.

75. Redundant Laybacks

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

Condition reason: To ensure any redundant infrastructure is removed.

76. Demolition Work/Plan

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

Condition reason: To ensure demolition works are carried out in accordance with the relevant Australian Standards.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

77. Section 73 Certificate

Prior to the Council or appointed Principal Certifier issuing an occupation certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

Condition reason: To ensure all essential services are provided.

78. Structural Engineering Certificate

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

Condition reason: To ensure the structural integrity of the building.

79. Completion of External Works Onsite

Prior to the principal certifier 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 certifier.

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

80. Restriction on the Use of Land

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, the applicant shall engage a registered surveyor or equivalent professional to create appropriate easements, covenants and restrictions on the use of land in accordance with the Conveyancing Act and Council's Engineering Design for Development guide. The applicant shall liaise with Council's duty Development Engineer for standard wording of these instruments.

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 Campbelltown City Council. 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.

Condition reason: To ensure appropriate restrictions are applied to facilitate the development.

81. Final Inspection – Works as Executed Plans

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, the applicant shall submit to Council an electronic copy of fully marked up and certified work as executed plans in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design for Development (as amended) guide.

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

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3.m between adjacent points within the above mentioned 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 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 levels 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.

Condition reason: To comply with engineering standards.

82. Restoration of Public Roads

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, any restoration of the public road pavement required as a result of the development, shall be carried out by Council and all costs shall be paid by the applicant.

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

83. Public Utilities

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

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

84. Service Authorities

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

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

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

Condition reason: To ensure essential services are provided for the development.

85. Retaining

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

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

86. Termite Protection

Prior to the appointed principal certifier issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

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

87. BASIX

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

Condition reason: To confirm BASIX commitments have been provided.

88. Council Fees and Charges

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

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

89. Certification of Retaining Structures

Prior to Council or the appointed Principal Certifier issuing a subdivision certificate, all retaining structures shall be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design. An electronic copy of all documentation shall be submitted to Council for its records.

Condition reason: To comply with engineering standards.

90. Positive Covenant

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, a positive covenant and appropriate restriction on the use of land under Section 88B of the Conveyancing Act over the constructed OSD facility shall be created.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be Campbelltown City Council.

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.

Condition reason: To ensure that water is captured and disposed of lawfully and in accordance with engineering standards.

91. Compliance Certificate for Work on Public Land

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, the applicant shall obtain a Compliance Certificate from Council approving all the works carried out on public land.

Condition reason: To ensure approval is obtained for any work on public land.

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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

92. Lot/House Numbers

Prior to Council or the appointed Principal Certifier issuing a subdivision certificate all lot/house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

Condition reason: To ensure property details are clearly visible from the street for emergency services.

93. Subdivision Certificate

Prior to Council or the appointed Principal Certifier a subdivision certificate, a final occupation certificate is required to be issued for all buildings on the land.

Condition reason: To ensure the building has been constructed in accordance with the conditions of this consent.

94. Council Fees and Charges

Prior to the appointed Principal Certifier 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.

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

ENDEAVOUR ENERGY

The following conditions from Endeavour Energy shall be complied with at all times:

95. Asset Planning

Applicants should not assume adequate supply is immediately available to facilitate their proposed development.

Condition reason: To comply with Endeavour Energy requirements.

96. Before you Dig

Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.

Condition reason: To comply with Endeavour Energy requirements.

97. Demolition

All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.

Condition reason: To comply with Endeavour Energy requirements.

98. Earthing

The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.

Condition reason: To comply with Endeavour Energy requirements.

99. Emergency Contact

Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.

Condition reason: To comply with Endeavour Energy requirements.

100. Flooding

Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Condition reason: To comply with Endeavour Energy requirements.

101. Network Asset Design

Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.

Condition reason: To comply with Endeavour Energy requirements.

102. Network Connection

Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition reason: To comply with Endeavour Energy requirements.

103. Prudent Avoidance

Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.

Condition reason: To comply with Endeavour Energy requirements.

104. Public Safety

Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.

Condition reason: To comply with Endeavour Energy requirements.

105. Removal of Electricity

Permission is required to remove service / metering and must be performed by an Accredited Service Provider.

Condition reason: To comply with Endeavour Energy requirements.

106. Safety Clearances

Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.

Condition reason: To comply with Endeavour Energy requirements.

107. Service Conductors

Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.

Condition reason: To comply with Endeavour Energy requirements.

108. Streetlighting

Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.

Condition reason: To comply with Endeavour Energy requirements.

109. Sustainability

Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.

Condition reason: To comply with Endeavour Energy requirements.

110. Swimming Pools

Whenever water and electricity are in close proximity, extra care and awareness is required.

Condition reason: To comply with Endeavour Energy requirements.

111. Vegetation Management

Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

Condition reason: To comply with Endeavour Energy requirements.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other

relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Advice 1. Swimming Pools - Limit evaporation and save water

To limit evaporation and save water, Council encourages that you investigate placing a pool blanket over the swimming pool.

Advice 2. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 3. Buried Waste

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

Advice 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 rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 5. Inspections - Civil Works

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

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

Advice 6. Inspection within Public Areas

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

Advice 7. Adjustment to Public Utilities

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

Advice 8. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted for Council's assessment through the NSW Planning Portal:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed
- A copy of each required service authority certificate
- A draft plan administration sheet (including subdivision certificate)
- A draft deposited plan/ strata plan (if required) drawing
- A Section 88B instrument (where required), and
- A letter from the registered owner providing owners consent for subdivision application.

NSW Planning Portal <https://www.planningportal.nsw.gov.au/>

Upon Council's direction, the applicant must supply three final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the Surveying and Spatial Information Regulation 2017.

Advice 9. HOW Insurance or Owner Builders Permits

Must be submitted to Council prior to the commencement of works. Failure to do so will prevent council from inspecting works.

Advice 10. Asbestos Warning

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

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

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

Advice 11. 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 three 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 three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *NSW Biosecurity Act 2015* or included within the NSW Governments Greater Sydney Strategic Management Plan 2017-2022.

Advice 12. Smoke Alarms

All NSW residents are required to have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the appointed Principal Certifier a certificate certifying compliance with AS 3000 and AS 3786.

Advice 13. Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Advice 14. 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.

Advice 15. Waste-Derived Material

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

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

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

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

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

See Part 1, Clause 3B.

Advice 16. Bonds and Bank Guarantees

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

Advice 17. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

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) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 18. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 19. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Advice 20. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted for Council's assessment through the NSW Planning Portal:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed
- A copy of each required service authority certificate
- A draft plan administration sheet (including subdivision certificate)
- A draft deposited plan/ strata plan (if required) drawing
- A Section 88B instrument (where required), and
- A letter from the registered owner providing owners consent for subdivision application.

NSW Planning Portal <https://www.planningportal.nsw.gov.au/>

Upon Council's direction, the applicant must supply three final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the Surveying and Spatial Information Regulation 2017.

Advice 21. Linen Plan Checking Fee

Where Council is the principal certifier 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 for each lot of the subdivision including any residue lots.

Advice 22. Salinity

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

Advice 23. Swimming Pool Owner's Responsibility

- a. A securely fenced pool is no substitute for responsible adult supervision. When children are in or around a swimming pool they should always be responsibly supervised.
- b. Since October 2013 Swimming pool owners are required, under the provisions of the Swimming Pool Act, to register their swimming pools online on the NSW Swimming Pools Register.

A penalty (currently \$220) may apply to owners who fail to register their pool.

For further information visit the Department of Local Government website www.dlg.nsw.gov.au or Campbelltown City Council website www.campbelltown.nsw.gov.au.

- c. As from 29 April 2016, owners of properties with a swimming pool are required under the relevant provisions of the *Swimming Pools Act* to:
 - If selling a property - obtain either a valid Certificate of Compliance, Certificate of Non-Compliance or Occupation Certificate (as applicable) prior to sale of their property; or
 - If leasing a property - obtain a valid Certificate of Compliance or Occupation Certificate (as applicable) prior to lease of their property.

For further information visit the Department of Local Government website www.dlg.nsw.gov.au or Campbelltown City Council website www.campbelltown.nsw.gov.au.

END OF CONDITIONS



'PALMER GARDENS' SIGN TO BE ADDED TO THE EDGE OF THE AWNING

Photomontage

Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
 6 & 8 Palmer St, Ingleburn

Submitted Architect: Noura Yammine NSWARB Reg No: 51132
 Email: nyammine@advancedarchitecture.com.au Mob: 0415 515 125
 Scale: @ A1 Drawn by: MM
 Date: February 2022 Rev: C (June 2024)
 Figures dimensions to be taken in preference to text
 14 South Valley St, Cammerlang NSW
 Drawing No: 996287-01

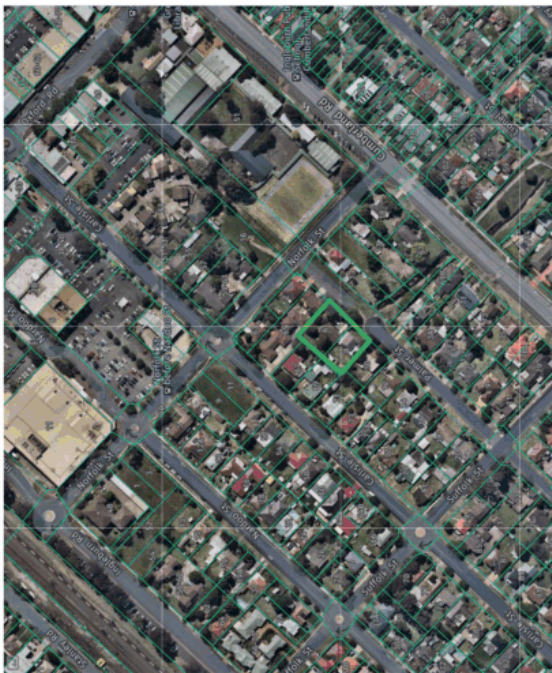


3D Perspective- Rear View

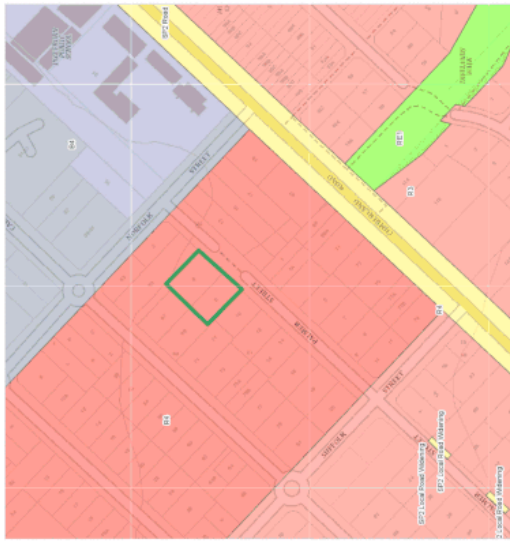
Advanced Architecture & Construction Pty/Ltd
Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
Nominated Architect: Noura Yammine NSWARB Reg No: 51132
Email: nyammine@advancedarchitecture.com.au Lic: 2415 513 125
Scale: @ A1 Drawn by: M.M
Date: February 2022 Rev: C (June 2024)
Figures dimensions to be taken in preference to text
© 2022 Advanced Architecture Pty Ltd Drawing No: 896287-0.2

Registered Designer Record			
Project Address	6 & 8 Palmer St, Ingleburn		
Project Title	Proposed Residential Flat Building		
Contact No.	8033 Corporate Way VIC		
Drawing Title	Architectural Drawings		
Drawn by	Shirley Lee (Architect)		
Check by	Shirley Lee (Architect)		
Rev	Description	DP Full Name	Reg No
A	01.12.22	SHIRLEY LEE	2007000122
B	01.12.22	SHIRLEY LEE	2007000122
C	01.12.22	SHIRLEY LEE	2007000122

AERIAL MAP (Source Near Maps 2022)



ZONE MAP - R4 High Density Residential (Source NSW Planning Portal)



HEIGHT OF BUILDING MAP (Source LEP Maps)
Maximum Building Height (m) 0 15m

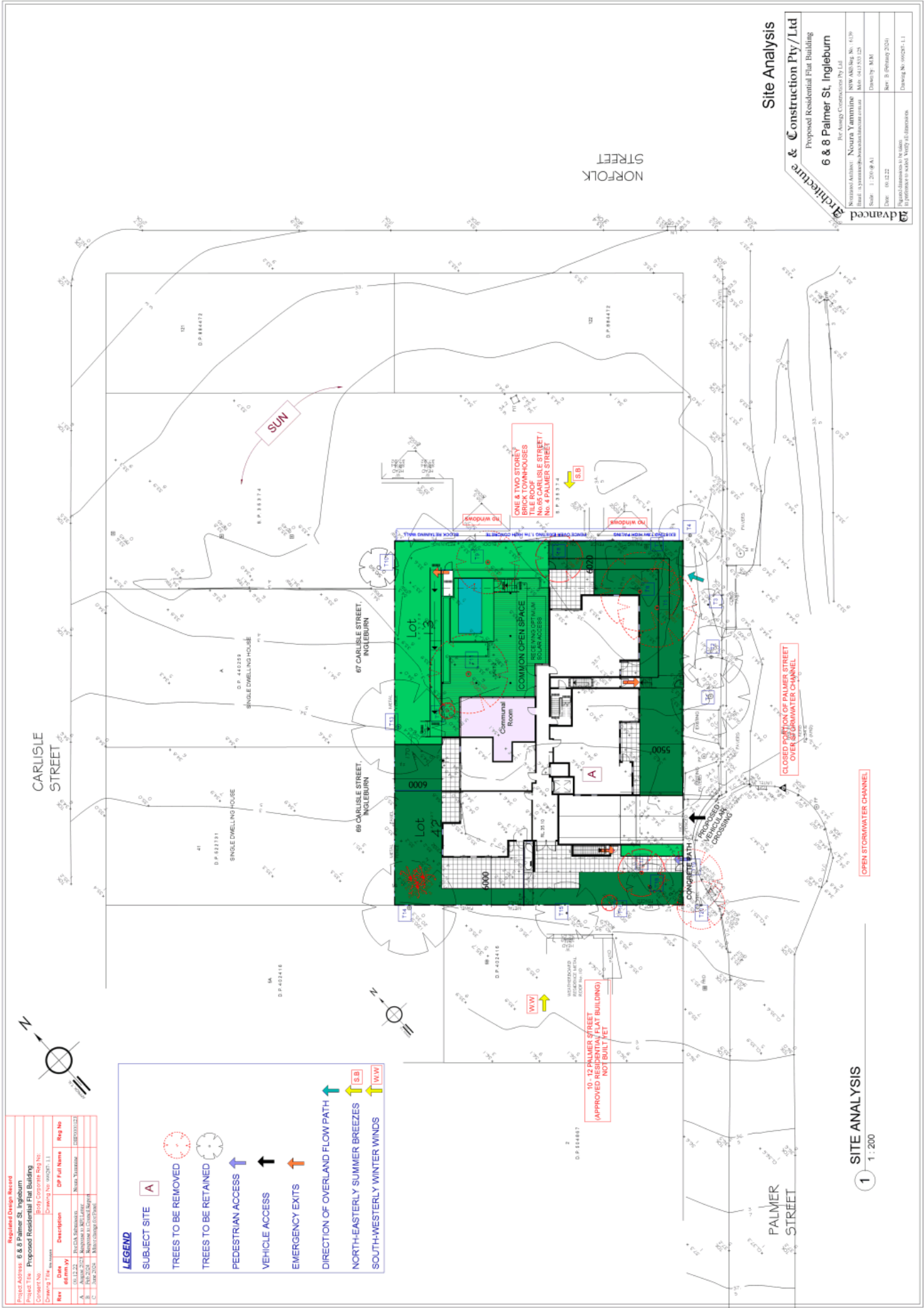


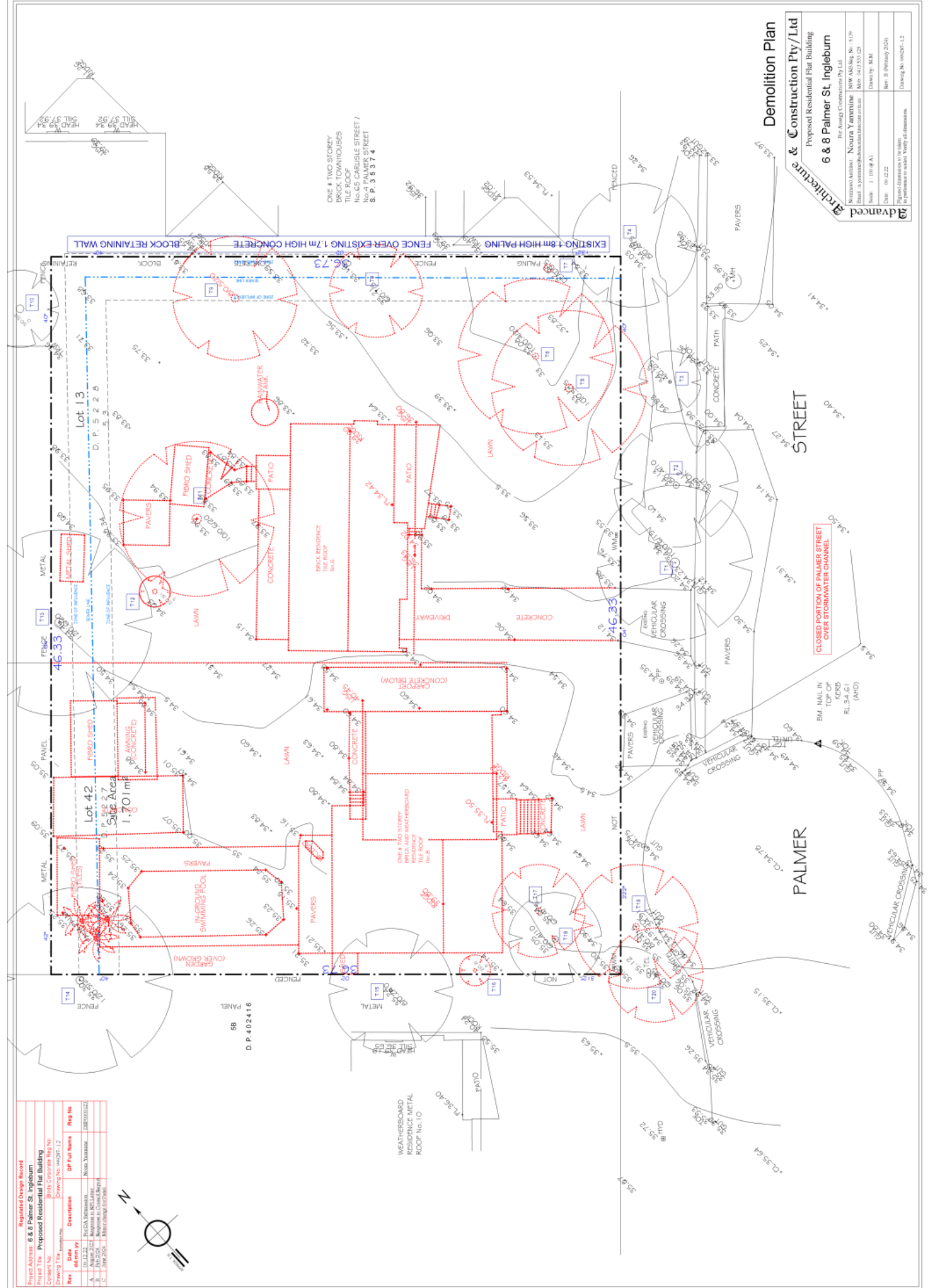
1 PROPOSED STREETSCAPE ELEVATION - South - East (Facade)

1 : 250

Site Context / Streetscape

Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
 The Always Collaborative Pty Ltd
 Registered Architect: Noura Yaminine NSW ARB Reg. No: 61206
 Email: n.yaminine@alwaycollaborative.com.au Mob: 0411 651128
 Name: I. 2518 A.I. Drawn by: M.M.H.
 Date: 06.02.22 Site: C (June 2024)
 Project Commissioned by: Ingleburn City Council Drawing No: 000274-01.1
 Made Visible by: Ingleburn



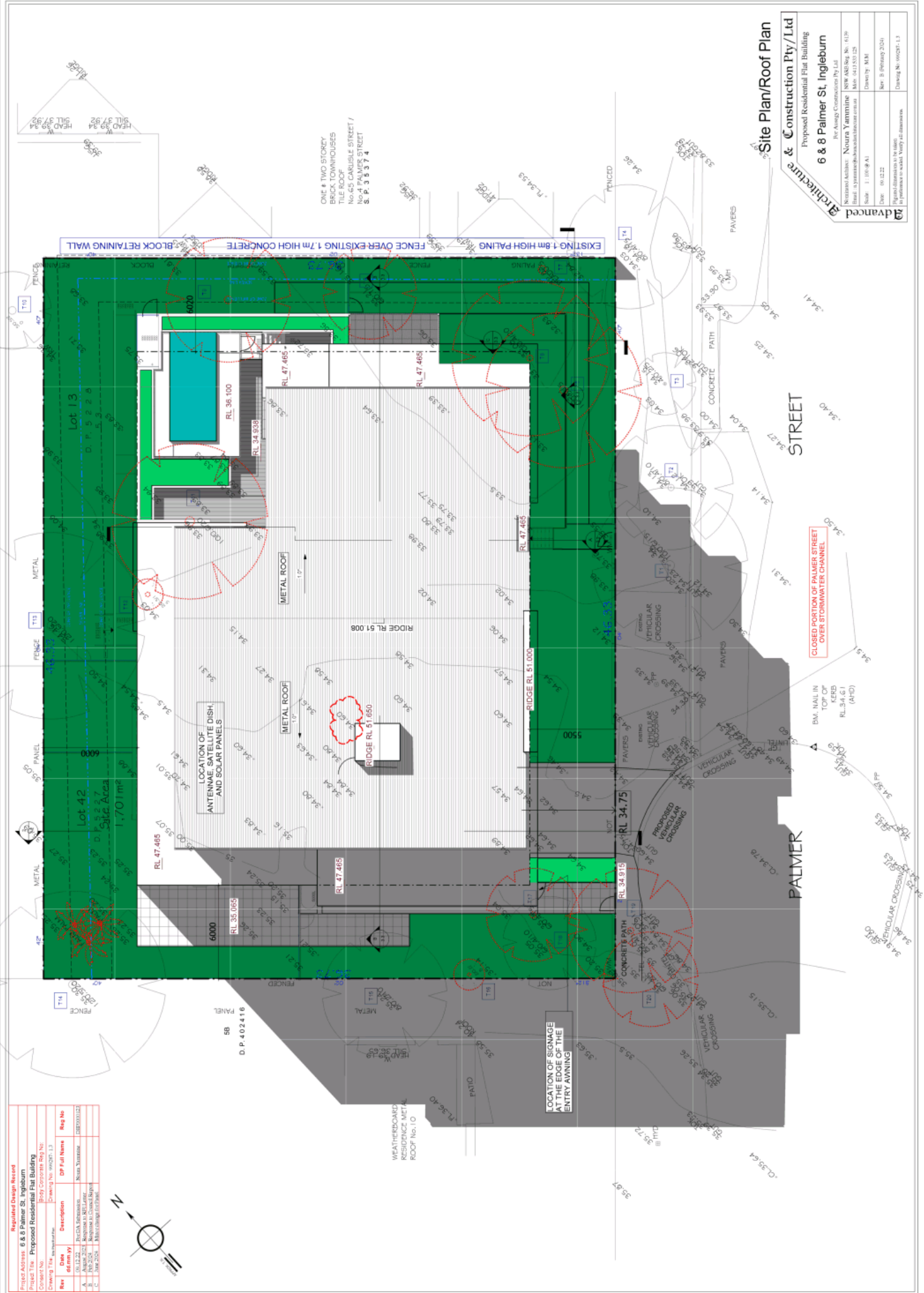


Registered Design Record

Project Address: 6 & 8 Palmer St, Ingleburn
 Project Title: Proposed Residential Flat Building
 Consent No: 8030 Corporate 189 No
 Drawing Title: Demolition Plan
 Drawing No: 110108 A1

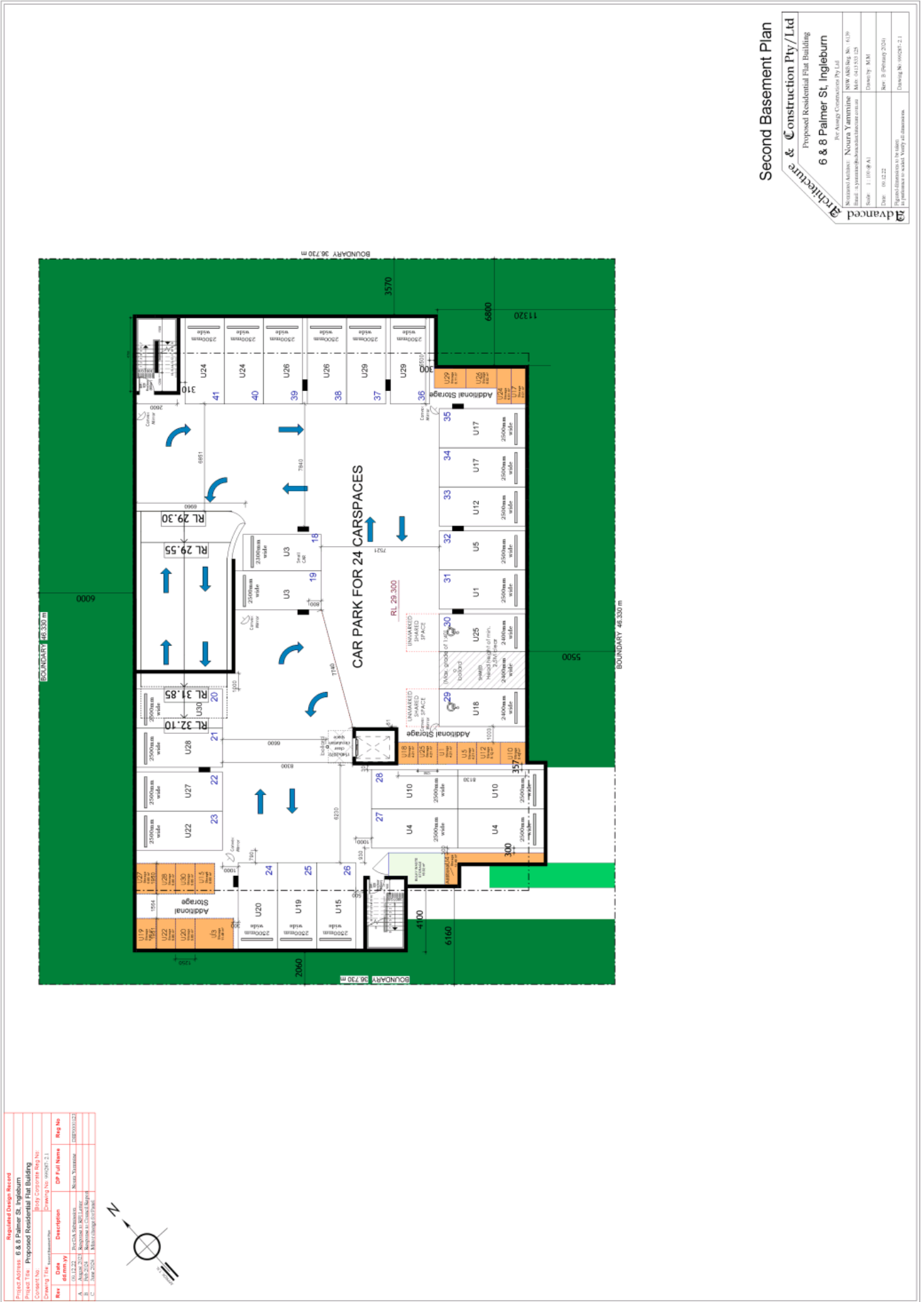
Rev	Description	DP Full Name	Reg No
A	04.12.22	NUCA Structures	280000022
B	04.12.22	Response to RFL Letter	280000022
C	04.12.24	Minor changes for Panel	280000022

Demolition Plan
Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
 The Always Construction Pty Ltd
 Registered Architect: Noura Yaminine
 NSW AEC Reg. No: 61206
 Email: n.yaminine@alwaysconstruction.com.au
 Mobile: 0411 633 125
 Name: N. Yaminine
 Design: M.M.
 Date: 06.02.22
 Site: 8 February 2024
 Project: 110108 A1
 Drawing No: 110108 A1.2

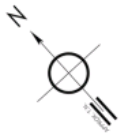


Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
 The Always Construction Pty Ltd
 Nouria Yaminine
 NSW ABE Reg. No: 61206
 Email: n.yaminine@alwaysconstruction.com.au
 Mobile: 0412 633 128
 State: NSW
 Director: M.M.
 Date: 06/02/22
 Site: 6 & 8 Palmer St, Ingleburn
 Drawing No: 000001-L1

Registered Design Record				
Project Address: 6 & 8 Palmer St, Ingleburn				
Project Title: Proposed Residential Flat Building				
Contract No: 8033 Corporate 509 No				
Drawing Title: Final Design				
Drawing No: 000001-L1				
Rev	Date	Description	DP Full Name	Reg No
A	06/12/22	Final Design	Nouria Yaminine	280000122
B	06/12/22	Response to RFL Letter	Nouria Yaminine	280000122
C	06/02/24	Minor Changes to Plans	Nouria Yaminine	280000122

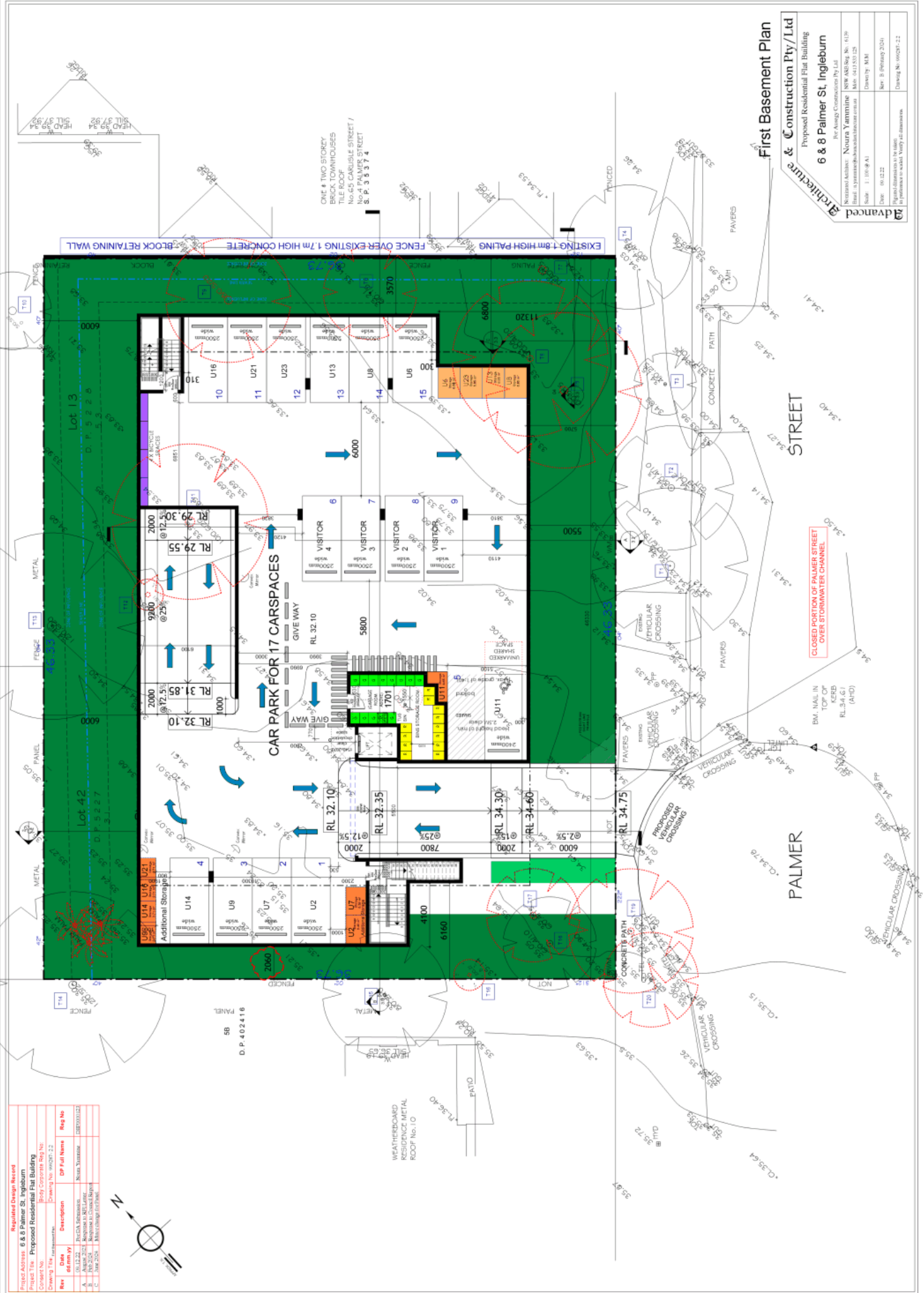


Rev	Description	DP Full Name	Reg No
1	As Issued	Noura Yammine	280000122
2	Revised to include structural details	Noura Yammine	280000122
3	Revised to include structural details	Noura Yammine	280000122
4	Revised to include structural details	Noura Yammine	280000122
5	Revised to include structural details	Noura Yammine	280000122



Second Basement Plan

Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
 For Always Construction Pty Ltd
 Structural Architect: Noura Yammine NSW ARB Reg. No: 61206
 Email: n.yammine@advancedarchitecture.com.au
 Phone: 02 9514 5312
 Fax: 02 9514 5311
 Website: www.advancedarchitecture.com.au
 Date: 06/08/24
 Scale: 1:100 @ A1
 Drawing No: 000021-2.1

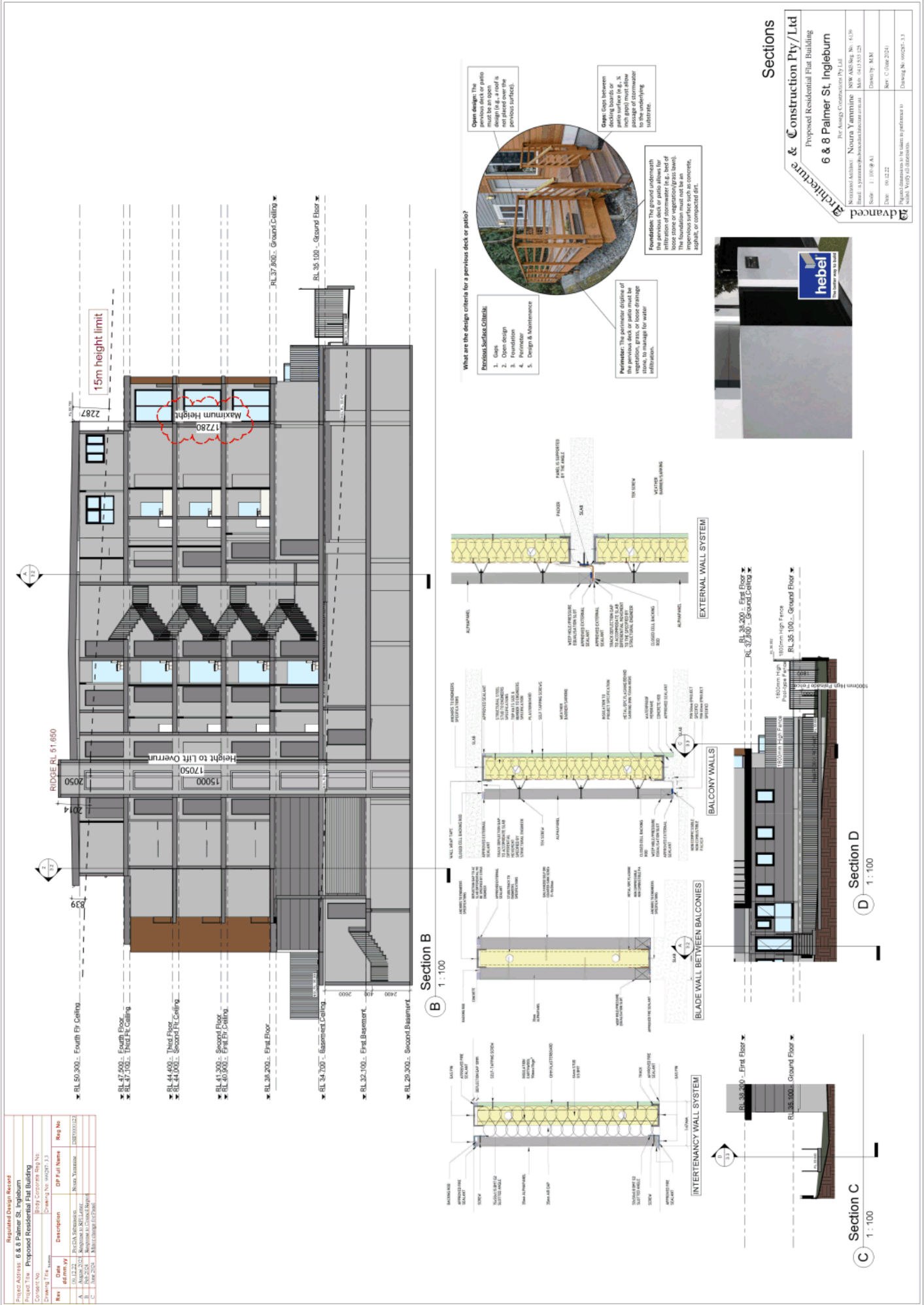


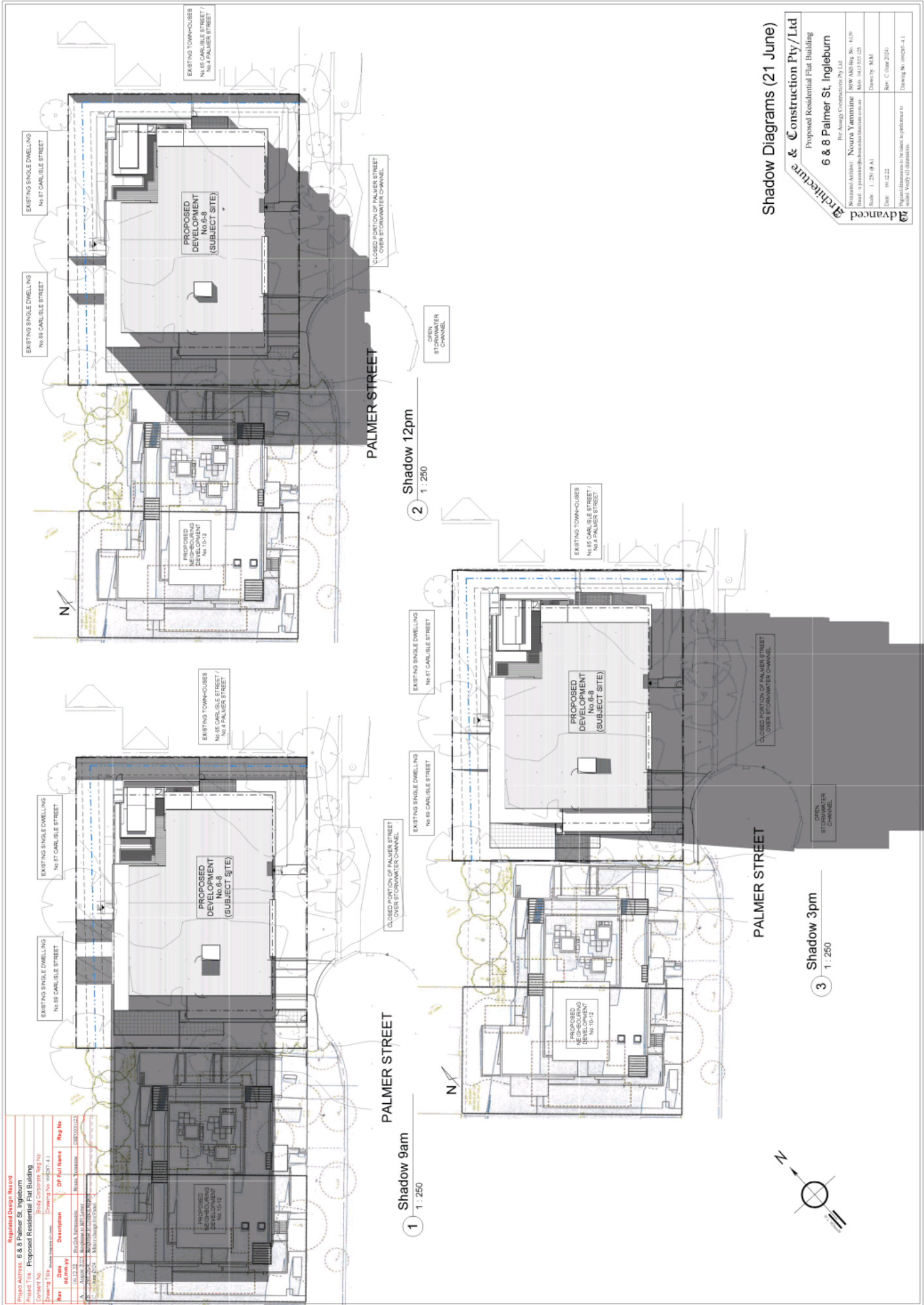
Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
6 & 8 Palmer St, Ingleburn
 The Always Construction Pty Ltd
 NSWARS Reg. No: 61206
 Email: info@thealwaysconstruction.com.au
 NSWARS Reg. No: 61206
 Director: M.M.
 Date: 06/02/22
 Site: 6 Palmer St, Ingleburn
 Drawing No: 000017-22

Registered Design Review			
Project Address:	6 & 8 Palmer St, Ingleburn		
Project Title:	Proposed Residential Flat Building		
Contract No:	8030 Contract 109 No:		
Design File Path:	Design File Path: 000017-22		
Rev	Description	DP Full Name	Reg No
A	00.12.22 - RVCDA Submission	Nousa, Nourine	1287000122
B	01.03.24 - Response to RVL Letter	Nousa, Nourine	1287000122
C	04.08.2024 - RVCDA Submission	Nousa, Nourine	1287000122



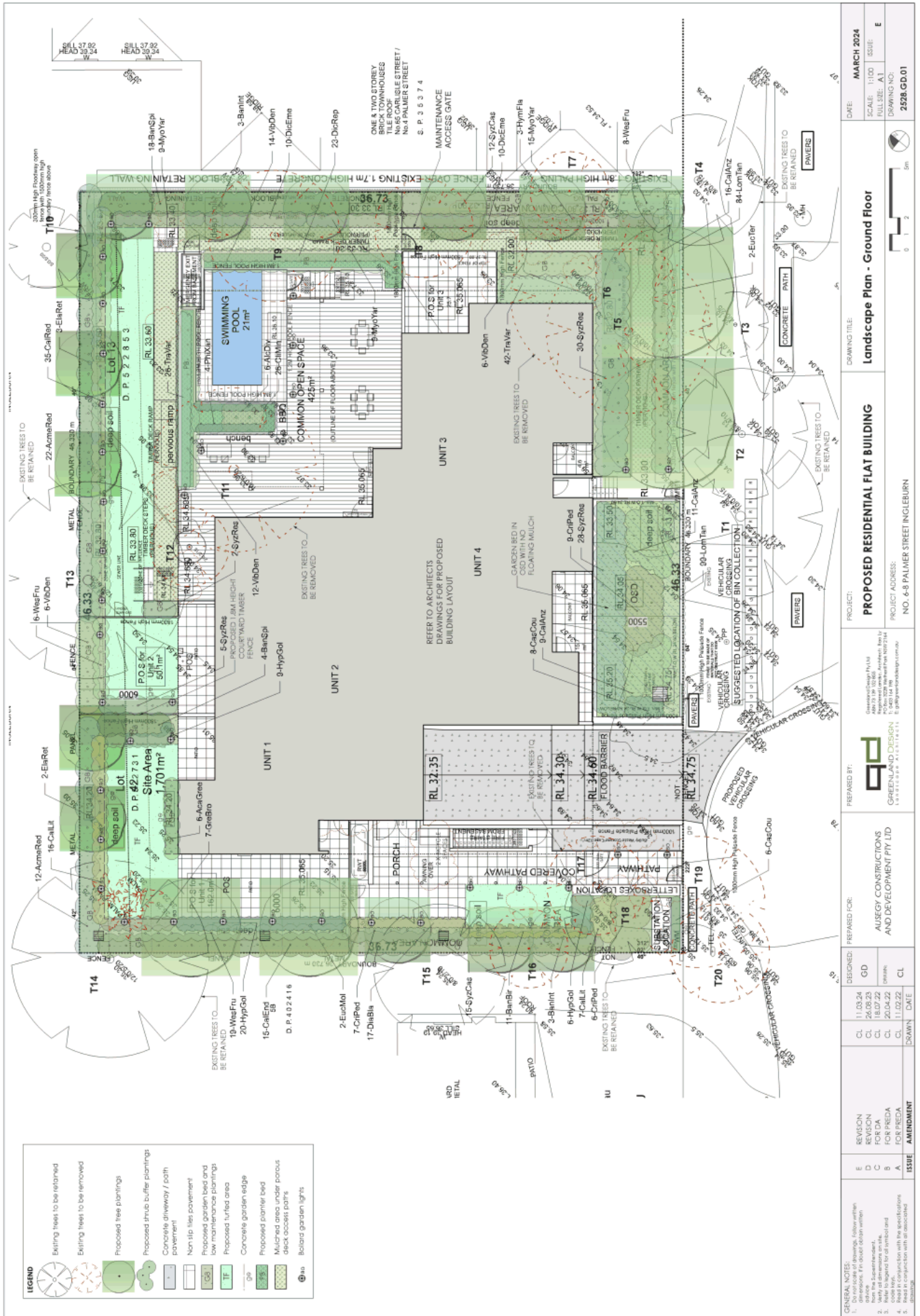


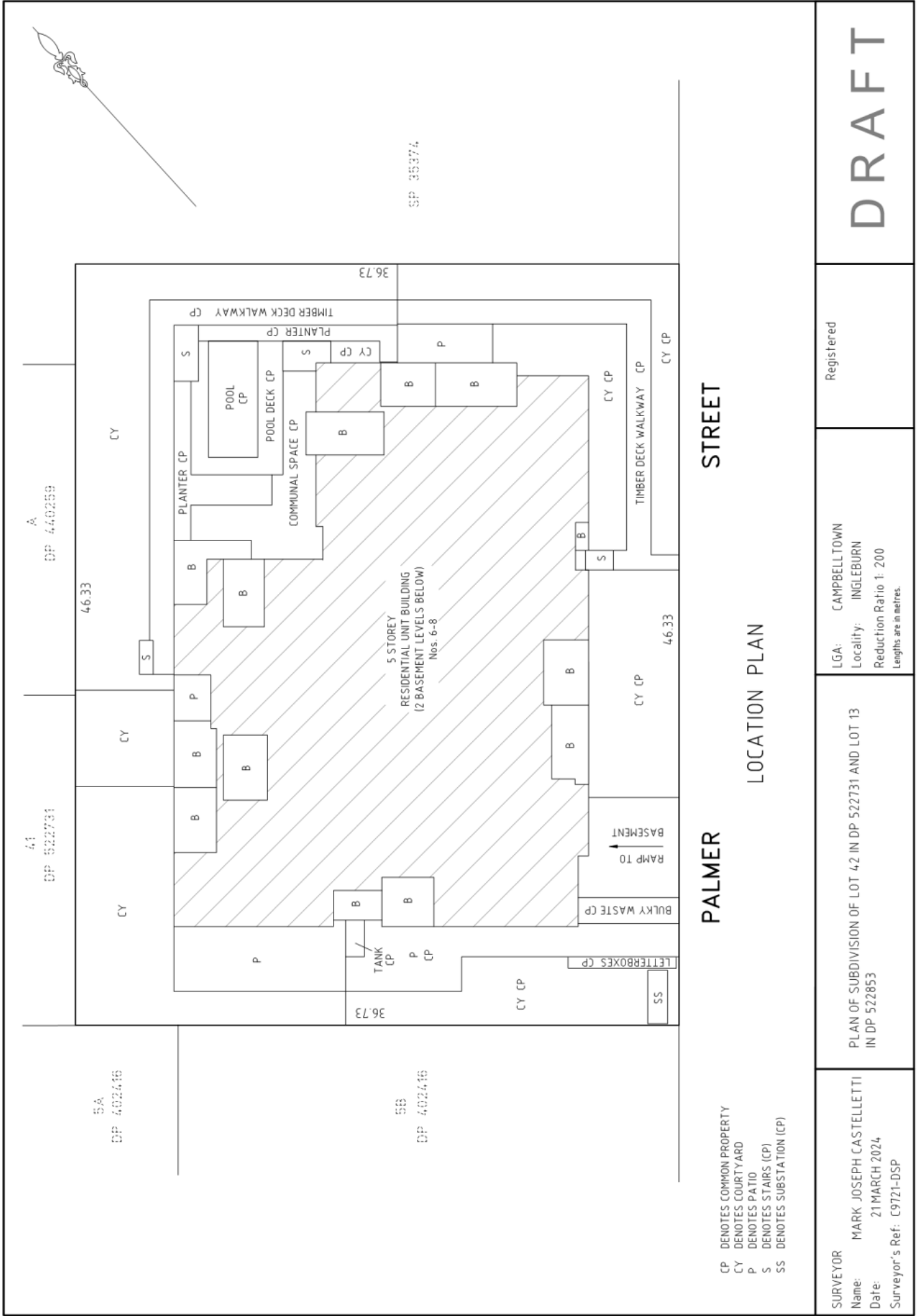




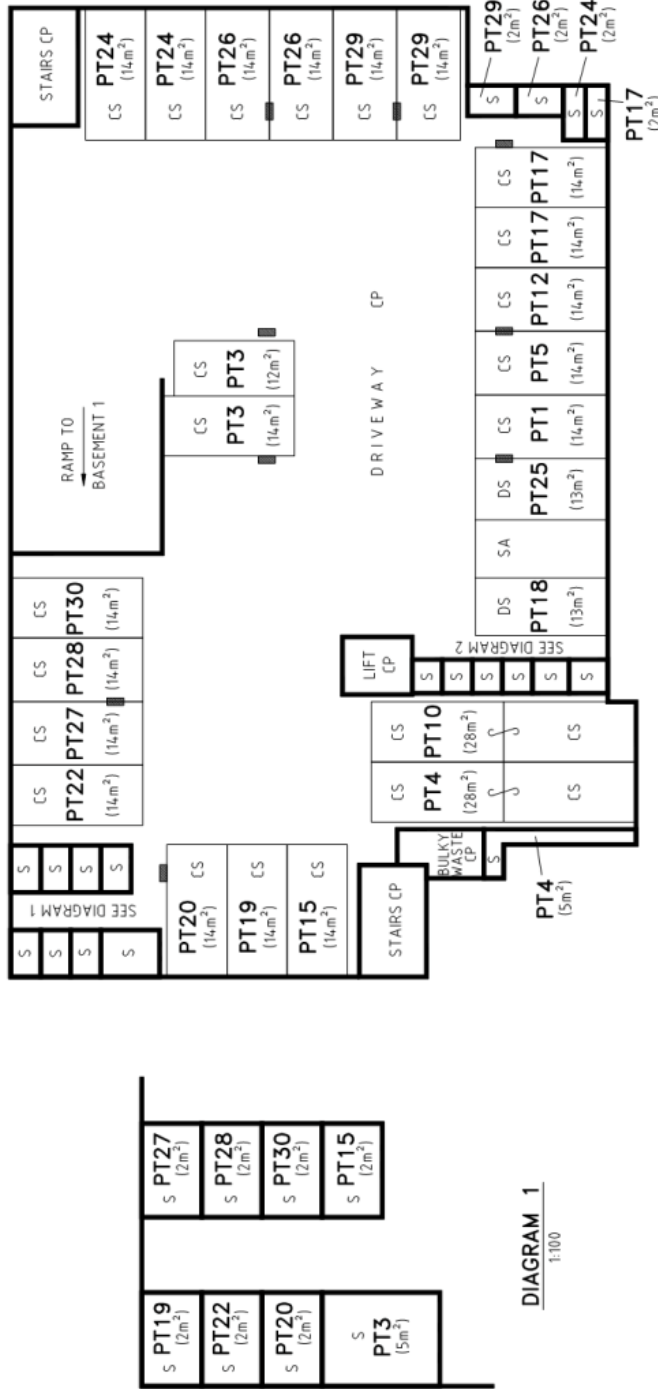
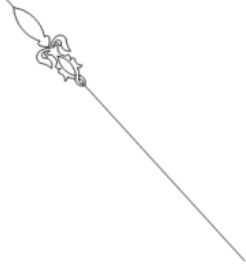
Shadow Diagrams (21 June)

Advanced Architecture & Construction Pty/Ltd
 Proposed Residential Flat Building
 6 & 8 Palmer St, Ingleburn
 For Always Construction Pty Ltd
 NSW ARCH Reg. No: 61206
 Email: aa@advancedarchitecture.com.au
 M: 0411 631 128
 NSW Reg. No: 12518 A1
 Director: M.M.
 Date: 06.02.22
 Site: C/100/22/4
 Drawing No: 000021-4.1





<p>SURVEYOR Name: MARK JOSEPH CASTELLETTI Date: 21 MARCH 2024 Surveyor's Ref: C9721-DSP</p>	<p>PLAN OF SUBDIVISION OF LOT 42 IN DP 522731 AND LOT 13 IN DP 522853</p>	<p>LGA: CAMPBELLTOWN Locality: INGLEBURN Reduction Ratio 1: 200 Lengths are in metres.</p>	<p>Registered</p> <p style="font-size: 2em; text-align: center;">DRAFT</p>
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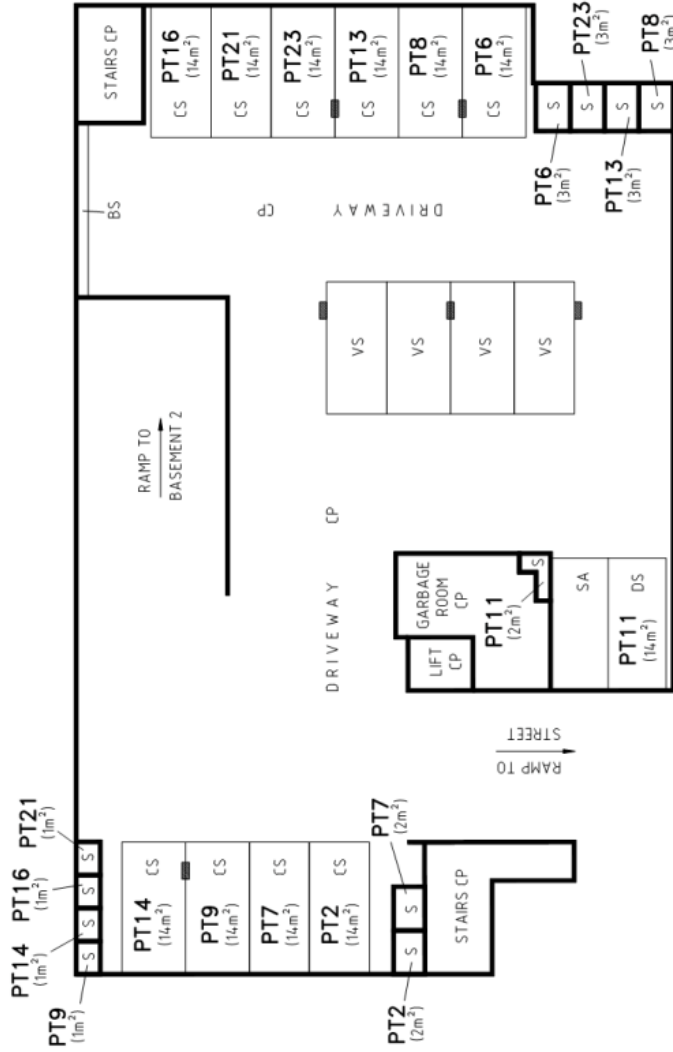
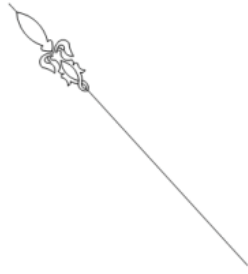


BASEMENT FLOOR PLAN - LEVEL 2

- NOTES:
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- BS DENOTES BICYCLE SPACE (CP)
- CP DENOTES COMMON PROPERTY
- CS DENOTES CAR SPACE
- DS DENOTES DISABLE SPACE
- S DENOTES STORAGE
- SA DENOTES SHARED AREA (CP)

<p>DRAFT</p>	<p>Registered</p>	<p>LGA: CAMPBELLTOWN Locality: INGLEBURN Reduction Ratio 1: 200 Lengths are in metres.</p>	<p>PLAN OF SUBDIVISION OF LOT 42 IN DP 522731 AND LOT 13 IN DP 522853</p>	<p>SURVEYOR Name: MARK JOSEPH CASTELLETTI Date: 21 MARCH 2024 Surveyor's Ref: C9721-DSP</p>
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BASEMENT FLOOR PLAN - LEVEL 1

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- CS DENOTES CAR SPACE
- DS DENOTES DISABLE SPACE
- S DENOTES STORAGE
- SA DENOTES SHARED AREA (CP)
- VS DENOTES VISITOR PARKING SPACE (CP)

<p>SURVEYOR Name: MARK JOSEPH CASTELLETTI Date: 21 MARCH 2024 Surveyor's Ref: C9721-DSP</p>	<p>PLAN OF SUBDIVISION OF LOT 42 IN DP 522731 AND LOT 13 IN DP 522853</p>	<p>LGA: CAMPBELLTOWN Locality: INGLEBURN Reduction Ratio 1: 200 Lengths are in metres.</p>	<p>Registered</p>
DRAFT			



Catchment Simulation Solutions

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Talaat Nasralla

3rd July 2024

Dear Talaat,

6-8 Palmer St, Ingleburn Flood Requirements Assessment

Introduction

Catchment Simulation Solutions completed a revised flood assessment for a proposed multi-storey residential development at 6-8 Palmer Street, Ingleburn. The assessment has built upon an assessment we completed in March 2022 as a result of the development application (DA) being refused by Campbelltown City Council, and currently being considered by the Campbelltown Local Planning Panel (CLPP). One of the reasons for refusal related to adverse impacts on peak flood levels that resulted from the original building design.

The current report aimed to:

- Document alterations to the building/site design in order to alleviate adverse impacts on flood behaviour within adjacent properties and on Palmer Street, and,
- Provide responses to the flood related development controls outlined in Section 2.8.2 (Surface Water and Floor Levels) of Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) and address the objectives of the Campbelltown Local Environment Plan 2015 (CLEP 2015).

The outcomes of the assessment are presented below.

Existing Flood Behaviour

The 'Bow Bowing and Bunbury Curren Floodplain Risk Management Study' (Molino Stewart, 2020) is the most contemporary description of flood behaviour within the vicinity of the site. Peak 1% AEP flood depths have been extracted and are shown on **Plate 1** which indicates that peak depths of up to 1.6 metres are predicted within 6 Palmer Street, but that only shallow inundation across the front boundary of 8 Palmer Street is predicted.

Proposed Flood Behaviour

As discussed, some alterations to the original building design as well as earthworks within the site have been proposed in order to better manage local flood behaviour. This includes the contraction of the building footprint within the eastern corner of the proposed building to allow for additional flood storage within the front and side setback. Alterations to existing ground elevations along the north-eastern setback have also been incorporated and generally involved a lowering of the existing terrain by up to 0.3 metres at the front of the site, and 0.5 metres at the rear of the site, as well as some general regrading around the proposed building (please see design plans for design ground levels in these locations). The 1%AEP event was then rerun with the altered building footprint, as well as ground elevation alterations, and peak flood depths are shown on **Plate 2**.

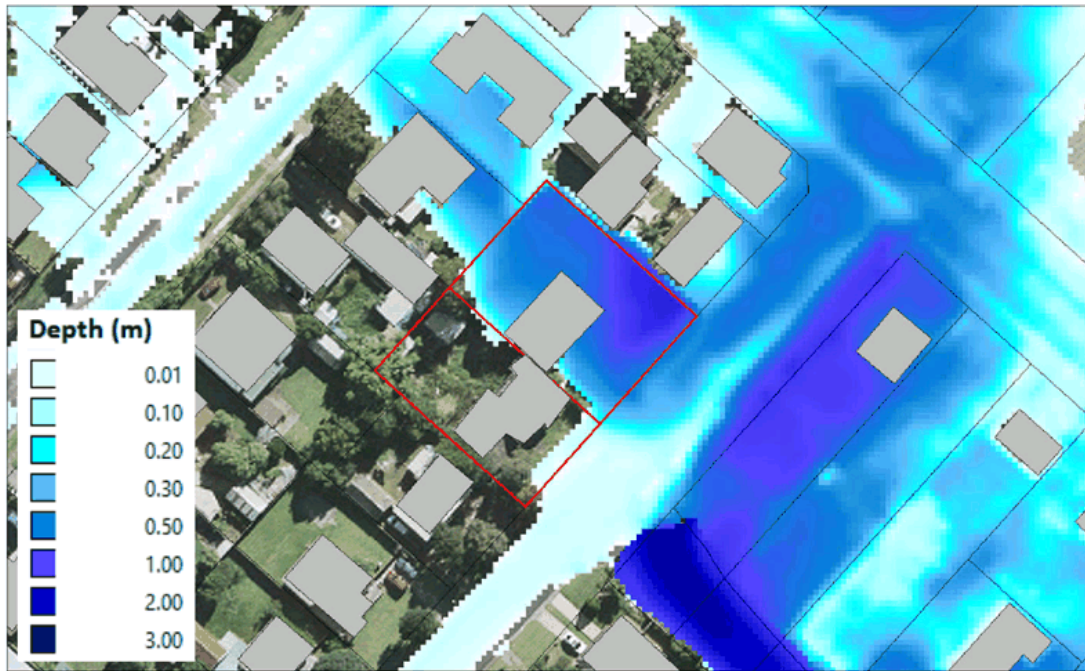


Plate 1 1%AEP flood depths under existing conditions.

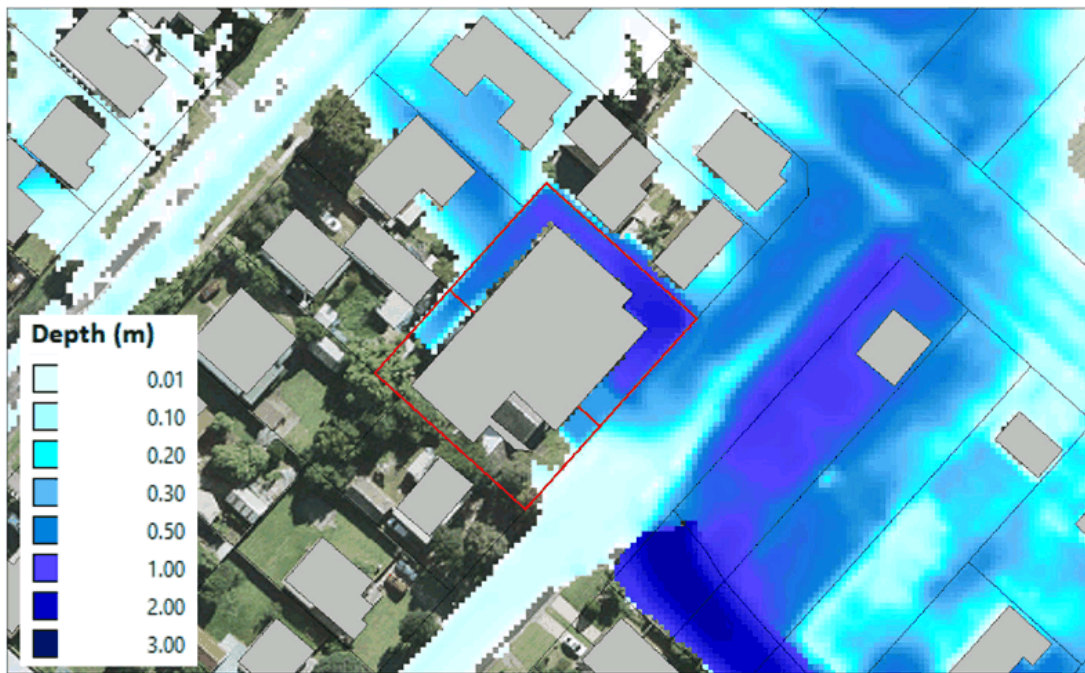


Plate 2 1%AEP flood depths under proposed conditions.

Plate 2 shows that peak 1% AEP flood depths are predicted to extend across the proposed building frontage, as well as at the rear of the building, with depths of up to 1.6 metres forming on the north-eastern side of the building.

Flood Impact Assessment

To quantify the impact of the proposed development, flood level differences were calculated by subtracting the peak flood level under existing conditions from the peak flood level under proposed conditions. The resulting differences are presented on Plate 3 and indicate that increases of 0.01 metres are predicted at the eastern and southern extent of the proposed building. Areas of additional inundation are predicted along the Palmer Street frontage of the building as well as at the rear of the building where some regrading has been undertaken. An area of 'now dry' is shown along the driveway to the basement as a result of a crest/flood barrier being provided to protect the basement from inundation.

Overall, Plate 3 indicates that there are no adverse impacts on flood levels predicted to occur outside of the development site, including across adjacent properties or on Palmer Street (noting the model cannot reliably define changes less than 0.01 metres) and demonstrated that the modifications to the building footprint and elevations within the site have alleviated the problems experienced with the original building/site design.

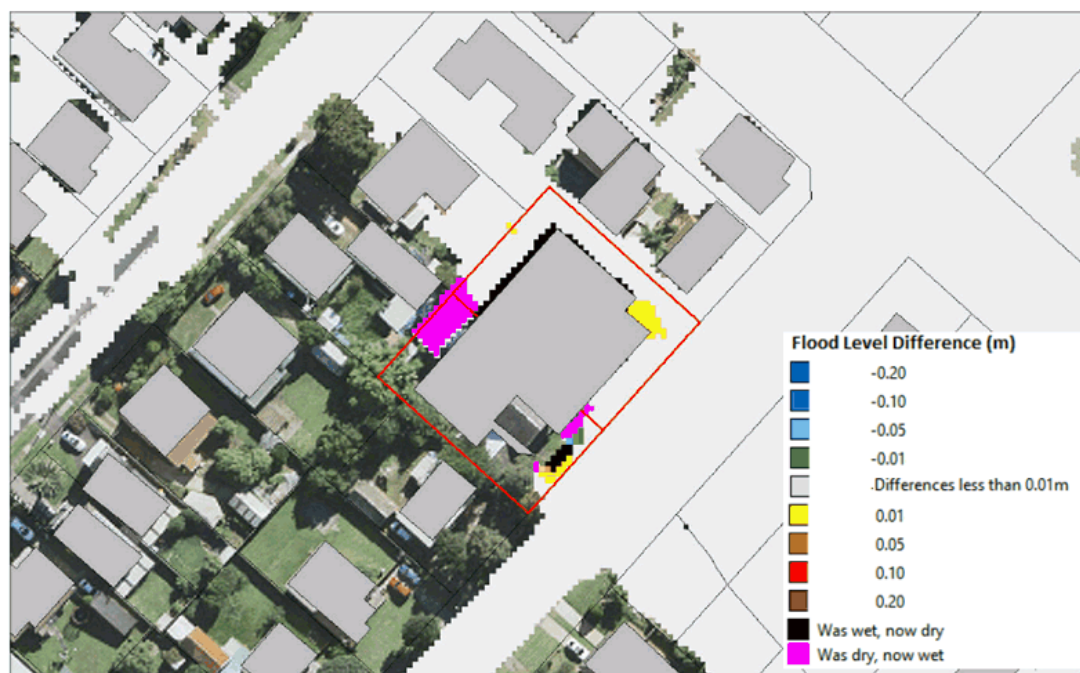


Plate 3 1%AEP flood level differences.

Campbelltown (Sustainable City) Development Control Plan 2015 Requirements

As outlined, the current assessment aims to address the specific requirements from Section 2.8.2 (Surface Water and Floor Levels) of Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015). Table 1 outlines these requirements and provides commentary on each to identify how the modified proposed development will adhere to these requirements.

Table 1 Campbelltown (Sustainable City) Development Control Plan 2015 Flood Related Development (Part 2.8.2)

SCDCP 2015 Requirement	How is this requirement satisfied?
a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The current assessment has included flood modelling of a modified building footprint, together with regrading (primarily on the north-eastern side of the building) which has alleviated any adverse impacts on flood level, restricting increases to within the site only. The flood model used was developed in accordance with the NSW Floodplain Development Manual.
b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	<p>2.8.1 a) It is understood that a cut and fill management plan will be submitted separately by the applicant.</p> <p>2.8.1 b) Notwithstanding, the cut proposed across the site is not in excess of 1 metre, nor</p> <p>2.8.1 c) in the zone of influence of any existing structures.</p> <p>2.8.1 d) The longitudinal grade of the cut is not less than 1% towards Palmer Street, with batters no steeper than 2H:1V</p>
c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level.	As per the Campbelltown Local Planning Panel meeting (Item 4.1), "The proposal complies with the habitable floor level of RL 35.00m AHD as provided by Council's Infrastructure Section."
d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100 mm. These heights can be reduced locally to 50 mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).	As per the Campbelltown Local Planning Panel meeting (Item 4.1), "Not applicable".
f) Any solid fence constructed across an overland flow path shall be a minimum 100 mm above the finished surface level of the overland flow path.	As per the Campbelltown Local Planning Panel meeting (Item 4.1), "No solid fence constructed in an overland flow path".

Campbelltown Local Environment Plan 2015

Clause 5.21 of the Campbelltown Local Environment Plan primarily deals with ways in which the proposed development will interact and impact on existing flood behaviour, and how the flood risk is managed. Details of how the proposed development intends to meet each specific requirement of LEP2015 are summarised in **Table 2**.

Table 2 Campbelltown LEP 2015 requirements and matters to be considered

Council Requirement	Does Development Meet this Requirement?
Section 5.21(2)	
a) The development is compatible with the flood function and behaviour on the land	Based upon 1% AEP hydraulic category mapping prepared as part of the 'Bow Bowing and Bunbury Curren Floodplain Risk Management Study' (Molino Stewart, 2020), the frontage of 6 Palmer St as well as area along the north-eastern boundary would be categorised as floodway, with the remainder of 6 Palmer St classified as flood storage. Flood fringe falls across 8 Palmer Street. The location of floodway on 6 Palmer St generally coincides with areas of the proposed site left open for the conveyance of water, and compensatory flood storage is provided within the site to account for the new building. Further, a site-specific flood assessment has been undertaken (documented in this report) in which demonstrates that the works have been completed in a manner that is compatible with the flood behaviour on the land by preventing any adverse impact to adjacent properties and indicating that appropriate flood conveyance and flood storage areas are provided.
b) The development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties	Plate 3 demonstrate that no changes in peak flood level is predicted outside of the development site and indicates that the proposed works are not predicted to impact flood behaviour or increase the flood affectation of other developments or properties in the 1%AEP event.
c) The development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood	The proposed multi-storey residential development will be protected to the required freeboard levels for residential development and would provide safe occupation to all residents. Given this, as well as the quick onset of flooding, evacuation from the building is not considered necessary and would therefore not exceed the capacity of existing evacuation routes for the surrounding area.
d) The development incorporates appropriate measures to manage risk to life in the event of a flood	The proposed multi-storey residential development will be protected to the required freeboard levels for residential development and would provide safe occupation to all residents. Therefore, the development incorporates measures to manage the risk to life in the event of a flood.
e) The development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses	Plate 3 demonstrate that no changes in peak flood level is predicted outside of the development site and indicates that the proposed works are not predicted to impact flood behaviour) on any riparian corridors, river banks or watercourses.
Section 5.21(3)	
a) The development needs to consider the impact of the development on	Although a climate change assessment has not explicitly been undertaken as part of the 'Bow Bowing and Bunbury Curren Floodplain Risk Management Study' (Molino Stewart, 2020),

Council Requirement	Does Development Meet this Requirement?
projected changes to flood behaviour as a result of climate change	Comparison with the 0.2%AEP event (commonly used as a proxy for climate change impacts) indicates that peak flood depths/levels within the vicinity of the site are predicted to increase by only 0.13 metres, with only a small increase in flood extent. Therefore, it is likely that the impacts on 1%AEP flood behaviour under climate change conditions would be similar to that under existing climatic conditions, and that the freeboard provided would ensure habitable floor areas remain flood free in the 1% AEP event (under climate change conditions).
b) The development needs to consider the intended design and scale of buildings resulting from the development	The proposed development adheres to the allowable design and scale set out in the DCP, and the works are intended to be sympathetic to the locality.
c) The development needs to consider whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood	See response to 5.21(2) c) and d)
d) The development needs to consider the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion	The flood behaviour on the site has been defined for the 1% AEP event and appropriate controls applied as per Councils DCP2015. No further allowance to modify, relocate or remove buildings as a result of flooding or coastal erosion is considered necessary.

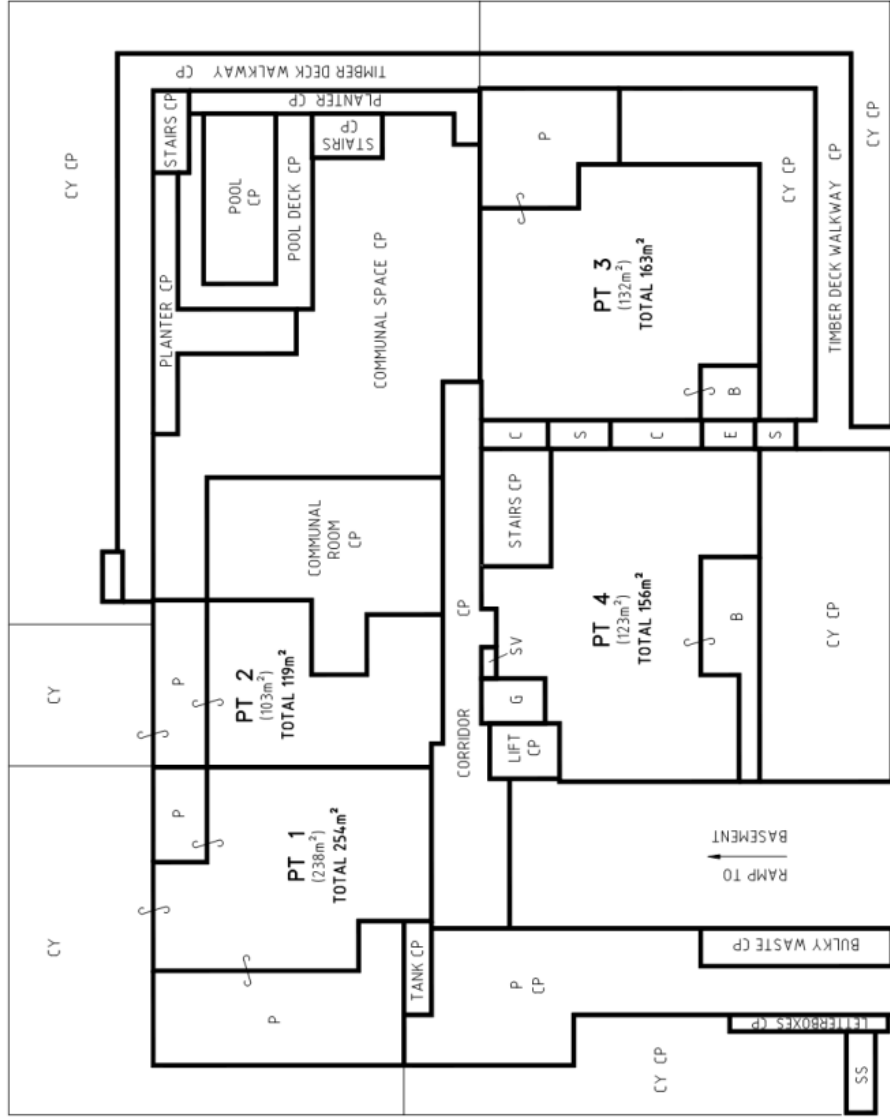
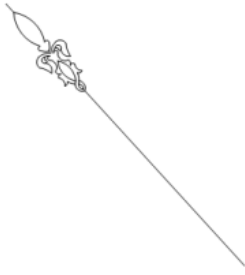
Overall, it is considered that the modified design is able to adhere to the requirements of Part 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) and Campbelltown Local Environment Plan 2015 and prevents adverse impacts to adjacent properties or developments.

I trust this report suitably summarises the modified flood assessment and outcomes for a proposed multi-storey residential development at 6-8 Palmer Street, Ingleburn. If you have any further questions, please feel free to get in contact with me.

Kind Regards,


 Daniel Fedczyna
 Catchment Simulation Solutions
 BEng (Hons) Civil and Environmental Engineering
 Engineers Australia NER ID: 2968120





GROUND FLOOR PLAN

- B DENOTES BALCONY
- CP DENOTES COMMON PROPERTY
- CY DENOTES COURTYARD
- C DENOTES CORRIDOR (CP)
- E DENOTES ENTRY (CP)
- G DENOTES GARBAGE ROOM (CP)
- P DENOTES PATIO
- S DENOTES STAIRS (CP)
- SS DENOTES SUBSTATION (CP)
- SV DENOTES SERVICES (CP)

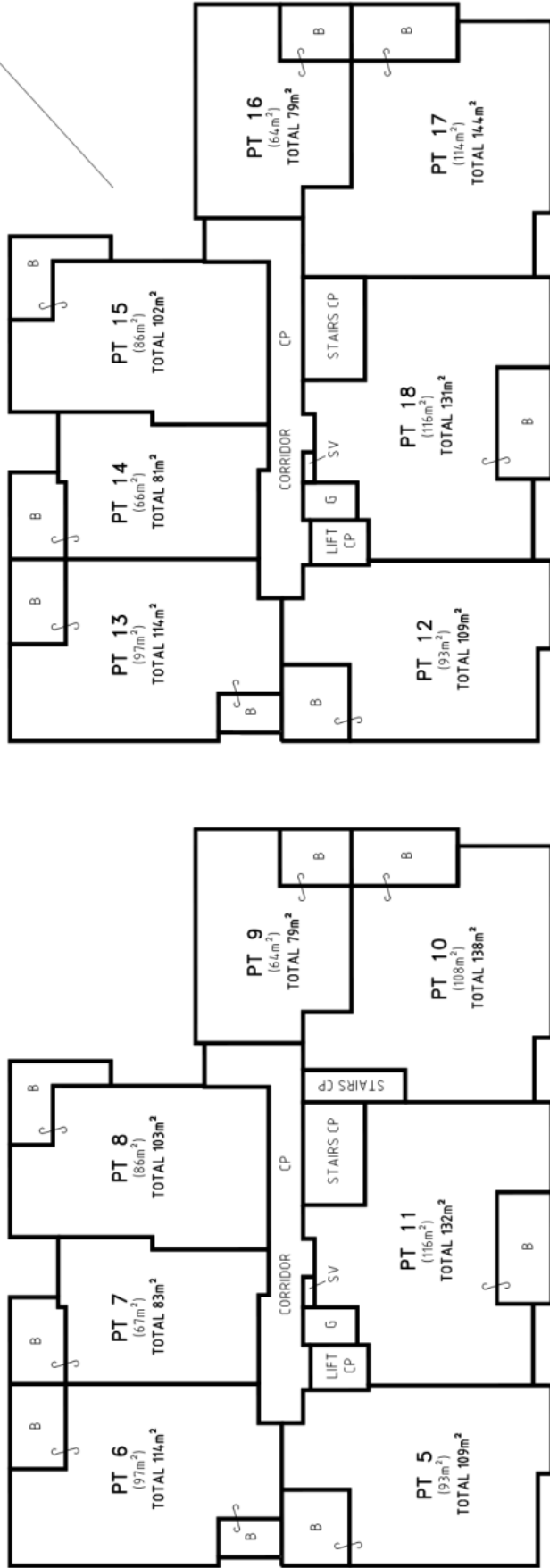
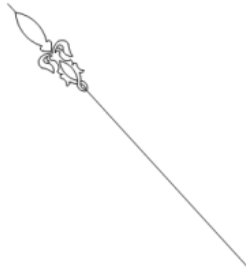
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Sheet 5 of 6 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 1 (A3)



FIRST FLOOR PLAN

SECOND FLOOR PLAN

NOTES:

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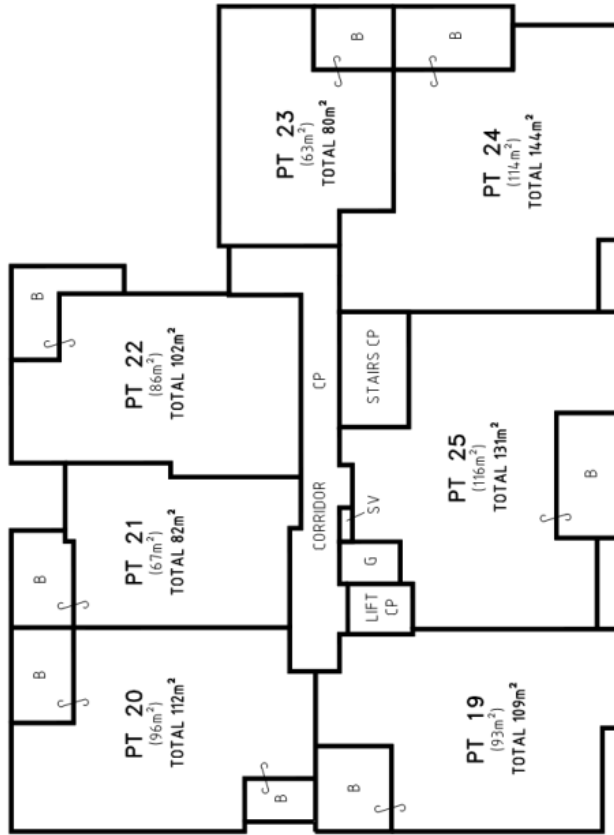
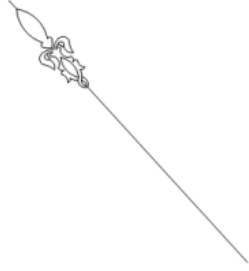
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- CP DENOTES COMMON PROPERTY
- G DENOTES GARBAGE ROOM (CP)
- SV DENOTES SERVICES (CP)

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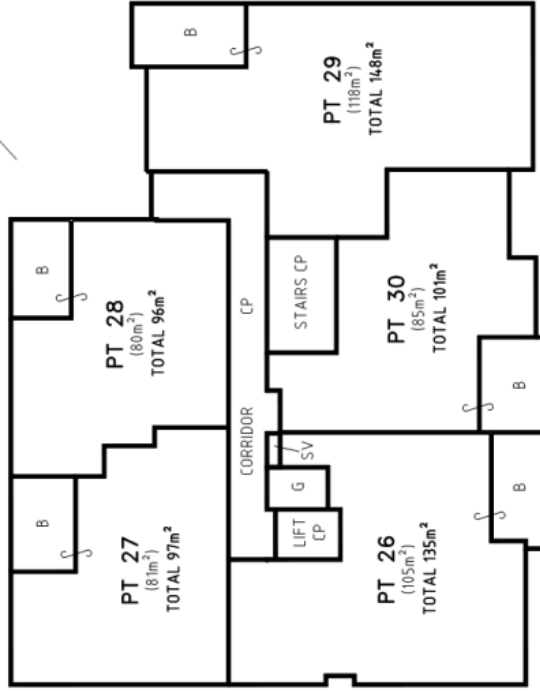
Sheet 6 of 6 sheets

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PLAN FORM 1 (A3)



THIRD FLOOR PLAN



FOURTH FLOOR PLAN

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<p>DRAFT</p>	<p>Registered</p>	<p>LGA: CAMPBELL TOWN Locality: INGLEBURN Reduction Ratio 1: 200 Lengths are in metres.</p>	<p>PLAN OF SUBDIVISION OF LOT 4.2 IN DP 522731 AND LOT 13 IN DP 522853</p>	<p>SURVEYOR Name: MARK JOSEPH CASTELLETTI Date: 21 MARCH 2024 Surveyor's Ref: C9721-DSP</p>
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Clause 4.6 Variation Request Building Height

6 -8 PALMER STREET, INGLEBURN





QUALITY ASSURANCE	
PROJECT:	Clause 4.6 – Height
ADDRESS:	6 – 8 Palmer Street, Ingleburn
COUNCIL:	Campbelltown Council
AUTHOR:	Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
7 December 2022	Co-ordination	Draft	BD	BD
22 December 2022	Lodgement Issue	Final	BD	BD
25 August 2023	Revised Plans	Update	BD	BD
1 July 2024	Updated Plans	Update	BD	BD



CONTENTS

<u>CLAUSE 4.6 DEPARTURE – HEIGHT</u>	<u>4</u>
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CLAUSE 4.6 DEPARTURE – HEIGHT

BACKGROUND

This revised Clause 4.6 departure has been prepared in support of a development application that seeks approval for the construction of a 5 storey residential flat building containing 30 apartments over basement carparking, at 6 – 8 Palmer Street, Ingleburn.

The proposal comprises a total of 30 units over two levels of basement parking accommodating 41 vehicles. The proposal incorporates the following dwelling mix:

- 7 x 1 bedroom units;
- 16 x 2 bedroom units;
- 6 x 3 bedroom units; and
- 1 x 4 bedroom unit.

The site is identified by Campbelltown Local Environmental Plan 2015 as having a mapped height of 15m with the development seeking to vary this control with portion of the upper level and lift overrun exceeding the 15m height limit.

Given that the 15m height control is a development standard a clause 4.6 departure is required to seek to vary this standard.

Site

The subject site is legally known as Lot 42 in DP522731 and Lot 13 in DP522853, though more commonly known as 6 – 8 Palmer Street Ingleburn. Cumberland Road, Ingleburn.

Located on the northern western side of Palmer Street, approximately 120m from the intersection of Palmer Street and Suffolk Street. The subject site is located within a 700m walking distance of the Ingleburn Train Station and shopping centre.

The subject site is predominantly a regular shaped land parcel with 46.33m frontage to Palmer Street and once consolidated will have a total site area of 1,701m². The allotments contains two dwellings which are to be demolished as part of the development. An aerial extract of the locality is provided overleaf to give context to the development site.



Figure 1: Aerial Map Extract of the Subject Site (Source: near Maps 2022)



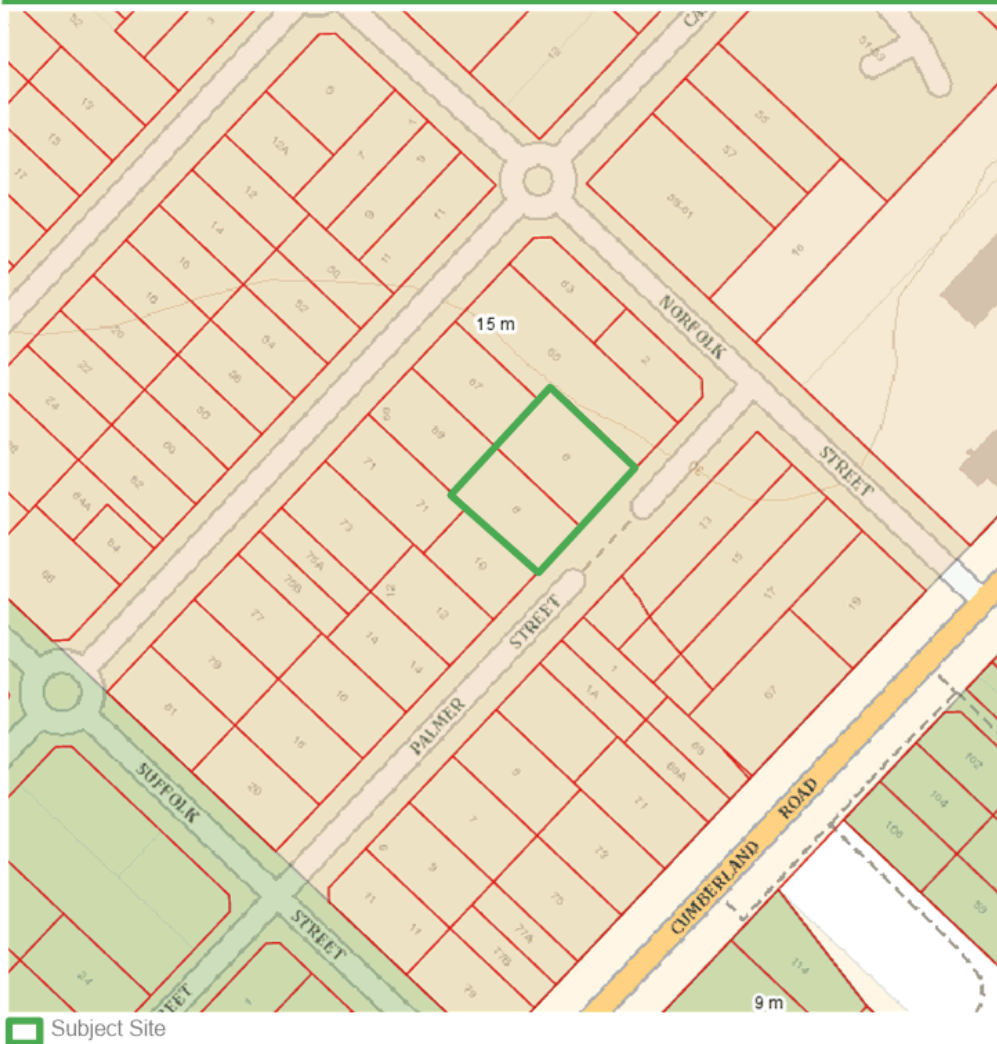
Clause 4.6 Departure
6 - 8 Palmer Street, Ingleburn
PAGE 5



The development standard to be varied

As illustrated below, the site is identified by the maps associated with Campbelltown LEP 2015 as having a mapped height of 15m.

Figure 2: Campbelltown Height Map extract (Source NSW Planning Portal)



A detailed discussion against the relevant provisions of Clause 4.6 is provided below with further discussion against the relevant case law 'tests' set down by the Land and Environment Court.

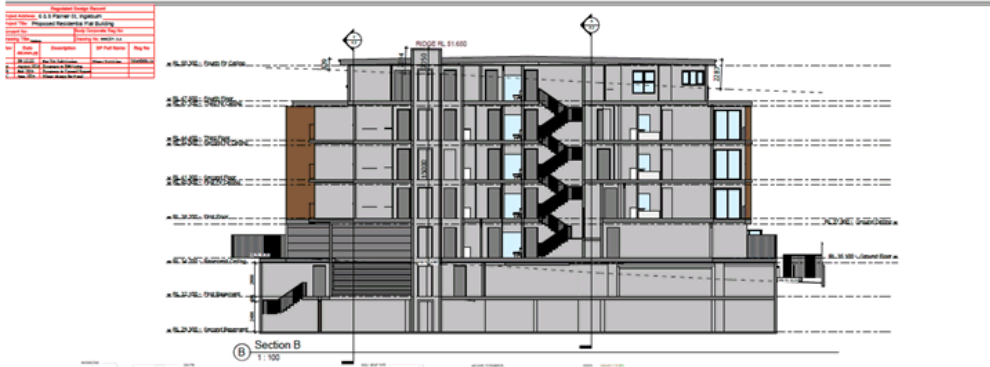
Section drawings are provided overleaf to demonstrate the revised nature of the departure and the portion of the buildings that still exceed the height control.



Figure 3: Elevation (Source: Advanced Architecture)



Figure 4: Section (Source: Advanced Architects)





The table below outlines the as lodged variation to the 15m height control and the remaining height departure following the refinement of the design.

Building Element	Maximum Height	% Exceedance
Roof of uppermost level	17.28m	14.12%
Lift Overrun	17.05m	12.79%

LAND AND ENVIRONMENT CASE LAW

The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of *Initial Action Pty Ltd v Woollahra Council* confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a 'better outcome'. However more recent developments in the law in *RebelMH Neutral Bay Pty Limited v North Canterbury Council* [2019] NSWCA 130 have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 ('*Al Maha*') is also relevant. In simple terms, *Al Maha* requires that a Clause 4.6 departure will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have been demonstrated in the Clause 4.6 request itself- rather than forming a view by the consent authority itself. This Clause 4.6 request demonstrates the matters in Clause 4.6 (3).

The key tests or requirements arising from recent judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and zone is not a requirement to "achieve" those objectives. It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.
- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation; and
- The proposal is required to be in 'the public interest'.



In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height standard;
- Demonstrating consistency with existing streetscape;
- Demonstrating compliance with objectives of the R4 zone; and
- Satisfying the relevant provisions of Clause 4.6.

This Clause 4.6 Variation request deals with the maximum building height matters in turn overleaf.

CONSIDERATION OF CLAUSE 4.6

Clause 4.6 within Campbelltown LEP 2015 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*



- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Each of these provisions are addressed in turn.

Clause 4.6(3)

In *Wehbe v Pittwater* [2007] NSWLEC 827 ('**Wehbe**'), Preston CJ identified a variety of ways in which it could be established demonstrated that compliance with a development standard is unreasonable or unnecessary in the case. This list is not exhaustive. It states, inter alia:

"An objective under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish the compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

While *Wehbe* relates to objection made to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the reasoning can be similarly applied to variations made under Clause 4.6 of the standard instrument.

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objectives is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are at least 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 and 2 for the purposes of this Clause 4.6 variation [our underline]):

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*



- The underlying objectives or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- - The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

It is sufficient to demonstrate **only one** of these ways to satisfy clause 4.6(3)(a) (*Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118 at [22], RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [28]*) and *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112 at [31]*.

The objectives of the standard are to be achieved notwithstanding non-compliance with the standard

This Clause 4.6 variation statement establishes that compliance with the maximum building height development standard is considered unreasonable or unnecessary in the circumstances of the proposed development because the underlying objectives of the standard are achieved despite the non-compliance with the numerical standard

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the maximum height development standard are stated as:

1. The objectives of this clause are as follows:
 - (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
 - (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment centres and transport facilities,
 - (c) to provide for built form that is compatible with the hierarchy and role of centres,
 - (d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.



The development proposal is consistent with the above objectives based on the following:

- The proposal is in proximity to the Ingleburn Town Centre and the extent of non-compliance represents an appropriate higher density development on the site noting full compliance with required building setbacks;
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;
- The departure will not be highly discernible when viewed from the street give the departure relates to the lift overrun and the rear of the upper level;
- Since lodgement of the development application, Council has increased the mapped building height in the precinct, which has resulted in 8 Palmer street now having a mapped height of 26m. Whilst this height is not applicable to this application, it demonstrates that the current planning controls facilitate a building exceeding the 15m height control on 8 Palmer Street.
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.
- The site is adjoined by an approved development application on the adjoining site at 10 -12 Palmer Street Ingleburn that is an approved 5 storey RFB with a similar height departure.
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties;
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors;
- The site is subject to flooding constraints and raising the building is an appropriate response to this constraint;
- The proposal will provide for a number of distinct public benefits:
 - Delivery of additional housing within close proximity to the Ingleburn



- Town centre;
 - Creation of jobs during the construction stage;
 - Activation of the street level;
 - Amenity impacts to adjoining properties are mitigated and the distribution of floor space across the site will not be discernibly different to a built form that is compliant with the height control.
 - The scale and intensity of the development is consistent with other approved residential flat buildings in the wider precinct, which demonstrates an appropriate development outcome.; and
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Ingleburn Precinct.

As outlined above the proposal remains consistent with the underlying objectives of the controls and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the Height control and of the zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in close proximity to centres and public transport hubs.*
- *To maximise redevelopment and infill opportunities for high density housing within walking distance of centres.*
- *To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.*
- *To minimise overshadowing and ensure a desired level of solar access to all properties.*

The proposal provides for the housing needs of the community and the resultant dwelling is compatible with the existing and likely future character of this high density residential area.



Clause 4.6(5)

The Secretary (of Department of Planning and Environment) can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 64(1) of the *Environmental Planning and Assessment Regulation 2000*. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The points contained in Clause 4.6 (5) are a matter for consideration by the consent authority however the following points are made in relation to this clause:

- a) The contravention of the Height limit does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and unique site attributes associated with the subject site; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality particularly when considering the proposal is consistent with the bulk and scale and building heights of nearby and approved dwellings.

CONCLUSION

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

Strict compliance with the prescriptive maximum height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.



The objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development including the departure to the maximum height control.

The proposal will not have any adverse effect on the surrounding locality and is consistent with the future characterised envisioned for the subject area. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

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