



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

11 DECEMBER 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, 11 December 2024 at 3.00pm.

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Dharawal people whose ongoing connection and traditions have nurtured and continue to nurture this land. I pay my respects and acknowledge the wisdom of the Elders – past, present and emerging and acknowledge all Aboriginal people here today.

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General Information

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

Public Involvement

When the Panel is holding a formal meeting to consider a report relating to a development application, the Panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period), provided that they have registered to speak by midday on the day prior to the meeting. In some circumstances where there have been no submissions received a development application may be determined by the Panel through the electronic circulation of documents rather than by holding a formal meeting. In these circumstances there is no opportunity to address the Panel.

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the Panel is to provide advice to Council. The Panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The Panel may, upon request, consider verbal submissions made in relation to the planning proposal from the applicant, if there is one.

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

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

Outcomes from the meeting

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

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

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

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

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

4. REPORTS

4.1 Demolition of existing structures, construction of 2 storey attached dual occupancy and swimming pool and 2 lot subdivision - 7 Kapala Avenue, Bradbury

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
PA Building Development and Controls
PA Environment and Sustainability

Referral Criteria

This matter is reported to the Campbelltown Local Planning Panel in accordance with Schedule 1, item 3 of the Local Planning Panels Direction – Development Applications, issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) due to the development seeking a variation to a development standard of greater than 10 per cent.

Executive Summary

- A development application has been received seeking consent for the demolition of the existing structures and construction of a 2 storey attached dual occupancy and a swimming pool at the rear of Dwelling B and for a 2 lot subdivision of the land.
- The subject site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan, 2015. Dual occupancies are permitted with consent in the R2 Zone.
- The application was publicly notified between 5 September and 27 September 2024. No submissions were received.
- Clause 4.4 (2A) of the Campbelltown Local Environment Plan 2015 sets out the maximum permitted Floor Space Ratio for dual occupancy developments in the R2 Low Density Residential as 0.45:1.

The proposed development results in a Floor Space Ratio of 0.60:1 or a 33 per cent variation. With a total Gross Floor Area of 374.1m² the development proposes an additional 93.6 m² beyond what is permitted.

The applicant has requested a variation under Clause 4.6 of Campbelltown Local Environmental Plan 2015 but has not provided satisfactory justification to demonstrate there is sufficient environmental planning grounds or that compliance would be unreasonable or unnecessary in the circumstances of the case, therefore the variation is not supported.

Officer's Recommendation

That Development Application 3069/2024/DA-DO 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 *Environmental Planning and Assessment Act 1979* (EP&A Act).

Property Description	Lot 1334 DP 2424800, 7 Kapala Avenue, Bradbury
Application No	3069/2024/DA-0
Applicant	Capitol Constructions Pty Ltd
Owner	Ms Nicola Bruce and Mr Andrew Michael Vizzone
Provisions	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Resilience and Hazards) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	28 August 2024

History

Following the lodgement of the development application, a request for additional information was sent to the applicant on the 17 September 2024 raising the issue of the Floor Space Ratio (FSR) non-compliance.

Amended plans and information were submitted to Council reducing the overall gross floor area (GFA) by turning the rear upper floor bedrooms into voids and accompanying the plans was a Clause 4.6 request to vary Clause 4.4 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Please see attachment 3 for the request to vary Clause 4.4 of CLEP 2015 and attachment 4 for the architectural plans.

Site and Surrounds

The subject land is Lot 1334 in Deposited Plan 2424800, known as 7 Kapala Avenue, Bradbury. The lot is a regularly shaped with a total site area of at 623.3 m² and frontage of 19.8 m to Kapala Avenue to the South.

The site is located within an existing residential area with surrounding development characterised generally as detached single and double storey dwellings. Along the rear of the site is Manooka Reserve.

An Aerial image of the subject site is provided in Figure 1 below.



Figure 1: Site aerial. Subject site identified within the red marker.

Proposal

This development application seeks consent for the demolition of existing structures and construction of a 2 storey attached dual occupancy and a swimming pool at the rear of dwelling B including 2 lot Torrens title subdivision.

Each dwelling proposes a guest bedroom, bathroom, kitchen, laundry, dining and living room on the ground floor. The first floor for both dwellings includes 2 bedrooms, bathroom, ensuite, rumpus room and large void area. The site area of lot 1 is proposed to be 309.9 m² and lot 2 is proposed to be 313.4 m².

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 proposed development, due to its excessive floor space and bulk, is inconsistent with the strategic outcomes of the CSP. By failing to align with the CSP's vision for Community and Belonging and Places for People, the development detracts from the area's established and future desired character. The proposal further conflicts with the goal of an Enriched Natural Environment by maximising site coverage, reducing green space, and potentially impacting environmental quality.

The development is therefore inconsistent with Campbelltown's broader strategic vision of CSP.

2. Planning Provisions and Assessment

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 Catchment) 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 does not conflict with any of the relevant provisions of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

State Environmental Planning Policy (Sustainable Buildings) 2022

The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State and an application for development consent in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

A BASIX Certificate has been provided for the proposal and relevant commitments made on the architectural plan and it is considered that the proposal is acceptable in this regard.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021, states that the consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Under Chapter 4 of the SEPP, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The site currently contains an existing single storey dwelling used for residential proposes.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Not applicable.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Not applicable.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021.

Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 Low Density Residential under the provisions of the CLEP 2015, dual occupancies are a permitted land use development within the zone.

Clause 2.3 of the CLEP 2015 provides that the consent authority must have regard to the objectives of the zone in the determination of the application. The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone due to its excessive floor space ratio. The bulk, and scale of the development is incompatible with the zone's intended low-density character and residential amenity. The proposal introduces a level of density and scale more consistent with medium-density developments.

Clause 4.1B Minimum Subdivision Lot Sizes for Dual Occupancies in Certain Zones

Clause 4.1B(2) of CLEP 2015 provides as follows:

- Despite Clause 4.1, development consent may be granted for the purpose of a dual occupancy if the subject lot is at least the minimum lot size shown on the Lot Size for Dual Occupancy Development Map in relation to that land.

The minimum lot size shown on the Lot Size for Dual Occupancy Development Map in relation to this site is 700 m². The site has a total area of 619.6 m².

Clause 4.1B(3) of CLEP 2015 as follows:

- Despite clause 4.1 and subclause (2), development consent may be granted for the subdivision of land in Zone R2 Low Density Residential into lots that are less than the minimum lot size shown on the Lot Size Map in relation to that land if
 - there is an existing dual occupancy on the land that was lawfully erected under an environmental planning instrument or there is a development application for the concurrent approval of a dual occupancy and its subdivision into 2 lots, and
 - the lot size of each resulting lot will be at least 300 m², and
 - the subdivision will not result in more than one principal dwelling on each resulting lot.

The development application is proposing dual occupancy and its subdivision into 2 lots, lot 1 being 309.9 m² and lot 2 being 313.40 m². The development will result in one principal dwelling on each lot.

Therefore, the proposal complies with the Clause 4.1B of the CLEP 2015.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height requirements in accordance with the Height of Buildings Maps. The subject site has a height limit of 8.5 m. The proposed development has a maximum height of 8.5 m.

The proposal complies with Clause 4.3 of the CLEP 2015.

Clause 4.3A Height Restrictions for Certain Residential Accommodation

A dual occupancy must not be higher than 2 storeys, the development is proposing a 2 storey dual occupancy.

The proposal complies with Clause 4.3A of the CLEP 2015.

Clause 4.4 Floor Space Ratio

Clause 4.4 CLEP 2015 sets out the FSR requirements for all developments in accordance with the FSR map and the table. The site is not located within the mapped area and therefore the table in Clause 4.4(2A) of CLEP 2015 sets the maximum permitted FSR for a dual occupancy in Zone R2 Low Density Residential at 0.45:1.

The proposed development results in an FSR of 0.60:1 or a 33 per cent variation. With a total GFA of 374.1 m² the development proposes an additional 93.6 m² beyond what is permitted.

The applicant has requested a variation under Clause 4.6 of CLEP 2015 (discussed further below) but has not provided a satisfactory justification to demonstrate there are sufficient environmental planning grounds to justify the contravention of the development standard or that compliance would be unreasonable or unnecessary in the circumstances. The variation is therefore not supported.

Clause 4.6 Exceptions to Development Standards

The proposed development includes a variation to Clause 4.4 of the CLEP 2015 with respect to the maximum FSR. The applicant has provided a Clause 4.6 variation request which is assessed in detail below, the submitted variation request is provided as attachment 3.

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.

This development application seeks approval for a FSR of 0.60:1, resulting in a GFA of 374.1 m², which exceeds the maximum permitted FSR of 0.45:1 for a dual occupancy in the R2 Low Density Residential zone. The maximum GFA permitted under the standard is 280.48 m², meaning the proposed development exceeds this by 93.6 m², or 33 per cent, representing a significant departure from the established development standard of Clause 4.4 of CLEP 2015.

Clause 4.6(3) of the CLEP 2015 provides as follows:

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the application has demonstrated that-

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

The proposal fails to meet the 2 key requirements set out in clause 4.6(3):

- The application has not demonstrated that compliance with the FSR development standard is unreasonable or unnecessary. The site does not present any unique or exceptional circumstances that would warrant an exemption from the standard. The proposed development and requested variation represents a significant increase in bulk and scale, which would result in a development incompatible with the existing and desired future character of the locality.
- The application has not provided sufficient environmental planning grounds to justify the contravention of the development standard. The proposed increase in GFA would result in a building of excessive bulk and scale, which would have a detrimental impact on the surrounding area. Specifically, it would negatively affect the streetscape and create disproportionate visual impacts when viewed from both the street and the reserve at the rear of the site. This outcome is inconsistent with the objectives of the FSR standard, which aims to ensure that buildings are compatible with the character of the locality and contribute positively to the streetscape.

The objectives of the floor space ratio development standard are provided in Clause 4.4(1) of CLEP 2015 as follows:

- a. to provide effective control over the bulk and scale of future development,
- b. to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- c. to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- d. to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to employment centres and transport facilities,
- e. to provide for built form that is compatible with the hierarchy and role of centres,
- f. 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 the public domain is addressed,
- g. to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

The floor space ratio objectives specified under clause 4.4(1) of the CLEP 2015 are designed to ensure that future development controls the bulk and scale of buildings, transitions appropriately across zones, and is compatible with the character and scale of the area. The proposed variation of 33 per cent represents a significant departure from these objectives,

undermining the ability to manage future development effectively and leading to an undesirable outcome for the locality. The proposed development would not meet the objective of ensuring that buildings are compatible with the bulk and scale of surrounding development, nor does it ensure the minimisation of undesirable visual impacts or the preservation of the area's character.

In addition, the development would undermine the effectiveness of the FSR control as a mechanism for managing the bulk and scale of development. This control is fundamental to maintaining the character of the area and ensuring that new development is compatible with its surroundings. A deviation of this scale would weaken the control, making it more difficult to manage future developments in the locality and eroding the effectiveness of the floor space development standard intended to protect the character of low-density residential areas.

The flexibility provided under Clause 4.6(1) is intended to apply to situations where the specific circumstances of a site or proposal justify a departure from the development standards. However, in this case, there are no unique circumstances that warrant such a significant variation. Therefore, compliance with the FSR standard of 0.45:1 should be considered both reasonable and necessary to ensure that the development aligns with the objectives of the LEP and the broader planning goals for the locality.

Given the lack of sufficient justification for the variation, the significant departure from the development standard, and the likely adverse impacts on the surrounding area, it is recommended that development application be refused. The proposed development does not satisfy the requirements of Clause 4.6(3) of the CLEP 2015, and granting approval would undermine the effectiveness of the FSR development standard and would be inconsistent with the intended character of the area.

Clause 7.1 Earthworks

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

Clause 7.10 Essential Services

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

Campbelltown (Sustainable City) Development Control Plan 2015

The proposal fails to comply with the provisions of the Campbelltown (Sustainable City) Development Control Plan 2015 (DCP), as outlined below:

- **Part 2.8.1(b) Cut and Fill:** The proposed 1.3 m of cut exceeds the maximum permitted 1 m.
- **Part 2.12(b), (c), & (g) Retaining Walls:** Retaining cut and fill are located on the boundary and do not meet setback requirements—2 m for fill and 450 mm for cut. Side setbacks have not been increased to 1.2 m to accommodate these retaining walls.

- **Part 3.4.1(a) & (c) Streetscape:** The development's excessive bulk and scale fail to complement the existing and desired character of the locality and disregard the site's natural landform, resulting in unnecessary cut.
- **Part 3.5.1(f) Fencing:** No fencing details have been provided in the application.
- **Part 3.6.3.2(b) Setbacks:** Each dwelling fails to provide the required 0.9m of unobstructed side access.
- **Part 3.6.3.6(b)(i) Landscaping:** More than 30 per cent of the area forward of the building line is covered by impervious materials.

These non-compliances demonstrate that the proposal is inconsistent with the objectives and requirements of the DCP, particularly in addressing bulk, scale, and landscaping, and it does not appropriately respond to the site's constraints. Refusal of the application is therefore recommended.

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

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

Natural environment

The proposed development is not considered to have a significantly adverse impact on the natural environment of the locality.

Built Form

The proposed development does provide an appropriate land use, however the increased bulk, scale and floor area of the proposed built form is not consistent with the surrounding streetscape and the desired future character of the locality.

Social, economic and environmental impacts

While dual occupancy development can enhance housing diversity, the excessive bulk of this proposal conflicts bulk and scale of development within the zone. Economically, allowing this scale could set a precedent for overdevelopment, misaligning with the Council's planning controls.

Environmentally, the overdevelopment results in increased site coverage, limiting green space and with additional hard surfaces increasing stormwater runoff, and reducing overall environmental quality. Maintaining the current FSR aligns with sustainable land use, minimising adverse environmental impacts.

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 assess the suitability of the site for the proposed development.

The proposed dual occupancy is not compatible with the site's characteristics. The development's scale and design are disproportionate to the site's size and is inconsistent with

the character and scale of adjoining properties, which if approved is likely to result in adverse impacts on neighbouring properties.

Given these factors, the proposed development is unsuitable for the site, and refusal is recommended to uphold the intended development outcomes and neighbourhood character

Section 4.15 (1)(d) Public Participation

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

The application was notified and in accordance with the Campbelltown Community Participation Plan from 5 September 2024 to 27 September 2024 and no submissions were received.

Section 4.15 (1)(e) Public Interest

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

The proposal is not in the public interest as the increase bulk and scale is disproportionate to the surrounding developments and the significant departure from the development standard for a site that does not have any particular or unique circumstances. The development would set an undesirable precedent for similar inappropriate development.

Conclusion

The subject development application 3200/2024/DA-DO proposing demolition of existing structures and construction of a 2 storey attached dual occupancy and a swimming pool at the rear of dwelling B including associated 2 lot Torrens subdivision has been assessed under the matters of consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposed Clause 4.6 variation request is not supported, the development is not consistent with Clause 4.4 of the Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015, the site is not suitable for the development and approval of this development application is not in the public interest. Therefore, it is recommended that it be refused for the reasons outlined in attachment 1.

Attachments

- 4.1.1 Reasons for Refusal (contained within this report)
- 4.1.2 7 Kapala Avenue DCP compliance table (contained within this report)
- 4.1.3 Clause 4.6 Request to vary development standard - 7 Kapala Ave, Bradbury_PAN-464680 (contained within this report)
- 4.1.4 Architectural Plans (contained within this report)
- 4.1.5 Floor Plans (due to confidentiality)(distributed under separate cover)

Reporting Officer

Manager Development Assessment

ATTACHMENT – REASONS FOR REFUSAL

The reasons for refusal are as follows:

1. The proposed development is inconsistent with Campbelltown Local Environmental Plan 2015 with respect to Clause 2.3 (1a) & (2) relating to the objectives for development.
(4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)
2. The proposed development is inconsistent with Campbelltown Local Environmental Plan 2015 with respect to Clause 4.4 (2A) relating to floor space ratio.
(4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979)
3. The proposed development does not comply with Part 2.8.1(b) of the Campbelltown (Sustainable City) Development Control Plan 2015 regarding the maximum permitted cut.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
4. The proposed development does not comply with Part 2.10 of the Campbelltown (Sustainable City) Development Control Plan 2015 regarding retaining wall setback requirements.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
5. The proposed development does not comply with Part 3.4.1.1(a) & (c) of the Campbelltown (Sustainable City) Development Control Plan 2015 due to its excessive massing, bulk, scale, and cut which do not align with the existing or desired future character of the locality.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
6. The proposed development does not comply with Part 3.5.1(f) of the Campbelltown (Sustainable City) Development Control Plan 2015 due to insufficient fencing details.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
7. The proposed development does not comply with Part 3.6.3.2(b) of the Campbelltown (Sustainable City) Development Control Plan 2015, as it does not provide the required 0.9 metre side access.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)
8. The proposed development does not comply with Part 3.6.3.6(b)(i) of the Campbelltown (Sustainable City) Development Control Plan 2015, as more than 30% of the area forward of the building line is impervious materials.
(4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)

9. The proposed development does not comply with Clause 23 of the *Environmental Planning and Assessment Regulation 2021*, inconsistent information has been provided with regards to written owner's consent of the land, therefore the applications fail to satisfy.

(4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979)

10. The proposed development's excessive bulk, scale, and floor space ratio adversely impact the streetscape, the area's character, and the natural and built environments, while also causing negative social and economic effects in the locality.

(4.15(1)(b) of the Environmental Planning and Assessment Act 1979)

11. For the above reasons approval of the development is not in the public interest.

(4.15(1)(e) of the Environmental Planning and Assessment Act 1979)

Campbelltown (Sustainable City) Development Control Plan 2015

The Campbelltown (Sustainable City) DCP 2015 is broken down into several volumes and parts which relate to specific localities and various developments. Volume 1, Part 2 applies to all types of residential development and Part 3 applies to low and medium development.

The following provides an assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2015.

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 site analysis plan has been submitted.	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.	Two 3,000L rainwater tank is proposed to service the dual occupancy.	Yes
2.4.5 BASIX	A BASIX certificate is to be submitted with residential development in accordance with the SEPP (Sustainable Building)2022	A valid BASIX certificate has been submitted.	Yes
2.5 Landscaping	(a) Landscape design shall enhance the visual character of the development and compliment the design/use of spaces within and adjacent to the site.	Achieved. Landscape design shall enhance the visual character of the development.	Yes
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	No existing native flora and fauna on the site.	
	c) Landscape design shall add value to the quality and character of the streetscape.	Achieved.	
	d) Landscape Concept Plan is required to be submitted with a development application for a semi-detached	Achieved.	
	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	Achieved.	

Part	Requirement	Proposed	Compliance
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	Landscape plan shows the use of native indigenous planting.	
2.7 Erosion and Sediment Control	(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.	A sediment control plan has been submitted and is satisfactory in accordance with this control.	Yes
2.8.1 Cut and Fill	(a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	Cut and fill shown on elevation and section plan and on the cut and fill plan.	No
	(b) 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.	Maximum fill is 0.5m Maximum cut is 1.3m along the western elevation of the building.	
2.9 Demolition	A development application involving demolition shall be considered having regard to the requirements set out in this part.	Demolition is proposed.	Yes
2.10.2 Stormwater	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 available from Council's website at www.campbelltown.nsw.gov.au).	Achieved.	Yes
	b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	Achieved. Concept stormwater plan submitted.	
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to	The development application proposes stormwater drainage to the kerb via gravity.	

Part	Requirement	Proposed	Compliance
	<p>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.</p> <p>Note: Rubble pits and charged lines are not generally considered a suitable drainage solution.</p>		
2.10.3 Stormwater Drainage	<p>(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.</p>	Achieved. Concept stormwater plan provided.	Yes
	<p>b) 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>	Achieved.	
2.12 Retaining Walls	<p>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.</p>	Achieved.	No
	<p>b) In the case of retaining walls constructed to support</p>	Retaining wall to support filling for dwelling B.	

Part	Requirement	Proposed	Compliance
	<p>proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted within 2 metres 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.</p>	<p>The submitted stormwater engineering plans show 'approx. location' of retaining on the boundary between dwelling B and 5 Kapala Avenue. The exact location is not shown on the architectural or stormwater plans.</p>	
	<p>c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply:</p> <p>i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut.</p> <p>Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has been obtained and submitted as part of the DA.</p>	<p>Retaining wall support cut located on the boundary with dwelling A and 9 Kapala Avenue.</p> <p>The retaining wall is located wholly within the boundary and works shall be within the boundary.</p> <p>No neighbour consent has been obtained and submitted as a part of the DA.</p>	
	<p>d) Any retaining wall shall not adversely alter surface flows to adjoining private land.</p>	<p>Achieved.</p>	
	<p>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.</p>	<p>Achieved.</p>	
	<p>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</p>	<p>N/A</p>	

Part	Requirement	Proposed	Compliance
	implemented to protect the integrity of any structure.		
	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 0.9metres to 1.2 metres.	Retaining walls are located on the side boundary of dwelling A. Side setback has not been increased to 1.2m, remains at 1.18m	
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Retaining wall is located within the property boundary. No works proposed under this application for works on the neighbouring property.	
	i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	N/A.	
2.15.1 Waste Management	A detailed Waste Management Plan shall accompany development applications including secondary dwellings applications.	Waste management plan submitted is considered satisfactory in accordance with the requirements set out in section 2.15 of this control.	Yes
2.16 Provision of Services	Ensure that development is provided with adequate water and power supply	The subject site is located within an established area where essential utilities including water and power currently service the site. The proposal will connect into existing infrastructure servicing the site.	Yes
3.4 General Requirements for Low and Medium Density Residential Development - Zones R2, R3, R4 and R5			
3.4.1.1 Streetscape	a) Building design (including façade treatment, massing, roof design and entrance features), setbacks and landscaping shall complement the scale of development, and the desired future character of the residential neighbourhoods.	The proposed increase to bulk and scale is excessive and the development does not complement the existing streetscape and desired future character of the locality.	No
	b) Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	Not a corner lot. N/A	

Part	Requirement	Proposed	Compliance
	c) The built form shall relate to the natural landform and setting.	The built form does not relate to the natural landform and setting of the site result in the development requirement an excess amount of cut.	
	d) On-site parking areas shall be designed and sited to reduce the visual prominence of garage doors and external parking spaces as viewed from the street or other public place.	Proposal incorporates integrated garage with the proposal that is setback behind the building line that ensures the prominence of the garage doors are minimal when viewed from the street.	
	e) Garage doors facing a public street shall not be wider than 50% of the width of the building's facade fronting the street (refer to Figures 3.4.1.1).	Achieved.	
	f) No carports or garages (or like structures) shall be located within 6 metres of the primary street boundary, for additional requirements of setbacks for the various types of residential development refer to section 3.5, 3.6 and 3.7 of this part of the plan.	Achieved.	
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	Achieved.	
	h) Multi dwellings and dual occupancies shall satisfy the following architectural requirements i) incorporation of variations in roof heights and wall planes to avoid long unbroken ridge lines ii) incorporation of façade shifts and articulations, varied materials and colours in order to avoid duplication of the same building elements iii) provision of windows and active space in the building ends, to provide additional security and visual interest.	Proposal is dual occupancy. Achieved. Achieved. Achieved.	
	i) All windows facing the street (primary and secondary) must have a	Achieved.	

Part	Requirement	Proposed	Compliance
	balanced architectural design.		
3.4.1.2 Building Height	a) 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 and public place.	Achieved.	Yes
3.4.2 Car Parking and Access	a) The minimum dimensions of any required parking space shall be 2.5 metres x 5.5 metres. If the car parking space adjoins a vertical edge which is 100mm or higher, the minimum width of the car parking space shall be 2.7 metres	Achieved.	Yes
	b) The minimum internal dimension of an enclosed garage shall be 3 metres x 6 metres.	Internal garage is 3.3m x 6m.	
	c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Achieved.	
	e) Driveways greater than 30 metres in length as viewed from the street shall be avoided.	Achieved.	
	f) Driveways shall be located a minimum distance of 6 metres from the tangent point of any unsignalled intersection (refer to Figure 3.4.2.1).	Achieved.	
	g) The minimum width of the driveway at the street kerb shall be: i) 2.5 metres where the driveway provides access for one (1) dwelling; and ii) 5 metres where a single driveway provides access for two (2) or more dwellings (excluding secondary dwellings)	Achieved.	
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2.2).	Achieved.	
	j) Plain concrete driveways including crossover and layback shall not be permitted. Details of driveway colours and patterns shall be submitted	Details of the driveway has been submitted.	

Part	Requirement	Proposed	Compliance
	with the development application.		
	k) Garages and driveways shall be located and designed to minimise the loss of any on street parking and ensure that sufficient area is maintained along the site frontage for the provision of on street parking spaces, where possible	Achieved.	
	l) Internal driveways and vehicle access shall be provided with sufficient widths to ensure easy access to and from designated car parking areas/garages.	Achieved. Garage door length is 2.4m wide.	
3.4.3.1 Acoustic Privacy	a) Development that adjoins significant noise sources, (such as main roads, commercial/ industrial development, public transport interchanges and railways) shall be designed to achieve acceptable internal noise levels, based on recognised Australian Standards and any criteria and standards regulated by a relevant State Government Authority.	Not applicable. No additional noise attenuation measures are required.	Yes
	b) Development shall incorporate noise attenuation measures that are compatible with the scale, form and character of the street	Nil Required.	
	c) On-site noise generating sources including, but not limited to, plant rooms and equipment, air conditioning units, pool pumps, and recreation areas shall be designed and located to ensure that the noise levels generated by such facilities do not exceed 5 dBA above background levels at the property boundary.	Proposed location of pool pump is located away from the adjoining residential sites.	
3.4.3.2 Visual Privacy	a) No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private open	Achieved. Proposing front facing balcony.	Yes

Part	Requirement	Proposed	Compliance
	space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).		
3.4.4 Solar Access	a) Living areas shall have a northerly orientation.	Unit A and Unit B do have living areas with northerly orientation.	Yes
	b) minimum 20sqm fixed area of the required private open space shall receive three(3)hours of continuous direct solar access on 21 June, between 9.00am and 3.00pm, when measured at ground level.	The location of the POS area of unit 1 and unit 2 will receive three (3) hours of continuous direct solar access for at least 20sqm on 21 June, between 9.00am and 3.00pm.	
	c) Development shall have appropriate regard to the impact on solar access to useable private open space and living areas, solar collectors and clothes drying areas of adjoining residential development.	Achieved.	
	d) Building siting shall take into consideration the range of factors that impact on solar access including slope of land, vegetation and existing building and other structures.	Achieved.	
3.4.5 Waste Requirements	a) Each dwelling shall be provided with adequate space behind the primary and secondary building lines and out of public view to store the following bins: i) one (1) x 140 litre bin; and ii) two (2) x 240 litre bins	Achieved.	Yes
	b) The bin storage area shall not be located in such a place that requires any bins to be transported through any habitable part of the dwelling to reach the collection point	Waste storage located along side boundary and will not be required to be transported through any habitable part of the dwelling to reach the collection point.	
	c) The path for wheeling bins between the waste storage area(s) and the kerbside shall be free of steps and kerbs and have a maximum gradient of 1V:8H.	Achieved.	
	d) The maximum travel distance between any waste storage area and the	Achieved. Waste storage areas are less than 30 meters from collection point. Waste	

Part	Requirement	Proposed	Compliance
	collection point should not exceed 30 metres.	management plan states bins to be located in the backyard.	
	e) If bin storage is proposed to be contained within any garage, that garage must be widened by a minimum of 600mm to allow for egress of a 240L mobile garbage bin while a vehicle is parked within the garage.	Not applicable.	
	f) Each dwelling must be provided with at least 1.5m clear and unobstructed kerbside for the presentation of bins and kerbside clean up material within the confines of the site's frontage (not impeding driveways or neighbouring lots).	Achieved.	
3.5.1 Fencing	a) Bonded sheet metal fencing shall not be constructed at any location other than along side and rear boundaries shared with other private property, where such fencing is not highly visible from the street, public reserve or other public place, unless the site is within a bushfire prone area.	Achieved.	No
	b) Residential fencing along the rear and side boundaries shall be: i) located behind the primary street building line; ii) a maximum 2.1 metres in height (excluding retaining walls); and iii) a maximum 1.8 metres in height, if adjoining a secondary street.	Achieved.	
	c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	Nil proposed.	
	d) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	Not applicable.	

Part	Requirement	Proposed	Compliance
	e) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights	Achieved.	
	f) Details for fencing shall be submitted with the development application.	No provided.	
3.5.3.1 Swimming Pools/Spas General Requirements	a) Safety fencing for swimming pools/spas shall comply with the Swimming Pools Act 1992, Swimming Pools Regulation 2018 and the Australian Standard 1926.1 – 2012 Swimming Pool Safety (As amended)	The proposal includes fencing, 1.2m height to be self-locking to comply with Australian Standards.	Yes
3.5.3.1 Setbacks	a) Swimming pools/spas shall be located behind the front primary street building setback	Achieved.	Yes
	b) Swimming pools/spas that do not incorporate decking/coping greater than 600mm above natural ground level at any point shall be setback a minimum of: i) 1 metre from the rear and side boundaries ii) 1 metre from the secondary boundary (corner)	Coping is proposed, less than 600mm. The proposed pool is 1 metre from the rear and side boundary.	
	c) The setback requirements under Clause 3.5.3.2 (b) shall be inclusive of any decking/coping associated with the pool (i.e. the minimum 1 metre setback shall be calculated from the edge of the decking/coping to the side boundary, rear or secondary boundary).	Coping is proposed. The proposed pool is 1 metre from the rear and side boundary.	
	e) Adequate measures shall be implemented to ensure the amenity of adjoining neighbours is maintained.	Achieved.	
	f) The pool pump/filter shall be located as far away as practicable from neighbouring dwellings and shall be enclosed in an acoustic enclosure to minimum noise impacts on adjoining properties.	Achieved.	
3.6.3 Dual Occupancies (Attached or Detached) - Zones R2, R3 & R5			

Part	Requirement	Proposed	Compliance
3.6.3.1 Site Requirement	<p>i) a minimum width of 15 metres measured along the side boundaries at a distance of 5.5 metres from the primary street boundary; and</p> <p>ii) a minimum width of 7 metres measured between the extended property side boundaries, or in the case of a corner allotment, the secondary street boundaries where they intersect with the kerb line</p>	<p>The existing lot is 19.8m when measured along the side boundaries at 5.5 metres.</p> <p>19.8 metres when measure at the extended property side boundaries.</p>	Yes
3.6.3.2 Setbacks	<p>a) A dual occupancy shall be setback a minimum of:</p> <p>i) 5.5 metres from the primary street boundary for the dwelling;</p> <p>ii) 6.0 metres from the primary street boundary for the garage;</p> <p>iii) 2 metres from the secondary street boundary;</p> <p>iv) 5.5 metres from the secondary street boundary for the garage, where the garage is accessed directly from the secondary street;</p> <p>v) 0.9 metres from any side boundary; and</p> <p>vi) 3 metres from the rear boundary for any part of the building that is up to 4.5 metres in height from ground level (existing); and</p> <p>vii) 8 metres from the rear boundary for any part of the building that is higher than 4.5 metres from ground level (existing).</p> <p>b) Each dwelling shall have a minimum of 0.9m unobstructed side access that is free from air conditioning units, rainwater tanks hot water systems, or</p>	<p>Unit A has a 6.1m setback Unit B has a 6m setback.</p> <p>Achieved Unit A & B.</p> <p>N/A</p> <p>N/A</p> <p>Achieved.</p> <p>Unit A: 9.4m Unit B: 9.1m</p> <p>Unit A: Complies Unit B: Complies</p> <p>Unit A & B have the hot water system restricting access. Proposing 0.6m between the HWS and the side boundary.</p>	No

Part	Requirement	Proposed	Compliance
	any other structure that may block access to the rear of the dwelling.		
3.6.3.3 Car Parking Rates	a) Each dwelling that is part of a dual occupancy development shall be provided with a minimum of one(1) single garage.	Achieved.	Yes
3.6.3.4 Private Open Space	i) Located behind the primary building setback ii) Minimum area of 60sqm iii) Has a minimum width of 3m iv) Has a minimum levelled area of 5x5sqm v) Has a minimum unfragmented area of 40sqm vi) Has an internal living room directly accessible to the outdoor private open space area vii) Satisfies solar access requirements contained in Section 3.4.4. of the Plan.	Achieved. Achieved. Achieved. Achieved. Achieved. Achieved. Achieved.	Yes
3.6.3.5 Presentation to Public Streets	a) Where a dual occupancy involves the retention of an existing dwelling, the existing dwelling shall be renovated to match the colour, material, texture and architectural style of the proposed building so as to create a harmonious development.	Not proposed.	N/A
3.6.3.6 Landscaping and Deep Soil Planting	a) A development application for a dual occupancy shall include a detailed landscape plan prepared by a suitably qualified person. b) A dual occupancy shall satisfy the following provisions relating to deep soil planting; i) No more than 30% of the area forward of any building line shall be surfaced with impervious materials	Achieved. Total area forward of the building line is 142.22sqm. The total area forward of the building line covered by impervious materials is 46.6m ² , equating to 37%. This non-	No

Part	Requirement	Proposed	Compliance
	ii) a minimum of 20% of the total site area shall be available for deep soil planting.	compliance is not supported, as the increased bulk and scale of the development are not mitigated by sufficient landscaping in this area, which is necessary to reduce the visual impact and enhance the streetscape. Achieved.	
3.6.1.7 Site Services	The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	The subject site is already serviced by essential services.	Yes
3.8 Residential Subdivision			
3.8.4 Subdivision of Dual Occupancies - Zone R2 and R3	a) For the purposes of the subdivision of all dual occupancies, all allotments to be created shall be part of a Strata Title scheme	Proposal is a Torrens Title subdivision.	Yes
	b) Council will consider a development application for Torrens Title subdivision for the purpose of dual occupancies (being the only dwellings in the development) if the proposed subdivision satisfies the following standards:	Proposal is a Torrens Title subdivision.	
	i) Each allotment has a width of 7.5 metres measured between the extended property side boundaries where they intersect with the kerb line;	Each allotment has at least 7.5 metres. Unit A: 9.8m Unit B: 9.8m	
	ii) Both allotments have access to a public street;	Achieved.	
	iii) at least 1 allotment has direct frontage to a public street;	Achieved.	
	iv) a minimum access handle width of 3.5 metres for the servicing of the rear allotment (if proposed)	Not proposed.	
	v) where a battleaxe allotment is created, no right of carriage way is proposed over the other allotments.	Not proposed.	

Part	Requirement	Proposed	Compliance
3.8.9 Subdivision and Waste Management	<p>c) Subdivision shall be designed and constructed so that upon completion:</p> <p>i) kerbside waste and recycling collection vehicles are able to access bins from the kerbside at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin (refer to indicative vehicle dimensions)</p> <p>ii) at least 1.5 metres of clear and unobstructed footpath area is provided within the confines of each lot (not impeding driveways or neighbouring lots) to allow for the presentation of bins and kerbside clean up material</p>	<p>Achieved.</p> <p>Achieved.</p>	<p>Yes</p>

The proposed development is not compliant with the requirements of Council's Sustainable City Development Control Plan 2015.

4 October 2024

Ref: CEJ24-109



Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool

7 Kapala Avenue, Bradbury
Lot 1334 DP 242800

**Prepared by Cutting Edge Planning Pty Ltd on behalf
of Vogue Homes**

October 2024

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

APPLICANTS NAME: Vogue Homes
SITE ADDRESS: 7 Kapala Avenue, Bradbury
PROPOSAL: Demolition of existing structures, construction of an attached dual occupancy and swimming pool

1. (i) Name of the applicable planning instrument which specifies the development standard:

Campbelltown Local Environmental Plan 2015 (CLEP2015)

(ii) The land is zoned:

R2 Low Density Residential. The objectives of which are as stated:

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

(iii) The number of the relevant clause therein:

Clause 4.4 – Floor space ratio, which is stated as follows:

(1) The objectives of this clause are as follows—

- (a) to provide effective control over the bulk and scale of future development,
- (b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- (c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to employment centres and transport facilities,
- (e) to provide for built form that is compatible with the hierarchy and role of centres,
- (f) 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 the public domain is addressed,
- (g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) If a floor space ratio is not shown on the Floor Space Ratio Map for land, the maximum floor space ratio for the land is the floor space ratio specified for the use and zone in the table to this subclause.

Column 1 Use and zone	Column 2 Floor space ratio
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1
Centre-based child care facilities in a residential zone	0.55:1
Attached dwellings in Zone R2 Low Density Residential	0.45:1
Attached dwellings in Zone R3 Medium Density Residential	0.75:1

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
 7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

(2B), (2C) (Repealed)

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Cutting Edge Planning.

2. Overview

This Clause 4.6 Exception to Development Standards has been prepared in accordance with the most recent case law. In our opinion, the variation is consistent with the objectives of the zone and development standard and has demonstrated there are sufficient environmental planning grounds to justify contravening the development standard.

3. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.4 of the CLEP2015 – Floor space ratio. This Clause operates in conjunction with the Floor Space Ratio Map which does not indicate a floor space ratio (FSR) applicable to the Site. However, Clause 4.4(2A) indicates a maximum FSR of 0.45:1 applies to the subject site for the purposes of a dual occupancy. Clause 4.4 is consistent with the definition for a development standard under Section 1.4 of the Environmental Planning and Assessment Act 1979 (EPA Act).

Based on the site area of 623.3m², the Site has a maximum permitted Gross Floor Area (GFA) of 280.485m². The proposal will result in a GFA of 370.1m² and an FSR of 0.59:1 (see **Figure 1** below) resulting in a 32% variation to the development standard.

The proposed FSR will provide a built form that sits comfortably within the streetscape and is in keeping with the existing and emerging character of the surrounding development. Importantly, the proposal will have a compatible bulk and scale with neighbouring properties and compliant with the maximum building height development standard, which will preserve amenity of neighbouring sites.

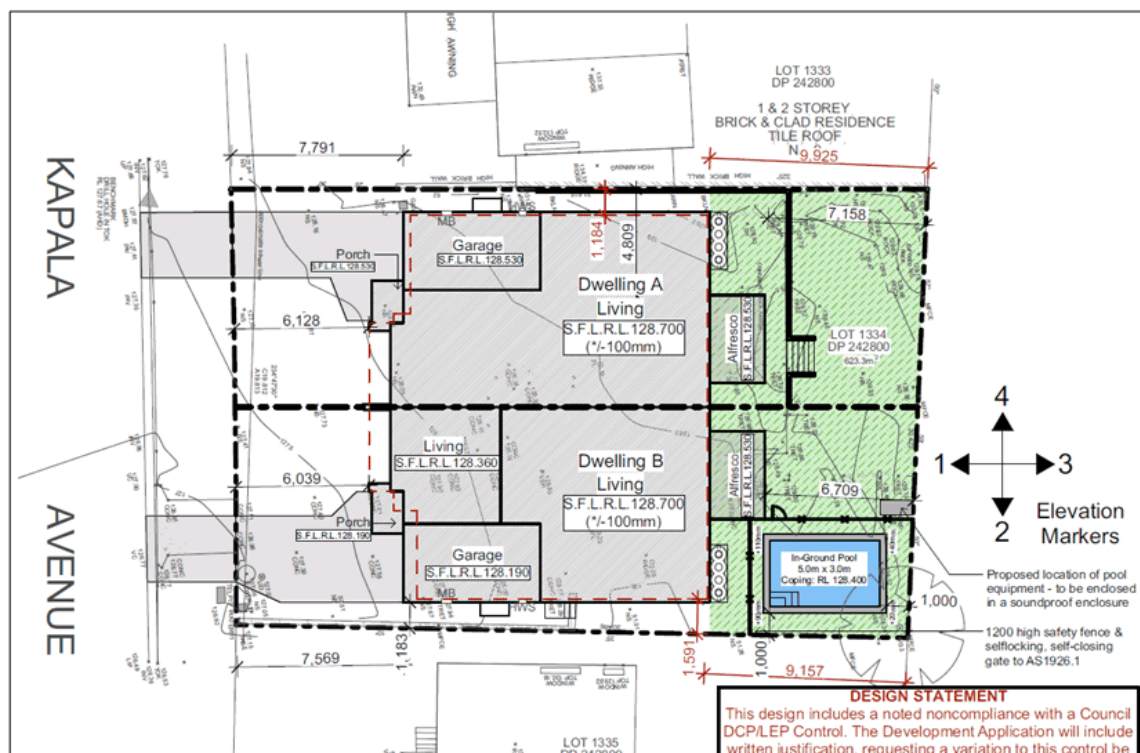


Figure 1. Proposed Site Plan (Source: JR Design & Drafting, 2024)

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

4. Consistency with Objectives of Clause 4.6

The objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the Court determination in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] 236 LGERA 256 (*Initial Action*), Preston CJ notes at [87] and [90]:

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, it is still useful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

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

The proposal seeks flexibility in the application of the lot size development standard to the development in the circumstances of this case. The site is located within the R2 Low Density Residential zone, it is a dual occupancy located in the vicinity of one and two storey dwellings. The proposal maintains the residential use of the Site and provides an appropriate balance in bulk and scale relative to surrounding development. Also, given the proposed setbacks and height of building, the additional GFA will not appear visually dominant in the streetscape.

Flexibility in these particular circumstances allows a better outcome for and from the development, by providing improved internal amenity for the residents and their guests without adversely impacting on neighbouring properties. The proposal has been designed to ensure neighbours' amenity impacts are minimised. The proposal will positively relate to the public domain when viewed from Kapala Avenue and the rear, with a sympathetic built form and a compatible building height. This is also achieved through the proposal's compliance with the open space and amenity controls of the DCP. Reducing the FSR would unreasonably restrict the development of the Site, without any noticeable benefits to surrounding properties. The proposed FSR allows for a a two storey dual occupancy providing further usable habitable space within the R2 Low Density Residential Zone.

Accordingly, in our opinion, the proposed FSR is consistent with the objectives of Clause 4.6 and provides a better planning outcome for and from the Site.

5. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The Clause states:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
(a) 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.

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections.

5.1 Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (*Wehbe*), Preston CJ established five potential tests for determining whether a development standard could be considered unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
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commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

It is our opinion that the proposal satisfies Test 1 established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. Test 1 will be considered below.

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Despite the proposed development's non-compliance with the applicable FSR development standard, the proposal is consistent with the desired low density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls. Reasons why the proposed development is consistent with the objectives of the FSR standard are explained below.

(a) to provide effective control over the bulk and scale of future development,

The proposed development is designed to respect the existing context while slightly exceeding the prescribed FSR. The proposal incorporates architectural articulation and varied rooflines that mitigate the perception of bulk and scale. The careful design ensures that the development integrates harmoniously with surrounding developments, maintaining the visual balance of the streetscape. Importantly, the increased FSR allows for a more functional living space without compromising the overall scale of development, thus fostering a more efficient use of land in alignment with sustainable development principles.

(b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,

The proposed development is for an attached dual occupancy providing greater housing diversity and is compliant with the maximum building height development standard of the CLEP2015. The proposal comprises a two storey built form and compliant with the majority of the built form controls in Council's DCP thus compliant with the envisaged built form within a R2 Zone.

(c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

'Desired future character' is not defined in the LEP. The meaning of 'desired future character' is derived from the text and context of the provisions of the LEP in which it is used and the other provisions of the LEP that form the urban character and built form of the area. The relevant clauses in the LEP which relate to urban character and built form are:

- a. The zoning of the land (Clause 2.2 and the Land Zoning Map);
- b. The zone objectives (Clause 2.3);
- c. The land use table (at the end of Part 2); and
- d. The development standards in Part 4:
 - i. Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 8.5m; and
 - ii. Clause 4.4 Floor Space Ratio and Floor Space Ratio Map which prescribes a maximum FSR of 0.45:1.

The R2 Low Density Residential zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The permissible uses are:

*Attached dwellings; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Semi-detached dwellings; Tank-based aquaculture*

The proposal will contribute to the eclectic mix of permissible uses in the R2 zone. The proposal is also compatible with the envelope of neighbouring developments demonstrating the proposal is contextually compatible. In other words, the height and envelope is consistent with these buildings and compatible with the area's desired future

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

character as per the Court judgment of *SJD DB2 Pty Ltd v Woollahra Municipal Council* [2020] NSWLEC 1112. In this judgment Clay AC notes at [69]:

The desired future character in my opinion must take into account the form of the buildings to the east which the Council approved under effectively the same controls as present. Those buildings exceed the height and floor space ratio controls. As the Applicant pointed out in submissions, this is not a case where there is an adjacent development approved and constructed many years ago which sits as an anomaly in the street. The developments under construction represent the recently expressed attitude of the Respondent to the controls and what is desired in this part of Cross Street.

This approach was confirmed in the appeal of this case by Preston CJ that the desired future character should be informed by the nearby and future development and not limited by the development standards. Kapala Avenue is characterised by a mix of one and two-storey dwellings in the R2 zone. As the proposed floor space is located to the rear, the proposal will appear compatible within the streetscape and Bradbury locality.

The additional floor space will not be readily discernible from the street or neighbouring sites. The sympathetic design scheme accommodates floor space within the maximum building height, maintaining a two-storey appearance in the street, similar to adjoining properties. This proposal also continues to provide compliant private open space.

Therefore, given the location of additional GFA, the proposed envelope does not adversely affect the amenity of neighbouring properties, with regards to views, solar access and privacy. Accordingly, the proposed development remains an appropriate scale and maintains the environmental amenity of neighbouring sites.

(d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to employment centres and transport facilities,

The Site is located within an established residential area. The proposed development is for an attached dual occupancy compliant with the maximum building height standard of the CLEP2015 which contributes to appropriate development within the locality. The proposed development will enhance the architectural landscape, contributing positively to the locality's visual identity. The design prioritises sustainability through the integration of energy-efficient features, which reflects contemporary architectural outcomes suitable for the locality.

(e) to provide for built form that is compatible with the hierarchy and role of centres,

The proposed development is for an attached dual occupancy located in an established residential area and not within a city or local centre.

(f) 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 the public domain is addressed,

The proposed development has been meticulously designed to minimise visual impacts on neighbouring properties, with considerations for setbacks, building height, and orientation. The proposed landscaping acts as buffer, preserving privacy and enhancing the amenity of both the Site and adjoining properties. Solar access is prioritised in the design, ensuring that natural light reaches adjacent properties while reducing overshadowing. The outcome is a development that enhances neighbourhood character while safeguarding the amenity of existing residents.

(g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

The Site is not identified as a heritage item or located within a heritage conservation area (HCA).

5.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

There are sufficient environmental planning grounds to justify the FSR non-compliance, especially as the proposal will have a built form that is similar to adjoining and nearby development. Indeed, as the additional FSR is located below the maximum height of buildings development standard, it will not substantially alter the density and scale of the area. In *Initial Action v Woollahra Municipal Council* [2019] NSWLEC 1097, Commissioner O'Neill states at [42] that:

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

Proposed Dual Occupancy and Swimming Pool
7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

I am satisfied that justifying the aspect of the development that contravenes the development standard as creating a consistent scale with neighbouring development can properly be described as an environmental planning ground within the meaning identified by His Honour in Initial Action [23], because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (see s 1.3(g) of the EPA Act).

In addition to satisfying the objectives of the zone and the development standard, environmental planning grounds that justify the proposed FSR is outlined below.

Permissibility

The proposal is permissible in the R2 Low Density residential zone and satisfies the 'unreasonable and unnecessary' test established by the court in *Webbe*.

Location of Variation

The additional FSR will be located to the rear which will not be readily visible from Kapala Avenue. As such, the location of the FSR addition will not appear as excessive bulk and will be well integrated into the proposed built form as well as surrounding development.

Compatibility with the Streetscape

Despite the variation, the proposed FSR facilitates a scale of residential development that continues to appear as a two storey dual occupancy fronting Kapala Avenue, and two storeys at the rear, which is compatible with the existing and emerging development in the area and consistent with the planning objectives.

Neighbour Amenity

The FSR variation would not create material impacts on the amenity of adjoining development in respect of privacy given the proposed balconies front Kapala Avenue. Further, the proposed windows along the side setback are high windows (other than one) and are offset from windows on adjoining properties. The variation will also not create adverse material impacts to adjoining development in respect of solar access (as outlined in the shadow diagrams submitted separately).

Improved On-Site Amenity

The variation results in improved internal amenity for the occupants and facilitates housing that is suitable for a wide range of demographics, including young families who wish to stay in the locality.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard in the circumstances of this case, as required in Clause 4.6(3)(b).

6. Conclusion

This written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. This is summarised in the compliance matrix prepared in light of *Initial Action* (see **Table 1** on the following page).

We are of the opinion that the consent authority should be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the development objectives of the R2 Low Density Residential Zone pursuant to the CLEP2015. On that basis, the request to vary Clause 4.4 should be upheld.

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio
 Proposed Dual Occupancy and Swimming Pool
 7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

Table 2: Compliance Matrix

Para (Initial Action)	Requirement	Section of this Report	Summary	Satisfied
10	Is it a development standard (s.1.4)	1	Yes	
11	What is the development standard	1	Clause 4.4 – Floor space ratio	
12	What is the control	1 & 2	0.45:1	
14	First Precondition to Enlivening the Power – Consent authority must form 2 positive opinions:		Both positive opinions can be formed as detailed below.	YES
15, 25	1st Positive Opinion – That the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3). There are two aspects of that requirement.	5	The Clause 4.6 variation has adequately addressed both matters in Clause 4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.	YES
16-22	First Aspect is Clause 4.6(3)(a) – That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. Common ways are as set out in <i>Wehbe</i> .	5.1	The proposal satisfies Test 1 of <i>Wehbe</i> : <ul style="list-style-type: none"> The objectives of the standard are achieved notwithstanding the non-compliance with the standard 	YES
23-24	Second Aspect is Clause 4.6(3)(b) – The written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under Clause 4.6(4)(a)(i) that the written request has adequately addressed this matter. a) The environmental planning grounds must be "sufficient" in two respects: The environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. b) The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.	5.2	Sufficient environmental planning grounds include: <ul style="list-style-type: none"> The proposal is permissible in the R2 Low Density residential zone and satisfies the 'unreasonable and unnecessary' test established by the court in <i>Wehbe</i>; The extent of variation is located behind the principle built form and is compatible with the rear setback of adjoining properties. Despite the variation, the proposed FSR facilitates a scale of residential development that is compatible with the existing and emerging development in the area and consistent with the planning objectives The FSR variation would not create material impacts on the amenity of adjoining development in respect of privacy and solar access. 	YES

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio
Proposed Dual Occupancy and Swimming Pool
7 Kapala Avenue, Bradbury (Lot 1334 DP 242800)

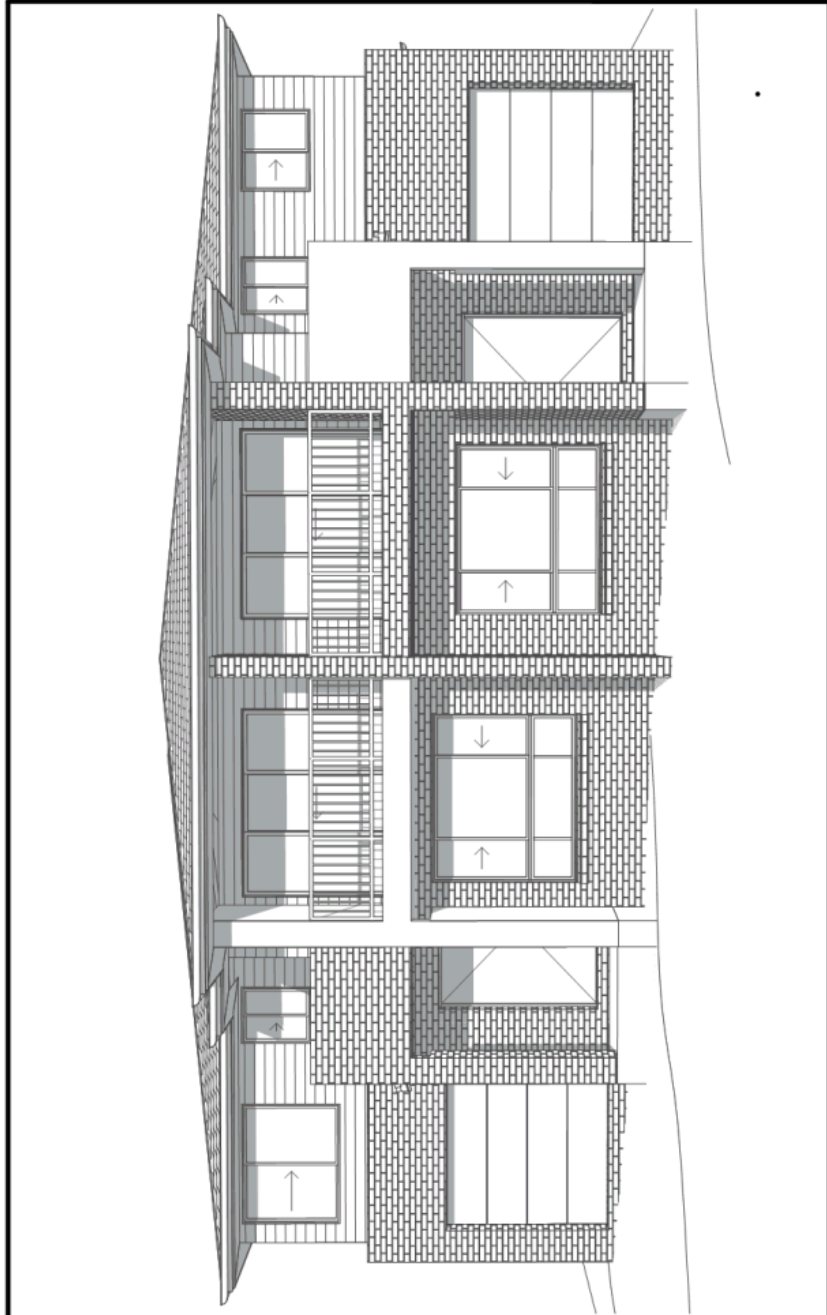
		<ul style="list-style-type: none">• The variation results in improved internal amenity for the occupants.	
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CLIENT REVIEW & COORDINATION

Project Description:
Proposed New Double Storey Dual Occupancy
Located At:
Lot 1334 in DP 242800 No.7 Kapala Avenue, Bradbury. NSW



Contents

19	Revision Schedule
18	Landscape Plan
17	Sedimentation & Waste Plan
16	Site Analysis / Window Diagram
15	Electrical Piping
14	Electrical Plans
13	Kitchen Details Dwelling B
12	Kitchen Details Dwelling A
11	Wet Area Details Dwelling B
10	Wet Area Details Dwelling A
9	Window / Door Schedules
8	Elevations
7	Elevations
6	Roof Plan & Section
5	First Floor Plan
4	Ground Floor Plan
3	Site Plan
2	Block / Notings
1	Cover Sheet
Sheet	Description

JR Design & Drafting
Redmond Design & Drafting Services
Phone: (02) 9377 4022 Fax: (02) 9377 4003
Email: jrdesign@redmond.com.au

Issue / Amendment: Client Review / 3
Date: 04.10.24

North:

Proposed: New Double Storey Dual Occupancy
Location: Lot 1334 in DP 242800 No.7 Kapala Avenue, Bradbury. NSW
Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzonte

VOGUE HOMES
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Revision: 3
Design: CUSTOM
VH Job No: 10070-23
SH Job No: VH2342
Project: Campbelltown Council
Issue: CUSTOM Date: 04.10.24
Scale: 1:27.38 Sheet: 1 of 19

D.A LODGEMENT

LANDSCAPE AREA

SITE AREA: 623.30m²
 MIN. REQUIRED: 124.86m²
 PROPOSED: 205.20m²
FLOOR SPACE RATIO
 SITE AREA: 623.30m²
 ALLOWED AREA - 55%: 342.51m²
 PROPOSED AREA: 370.10m²

PRIVATE OPEN SPACE

MIN. REQUIRED PER DWELLING: 75.00m²
 PROPOSED AREA DWELLING A: 94.95m²
 PROPOSED AREA DWELLING B: 96.50m²
 MINIMUM 3.0M X 3.0M
 PRINCIPAL PRIVATE OPEN SPACE: NOT REQUIRED

COMPLIANCE TABLE

CRITERIA	ALLOWED / REQUIRED	PROPOSED
FRONT SETBACK:	5.5M	9.37M
ARTICULATION ZONE:	7.7M	6.039M
GARAGE SETBACK:	6.0M	7.569M
REAR SETBACK:	3.0M (GF) 3.0M (FF)	6.709M 9.157M
GF SIDE SETBACK (A):	0.9M	1.034M
GF SIDE SETBACK (B):	0.9M	1.193M
FF SIDE SETBACK (A):	0.9M	1.184M
FF SIDE SETBACK (B):	0.9M	1.091M
BUILDING HEIGHT:	8.5M	8.42M
CAR PARKING SPACES:	2 SPACES	2 SPACES
DRIVEWAY WIDTH:	4.5M	4.2M

CONSTRUCTION NOTES:

- Proposed dimensions are to be taken in preference to existing.
- No allowance has been made for earth retention or shoring.
- All levels shown are approximate and should be verified on site during construction.
- Excavation shall be completed prior to any other construction and shall be backfilled with approved fill to the finished ground level.
- Excavation shall be backfilled with approved fill to the finished ground level.
- All timber framing to be constructed to the requirements of Australian Standards (AS 1684) as a minimum.
- Refer to site building scope of works for inclusions & exclusions.
- All work to be carried out in accordance with the relevant local authority.
- All service positions, air conditioning supports, ceiling, return air grille, recessed and surface lighting, etc. to be fixed to the wall or ceiling.
- Recessed lighting to be fitted with appropriate diffusers.
- Recessed lighting to be fitted with appropriate diffusers.
- Refer to Bath Certificate for energy, water & thermal requirements.
- All first floor windows with a sill height less than 1700mm to have a max. opening width of 1200mm.
- Final Contractor: Alpha, steel joints & Braces. Floor Joist to structural engineer plans.
- Main Box, One Meter to be confirmed with Builder or site.
- Downpipes to be confirmed with plumber or site.

Driveway Profile

Drivelling A scale 1:200

Driveway Profile

Drivelling B scale 1:200

SEDIMENT CONTROL NOTES:

- ALL EROSION & SEDIMENT CONTROL MEASURES, INCLUDING REVEGETATION, STORAGE OF SOIL & TOPSOIL, CONSTRUCTION OF SLOPE PROTECTION AND STABILIZATION OF EXPOSED EARTH, AS WELL AS EROSION CONTROL, MUST BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- SEDIMENT TRAPS SHALL BE CONSTRUCTED AT STABILIZED AREAS EARLY AS POSSIBLE IN THE CONSTRUCTION PROGRAM.
- SEDIMENT TRAPS SHALL BE CLEANED DURING THE CONSTRUCTION PERIOD.
- SEDIMENT TRAPS SHALL BE CLEANED WHEN THE STRUCTURE IS COMPLETE AND THE TRAP IS FULL OF DEBRIS.
- SEDIMENT TRAPS SHALL BE DELETED UPON COMPLETION OF THE WORK.
- ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT AREAS ARE STABILIZED.
- SOIL & TOPSOIL STORAGE SHALL BE LOCATED AWAY FROM DRAINAGE LINES & AREAS WHERE WATER MAY CONCENTRATE.
- FILTER FABRIC SHALL BE USED TO SEPARATE TOPSOIL FROM SUBSOIL (PROPERLY APPROVED EQUIVALENT) BETWEEN PILES AT 7.2M CENTRES.
- FABRIC SHALL BE BURIED 100mm ALONG THE LOWER EDGE.
- TOPSOIL TO BE STORED IN COVERS TO PREVENT DRYING.

Proposed Site Plan

scale 1:200

LEGEND:

- PROPOSED DRIVEWAY
- PRINCIPAL PRIVATE OPEN SPACE
- PROPOSED DWELLING
- ALL WEATHER ACCESS CROSSING BLUE METAL OR EQUIVALENT
- CONSTRUCTION STORAGE BINAREA

DESIGN STATEMENT
 This design includes a noted non-compliance with a Council DCP/LEP Control. The Development Application will include written justification, requesting a variation to this control be considered by Council. Vogue Homes and JR Design & Drafting are not liable for the variation request is rejected by Council.

Client Acknowledgement (Signed)

SITING BENCHMARKING NOTE:

FINISHED GROUND LEVELS ARE TO BE +/- 100MM FROM NOMINATED LEVEL, SUBJECT TO MAXIMUM DRIVEWAY GRADIENTS & FLOOD RELATED DEVELOPMENTS

BEFORE ENTERING SITE

Before entering site please review and make yourself familiar with Emergency contacts: Site Specific Hazards and the Site Specific Induction information that is located on the Site Induction Sign. If you have any trouble understanding this instruction, contact the Site Supervisor or Emergency Contact Number located on the sign.

Elevation Markers

Proposed location of pool equipment to be enclosed in a soundproof enclosure with 1200 high safety fence & self-locking self-closing gate to AS 1926.1

Pool Section

scale 1:100

Proposed Site Plan

scale 1:200

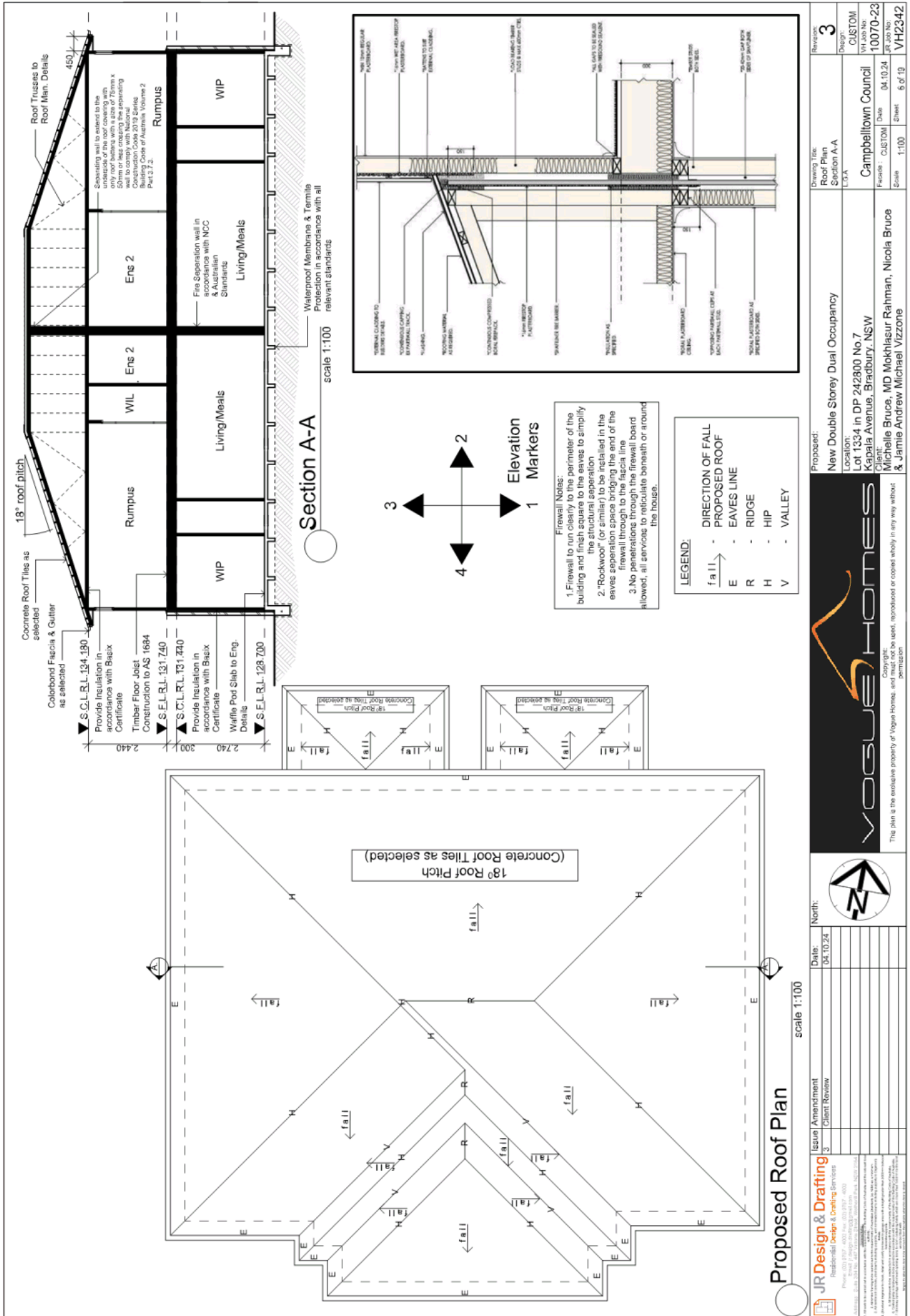
JR Design & Drafting
 Residential Design & Drafting Services
 Phone: (03) 9377-4002 Fax: (03) 9377-4003
 Email: jrdesign@jrdesign.com.au

Issue Amendment: 3
 Date: 04.10.24
 Client Review

Project: LOT 1334 DP 242800 No 7
 Location: Kapala Avenue, Bracbury, NSW
 Owner: Michelle Bruce, MD Mokhlusur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzotto

Scale: 1:100 Sheet: 3 of 19

Revision: 3
 Date: 04.10.24
 Design: CUSTOM
 Client: Campbelltown Council
 File No: 10070-23
 Scale: 1:100 Sheet: 3 of 19
 Design: CUSTOM



Door Schedule Dwelling A

DOOR NUMBER	HEIGHT (mm)	WIDTH (mm)	TYPE	MATERIAL
D1	2340	1200	Entry	Solid
D2	2340	820	Internal	Hollow Core
D3	2340	720	Internal	Hollow Core
D4	2340	720	Internal	Hollow Core
D5	2340	820	Internal	Hollow Core
D6	2340	820	Internal	Hollow Core
D7	2340	720	Internal	Hollow Core
D8	2340	820	Internal Cavity Sliding	Hollow Core
D9	2040	820	Internal	Hollow Core
D10	2040	820	Internal	Hollow Core
D11				
D12	2040	820	Internal	Hollow Core
D13				
SD1	2400	1570	Alum. Sliding Doors	Aluminium
SD2	2400	3010	Alum. Sliding Doors	Aluminium
SD3	2100	2710	Alum. Sliding Doors	Aluminium

Note:
All Doors to be checked in conjunction with Signed Building Tender
Where a discrepancy occurs, the building tender/selections document takes precedence.

Door Schedule Dwelling B

DOOR NUMBER	HEIGHT (mm)	WIDTH (mm)	TYPE	MATERIAL
D1	2340	1200	Entry	Solid
D2	2340	820	Internal	Hollow Core
D3	2340	720	Internal	Hollow Core
D4	2340	720	Internal	Hollow Core
D5	2340	820	Internal	Hollow Core
D6	2340	820	Internal	Hollow Core
D7	2340	820	Internal Cavity Sliding	Hollow Core
D8	2340	820	Internal Cavity Sliding	Hollow Core
D9	2040	820	Internal	Hollow Core
D10	2040	820	Internal	Hollow Core
D11				
D12	2040	820	Internal	Hollow Core
D14				
D15	2100	2800	Mirror Sliding	Aluminium
SD1	2400	1570	Alum. Sliding Doors	Aluminium
SD2	2400	3010	Alum. Sliding Doors	Aluminium
SD3	2100	2710	Alum. Sliding Doors	Aluminium

Note:
All Doors to be checked in conjunction with Signed Building Tender
Where a discrepancy occurs, the building tender/selections document takes precedence.

Window Schedule Dwelling A

WINDOW NUMBER	HEIGHT (mm)	WIDTH (mm)	COMMENT	REVEAL
W1	2050	2410	Aluminium Sliding	Brick Veneer
W2	750	3210	Aluminium Fixed	Brick Veneer
W3	1030	850	Aluminium Sliding	Cladding
W4	1460	1810	Aluminium Sliding Obscure	Cladding
W5	1030	1810	Aluminium Sliding Obscure	Cladding
W6	600	2170	Aluminium Sliding	Cladding
W7	600	2170	Aluminium Sliding	Cladding
W8	860	2410	Aluminium Sliding	Cladding
W9	860	2410	Aluminium Sliding	Cladding

Note:
* All Windows are to Standard Windows Spec.
* All Windows to be counted & checked Before Ordering
* Frame Stud Openings to be:
-Window Width + 70mm
-Window Height + 60mm

Note:
* All Bedroom Windows with a floor level more than 2 meters from natural ground level must be fitted with a device to restrict the window opening, or a suitable screen, so a 125mm diameter sphere cannot pass through. The device of screen must also be able to withstand an outward horizontal force of 250 N. ALL FIRST FLOOR WINDOWS TO BE FITTED WITH RESTRICTORS

Window Schedule Dwelling B


WINDOW NUMBER	HEIGHT (mm)	WIDTH (mm)	COMMENT	REVEAL
W1	2050	2410	Aluminium Sliding	Brick Veneer
W2	750	3210	Aluminium Fixed	Brick Veneer
W3	1030	850	Aluminium Sliding	Cladding
W4	1030	1210	Aluminium Sliding Obscure	Cladding
W5	600	3010	Aluminium Sliding	Cladding
W6	860	2410	Aluminium Sliding	Cladding
W7	860	2410	Aluminium Sliding	Cladding

Note:
* All Windows are to Standard Windows Spec.
* All Windows to be counted & checked Before Ordering
* Frame Stud Openings to be:
-Window Width + 70mm
-Window Height + 60mm

Note:
* All Bedroom Windows with a floor level more than 2 meters from natural ground level must be fitted with a device to restrict the window opening, or a suitable screen, so a 125mm diameter sphere cannot pass through. The device of screen must also be able to withstand an outward horizontal force of 250 N. ALL FIRST FLOOR WINDOWS TO BE FITTED WITH RESTRICTORS

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Issue/Amendment: 3 Client Review
Date: 04.10.24
North:



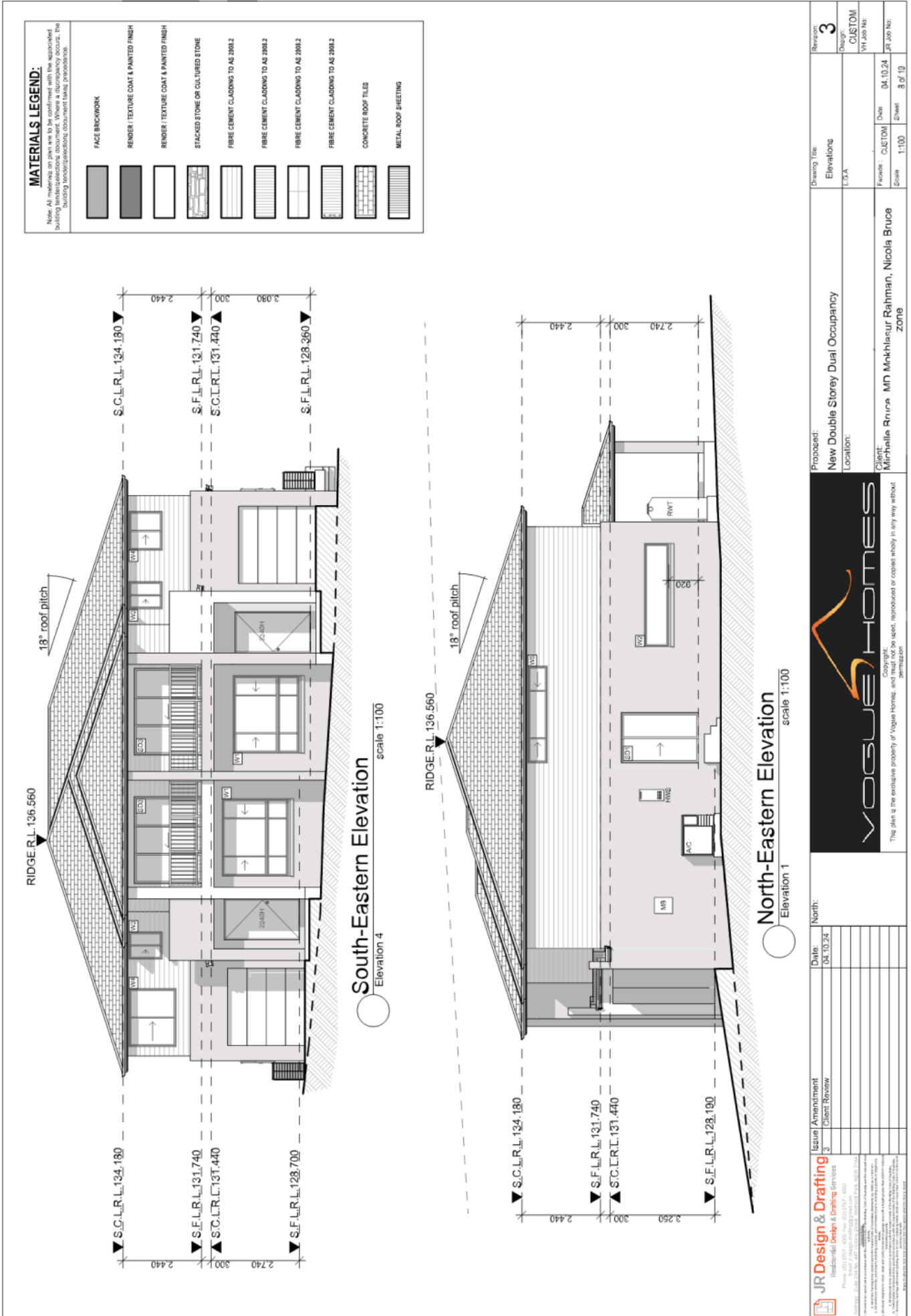

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Proposed:
New Double Storey Dual Occupancy
Location:
Lot 1334 in DP 242800 No 7
Kapata Avenue, Bracbury, NSW
Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce
& Jamie Andrew Michael Vizzone

Project File:
Section A & Window / Door Schedules
LOA











Revision: 3
Design:
CUSTOM
VH Job No:
10070-23
Rev No:
04.10.24
Sheet: 7 of 19
Scale: 1:100

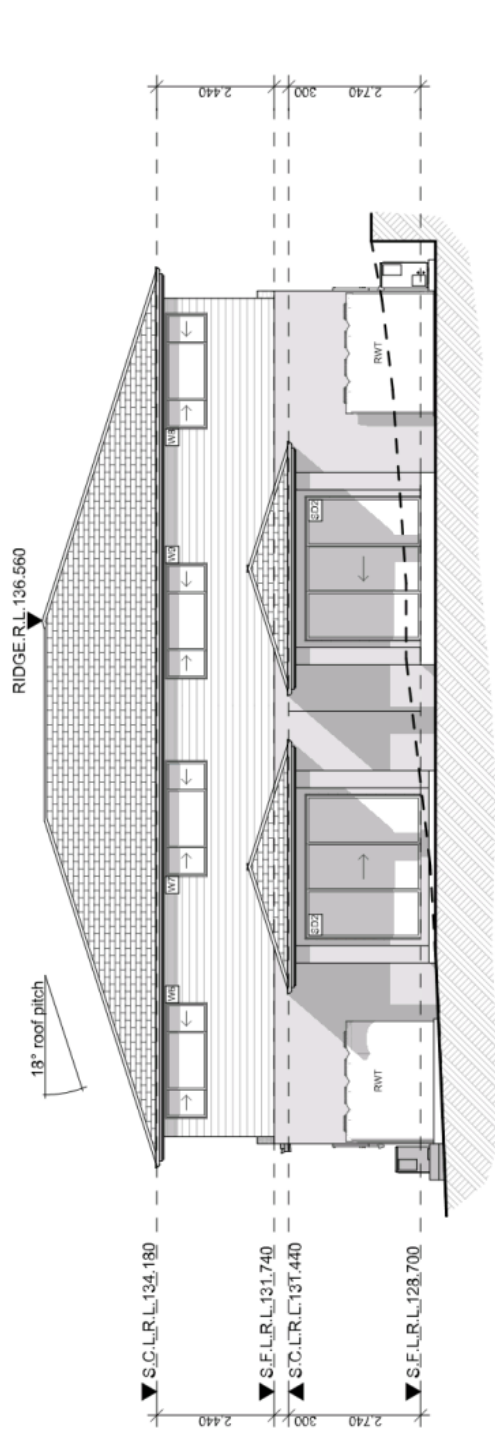
Campbelltown Council
Function: CUSTOM Date: 04.10.24
Scale: 1:100 Sheet: 7 of 19



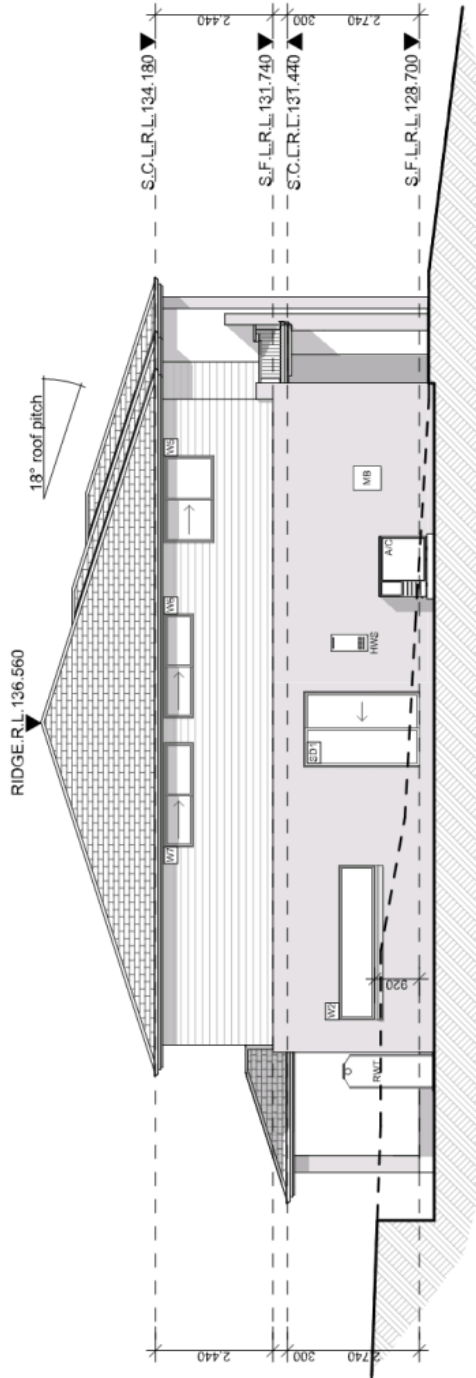
MATERIALS LEGEND:

Note: All materials on plan are to be confirmed with the approved building final specifications document. Where a discrepancy occurs, the building tender specifications document takes precedence.

	FACE BRICKWORK
	RENDER / TEXTURE COAT & PAINTED FINISH
	RENDER / TEXTURE COAT & PAINTED FINISH
	STACKED STONE OR CULTURED STONE
	FIBRE CEMENT CLADDING TO AS 2983.2
	FIBRE CEMENT CLADDING TO AS 2983.2
	FIBRE CEMENT CLADDING TO AS 2983.2
	FIBRE CEMENT CLADDING TO AS 2983.2
	CONCRETE ROOF TILES
	METAL ROOF SHEETING



North-Western Elevation
 Elevation 2
 scale 1:100

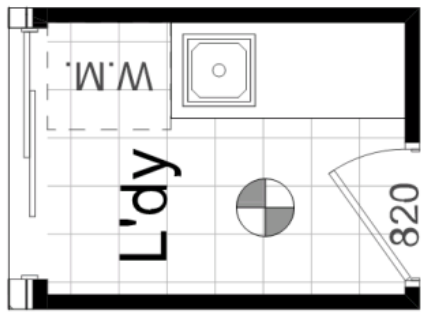


South-Western Elevation
 Elevation 3
 scale 1:100

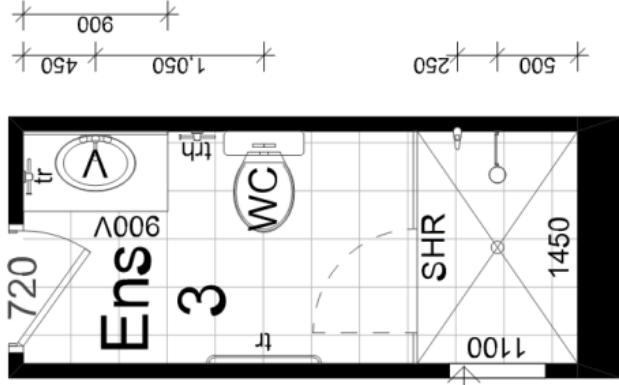
<p>JR Design & Drafting Residential Design & Drafting Services Phone: 080 1937 4002 Fax: 080 1937 4003 Email: jr@jrdesign.co.nz</p>	<p>Issue/Amendment 3 Client Review</p>	<p>Date: 04.10.24</p>	<p>North: </p>	<p>Proposed: New Double Storey Dual Occupancy</p>	<p>Drawing Title: Elevations</p>	<p>Revision: 3</p>
	<p>Location: Lot 1334 in DP 242800 No 7 Kapapa Avenue, Brabury, NSW</p> <p>Client: Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzone</p>	<p>Design: CUSTUM</p> <p>VH Job No: 10070-23</p> <p>SH Job No: DA-10-24</p> <p>Scale: 1:100</p> <p>Sheet: 9 of 19</p>	<p>Project: Campbelltown Council</p> <p>Function: CUSTUM</p> <p>Date: 04.10.24</p> <p>Scale: 1:100</p>	<p>Revision: 3</p> <p>Design: CUSTUM</p> <p>VH Job No: 10070-23</p> <p>SH Job No: DA-10-24</p> <p>Scale: 1:100</p> <p>Sheet: 9 of 19</p>		

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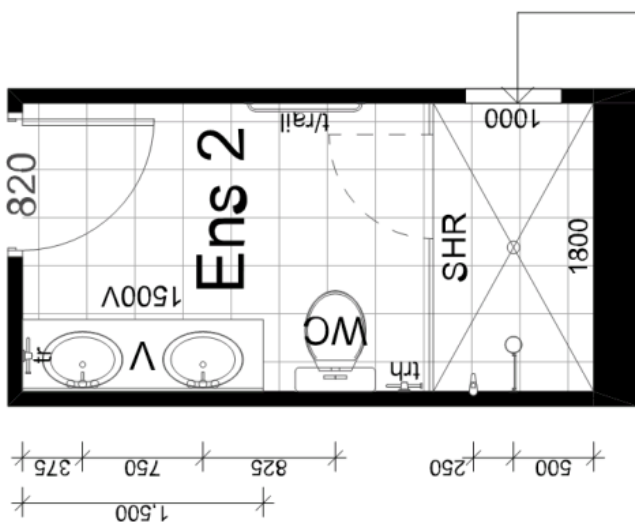
STANDARD PC ITEM FIXING HEIGHTS SHOWN AS A GUIDE ONLY - TO BE CONFIRMED BY SELECTIONS OR ON SITE BY SUPERVISOR



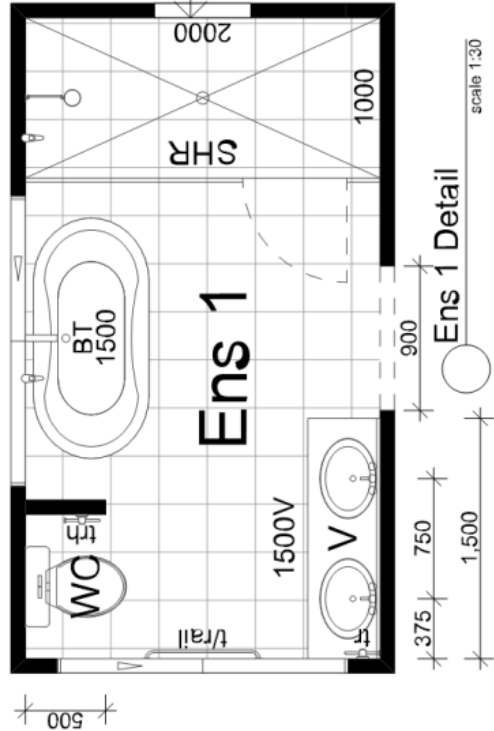
600W x 400H
Shower Niche
@ 1100AFFL



600W x 400H
Shower Niche
@ 1100AFFL



600W x 400H
Shower Niche
@ 1100AFFL



600W x 400H
Shower Niche
@ 1100AFFL

STANDARD BATHROOM PC ITEMS FIXING HEIGHTS
Note: Guide only, to be confirmed by selections and/or supervisor on site

TOWEL RAIL:
1100 ABOVE FFL
or 1700 IF OVER BATH
1100 ABOVE FFL

TOWEL RING:
or 1400 IF OVER VANITY DRAWERS
600 ABOVE FFL
1900 ABOVE FFL

TOILET ROLL HOLDER:
1050 ABOVE FFL

SHOWER MIXER:
700 ABOVE FFL

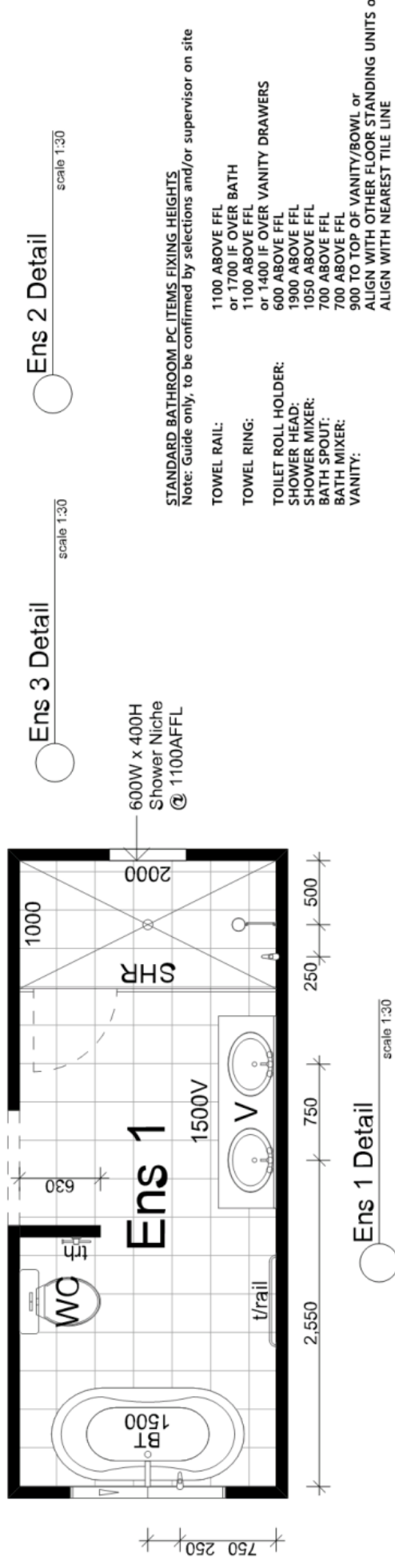
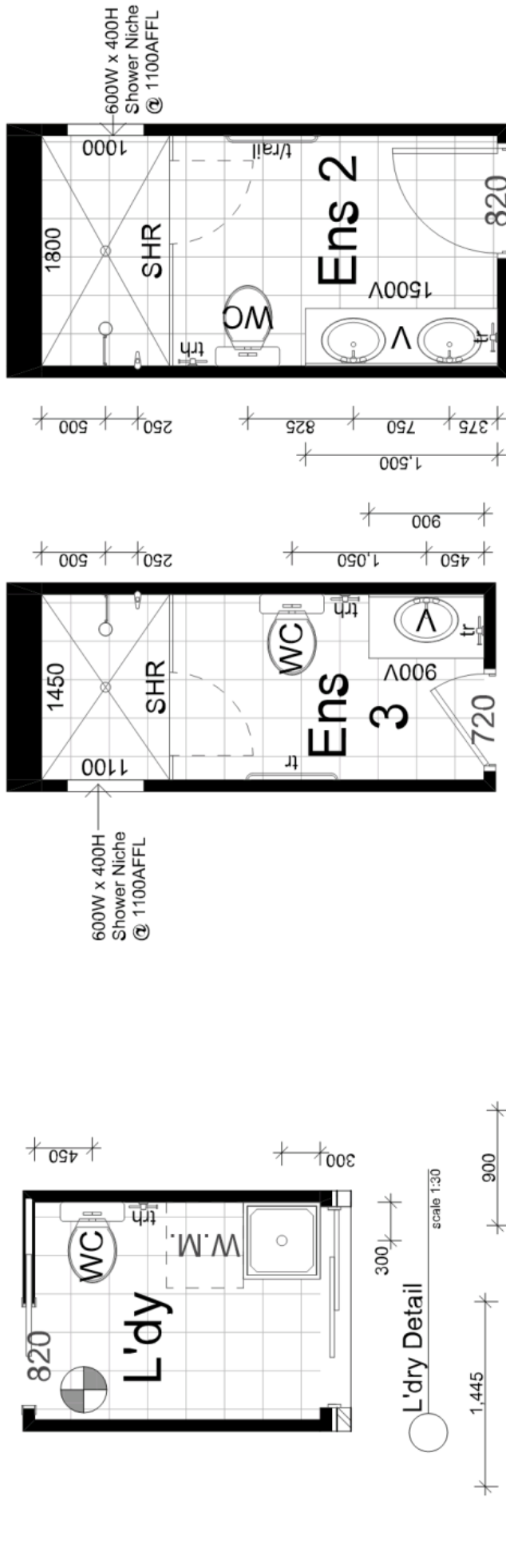
BATH SPOUT:
700 ABOVE FFL

BATH MIXER:
900 TO TOP OF VANITY/BOWL or
ALIGN WITH OTHER FLOOR STANDING UNITS or
ALIGN WITH NEAREST TILE LINE

 JR Design & Drafting Residential Design & Drafting Services Phone: 080 937 4002 Fax: 080 937 4003 Email: jrd@jrdesignanddrafting.co.nz 150-160 The Arcade, Auckland, New Zealand Copyright © 2024 JR Design & Drafting. All rights reserved. The plan is the exclusive property of Vogue Homes, and must not be used, reproduced or copied wholly in any way without permission.	Issue/Amendment 3 Client Review	Date: 04.10.24	North: 	Proposed: New Double Storey Dual Occupancy Dwelling A	Design: 3
	Location: Lot 1334 in DP 242800 No 7 Kapapa Avenue, Brabury, NSW Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzonte	Project: Campbelltown Council	Date: 04.10.24	Scale: 1:30	Sheet: 10 of 19

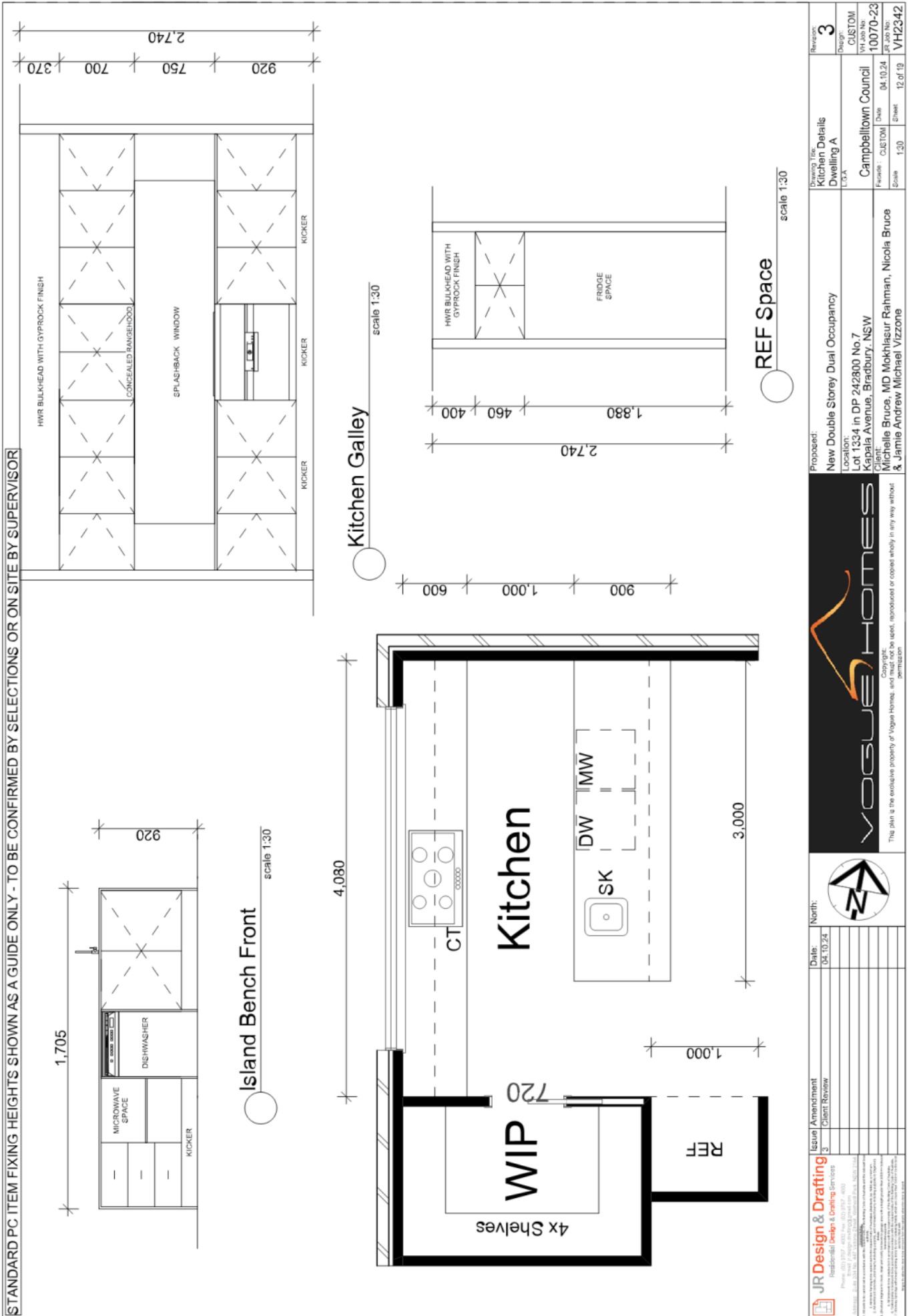
The plan is the exclusive property of Vogue Homes, and must not be used, reproduced or copied wholly in any way without permission.

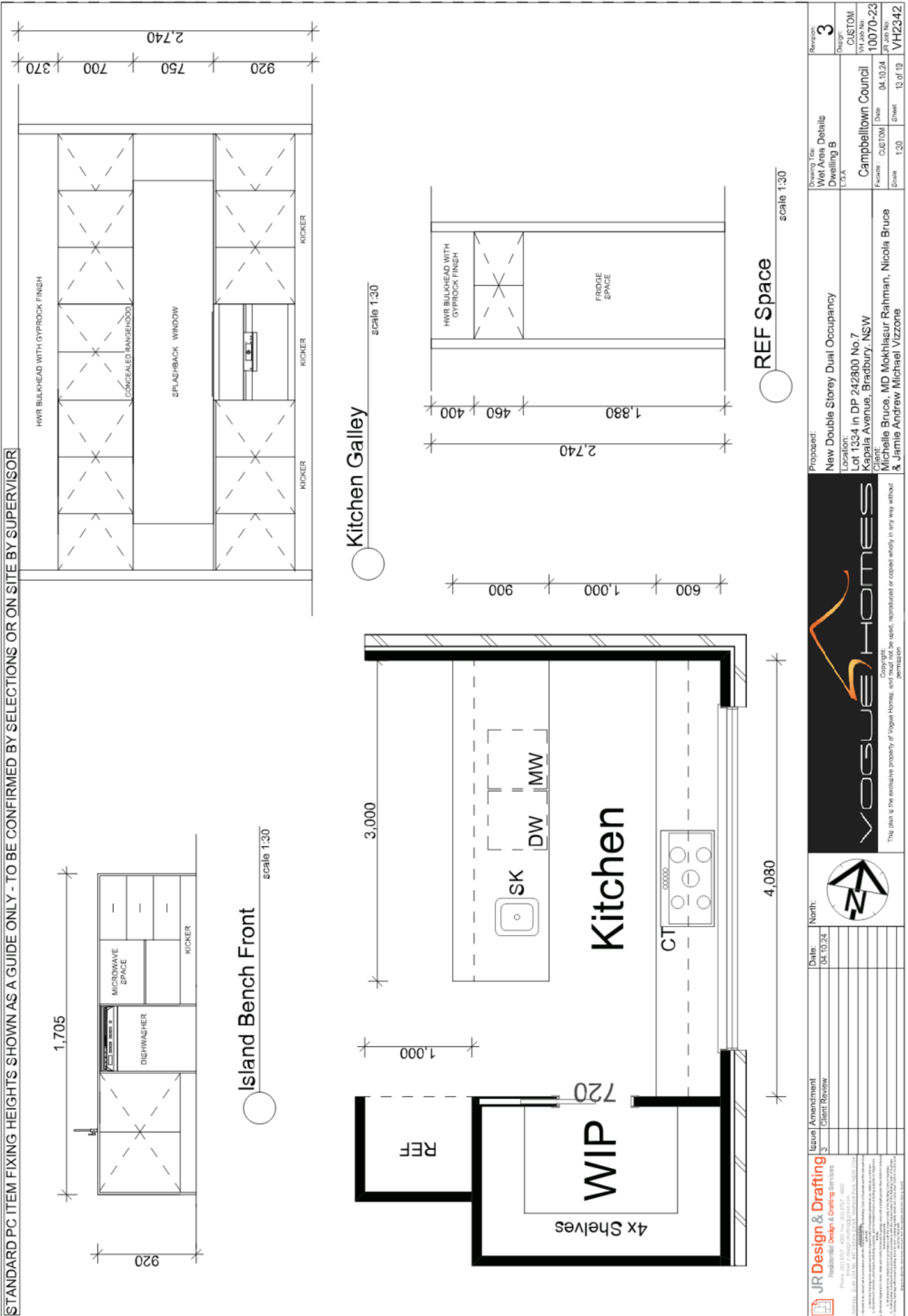
STANDARD PC ITEM FIXING HEIGHTS SHOWN AS A GUIDE ONLY - TO BE CONFIRMED BY SELECTIONS OR ON SITE BY SUPERVISOR

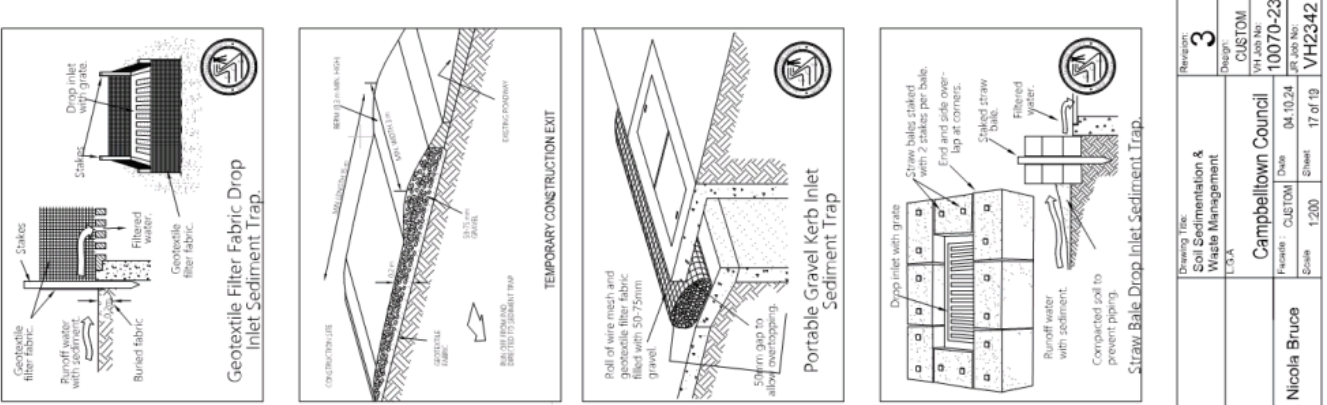


JR Design & Drafting Residential Design & Drafting Services Phone: 030 3937 4002 Fax: 030 3937 4003 Email: jrdesign@optusnet.com.au 11/12/2024 11:12:24 AM All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of JR Design & Drafting.	Issue Amendment 3 Client Review	Date: 04.10.24	North:
	Project: New Double Storey Dual Occupancy Dwelling B	Designer: CAMPBELLTOWN COUNCIL	Date: 04.10.24
Location: Lot 1334 in DP 242800 No 7 Kapapa Avenue, Bracbury, NSW Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzone	Designer: Wet Area Details Dwelling B	Date: 04.10.24	Scale: 1:30
Revision: 3	Design: CUSTOM	Date: 04.10.24	Scale: 1:30
Job No: 10070-23	Project: Campbelltown Council	Date: 04.10.24	Scale: 1:30
Sheet: 11 of 19	Project: New Double Storey Dual Occupancy Dwelling B	Date: 04.10.24	Scale: 1:30



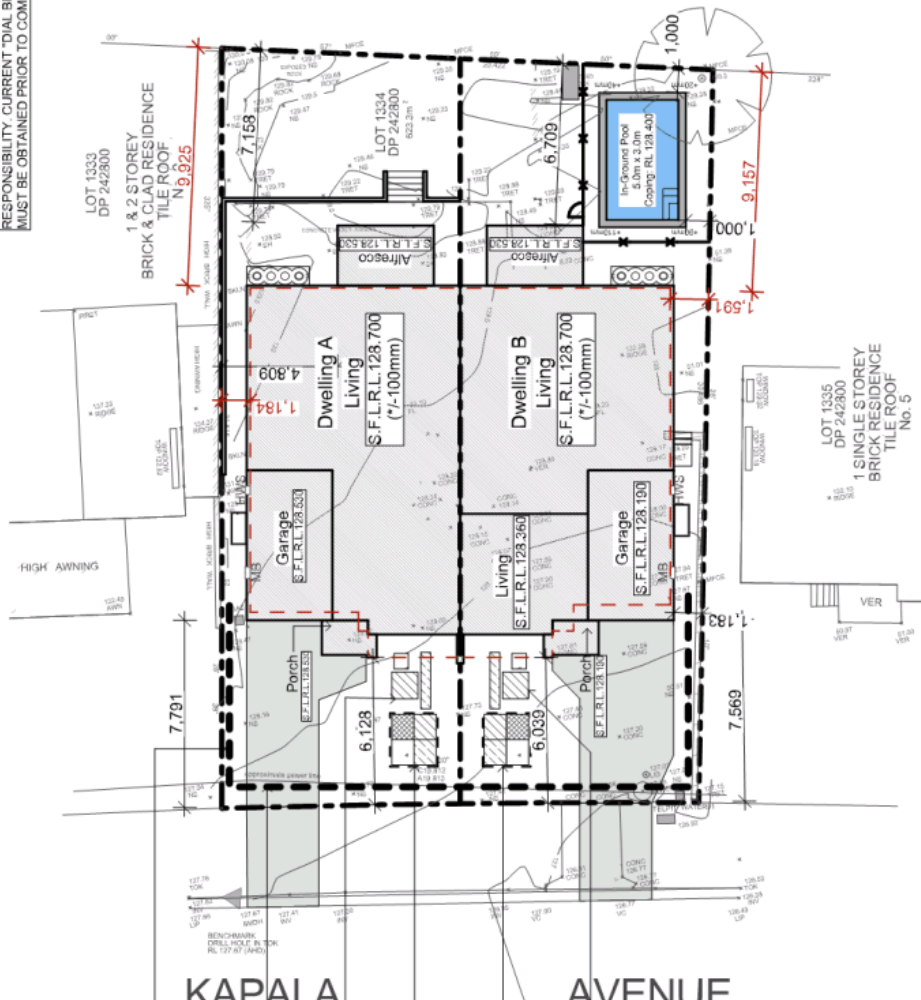






Erosion Control
Temporary sediment and erosion control and measures are to be installed prior to commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after major storm and/or as directed by the Principal Certifying Authority and Council officers.

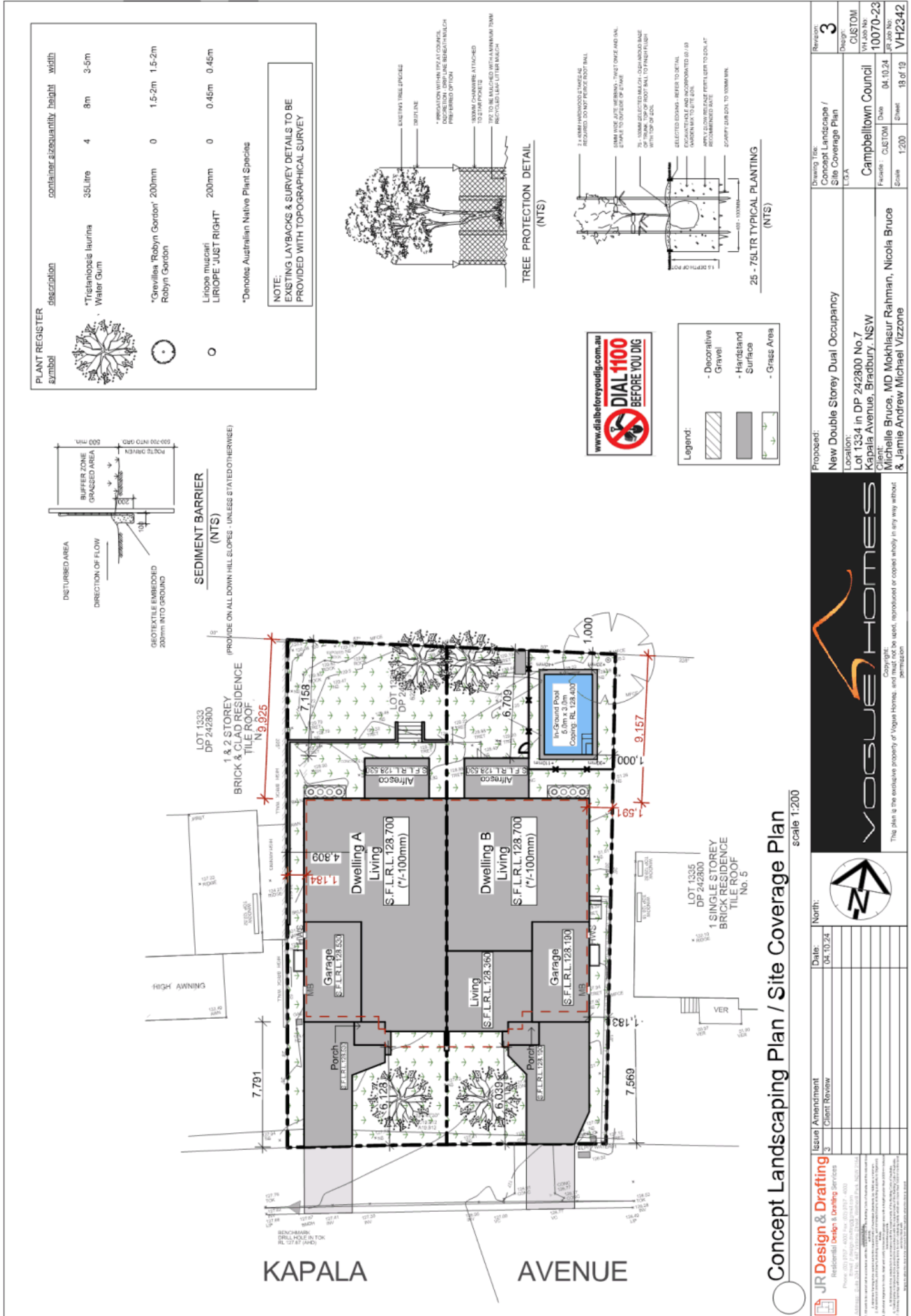
PROOF OF EXISTENCE OF ALL SERVICES IS THE CONTRACTOR'S RESPONSIBILITY. CURRENT "DIAL BEFORE YOU DIG" SERVICES PLANS MUST BE OBTAINED PRIOR TO COMMENCING ANY EXCAVATION.



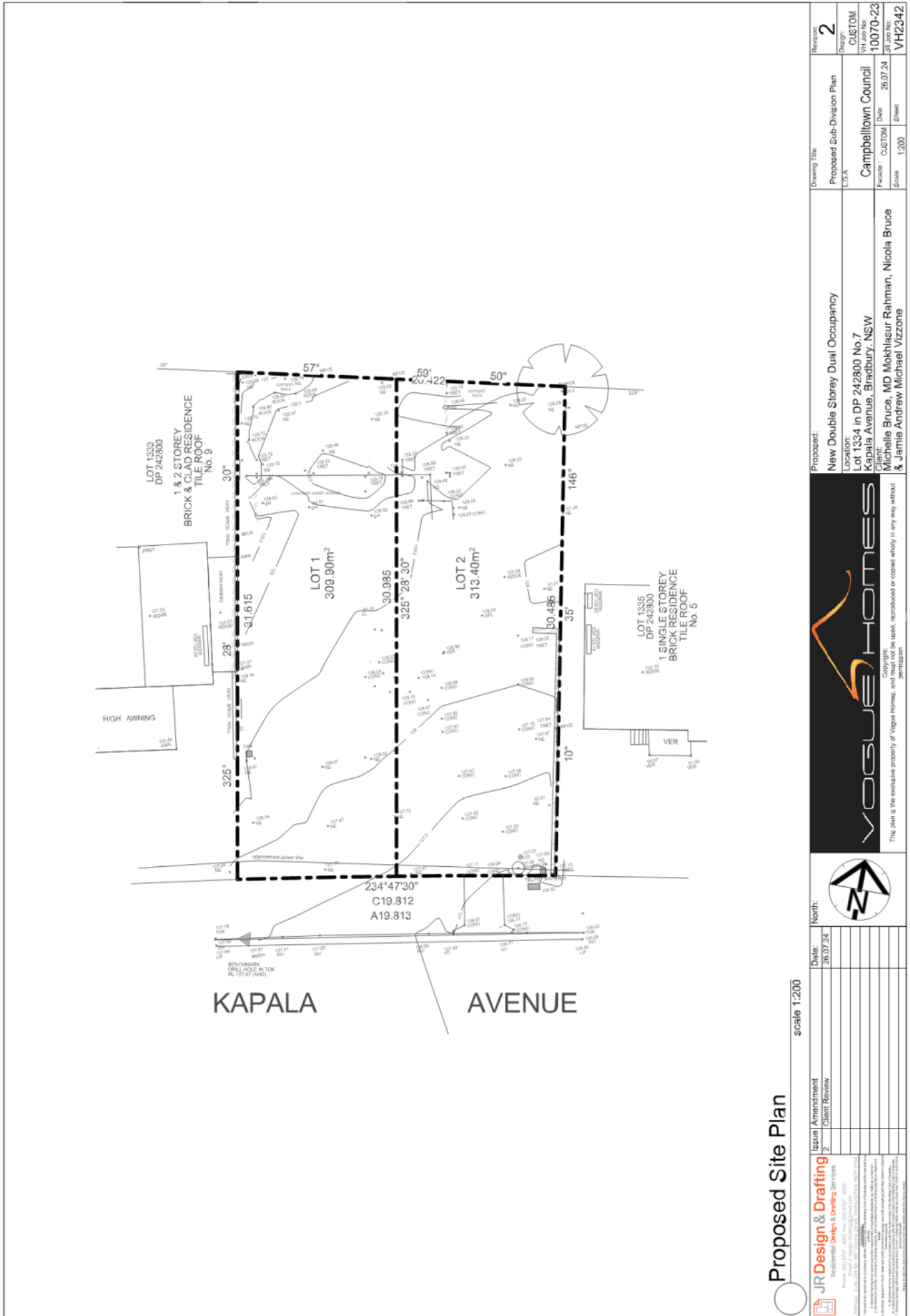
- provide 1800 chain wire fence to ensure safe access to and from this site
- provide builders signage with contact details on the proposed fence
- approx. location of building materials during construction
- approx. location of aggregate bin with building waste materials to be stored in
- approx. location of geotextile waste bin with building waste materials to be stored in
- approx. location of building materials during construction

Sedimentation & Waste Management Plan
scale 1:200

Issue/Amendment	3	Revision	3
Client Review		Drawn by	Soil Sedimentation & Waste Management
Issue/Amendment	3	Checked by	LOKA
Client Review		Design	CUSTOM
Issue/Amendment	3	Drawn by	10070-23
Client Review		Checked by	10070-23
Issue/Amendment	3	Date	04.10.24
Client Review		Scale	1:200
Issue/Amendment	3	Sheet	17 of 19
Client Review		Project	New Double Storey Dual Occupancy
Issue/Amendment	3	Location	Lot 1334 in DP 242800 No. 7
Client Review		Location	Kapala Avenue, Bracbury, NSW
Issue/Amendment	3	Author	Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce
Client Review		Author	& Jamie Andrew Michael Vizzone



Rev	Amendment	Issue	Date	North	
3	Amendment	Amendment Client Review	04.10.24	04.10.24	
<p>JR Design & Drafting Residential Design & Drafting Services Phone: 030 3937 4002 Fax: 030 3937 4003 Email: info@jrdesign.com.au Website: www.jrdesign.com.au</p>					
3	Length of garages increased to 6.0m				
3	Dwelling A - Following Doors removed: D11, D13				
3	Dwelling B - Following Doors removed: D11, D12, D14				
3	Ens 2 redesign for Dwelling B to match Dwelling A				
3	Bed 2 Removed and replaced with void for both dwellings				
2	Render finishes added to front facade				
2	Pool repositioned to be 1.0m off all boundaries				
<p>VOGUE HOMES The plan is the exclusive property of Vogue Homes, and must not be seen, reproduced or copied wholly in any way without permission.</p>					
<p>Proposed: New Double Storey Dual Occupancy</p> <p>Location: Lot 1334 in DP 242800 No 7 Kapala Avenue, Bradbury, NSW</p> <p>Design: CUSTUM VH Job No: 10070-23 SH Job No: Scale: CUSTOM Date: 04.10.24 Sheet: 19 of 19</p>					
<p>Drawing Title: Variation Descriptions</p> <p>Scale: LGA</p> <p>Revision: 3</p>					



Proposed Site Plan

scale 1:200

<p>JR Design & Drafting Residential Design & Drafting Services Phone: 080 1937 4002 Fax: 080 1937 4003 Email: jr@jrdesign.co.nz</p>	Issue/Amendment	2	Date:	26.07.24		<p>VOGUE HOMES</p> <p>The plan is the exclusive property of Vogue Homes, and must not be seen, reproduced or copied wholly in any way without permission.</p>	
	Client Review						
<p>Project: New Double Storey Dual Occupancy</p>		Drawing Title:	Proposed Sub-Division Plan			Revision:	2
<p>Location: Lot 1334 in DP 242800 No. 7 Kapala Avenue, Brabury, NSW</p>		Project:	CUSTOM	Client:	Campbelltown Council	Design:	CUSTOM
<p>Client: Michelle Bruce, MD Mokhlissur Rahman, Nicola Bruce & Jamie Andrew Michael Vizzone</p>		Project:	CUSTOM	Date:	26.07.24	Job No:	10070-23
		Scale:	1:200	Sheet:		Job No:	VH2342

4.2 Removal of the Stations of the Cross from the site - Lot 1 Narellan Road, Campbelltown

Community Strategic Plan

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

Delivery Program

Principal Activity
PA Building Development and Controls

Referral Criteria

This matter is reported to the Campbelltown Local Planning Panel in accordance with Schedule 1, item 4(c) of the Local Planning Panels Direction – Development Applications, issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) as the development includes the part demolition of a heritage item.

As such, this development application is required to be determined by the Campbelltown Local Planning Panel.

Executive Summary

- Council has received a development application for the removal of the Stations of the Cross from the site at Lot 1 Narellan Road, Campbelltown.
- The subject site is zoned RE2 Private Recreation under the Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The development application was exhibited from 26 July to 26 August 2024 as required by the Campbelltown Community Participation Plan. During this period 2 submissions proposal were received objecting to the proposal.
- It is recommended that the application be approved, subject to conditions.

Officer's Recommendation

That development application 2266/2024/DA-C for the removal of the Stations of the Cross from the site at Lot1 Narellan Road, Campbelltown be approved, subject to conditions listed 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*.

Property Description	Lot 1 Narellan Road, Campbelltown
Application No	2266/2024/DA-C
Applicant	Morehuman Property Group Pty Ltd
Owner	MH Property No. 1 Pty Ltd
Provisions	<i>Environmental Planning and Assessment Act 1979</i> Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	26 June 2024

The Site and Background

The subject land is known as Lot 1 Narellan Road, Campbelltown and is legally defined as Lot 1 in DP 1213869. The land has an area of 58,900 m² (refer to figure 1).

The land is situated in a RE2 Private Recreation zone and surrounded by SP2 zoned land featuring Seniors Housing, Classified Road and Educational Establishments. Access to the site is from Narellan Road.

The site is listed as a local heritage item known as "Stations of the Cross" (I20) under Schedule 5, Part 1 of the CLEP 2015. However, the site does not fall within any Heritage Conservation Areas under CLEP 2015 and is not listed on the NSW State Heritage Register or National Heritage List. There are no other heritage items within the vicinity of the site.

The heritage impact statement supporting the application describes the 14 Stations of the Cross as finely detailed, painted terracotta statues approximately 1.2 m tall, mounted on a rendered masonry base. The bases, standing about 3.5 m high and are designed to resemble rock-faced stone. The front of each base includes a simple timber cross with an engraved number and an embedded decorative precast cement plaque (refer to Figures 2 & 3).

The Stations of the Cross are grouped in the south-western portion of the site.



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

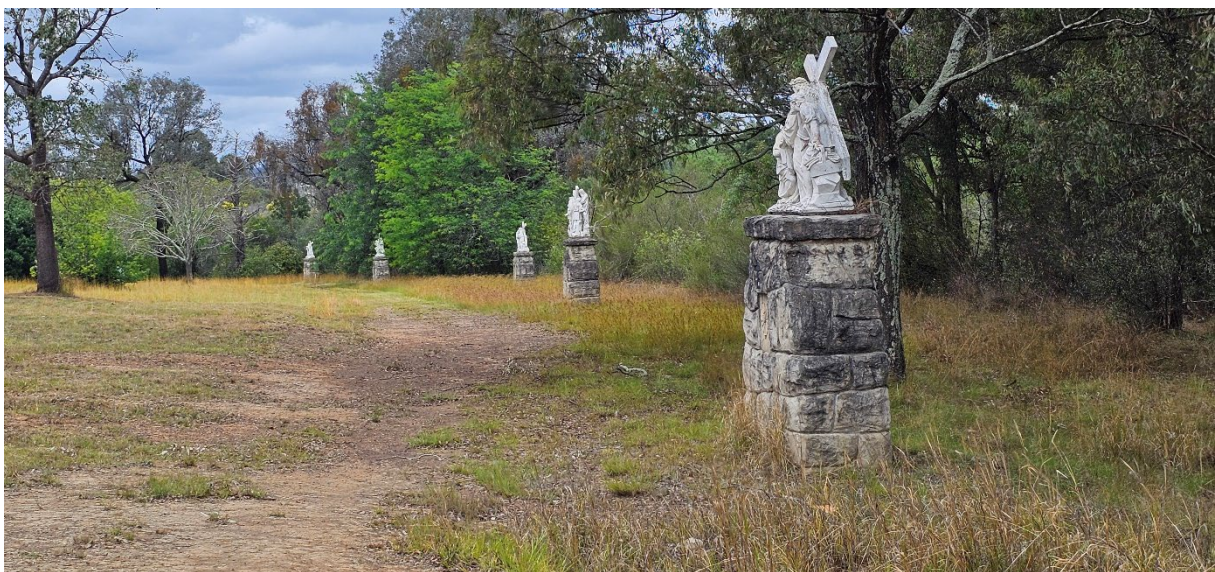


Figure 2: Stations of the Cross - Statues 1-5



Figure 3: Stations of the Cross - Statue 1

The historic significance of the statues is due to their strong association with the Catholic community in Sydney. From 1936 to 1988, they were a focal point for the well-attended Way of the Cross religious ceremonies held at Maryfields, with occasional ceremonies continuing thereafter. However, the heritage impact statement highlights that these ceremonies were discontinued in the 1990s as they became increasingly burdensome for the remaining Franciscans on the site.

On 6 August 2015, Campbelltown Council granted development consent for application 366/2015/DA-SW, which allowed for the reconfiguration of allotment boundaries and the relocation of the statues (refer to figure 4 below). As part of this approval, the statues were preserved and repositioned within a reduced curtilage to facilitate the rezoning of that portion of the site to RE2 Private Recreation. The remaining land was rezoned to accommodate seniors living, mixed-density residential development, and business uses.

A Conservation Management Plan (CMP) was prepared by Perumal Murphy Alessi Heritage Consultants which guided the proposal at the time. Concurrently, Council amended its Development Control Plan to include provisions ensuring that future development in the vicinity of the heritage item would remain sympathetic to its significance and not detract from its heritage value. This zoning diminishes the statues' potential to serve as an accessible and meaningful community heritage asset.

The statues would be best situated on land zoned Public Recreation, as this would greatly improve public accessibility, ensure their long-term preservation, and allow them to remain actively used, widely appreciated, and fully integrated as a valued part of the community.

Council's aerial imagery confirms that the statues were relocated to the smaller, subdivided lot in 2016. However, their relocation to land zoned RE2 Private Recreation has restricted public access, limiting opportunities for public engagement and appreciation.

Proposal

The proposed development seeks approval for the removal of the Stations of the Cross statues from their current site. Their future relocation to a publicly accessible and suitable site will be addressed in a subsequent development application, which will include:

- Identification of a suitable relocation site.
- Submission of a Conservation Management Plan.
- Submission of an Interpretation Plan.

This proposal represents the first stage of the relocation process, focusing solely on the removal of the statues. The second stage, involving the statues relocation, will ensure the preservation of their heritage significance, improved public accessibility, and alignment with long-term conservation objectives.

No removal work will commence until all necessary agreements, approvals, and plans are in place, with negotiations for the proposed relocation site at Macarthur Memorial Park in Varroville currently progressing.



Figure 4: excerpt of letter submitted with development application

Report

1. Vision

Vision - Campbelltown 2032

Campbelltown Community Strategic Plan 2032 addresses 5 key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: Community and belonging

- Outcome 2: Places for people
- Outcome 3: Enriched natural environment
- Outcome 4: Economic prosperity
- Outcome 5: Strong leadership

The proposed development aligns with focus area 1.3.1 of the plan which requires the acknowledgment and protection of Campbelltown's local cultural heritage. The proposal achieves this by highlighting by recognising and protecting local cultural heritage through the staged removal (Stage 1) and future relocation (Stage 2) of the Stations of the Cross to a more publicly accessible location within the Campbelltown LGA, subject to a future development application.

2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act, further assessment is provided below.

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

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* aims to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The existing Stations of the Cross heritage item is located within vicinity of area mapped as Biodiversity Values and Threatened Ecological community Cumberland Riverflat Forest. Council's Senior Environmental Officer has undertaken an assessment and finds the assessment satisfactory, subject to conditions of consent to protect the area from potential impacts during the removal stage. Recommended conditions have been included in the consent.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala habitat protection 2021

The subject land is subject to marginal koala habitat. Chapter 4 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas, to support permanent free-living populations over their present area and reverse the trend of koala population decline.

The proposal does not include the removal of any vegetation and relates only to the removal of the Stations of the Cross heritage item. Council's Senior Environmental Officer has undertaken an assessment and considers the proposal to be consistent with Chapter 4 Koala habitat protection 2021 of the SEPP and will not have a negative impact on the koala habitat.

Chapter 6 Water Catchments

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.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

The subject application relates to the removal of the heritage item (Stations of the Cross) on site which is not considered to give rise to any potential contamination of the site.

Based on the provisions of Chapter 4, Clause 4.6 of the SEPP has been considered and the contaminated land planning guidelines and the site is suitable for the proposed development.

Campbelltown Local Environmental Plan 2015

Land use table/Objectives of the zone

Clause 2.3(2) of CLEP 2015 states that -

“The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.”

The objectives of the RE2 Private Recreation zone are:

Objectives of zone

- To enable land to be used for private open space of recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.
- To protect bushland, wildlife corridors and natural habitat.
- To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.
- To maximise public transport patronage and encourage walking and cycling.”

The proposal is consistent with the objectives of the zone, noting that works under this application allows for the removal and subsequent relocation of the heritage item.

Although the proposal is for the removal of the statues (with future relocation and associated conservation and maintenance) the proposed development is defined as demolition and is defined under the CLEP 2015 as follows:

“demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.”

The proposed relocation/demolition is permissible within the zone, subject to development consent.

Clause 2.7 Demolition requires development consent

Pursuant to Clause 2.7 CLEP 2015, the demolition of a building or structure requires development consent.

The proposed development involves the removal of statues, which falls under the category of demolition. However, it is important to note that the statues are not being demolished in the conventional sense. Instead, approval is being sought for their removal from the site, pending a future development application for their relocation and ongoing maintenance.

Clause 5.10 Heritage conservation

The site is subject to a heritage item (I20), listed under Schedule 5 of the Campbelltown Local Environmental Plan 2015. The heritage item is of local heritage significance and known as the Stations of the Cross. The site is not located within a heritage conservation area nor is it located within the vicinity of other heritage items.

In accordance with Council records, the Stations of the Cross have historical, cultural and social significance and have played a part of an important religious ceremony starting in 1936 for over 50 years within Campbelltown.

A Statement of Heritage Impact Report (SoHI) prepared by Heritage 21, dated April 2024 accompanies this development application which provides a supportive assessment of the proposal. The SoHI recommendations for a future development application are as follows:

- Heritage 21 proposes a comprehensive schedule of conservations works to the Stations of The Cross.
- Heritage 21 proposes that on-going care and conservations works take place to the statues once they have been relocated to ensure they can genuinely be interpreted by reconnecting the currently displaced statues with their historical, ontological and liturgical antecedent. It is recommended that the implementation of conservation and cyclical maintenance of the moveable heritage items be considered as per Section 6.0 and 7.0 (pages 63-79) of the 2015 Perumal, Murphy, Alessi Conservation Management Plan written for the Stations of The Cross.
- Heritage 21 recommends an interpretation plan is prepared for the statues in their new location (subject to DA approval) at the Macarthur Memorial Park in Varroville.”

Council’s Heritage Planner has reviewed the current development application and raised no objections to the proposed removal of the heritage item, with its relocation to a more suitable site to be addressed in a subsequent development application.

A future development application (stage 2) for the relocation of the statues will allow for a comprehensive assessment, and preparation of a new CMP once the destination site has been confirmed with the Macarthur Memorial Park site owners. This ensures that the relocation, placement and temporary storage during transportation respects the statues heritage significance and aligns with long-term conservation goals.

The stage 2 relocation development application will also be accompanied by a public accessibility strategy and interpretive plan, as required by CDCP 2015, safeguarding the statues' historical and religious significance while ensuring their sustainable use in a location that better supports their ongoing heritage value and accessibility to the public.

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:

- 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 proposed development does not involve any cut or fill and as such, is considered to minimise the disturbance of the existing ground levels. Therefore, the proposed development is consistent with Clause 7.4 of CLEP 2015.

Clause 7.5 Preservation of the natural environment

Pursuant to Clause 7.5 of the CLEP 2015, development consent must not be granted to the removal of soil or bush rock.

The proposed development relates only to the removal of the Stations of the Cross heritage item. The proposed development preserves the natural environment and does not propose the removal soil or bush rock.

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

An assessment against Campbelltown Sustainable City Development Control Plan 2015 (SCDCP) Volume 1 Part 2 (Requirements Applying to all Types of Development) and Volume 2 Part 13 (Maryfield's Development Control Plan) has been undertaken with a full assessment/compliance table provided in attachment 2 to this report.

Volume 2 Part 13.6.5 of the SCDCP provides provisions specifically for the subject site. The objectives outlined within part 13.6.5 of the SCDCP provides as follows:

- Promote long term conservation outcomes and public use of the site consistent with the Conservations Management Plan (CMP) prepared for the site.
- Ensure new development and vegetation management conserves the heritage significance of the site.
- Promote public access and interpretation of the cultural significance of the site.
- Ensure any new development is low in scale and not visible from Narellan Road.

While these objectives were originally intended to guide future development on the site, the current application proposes the removal of the heritage item as a preliminary step towards its relocation to a more suitable, publicly accessible site. As the final location is subject to a future development application, some provisions of this section are not directly applicable to the current proposal. Nonetheless, the application has been assessed with due consideration of its heritage implications, and a detailed analysis is included in the attachments.

The proposal is considered to support positive heritage outcomes, including improved public accessibility and the continued interpretation of the heritage significance of the statues. By enabling their relocation to a publicly accessible site, the proposal aligns with the broader objectives of the CMP and the SCDCP to promote conservation, accessibility, and cultural heritage interpretation.

Approval of this development application is recommended, subject to the conditions, which ensure the removal and subsequent relocation of the heritage item are carefully managed to safeguard its cultural and historical significance under a subsequent development application.

2.5 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.

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

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

2.6 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:

Heritage Conservation

The site is subject to a heritage item (I20), listed under Schedule 5 of the Campbelltown Local Environmental Plan 2015. The heritage item is of local heritage significance and identifies as the Stations of the Cross.

The current development application relates to removal of the heritage item only and the relocation is subject to further development consent where its storage, relocation to a suitable

site and maintenance will be assessed. The proposal is considered to contribute a positive heritage outcome with increased public accessibility and enables a continued interpretation of their heritage significance.

Recommended conditions have been added to the consent.

Natural Environment

Impacts on the natural environment have been assessed as part of the development application. This application was referred to Council's Senior Environmental Officer to assess the development and has determined that it will not result in a significant detrimental impact on the natural environment.

Recommended conditions have been added to the consent.

Social Impacts and Economic Impacts

The proposal is considered to provide a positive heritage outcome with increased public accessibility on a future site and enables a continued interpretation of their heritage significance and contributes to the broader locality.

The proposed development is unlikely to generate any undesirable adverse social or economic impacts.

2.7 Section 4.15(1)(c) the suitability of the site for 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 removal of the heritage item to allow its future relocation has been proposed and thoughtfully considered to ensure the significance of the heritage item is maintained at a more suitable accessible site.

As mentioned previously in report, the proposal is subject to obtaining further development consent requiring the approval of a suitable site and satisfactory Conservation Management, Interpretation Plan and public accessibility plan. The site is therefore considered to be suitable for the development as proposed.

2.9 Section 4.15(1)(e) Public Interest

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development presents as a steppingstone in a larger process which results in relocating the heritage item on a suitable site for increased public accessibility and enables a continued interpretation of the statues heritage significance.

Council is satisfied that the proposal is in the interest of the public.

3. Public Participation

In accordance with Section 4.15(1)(d) of the EP&A Act, Council has considered submissions received in response to the public exhibition and notification of the application, which took place from 26 July 2024 to 26 August 2024. Two submissions were received and a response has been provided in the below table.

Issue	Comment
Decrease property values	A concern was raised with the proposed development and its potential impact on property values in the surrounding area. Impact on property values is not a matter for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979.
Existing Conservation Management Plan	<p>A concern was raised with the proposed development and its relationship with the existing Conservation Management Plan for the site that was approved by Council in a previous development consent.</p> <p>Council acknowledges an earlier Conservation Management Plan approved in an earlier development consent. However, this development application proposes new works and assessment, and is subject to a new Conservation Management Plan under the subsequent DA.</p>
Stations of the Cross not defined as a movable heritage item and in contravention of guiding standard	<p>A concern was raised with the proposed development's heritage significance and its place on site.</p> <p>The Development Application was accompanied by a Statement of Heritage Impact Report (SoHI) prepared by Heritage 21, dated April 2024 and supports the proposed removal. Additionally, further response has been provided by the applicant which states:</p> <p>"...it must be noted that what we see today are various items of moveable heritage i.e. terracotta statues on brick pedestals (Stations of the Cross). However, the original Stations of the Cross were constructed of timber and were portable as will be seen in Figure 10. Of H21's Statement of Heritage Impact, dated April 2021. Therefore, what you see today is not what was there in the 1930's when the pilgrimage was established by the Franciscan Friars (OFM). When the site was first acquired in the 1930's, the terracotta statues did not exist. The current statues only came about in the 1960'. It should be further noted that the SOTCs were relocated/repositioned from their location to a reduced curtilage at the site as a result of the Marylands Planning Proposal for 168-192 Narellan Road (refer to Council Development Application 366/2015/DA-SW and Construction Certificate 2903/2015/CC11 & 10 for relocation of the items)."</p> <p>Council's Heritage Officer provided comment in support of the proposed development and has concluded that the heritage item is a movable item. Recommended conditions of consent have been included within the attachment.</p>

Issue	Comment
Survival of heritage item	<p>A concern was raised with the proposed development and its future use or maintenance.</p> <p>It is acknowledged that the proposal does not provide this information. Despite this, the proposed development relates to the removal of the Stations of the Cross heritage item only and matters relating to maintenance shall be subject to further development application.</p>
Absence of information on future relocation	<p>A concern was raised with the proposed development and the absence of information relating to its relocation.</p> <p>It is acknowledged that the proposal does not provide this information. Despite this, the proposed development relates to the removal of the Stations of the Cross heritage item only and matters relating to its relocation shall be subject to further development application.</p>
Impacts to natural environment	<p>Concern was raised with regards to the sites natural environment. The site is mapped on the Biodiversity Values Map as containing significant vegetation, and as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015.</p> <p>The proposed development does not involve the removal of any vegetation. Impacts to the existing natural environment on site may occur during the removal of the heritage item. The application has been assessed by Council's Senior Environmental officer and recommends condition of consent. Subject to compliance with the recommended conditions of consent, the proposed development will not have an adverse impact on the natural environment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries.</p>
Concerns with future plans of the subject site	<p>Concern was raised with the proposed development and the absence of information relating to the future developments on the subject site.</p> <p>It is noted that the proposed development relates to only the removal of the Stations of the Cross heritage item. Matters relating to any future development on the subject site will be subjected to further development application.</p>

Conclusion

The subject development application (2266/2024/DA-C), proposing the removal of the Stations of the Cross from the site, has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is consistent with Campbelltown 2032, the Biodiversity Conservation Act 2016, State Environmental Planning Policies (Biodiversity and Conservation) 2021 and (Resilience and Hazards) 2021, the Campbelltown Local Environmental Plan 2015, and the Campbelltown (Sustainable City) Development Control Plan 2015.

The relocation of the heritage items aligns with the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015, which highlights the importance of fostering public access to and interpretation of cultural heritage. This application constitutes the first stage in the future relocation of the statues to a publicly accessible site ensuring their heritage

value can be fully appreciated and their cultural significance understood by the wider community.

A subsequent development application will address the relocation of the statues, ensuring alignment with the Conservation Management Plan and broader conservation and accessibility goals. This will include an evaluation of the new site, incorporating a public accessibility strategy and interpretive plan as required by the CMP. These measures will safeguard the statues' historical and religious significance while ensuring their long-term conservation and integration as a valued community asset.

Attachments

- 4.2.1 Recommended Conditions of Consent (contained within this report)
- 4.2.2 DCP Assessment Table (contained within this report)
- 4.2.3 Heritage Impact Statement (contained within this report)
- 4.2.4 Survey Plan (contained within this report)
- 4.2.5 Applicant Letter regarding relocation (contained within this report)

Reporting Officer

Manager Development Assessment

ATTACHMENT 1

2266/2024/DA-C

Recommended Conditions of Consent

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.	<p>Development Consent Required for Relocation of Statues</p> <p>Prior to the commencement of removal works under this consent, a further Development Consent is to be obtained outlining the heritage item's relocation and its maintenance. The consent is to include the following details:</p> <ol style="list-style-type: none"> 1. A conservation management plan and schedule of conservation works detailing the proposed method of removal, stabilisation and the future transportation and storage. <p>The conservation management plan should be informed and guided by the <i>Guidance on developing a conservation management plan</i> (Department of Premier and Cabinet, 2021) and <i>Statement of best practice for conservation management plans</i> (Department of Premier and Cabinet, 2021).</p> <ol style="list-style-type: none"> 2. An interpretation plan with reference to the <i>Interpreting Heritage Places and Items Guidelines</i>, (NSW Heritage Office 2005). <p><i>Condition reason: To minimise impacts to the heritage item.</i> <small>DD01.999</small></p>																											
2.	<p>Heritage Protection</p> <p>Subject to the satisfaction of condition 1 of this development consent, the applicant shall appoint a suitably qualified heritage supervisor during the removal of the heritage items.</p> <p><i>Condition reason: To protect the heritage item.</i> <small>DD01.999</small></p>																											
3.	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan no.</th> <th>Revision no.</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>284-20G T01[00]</td> <td>N/A</td> <td>Plan showing detail over Lot 1 in DP 1213869 Narellan Road, Campbelltown</td> <td>Colliers International Engineering & Design NSW PTY LTD</td> <td>23/03/2024</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Approved documents</th> </tr> <tr> <th>Document title</th> <th>Version no.</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Approved plans					Plan no.	Revision no.	Plan title	Drawn by	Date of plan	284-20G T01[00]	N/A	Plan showing detail over Lot 1 in DP 1213869 Narellan Road, Campbelltown	Colliers International Engineering & Design NSW PTY LTD	23/03/2024	Approved documents				Document title	Version no.	Prepared by	Date of document				
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	<table border="1" data-bbox="368 174 1267 241"> <tr> <td data-bbox="368 174 660 241">Statement of Heritage Impact</td> <td data-bbox="660 174 796 241">3</td> <td data-bbox="796 174 1070 241">Heritage 21</td> <td data-bbox="1070 174 1267 241">April 2024</td> </tr> </table> <p data-bbox="336 277 1369 338">In the event of any inconsistency between the approved plans and documents, the approved plan prevails.</p> <p data-bbox="336 371 1369 432">In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p data-bbox="336 465 1369 526"><i>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</i>D.01.101.D</p>	Statement of Heritage Impact	3	Heritage 21	April 2024
Statement of Heritage Impact	3	Heritage 21	April 2024		
4.	<p data-bbox="336 539 539 566">Erection of signs</p> <p data-bbox="336 600 1369 660">a. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p data-bbox="336 694 1369 779">b. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p data-bbox="405 813 1369 873">a. showing the name, address and telephone number of the principal certifier for the work, and</p> <p data-bbox="405 907 1369 992">b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p data-bbox="405 1025 1169 1052">c. stating that unauthorised entry to the work site is prohibited.</p> <p data-bbox="336 1086 619 1113">c. The sign must be—</p> <p data-bbox="405 1146 1369 1209">a. maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p data-bbox="405 1243 991 1270">b. removed when the work has been completed.</p> <p data-bbox="336 1303 887 1330">d. This section does not apply in relation to—</p> <p data-bbox="405 1364 1369 1449">a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p data-bbox="405 1482 1369 1545">b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p data-bbox="336 1579 1369 1639"><i>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</i>D.01.070.P</p>				
5.	<p data-bbox="336 1659 703 1686">Erosion and Sediment Controls</p> <p data-bbox="336 1720 1369 1805">Prepare and submit to Council's Manager Strategic Land Use Planning for approval, an erosion and sediment control plan and when approved distribute to all contractors and suppliers working or coming on to site.</p> <p data-bbox="336 1839 1369 1924">The plan should include the inclusion of a double sediment fence should be installed to protect the Biodiversity Values of mapped Cumberland Riverflat Forest directly adjacent to the proposed works from direct and indirect impacts of potential runoff or sediment from</p>				

	<p>the proposed works. The sediment fence should run the length of the treed area directly behind the Stations of the Cross Numbers 1- 7 and be clearly sign posted as an 'Environmental Protection Area', as outlined in the <i>Guidelines for erosion and sediment control on building sites 2.2 Environmentally Sensitive Areas (Dept. of Planning and Environment October 2024)</i>.</p> <p>a. No run-off or sediment should pass into or through environmentally sensitive areas.</p> <p>b. All contractors entering the site shall be inducted into the importance of maintaining erosion and sediment control measures in environmentally sensitive areas.</p> <p><i>Condition reason: to ensure that impacts to the natural environment are minimised.</i>D01.999</p>
6.	<p>Tree and Vegetation Protection</p> <p>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.</p> <p>All compound/ stockpile, laydown, vehicle parking and amenities shall be located in cleared areas and beyond the dripline of existing trees and the Biodiversity Values area.</p> <p><i>Condition reason: To comply with the relevant Australian Standard.</i>D01.999</p>

BEFORE BUILDING WORK COMMENCES

7.	<p>Conditional Approval</p> <p>Before any site work commences on the land, conditions 1 and 2 of this development consent are required to be satisfied.</p> <p><i>Condition reason: To protect the heritage item.</i>D03.999</p>
8.	<p>Erosion and sediment control</p> <p>Before any site work commences on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.</p> <p><i>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</i>D03.01</p>
9.	<p>Erection of construction sign</p> <p>Before any site work commences on the land, signs must be erected in prominent positions on the site:</p> <ol style="list-style-type: none"> 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

	<p>5. Showing the name, address and telephone number of the principal certifier for the work.</p> <p>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.</p> <p><i>Condition reason: Prescribed condition under Section 70 of the Environmental Planning and Assessment Regulation 2021.</i>^{003.02}</p>
10.	<p>Toilet on construction site</p> <p>Before any site work commences on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition 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:</p> <ol style="list-style-type: none"> 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. <p><i>Condition reason: To ensure that appropriate toilets are provided for construction workers.</i>^{003.03}</p>
11.	<p>Vehicular access during construction</p> <p>Before any site work commences on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.</p> <p><i>Condition reason: To ensure that construction vehicles do not disturb the soil and adversely impact Council infrastructure.</i>^{003.05}</p>
12.	<p>Public property</p> <p>Before any site work commences on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) kerbs, gutters, footpaths, and the like.</p> <p>Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.</p> <p><i>Condition reason: To ensure the condition of public infrastructure is recorded before the commencement of any works.</i>^{003.06}</p>
13.	<p>Hoarding / Fence</p> <p>Before any site work commences, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with Work Cover requirements.</p>

	<p>The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p>A separate land use application under <i>Section 68 of the Local Government Act 1993</i> shall be submitted to and approved by Council prior to the erection of any hoarding on public land.</p> <p><i>Condition reason: To protect workers, the public and the environment.</i>D03.09</p>
<p>14.</p>	<p>Tree and Vegetation Protection</p> <p>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.</p> <p><i>Condition reason: to ensure that impacts to the natural environment are minimised.</i>D03.999</p>

DURING BUILDING WORK

<p>15.</p>	<p>Construction work hours</p> <p>All work on site shall only occur between the following hours:</p> <table data-bbox="422 835 1034 931"> <tr> <td>Monday to Friday</td> <td>7.00 am to 6.00 pm</td> </tr> <tr> <td>Saturday</td> <td>8.00 am to 5.00 pm</td> </tr> <tr> <td>Sunday and public holidays</td> <td>No Work.</td> </tr> </table> <p><i>Condition reason: To protect the amenity of the surrounding area.</i>D04.01</p>	Monday to Friday	7.00 am to 6.00 pm	Saturday	8.00 am to 5.00 pm	Sunday and public holidays	No Work.
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Saturday	8.00 am to 5.00 pm						
Sunday and public holidays	No Work.						
<p>16.</p>	<p>Work zones</p> <p>All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.</p> <p>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.</p> <p><i>Condition reason: To comply with legislative requirements and minimise impacts on traffic safety and efficiency.</i>D04.03</p>						

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

ADVISORY NOTES

A. 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.

DAADV.01

B. 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.

DAADV.02

C. 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.

DAADV.31

D. 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.

DAADV.32

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

Part	Requirement	Proposed	Compliance
Part 2 Requirements Applying to all Types of Development			
2.3 Views and Vistas	a) 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 proposed removal of heritage item will not result in a loss of views or vistas.	Yes
	b) District views and existing significant view corridors as viewed to and from public places shall be protected	The proposal does not result in loss in significant view corridors to and from public places.	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.	The proposed development does not seek any changes to the existing landscapes areas on site.	N/A
	b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.		
	c) Landscape design shall add value to the quality and character of the streetscape.		
	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.		
	f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.		
2.7 Erosion and Sediment Control	a) An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing construction and/or activities involving the disturbance of the land surface. For requirements relating to the preparation of an ESCP, refer to Appendix 5 of Volume 1 and Council's Engineering Design Guide for Development available from	An Erosion and Sediment Control Plan (ESCP) has not been submitted with this development application. A condition has been added to the consent.	No, compliance with this clause is achieved via a condition of consent

Part	Requirement	Proposed	Compliance
	Council's website at www.campbelltown.nsw.gov.au .		
2.9 Demolition - Design Requirements	<p>a) A development application involving demolition shall be considered having regard to the following information:</p> <p>a detailed work plan prepared by a suitably qualified person, in accordance with AS2601-2001- The Demolition of Structures (as amended);</p> <p>details of the licensed demolition contractor engaged to carry out the work (including name, address and building licence number);</p> <p>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>details of any asbestos or other hazardous substances to be removed from the site and/or damaged during demolition; and</p> <p>a dilapidation report where any demolition work is to be undertaken within the zone of influence of any other structure.</p>	<p>The proposal is identified as removal only not demolition in the conventional sense. Detailed information in relation to the proposed development has been outlined within the accompanying letter prepared by Catholic Cemeteries + Crematoria, dated 12 June 2024 and within the Statement of Heritage Impact prepared by Heritage 21, dated April 2024. Appropriate conditions have been added to the consent as follows:</p> <ul style="list-style-type: none"> - Condition 1 - requirement for further development consent. - Condition 2 - heritage protection. 	Yes
2.11.2 Heritage - Design Requirements	<p>a) Any development application made in respect to development on land that is:</p> <p>i) occupied by a heritage item; or</p> <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>	A Statement of Heritage Impact prepared by Heritage 21, dated April 2024 accompanies this development application and provides an assessment of the proposed removal of the heritage item "Stations of the Cross".	Yes
	<p>b) 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 Management Plan (CMP).</p>	A Conservation Management Plan has not been submitted with this application. The proposed development involves removal only and the relocation, storage, handling and future location is subject to further development consent. The future application will require a Conservation Management Plan.	N/A

Part	Requirement	Proposed	Compliance
	c) 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.	A Conservation Management Plan is not required to be submitted with this application. The proposal does not involve adaptive reuse of a heritage item or major alterations or additions. The relocation is subject to a future development application. The proposed development involves removal only and is subjected to further development consent.	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 suitable Waste Management Plan accompanies this development application for the demolition, construction and ongoing use management of waste on site. Relevant conditions will be included in the consent. No changes are sought to the ongoing waste management approved for the current use.	Yes

The proposal is generally consistent with Part 2 of the SCDCP2015 and as such should be positively considered in this regard.

Part 13 of the SCDCP 2015 aims to reduce the resultant environmental impacts of all development proposed within the Campbelltown Local Government Area.

Part	Requirement	Proposed	Compliance
Part 13 Maryfield's Development Control Plan			
13.5 Open Space Areas	1. Open space areas within Maryfields Estate are to be generally provided in accordance with Figure 13.5 (Open Space Areas), including connection with pedestrian and bicycle pathways. Specific controls for each open space area are provided in Table 13.1. ... D. Heritage Precinct 1. The Heritage Precinct forms the heritage listed curtilage of the Stations of the Cross (local heritage listed item).	In accordance with the Maryfields Development Control Plan, the site has been identified as the "Heritage Precinct" and itemised as "D" under this plan. The proposed development involves the temporary removal of the Stations of the Cross heritage item for the purposes of future relocation. A Statement of Heritage Impact Report prepared by Heritage 21, dated April 2024 has been accompanies this development application.	Yes

Part	Requirement	Proposed	Compliance
	<p>2. The use and embellishment of the Heritage Precinct is to be consistent with a Conservation Management Plan and Vegetation Management Plan approved by Campbelltown City Council.</p> <p>3. A Vegetation Management Plan shall be submitted to Council for the rehabilitation of the riparian corridor and system of ponds within the Heritage Precinct in accordance with the requirements of Campbelltown City Councils Vegetation Management Plan: Guide to Vegetation Management Plan within the Campbelltown City Council Local Government Area, and the objectives of the Campbelltown (Sustainable City) Development Control Plan 2015.</p> <p>4. As a minimum, rehabilitation works shall be provided to enhance the quality of the Cumberland Plain Woodland (CPW), offer wildlife (terrestrial and aquatic) habitats and connectivity, ensure long-term bank stabilisation and improvements to water quality, and increase the bio-diversity value of the riparian corridor.</p> <p>5. Access into and around the Heritage Precinct via a minimum 2.5m wide accessible bike and pedestrian pathway network with associated lighting, bike parking, seating, drinking stations and interpretive signage shall be provided for use by the general public as required for religious ceremonies or operation of the interpretive centre.</p> <p>6. A Landscape Concept Plan for the Heritage Precinct including drawings, costings, materials and planting palettes, shall be submitted to Council for review and approval as part of the Stage 3 development proposal. The Landscape Concept Plan must reflect the objectives and strategies outlined in the Council approved Conservation Management Plan and Vegetation Management Plan.</p> <p>7. Construction Certificate Plans for the Heritage Precinct including</p>	<p>The proposed development is considered to maintain the heritage significance of the item and ensuring that accessibility to the subject items are improved and is considered to be satisfactory.</p>	

Part	Requirement	Proposed	Compliance
	<p>drawings, details, costings, maintenance program and specifications shall be submitted to Council for review and approval, prior to construction.</p> <p>8. The Heritage Precinct is to be retained as a single allotment in the care and control of private ownership and managed in conjunction with an environmental/religious community interpretive centre and /or by the owner(s) of the adjoining Seniors Living Precinct.</p>		
13.6.5 Heritage Precinct	<p>1. Any development within the heritage precinct must be generally consistent with the Conservation Management Plan prepared for the site.</p>	<p>A Conservation Management Plan is not submitted with this development application. Despite this, the proposed development relates to removal only and subjected to further development application. A CMP will be required and subject to future application.</p>	N/A
	<p>2. The CMP may be reviewed and updated to take into account changes in legislation or any changes to site conditions.</p>	<p>A condition of consent has been added to ensure that a satisfactory conservation management plan is prepared in support of a future development application.</p>	N/A
	<p>3. Any development within the heritage precinct must be low in scale and not be visible from the adjacent Narellan Road or the Hume Motorway. This will require low building heights, substantial building setbacks from the road frontage, dense landscape screening, and use of natural building materials and neutral colour palates.</p>	<p>The proposed development does not include any construction of new structures or buildings and relates only to the removal of the Stations of the Cross heritage item.</p>	N/A
	<p>4. Any development proposal for an Interpretative Centre or similar facility, as identified in the CMP, must also provide heritage documentation prepared by a suitably qualified person that includes:</p> <p>a. A proposed development design outcome that is low scale and visually compatible with the landscaped setting of the site.</p> <p>b. A demonstrated public benefit including long term conservation outcomes for the Stations of the Cross and the associated</p>	<p>A Conservation Management Plan is not submitted with this development application. Despite this, the proposed development relates to removal only and subjected to further development application. A CMP will not be required for this stage of the assessment.</p>	N/A

Part	Requirement	Proposed	Compliance
	<p>landscape elements of the heritage listed precinct.</p> <p>c. An interpretative strategy to tell the story and background to the Maryfields estate, including aboriginal history and connections; the changing natural landscape; religious connections to the local area and people; religious connections to the local area and people; and the development of the Stations of the Cross and religious celebrations.</p> <p>d. A public accessibility strategy to provide safe and equitable access for the public, including where feasible the continuation of religious and associated activities.</p> <p>e. Consideration of an integrated caretaker's residence to manage site conservation outcomes.</p> <p>f. Archaeological assessment for any major site works or excavation</p> <p>g. An assessment of opportunities to use the facility and associated external areas as a communal space for the adjacent Seniors Precinct.</p> <p>h. Review of the Vegetation Management Plan required in accordance with Part 13.5.</p>		
	<p>5. Pedestrian and cycle paths are to be delivered generally in accordance with the Masterplan and the controls specified at Part 13.2.</p>	<p>The proposed development includes the removal of the heritage item on site and pedestrian and cycle paths do not form as part of this development.</p>	<p>N/A</p>
	<p>6. Carparking shall be provided in the general location indicated in Figure 13.16 to service the car parking needs of the heritage precinct. An at-grade car park and associated driveway may be provided in the general location shown subject to:</p> <p>a. A traffic impact assessment being provided by a suitably qualified person to demonstrate that the design, layout and quantity of carparking is suitable to accommodate vehicular parking demand generated by the intended use;</p> <p>b. Sufficient landscape plantings being provided to mitigate any adverse visual impacts of any</p>	<p>The proposed development does not include the construction of any new buildings or structures including car parking. The proposal does not increase the demand in traffic on site and considerations under this provision is not necessary for this assessment.</p>	<p>N/A</p>

Part	Requirement	Proposed	Compliance
	proposed carparking and driveway areas.		

STATEMENT OF HERITAGE IMPACT

Proposed Development at

194 Narellan Road

CAMPBELLTOWN



Job No. 10229

April 2024

Heritage 21

CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to elders both past and present.

Statement of Heritage Impact Stations of the Cross 194 Narellan Road, Campbelltown

Name of the heritage item:

Stations of the Cross (I20)

State Heritage Register / LEP heritage schedule item number and name:

Stations of the Cross (I20), listed under Schedule 5 of the Campbelltown Local Environmental Plan 2015

Address and location:

194 Narellan Road, Campbelltown

Statement of Heritage Impact for:

Proposed relocation of moveable heritage item - Stations of the Cross (I20) to the Macarthur Memorial Park

Prepared by:

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Prepared for:

Morehuman Property Group

Cover image: Subject site at 192 Narellan Road, view to south-west.
(Source: Heritage 21, 18 March 2024)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	03.04.24	AA, VK	PR, AP, EM	AA
2	Draft report (D2) issued for comment.	03.04.24	AA, VK	-	AA
3	Final report (RI) issued.	04.04.24	AA	-	MP

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Job No. 10229 – RI

1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact (“SOHI” or “report”) has been prepared on behalf of Morehuman Property Group who have been engaged by the owners of the subject site to submit a Development Application for the proposed relocation of moveable heritage items located at the subject site at 194 Narellan Road, Campbelltown (the “subject site”).

1.2 Site Identification

The subject site is located at 194 Narellan Road, Campbelltown and falls within the boundaries of the Campbelltown City Council Local Government Area (LGA). It comprises Lot 1 DP1213869 and is located on the northern side of Narellan Road and the southern side of the Hume Motorway (see Figure 1 below). The subject site forms part of the larger Maryfields Estate and is to the west of Morehuman’s existing holding.

The setting and topography of the site will be more fully described in Section 3.0 below.

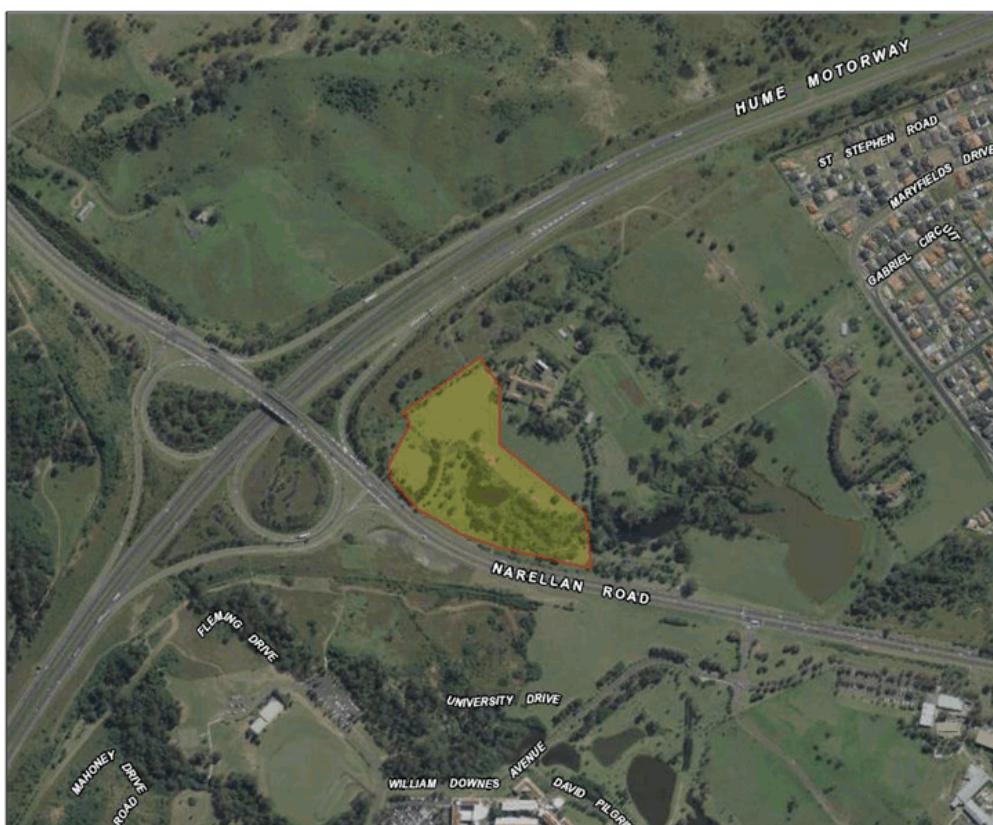


Figure 1. Aerial view of the subject site and its locality. The subject site is highlighted in yellow and outlined in red (Source: NSW Spatial Services, “SIX Maps,” accessed 18 March 2024 <http://maps.six.nsw.gov.au/>, annotated by Heritage 21).

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site is listed as an item of environmental heritage under Schedule 5 of the Campbelltown Local Environmental Plan 2015 (“CLEP 2015”) (see Figure 2). It is not listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.¹ The subject site is not located within the boundaries of a Heritage Conservation Area under the CLEP 2015. There are no other heritage items listed in the near vicinity.

The detail of the listing is as follows:

Statutory List – Legislative Requirements				
List	Item Name	Address	Significance	Item No.
Campbelltown Local Environmental Plan 2015	Maryfields-Stations of the Cross	Narellan Road, Campbelltown, NSW 2560	Local	I20

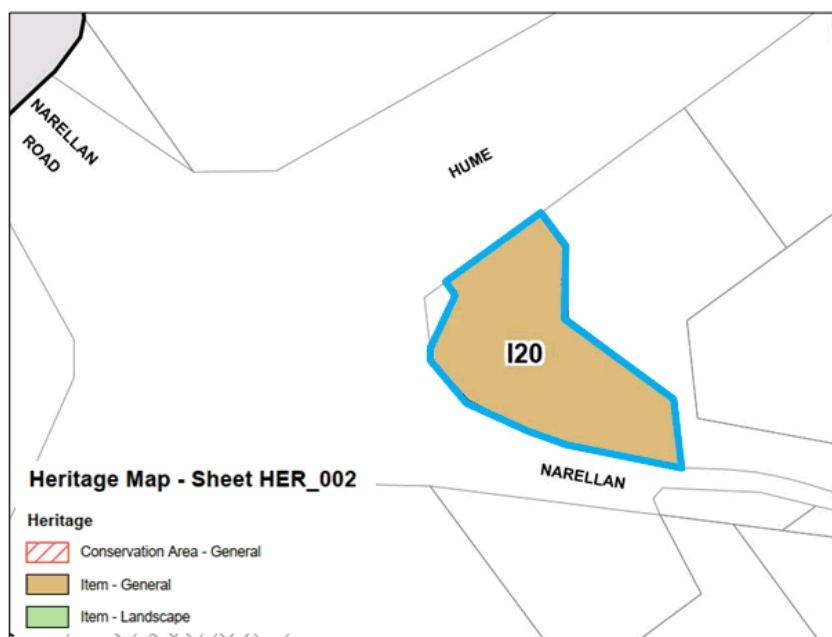


Figure 2. Detail from Heritage Map HER_002. The subject site is outlined in blue and heritage items shaded in brown (Source: NSW Legislation Online, <https://www.legislation.nsw.gov.au/maps>, annotated by Heritage 21).

¹ The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

1.4 Purpose

The subject site is a heritage item, which is listed under Schedule 5 of the CLEP 2015. Sections 5.10(4) and 5.10(5) of the CLEP 2015 require Campbelltown City Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned heritage item and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of that heritage item. This assessment is carried out in Section 6.0 below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

1.5 Methodology

The methodology used in this SOHI is consistent with *Guidelines for preparing a statement of heritage impact* (2023) and *Assessing heritage significance* (2023) published by the NSW Department of Planning and Environment, and has been prepared in accordance with the principles contained in the 2013 edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

1.6 Limitations

- This Statement of Heritage Impact (“SOHI”) is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

1.7 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the full name and date of the report as well as Heritage 21's authorship.

2.0 HISTORICAL CONTEXT

2.1 Local History

The following historical summary of Campbelltown has been extracted from the NSW State Heritage Inventory:

The original inhabitants of the Campbelltown area were mostly people of the Dharawal (sometimes referred to as Tharawal) language group, who ranged from coast to the east, the Georges River in the west, north to Botany Bay and south to Nowra. However, Campbelltown was a meeting point with the Dharug language group (whose area extended across The Blue Mountains), and early history of the area includes references of both groups. (Liston, Carol: Campbelltown: The Bicentennial History, 1988; www.abc.net.au/indegenous). Mount Annan, to the south-west of the Campbelltown City Centre, was known as Yandel'ora to its original owners, the Dharawal people and was an important meeting place for Aboriginal people from as far away as northern Queensland and southern Victoria. ²

This suburb was found by Governor Macquarie in December 1820 and named after his wife's maiden name. Like Parramatta and Liverpool, Campbelltown began its life as an isolated country village.³ Development of the area began at the time of Governor Macquarie (1810- 21).⁴ In November 1810 Macquarie made a tour of inspection when he was planning the sites of towns for new settlers and decided that the land between Bunburry Curran Creek and the Georges River should form a new district which he named Airds, after his wife's family estate.⁵

Macquarie described the visit in detail in his diary. He wrote:

This ceremony having gone through, I named the Township Campbell-Town in honour of Mrs Macquarie's maiden name and on my pronouncing this name aloud, all present gave three hearty cheers...The new Township contains in all only 175 acres of Ground. It is distant 12 miles south of Liverpool, 5 miles from the Northern Boundary of the district of Appin-and 5 miles from Horrex's Farm on the River Nepean (opposite Menangle in the Cowpastures): from whence the distance from this Point of the River Nepean to the Stone Quarry-Creek is Twelve Miles. ⁶

The first land grants were made between January 1810 and October 1811, when William Redfern received 800 acres.⁷ William Redfern called his estate Campbell Fields in honour of Governor's wife, who had been a Miss Campbell before her marriage. Redfern owned a great deal of land in other areas, but the farm at Airds became his favourite property as the soil encouraged good crops and

² Pollon, Frances, and Gerald Healy. 1991a. The Book of Sydney Suburbs. North Ryde, N.S.W.: Angus & Robertson.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Heritage NSW, "Maryfields – Stations of the Cross" State Heritage Inventory, Heritage Item ID: 1290040, accessed 19 March 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1290040>.

⁷ Ibid.

the pure air and feeling of freedom created a sense of peace and prosperity.⁸ Commissioner Bigge, sent out by the British Government during Macquarie's governorship, was most impressed with this district and mentioned about its prosperity in his report to the British House of Commons on 19th June 1822.⁹ In early days, Airds was heavily wooded. The farm of Mr. Redfern had begun to exhibit the improved system of English husbandry, and reflected credit upon the intelligence and spirit with which the expensive operation of clearing the land from trees was conducted.¹⁰

By 1816 most of the holdings in Airds were large.¹¹ By 1820, Airds had grown to the extent that governor decided to found the last of what have been called the Macquarie Towns, and he named the new area, 'Campbelltown' in honour of his wife, Elizabeth.¹² The first measured plan of the town was drafted by surveyor Robert Hoddle in 1826.¹³ By 1831, fifteen people had been given permission to take possession of the allotments.¹⁴ Michel Byrne, one of the original grantees, built, a two-storey colonial Georgian style home in 1842.¹⁵ Some of the old houses still standing in Campbelltown are colonial mansions. In Queen Street four of these gems form a harmonious group.¹⁶ They are all two-storey residences, erected in 1840s and bearing the mark of Georgian architecture.¹⁷

The town of Campbell Town was laid out by Macquarie, but he had left the colony before the plan was drawn in 1828 for the official town between Allman and Broughton Streets.¹⁸ The streets were named during the governorship of Sir Ralph Darling and commemorated notable men, mainly those who had served Britain abroad and finally in New South Wales, while those in the areas surrounding the official town, as years passed, were named after people of colonial or local importance.¹⁹ After the laying out of town, possessions were not given until 1831.²⁰

The Campbelltown district came into prominence in 1824, when it became the starting place for the first successful overland journey to Port Phillip of Captain W.H. Hovell.²¹ The road to Campbelltown was named the Airds Road.²² In 1825, Campbelltown's water supply was desperately low and a new site for the town was mooted.²³ Nothing happened, and in 1832, the citizens appealed to the Governor to have a reservoir built.²⁴ In 1840 the reservoir and a cattle tank for stock water was

⁸ Pollon, Frances, and Gerald Healy. 1991a. *The Book of Sydney Suburbs*. North Ryde, N.S.W.: Angus & Robertson.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Fowler, V. n.d. "Western Sydney Libraries." www.westernsydneylibraries.nsw.gov.au.
<http://www.westernsydneylibraries.nsw.gov.au/campbelltown/index.html>.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ Pollon, F., (1990), *The Book of Sydney Suburbs*, Harper Collins Publishers, Melbourne, pp. 45 – 47; Fowler, V, *History of Campbelltown*, <http://www.westernsydneylibraries.nsw.gov.au/campbelltown/history.html>; Jeff McGill, Verlie Fowler and Keith Richardson, *Campbelltown's Streets and Suburbs - How and why they got their names*, <http://www.campbelltown.nsw.gov.au>

²⁴ *Ibid.*

Statement of Heritage Impact *Stations of the Cross* 194 Narellan Road, Campbelltown

completed.²⁵ The reservoir acted as a catalyst for the town's development.²⁶ In 1858 railway lines were extended from Sydney along with the construction of Campbelltown railway station, which further helped in the area's urban development.²⁷ In the early 1840s, the surroundings of the town were covered by large farms and clear fields extending southward to Appin and the Nepean and Northward as far as Liverpool.²⁸

The town advanced rapidly, many new houses were built, and the property values increased.²⁹ The need for land, accommodation and homes for Sydney's growing population has motivated the extension of Campbelltown, like Camden and Penrith into the new suburban divisions.³⁰ As far back as 1973 a structure plan for the Campbelltown city was exhibited.³¹



Figure 3: Queen Street, Campbelltown looking south-east in the 1890s (Source: Pollon, F., (1990), *The Book of Sydney Suburbs*, Harper Collins Publishers, Melbourne, p. 46).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

2.2 Site Specific History

The site was originally a part of portion 156, a 130 acres lot which was granted to Patrick Cullen in June 1823.³² The Parish map (Fig.4) depicts that the land parcel is located on the western side of the Campbelltown town centre which was laid out in a grid pattern. The land is placed between the railway line on the southern side, with a traverse road and creek passing through the plot.

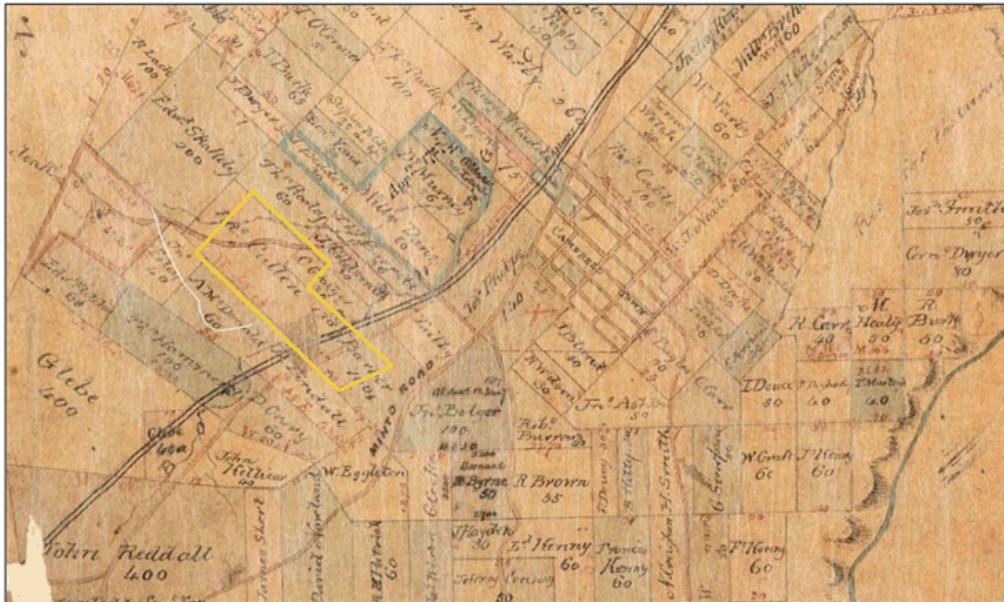


Figure 4. Undated Parish of St. Peter map with highlighted site area (Source: NSW Land Registry Services, Historical Land Records Viewer, <https://hlrv.nswlrs.com.au/>, accessed on 15 March 2024, annotated by Heritage 21).

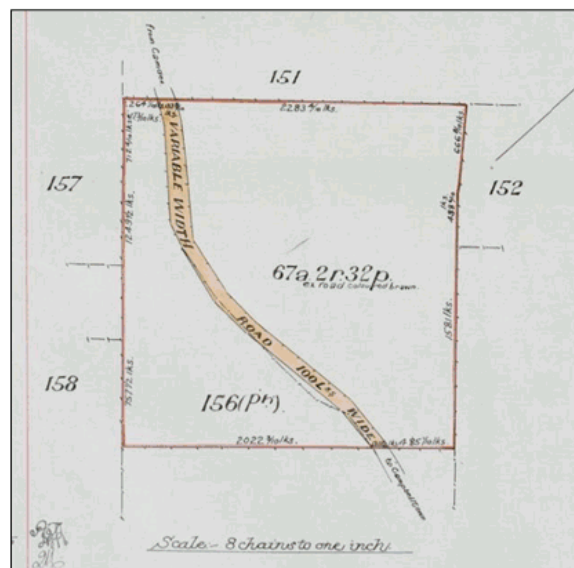


Figure 5 Plan of land parcel purchased by James Rudd (Source: NSW Land Registry Services, 'Historical Land Records', Vol. 4052 Fol. 108, <https://hlrv.nswlrs.com.au/>, accessed on 15 March 2024).

³² NSW Land Registry Services, 'Historical Land Records'

Statement of Heritage Impact Stations of the Cross 194 Narellan Road, Campbelltown

The lot was sold by Collens's successors in December 1931 to a well-known landowner John Terry Hughes. The 130 acres was sold by Cullen's heirs in December 1831 to prominent landowner John Terry Hughes. The sites development may or may not have been done by Hughes, however some indicators depict his connection to the local parish Catholic priest between 1835 to 1838. Further the land was sold to John Rudd in 1838.³³ The land was further subdivided into smaller plots by Rudd and his family, the subject site (Fig. 5) is a part of the northern half of the original plot which was dissected by the road connected Camden and Campbelltown (now Narellan Road).



Figure 6. Location of lot 156 in Maryfields in 1979 (Source: NSW Land Registry Services, Historical Land Records Viewer, <https://hlrv.nswlrs.com.au/>, accessed on 15 March 2024, annotated by Heritage 21).



Figure 7. Further subdivision of site in 1981 (Source: NSW Land Registry Services, Historical Land Records Viewer, <https://hlrv.nswlrs.com.au/>, accessed on 15 March 2024, annotated by Heritage 21).

Rudd developed the property known as 'Maryfields' as a farmstead. Land titles indicate that Georgina Mary Rudd (daughter of John Rudd) shared the estate with Francis Solanus McNamara, Andrew Wogan, Antony Grealy of Waverley, Clerk of Holy Orders in September 1927. After Georgina's demise, the land was legally transferred to Francis Solanus McNamara, Andrew Wogan, Antony Grealy, and Roger Paul Piper of Waverley on 27 March 1930.³⁴ Later in 1934 the farmhouse was inhabited by the Franciscan Community where the homestead served as the living quarters, chapel, and rooms for the community.



Figure 8. View of the Maryfields farmhouse (Source: Campbelltown City Library, "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com)).

³³ "Stations of the Cross." n.d. Campbelltown City Council.

³⁴ Land and Property Information, Certificate of Title, Vol. 4052, Fol. 108.

Maryfields always served as a farmland with mostly pastured land with a small creek passing through the site on the southern end. The OFM built dams and created ponds along creek lines which still exist. However, the overall development of the site was quite relaxed as observed in the aerial imagery.

In 1960 a portion of the site located on the northern side of Narellan Road was sold and the land gifted to the order was incrementally reduced from this time. In 1974 parts of the site were resumed by the Commissioner of Main Roads and the leftover portion to the north of Narellan Road would have been sold by 1975 and the registered owners of the site were The Association of the Franciscan Order of Friars Minor³⁵. A portion of the site on the northern end was given to the Bethlehem Monastery, and the home of the Poor Clare Sisters was constructed in 1968. The Order of Saint Clare, the Poor Clares, is part of the Franciscan family founded by St Francis and St Clare in 1212. The group arrived in Australia in 1951 at the invitation of the Australian Province of the Friars Minor which was established in 1939. Five sisters from the historic monastery of Nun's Island, Galway, settled in the Franciscan parish at Waverley. As Australians soon joined them, there was a need to build a larger and permanent monastery to accommodate the thriving community. The nuns moved to Campbelltown in 1968 and the current monastery building remains and continues to be home for several nuns. The site was used to host several retreats and school activities. In 1983 the novitiates vacated the main building, and a smaller Friary was built near the Bethlehem monastery in 1990's. The vacated building was leased to Macarthur Institute for Higher Education. In 1989 a DA was submitted to the council stating the urge to use one of the existing buildings as a Daycare centre. The grounds of the site were also made available for horticulture and skill share funded by the government.³⁶ The site is overlooked by Friars and a caretaker. The 14 statues remain on the site and are sometimes visited by small groups.



Figure 9. Photograph from 1978 of Maryfields across Narellan Road (Source: Campbelltown City Library, "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com).

³⁵ Land and Property Information, Certificate of Title, Vol. 7975 Fol. 105, Vol. 10702 Fol. 149

³⁶ Ashton, William. 2000. "Conservation Plan for the Stations of the Cross at Maryfields." Perumal Murphy Wu Pty Ltd.

2.3 Stations of the Cross

The Franciscan community was formed by St. Francis of Assisi in 1209. Some Irish Friars moved to Australia to serve as Catholic priests, and in 1879 they were given a site in eastern Sydney to establish Franciscan Mission. Paddington, Edgecliff and Waverley were all part of the same mission area.³⁷ The mission started to expand after the inclusion of first Australians in 1934.³⁸

A foundation stone was laid at the site in 1935 by Sydney's Archbishop followed by an incomplete building to open later in that same year. The inauguration ceremony was attended by Franciscan parishes from Waverley, Paddington, and Woollahra. The superior of OFM Father Nolan along with his two following groups had envisioned about organising an outdoor Via Crucis in Australia on the estate land.³⁹ One of the groups under the leadership of Dr. Harold Norrie was determined to organise a much larger event like Good Friday ceremonies held at OFM in California. The committee was looking for a suitable site satisfying the essential three conditions:

- it should be sufficiently far away from Sydney to constitute a "pilgrimage".
- it must be sufficiently near the city to allow people of limited means an opportunity of attending and be convenient to public transport; and
- the general surroundings must harmonise with the solemnity of the occasion



Figure 10. Promotional banner prior to Via Crucis (Source: Campbelltown City Library, Promotional banner used prior to Via Crucis - The Way of the Cross, "Maryfields", Narellan Road, Campbelltown in 1936 | Campbelltown Library (spydus.com).

Maryfields was seen as an appropriate setting for the event and the first Via Crucis ceremony took place on the site on Good Friday in 1936.⁴⁰ The Franciscans erected 14 wooden crosses along a path in a pasture at the Novitiate. The stations were placed with reference to the Gospel. One station was placed on one side of the creek which continued to traverse the site and represented the brook of Kedron outside Jerusalem, near the Garden of Gethsemane tableau. Other crosses were placed at

³⁷ History of St. Francis and St. Joseph (stfrancis-stjoseph.org.au)

³⁸ History of the Franciscan Province." n.d. Franciscan Friars. Accessed March 12, 2024. <https://www.franciscans.org.au/who-we-are/history-of-the-province/>.

³⁹ Ashton, William. 2000. "Conservation Plan for the Stations of the Cross at Maryfields." Perumal Murphy Wu Pty Ltd.

⁴⁰ Ibid.

intervals up a hill and the route was culminated with the 12th station and Crucifix at the top of the hill, near the Novitiate. The 13th and 14th stations traversed downhill to another garden. The overall placement was planned to correspond with the original Via Dolorosa and to recreate a sense of climbing the hill to Calvary.⁴¹

On the day, the Sydney Morning Herald reported that it was expected that more than 30,000 would attend the ceremony, the “first ever performed in Australia in the open”. It was noted that the ceremony would start at 2pm and introduced by the Franciscan fathers as a counter to the growing tendency to make Good Friday more of a holiday than a holy day. The article also outlined the special trains leaving from Central Station (at 10.10 am, 11.53 am and 12.18 pm) and that other trains going as far as Campbelltown could also be taken.⁴²



Figure 11. Gathered Crowd for the event on estate lands (Source: Campbelltown City Library, Crowds gathered for the first Via Crucis - Way of the Cross at "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com).

The expansion of railway lines from Campbelltown which possibly would have been aligned with Narellan Road with Rudd's gate being the first platform. The initial event was a huge success which led to further development of the platform at gate's located towards the southwestern corner of the site and renamed it Maryfields. Attendees travelled by train to the annual Via Crucis ceremony until the closing of the railway at the end of 1962. The fourteen statues were funded from Catholic families and placed on brick pedestals on the site. As per tradition, the placement began at of the Garden of Gethsemane located on the southern side of the pond and watercourse that crosses the southern section of the site. The 12th station sits atop a mound with a voluminous alter, statuary and crucifix. It sits over a spacious vault, which was intended to be used for burial of Franciscans from the Novitiate.⁴³

⁴¹ Ibid.

⁴² Sydney Morning Herald. 1936. "Via Crucis', Ceremony at Maryfields," April 10, 1936.

⁴³ Ashton, William. 2000. "Conservation Plan for the Stations of the Cross at Maryfields." Perumal Murphy Wu Pty Ltd.



Figure 12. 1969 Ceremony (Source: Campbelltown City Library, Crowds gathered for the first Via Crucis - Way of the Cross at "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com).

As per Sydney Morning Herald large number of attendees took part in the initiation ceremony, which led to the decision of making the ceremony an annual event. The 12th station was finished until 1937, but the other stations were in place when more than 20,000 people attended the event on Good Friday. The ceremony took place in the following years, there were almost 10,000 people who attended the ceremony in 1938 via special trains and cars.⁴⁴

Over 15,000 people attended the ceremony in the following year. However, the number of attendees increased to 25,000 in 1939. The congregations continued to happen in large number from 1940 to 1941 where more than 10,000 people were seen⁴⁵. The ceremony was suspended during the world wars and resumed back in 1946 with 8000 pilgrims on the site.⁴⁶



Figure 13. 1969 Ceremony (Source: Campbelltown City Library, Crowds gathered for the first Via Crucis - Way of the Cross at "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com).

⁴⁴ Sydney Morning Herald. 1938. "Via Crucis', Maryfields Ceremony 10,000 people attend," April 16, 1938.

⁴⁵ Sydney Morning Herald. 1941. "Via Crucis' Campbelltown Procession," April 12, 1941.

⁴⁶ Sydney Morning Herald. 1941. "Revival of Via Crucis," April 20, 1946.



Figure 14. Scene of the 12th station in 1936 (Source: Campbelltown City Library, Scene at 12th Station during Via Crucis - The Way of the Cross, "Maryfields", Narellan Road, Campbelltown | Campbelltown Library (spydus.com).

Archival Images depict that large number of pilgrims continued to attend the ceremony until 1969. However, the gatherings gradually declined due to various reasons. The train service from the town was ceased in 1962/63 to make way for the new freeway. As a result, the pilgrims were enforced to commute via buses and cars. The transformed scenarios led to the reduction of pilgrims attending the events.⁴⁷

The ceremony was eventually ceased in the 1990s at Maryfields due to several reasons as the event was overwhelming and burden to the remaining Franciscans on the site. It was highly unlikely that the way of cross ceremony would resume at Maryfields as it has served a vital role in the site’s development and history and was no longer seen as a preferred method of devotion by the authorities.⁴⁸



Figure 15. Historic aerial imagery from 1969. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).



Figure 16. Historic aerial imagery from 1972. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).

⁴⁷ Ashton, William. 2000. "Conservation Plan for the Stations of the Cross at Maryfields." Perumal Murphy Wu Pty Ltd.

⁴⁸ Ibid.

Statement of Heritage Impact *Stations of the Cross* 194 Narellan Road, Campbelltown

Figure 17. Historic aerial imagery from 1975. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).



Figure 18. Historic aerial imagery from 1980. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).



Figure 19. Historic aerial imagery from 2005. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).



Figure 20. Historic aerial imagery from 2024. The approximate location of the subject site is outlined in red. (Source: NSW Government Spatial Services, <https://portal.spatial.nsw.gov.au/portal>, accessed 14 March 2024, annotated by Heritage 21).

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The site is located at 194 Narellan Road, Campbelltown. Campbelltown is located approximately 70 kilometres south-west of the Sydney Central Business District and approximately 40 kilometres south-west of Parramatta.

The site is characterised by rolling hills and gently sloping topography nestled between the Hume Motorway and Narellan Road. The site is sparsely vegetated and features some large mature native trees. The moveable heritage items at the site are spaced between 20 and 40 metres away from each other in a linear spline, forming a path of religious pilgrimage between the first and final statue.

There are a total of fourteen Stations which are spread over the south-western section of the site. The fourteen Stations of the Cross, each comprise finely a detailed painted terracotta statue, approximately 1.2 metres in height, mounted onto a rendered masonry base. The base stands at approximately 3.5 metres tall with render formed to resemble rock face stone. The front of each base has a simple timber cross with engraved number and a decorative precast cement plaque embedded in the render.

3.2 Physical Description

The following physical description of the subject site is extracted from the property's listing card on the State Heritage Inventory:

The site is extensive. There is a small creek flowing through the south-western part of the property that over the years has been dammed for agricultural purposes. Since 1930, an extensive tree-planting program has provided a wonderful habitat for birds around the dams.

The Stations are laid to allow visiting in a progression from the lowest part of the site to the highest. Each is visible from the last, reinforcing the meaning of the journey to the final station.

Stations of the Cross:

A set of three-dimensional terracotta Stations of the Cross statues. The statues are placed on brick pedestals (rendered to look like stone), high enough to be seen above a crowd. On each alternate pedestal there is a cast cement plaque of the Paschal Lamb and another showing a chalice with grapes and wheat. The Paschal Lamb is a symbol of Christ, the Lamb of God, slain for us. The symbols of grapes and wheat represent the Eucharist, the Body and Blood of Christ, the fruit of his saving death on Calvary. In the representation of the Garden of Gethsemane, there is a statue of Christ and an angel. The Twelfth Station is situated on a large

man-made mound. Beneath it lies a spacious vault, which first was mooted as the friars' burial place, but this idea was later abandoned (there was a Franciscan friars' cemetery located on the other side of the property).⁴⁹

3.3 Condition and Integrity

The statues are generally in poor condition and require repair, based on visual inspection of the moveable heritage items as observed on the site inspection from 29 February 2024. The paint finish to some of the statues has begun to peel. The terracotta work to the figurines on statue number eight have experienced breakages at several points, with the substrate visible. Some statues have mossy growth and vegetation growing through cracks and crevices in the statues.

3.4 Images

The following photographs have been taken by Heritage 21 at the site inspection undertaken on 29 February 2024 unless stated otherwise.

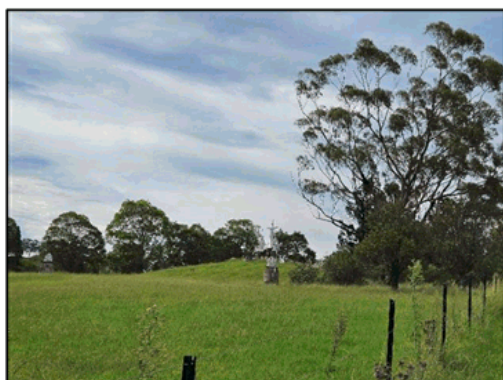


Figure 21. View towards the highest point of the site. The statue of Christ's Crucifixion.



Figure 22. View of one of the statues with dense vegetation behind.



Figure 23. Example shown of the large mature native vegetation found on the site.



Figure 24. View towards the earlier statues in the procession. Note in the distance Narellan Road is visible through the clearing.

⁴⁹ Heritage NSW, "Maryfields – Stations of the Cross" State Heritage Inventory, Heritage Item ID: 1290040, accessed 19 March 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1290040>.

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Figure 25. View towards statues six, seven and eight.



Figure 26. View south along the park towards the statues, a creek and an RMS maintenance depot.



Figure 27. Vegetation growth to statue eight.



Figure 28. Decay to the terracotta of statue eight.



Figure 29. View of statue eight's figurines. Note decay to the arm on the left and breakage of the base.



Figure 30. View towards the final statue of Christ's Crucifixion.

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Figure 31. View from the final statue of Christ's Crucifixion overlooking the suburb of Campbelltown.



Figure 32. Zoomed in view south towards Campbelltown seen in the distance.

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, it is necessary to first ascertain the heritage significance of these places.

Accordingly, the Statement of Significance for the subject site (refer to Section 4.1) is provided below. The significance of this place will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below. Heritage 21 regards the significance of The Stations of the Cross to be 'moveable heritage'. Their significance is not fixed to the site especially considering their history of moving from one site to another.

4.1 Established Significance

The following Statement of Significance is available for the subject site on the State Heritage Inventory:

4.1.1 The Subject Site (Item 120)

The following Statement of Significance is available for the subject site on the State Heritage Inventory:

The Stations of the Cross are of historical significance to Catholics in Sydney, as the site of regular, well attended Way of the Cross ceremonies from 1936 to 1988, and occasional ceremonies (such as Good Friday) since. The Stations of the Cross have strong historical association with the Franciscan Order, which established the Stations of the Cross. The Stations of the Cross statues are of aesthetic significance as good examples of 1930s religious sculptures in a landscaped setting that contributes to the evocative nature of the journey. The Stations of the Cross are of social significance to local and Sydney Catholic communities, evidenced by their continuing use for Way of the Cross ceremonies. The Stations of the Cross at Maryfields are representative of Inter-war period outdoor Stations of the Cross sites.

Note: This inventory sheet is not intended to be a definitive study of the heritage Item, and the information it provides may not be complete. Further research is recommended as part of the preparation of development proposals affecting the Item.⁵⁰

⁵⁰ Heritage NSW, "Maryfields – Stations of the Cross" State Heritage Inventory, Heritage Item ID: 1290040, accessed 19 March 2024, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1290040>.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposal entails the removal of the Stations of the Cross from the subject site and it is intended to relocate them to the Macarthur Memorial Park on St Andrews Road in Varroville.

5.2 Drawings

Our assessment of the proposal is based on the following drawings received by Heritage 21 on 12 March 2024 supplied by Morehuman Property Group. These are reproduced below for reference only.



Figure 33. Masterplan of the Macarthur Memorial Park.

Statement of Heritage Impact Stations of the Cross 194 Narellan Road, Campbelltown

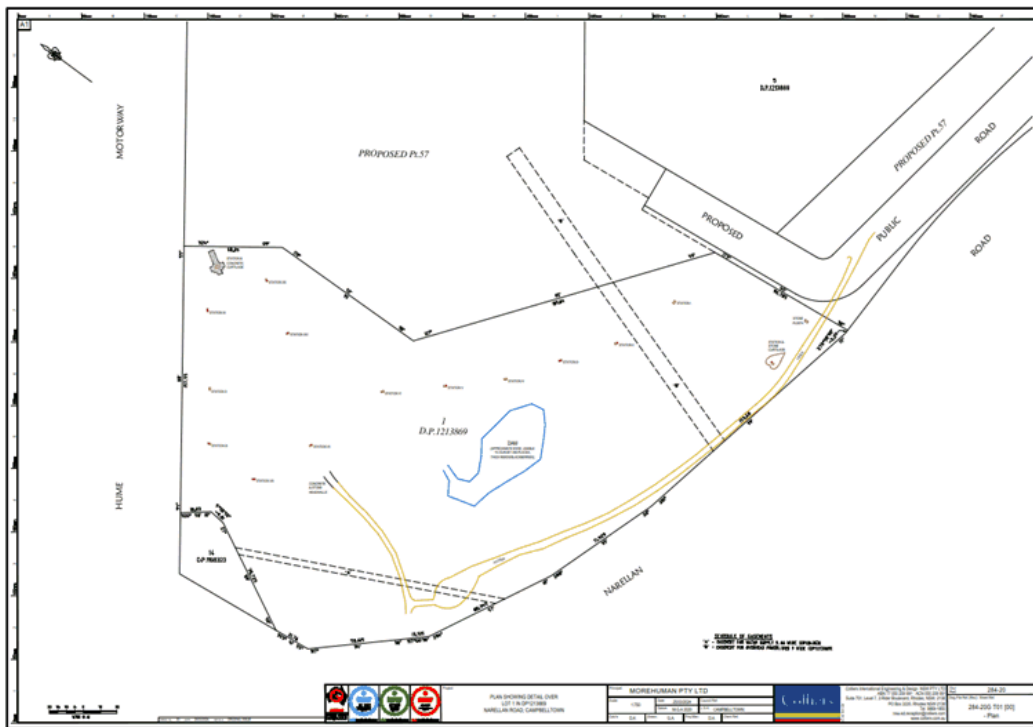


Figure 34. Survey Plan of the existing placement of the Stations at the subject site.

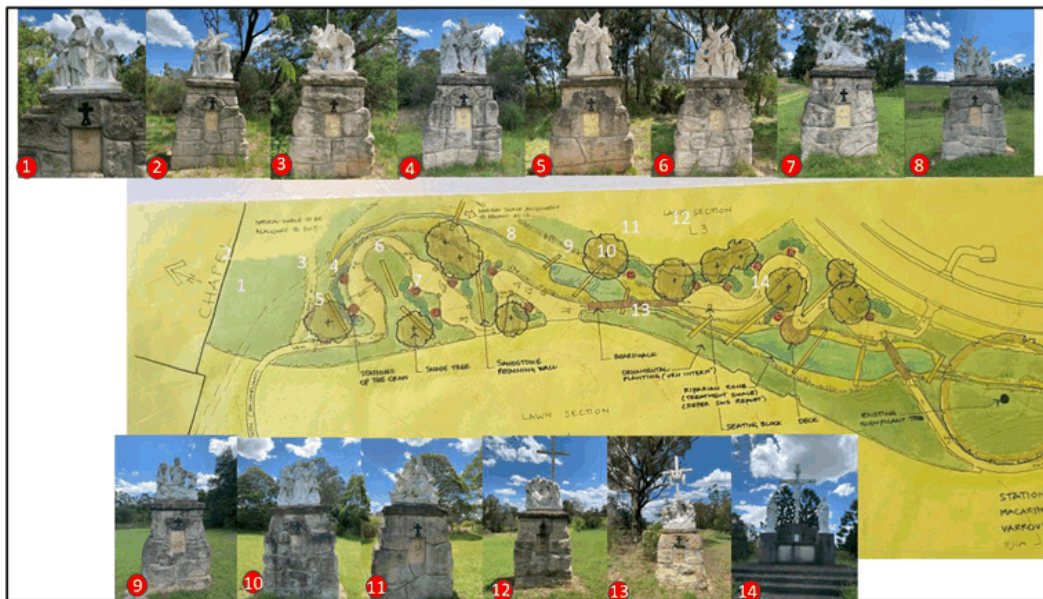


Figure 35. Site plan of the intended overall placement of the Stations within the Macarthur Memorial Park in Varroville.

Statement of Heritage Impact Stations of the Cross 194 Narellan Road, Campbelltown

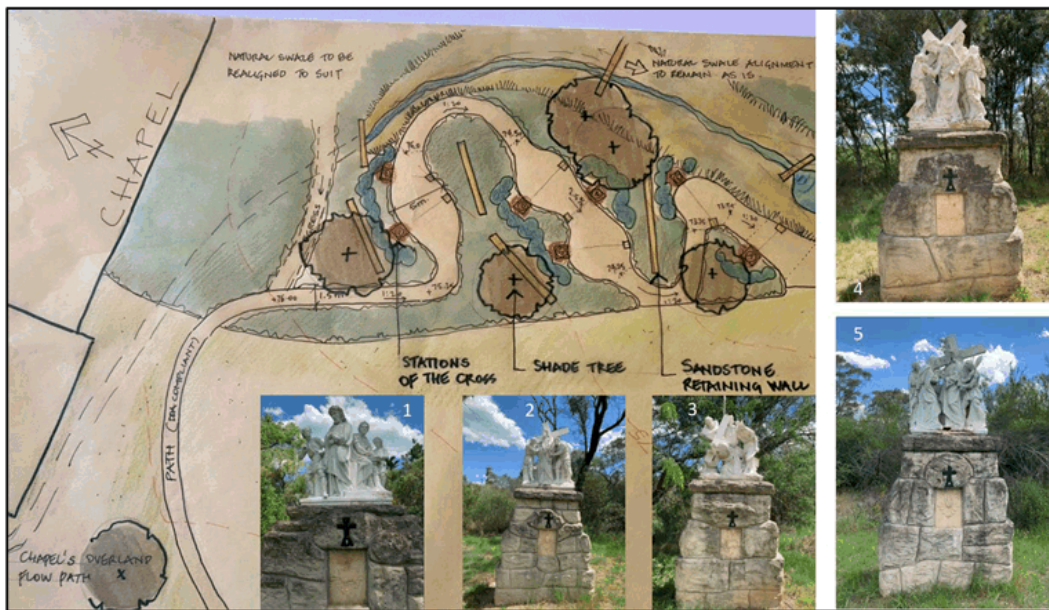


Figure 36. Plan of the intended placement of Stations 1-5.

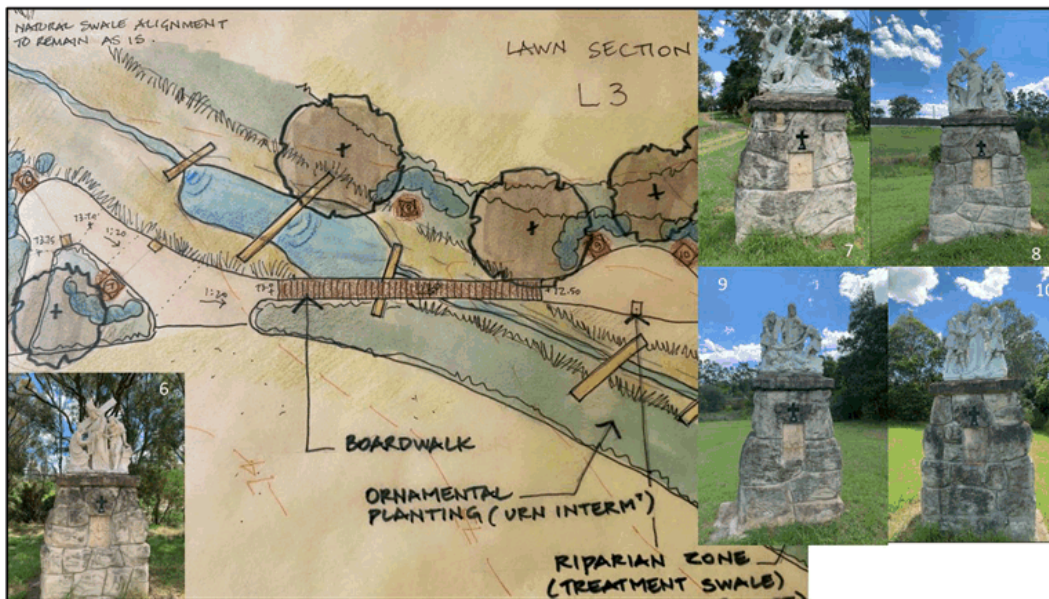


Figure 37. Plan of the intended placement of Stations 7-10.

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Figure 38. Plan of intended placement for Stations 11-14.

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Campbelltown Local Environmental Plan 2015

The statutory heritage conservation requirements contained in Section 5.10 of the *Campbelltown Local Environmental Plan 2015* ("CLEP") are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

- (1) Objectives
- (2) Requirement for consent
- (4) Effect of proposed development on heritage significance
- (5) Heritage assessment

6.1.2 Campbelltown (Sustainable City) Development Control Plan 2015 (Part 13)

Our assessment of heritage impact also considers the heritage-related sections of the Campbelltown (Sustainable City) Development Control Plan 2015 ("CSDCP 2015") that are pertinent to the subject site and proposed development. These include:

Part 13 – Maryfields Site specific DCP

13.5 Open Space Area (Heritage Precincts)

6.1.3 NSW Department of Planning and Environment Guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Department of Planning and Environment provides a list of considerations in the form of questions aiming at directing and triggering heritage impact assessments.⁵¹ These are divided into sections to match the different types of proposals that may occur on a heritage item, item in a heritage conservation area or in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report.

Interpretation

- *Will the proposed works contribute to a continued understanding of the heritage item's history and significance?*
- *Can interpretive features be integrated into the design?*

⁵¹ Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact* (Parramatta: Department of Planning and Environment, NSW Government, 2023), <https://www.environment.nsw.gov.au/research-and-publications/publications-search/statements-of-heritage-impact>.

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon The Stations of The Cross. This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0), a review of the Heritage Management Framework (refer to Section 6.1).

6.2.1 Impact Assessment Against the CLEP 2015

The statutory heritage conservation requirements contained in Section 5.10 of the *Campbelltown LEP 2015* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

CLAUSE	ASSESSMENT
(1) Objectives	The proposal, in our opinion, would not engender a negative impact on the heritage significance of the movable heritage items, including their contributory fabric. The significance of the Stations is tied to their aesthetic and social significance. Large scale pilgrimages have since ceased at the site. The site (and statues) have lost societal visitations and interpretation. The loss of interpretation and visitation would be ameliorated by the statues being relocated to the Catholic owned Macarthur Memorial Park in Varroville. Relocation of the statues to a designated memorial park would facilitate and re-start visitation from the Christian community hence providing ongoing interpretation of their social and historical significance. Since divestment by the Franciscan Friars, the site is privately owned and inaccessible to the public. The proposed location of the statues will become far more accessible to the public enabling continued interpretation of their significance.
(2) Requirement for consent	This Development Application is lodged to Council to gain consent for the proposed removal of the Stations of the Cross, listed under Schedule 5 of the <i>Campbelltown LEP 2015</i> .
(4) Effect of proposed development on heritage significance	This Statement of Heritage Impact accompanies the Development Application in order to enable Campbelltown Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the Stations of The Cross.
(5) Heritage assessment	

6.2.2 Impact Assessment Against the Campbelltown Part 13 Maryfields (site-specific) DCP 2015

The significance of the Stations of the Cross relates to their historic and social associations and aesthetic character. The proposed relocation of the statues would, in the opinion of Heritage 21, be acceptable if they were to be moved to their new location as their principal characteristics would remain. The statues at their current placement are isolated and in any case the pilgrimage procession associated to the statues has ceased. The divestment of the site by the Franciscan Friars further severs the religious connection to the site. The intended relocation of the statues to the Catholic owned Macarthur Memorial Park would allow the statues to become publicly accessible and therefore interpreted and visited by the community. The statues are currently isolated on the site and, in our opinion difficult to access.

The intended relocation of the statues has been carefully considered and would, in our opinion, have no impact on the overall experience. The experience would be enhanced when placed in their new purposefully designed layout at the Macarthur Memorial Park. The intended new location poses no impact to the movable heritage items (statues). Their aesthetic and social significance would be maintained and there would be no impact to their physical condition. Heritage 21 would propose that major repainting and conservation works be carried out to ensure that the physical integrity of the statues is enhanced through a schedule of conservation works which can be conditioned by Campbelltown Council.

The proposed new locations would align with the existing procession and would feature the symbolic crossing of water features within a parkland setting. The Stations of The Cross would continue to be visual reminders and a sense of the pilgrimage and open garden setting would be enhanced at the Macarthur Memorial Park. Improved access to the statues at their intended location would, in our opinion, be a positive impact and will facilitate greater visitation and continue the pilgrimage connected to the statues. Any adverse impacts would be reduced by the repair, conservation, and maintenance of the statues. The on-going visitation and interpretation of the statues would, in our opinion, allow the Stations of The Cross to continue to be an active feature to the City of Campbelltown.

6.2.3 Impact Assessment Against the NSW Department of Planning and Environment Guidelines

The NSW Department of Planning and Environment has identified a list of considerations in the form of questions aiming at directing and triggering heritage impact assessment. Below, we assess the proposal against the most pertinent of these questions.

Question	Assessment
Interpretation	
<i>Will the proposed works contribute to a continued understanding of the heritage item's history and significance?</i>	The Stations of The Cross would continue to be visual reminders and a sense of the pilgrimage and open garden setting would be enhanced at the Macarthur Memorial Park. Improved access to the statues at their intended location would, in our opinion, be a positive impact and would facilitate greater visitation and continue the pilgrimage connected to the statues.
<i>Can interpretive features be integrated into the design?</i>	The experience would be enhanced when placed in a new purposely designed layout at the Macarthur Memorial Park. The intended new locations would align with the existing procession and would feature the symbolic crossing of water features within a parkland setting.

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Impact Summary

The NSW Department of Planning and Environment's guidelines require the following aspects of the proposal to be summarised.⁵²

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the Stations of The Cross because:

- They currently experience site isolation due to their location. The divestment of the site by the Franciscan Friars further severs the Christian association with the site. Relocation of the Stations of The Cross to a designated memorial park would facilitate and re-start visitation from the Christian community, hence providing for ongoing interpretation of the statues' social, aesthetic and historical significance.
- The Stations of The Cross would continue to be visual reminders and a sense of the pilgrimage and open garden setting would be enhanced at the Macarthur Memorial Park. Improved access to the statues would, in our opinion, facilitate greater interpretation opportunities in their new location.
- We regard the Stations of The Cross as moveable heritage, given their itinerant history. They have currently been placed out of circulation on private land and in our opinion, would be a better fit in their new location and at the same time being reconnected to their historical and liturgical purpose.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, there are no aspects of the proposal which could be detrimental to the significance of the statues. We believe that there will be positive impacts for the reasons discussed in this report. Recommendations are provided in Section 7.2 below as further mitigation measures.

7.2 Mitigation Measures/Recommendations

To ensure maximum conservation of the significance of the statues, Heritage 21 also recommends the following:

- Heritage 21 proposes a comprehensive schedule of conservation works to the Stations of The Cross.
- Heritage 21 proposes that on-going care and conservation works take place to the statues once they have been relocated to ensure they can genuinely be interpreted by reconnecting the currently displaced statues with their historical, ontological and liturgical antecedent. It is recommended that the implementation of conservation and cyclical maintenance of the

⁵² Department of Planning and Environment, *Guidelines for preparing a statement of heritage impact*.

moveable heritage items be considered as per Section 6.0 and 7.0 (pages 63-79) of the 2015 Perumal, Murphy, Alessi Conservation Management Plan written for the Stations of The Cross.

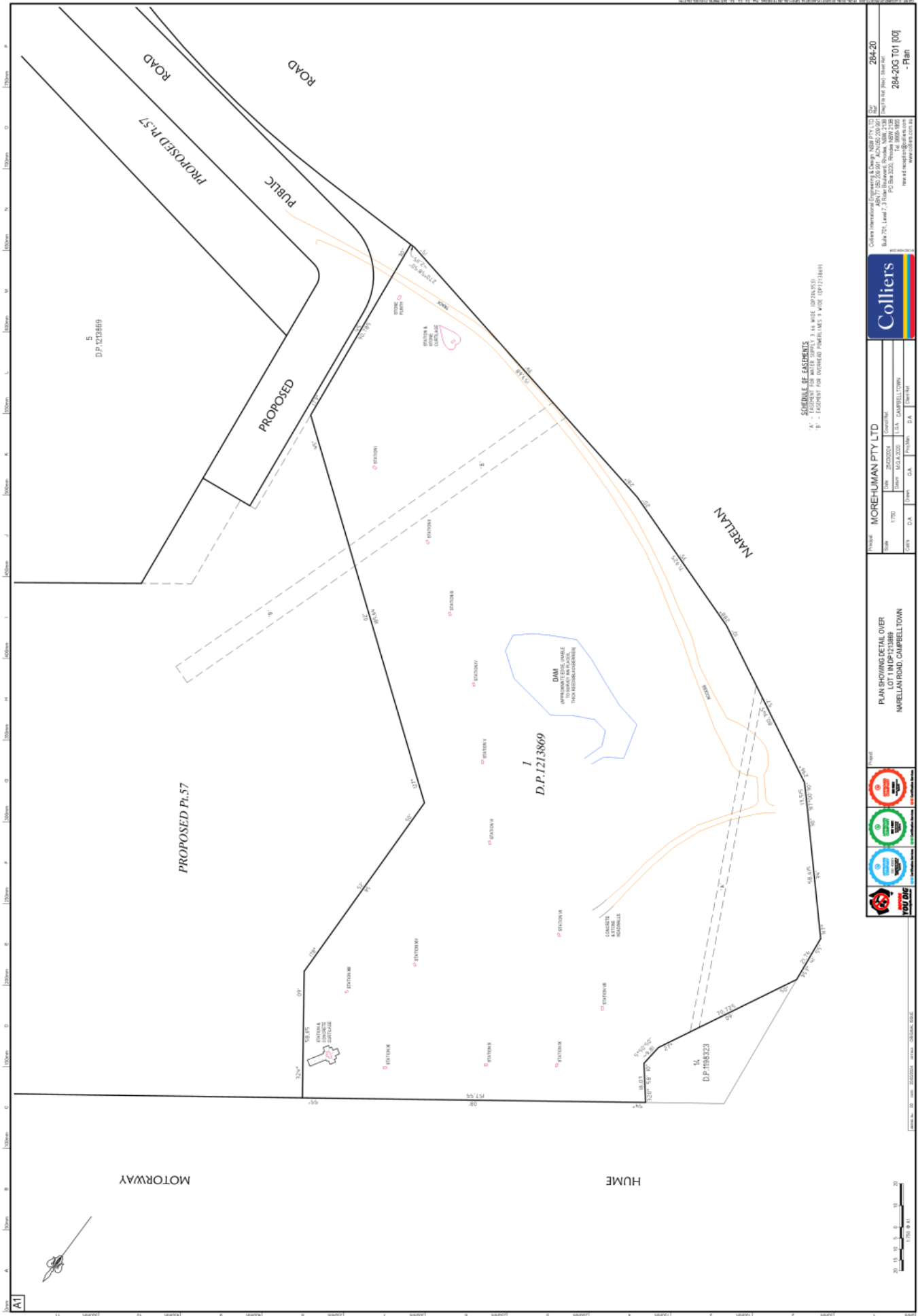
- Heritage 21 recommends an interpretation plan is prepared for the statues in their new location (subject to DA approval) at the Macarthur Memorial Park in Varroville.

7.3 General Conclusion

Heritage 21 is therefore confident that the proposed relocation of the Stations of The Cross to the Macarthur Memorial Park would not, in our opinion, engender a negative heritage in the manner recommended in this report by Heritage 21. We therefore recommend to Campbelltown City Council that it view this application favourably on heritage grounds.

8.0 SOURCES

- Apperley, Richard, Robert Irving, and Peter Reynolds. *A Pictorial Guide to Identifying Australian Architecture Styles and Terms from 1788 to the Present*. Sydney: Angus & Robertson, 1994.
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PROJECT: MOREHUMAN PTY LTD
PLAN SHOWING DETAIL OVER LOT 10 UNDIVIDED NARELLAN ROAD, CAMPBELLTOWN

DATE	BY	DESCRIPTION
1/1/20	DA	CONCEPT
26/02/2024	DA	CONCEPT
13/03/2024	DA	CONCEPT
14/03/2024	DA	CONCEPT

284-20
 284-20G 701 [00]
 - Plan



Catholic Cemeteries + Crematoria
ABN: 85 744 325 709

12 June 2024

Ghassy Bayni
Managing Director
More Human Property Group
GPO Box 2392
Sydney NSW 2000

Our ref: CMCT23.24/019

All correspondence to:
PO Box 10
LIDCOMBE NSW 1825

Contact
+61 2 8713 5700
Email: laurenh@catholiccemeteries.com.au

BY EMAIL – ghassy@morehuman.com

Dear Ghassy,

Relocation of the Stations of the Cross ('SOTC') to Macarthur Memorial Park

Catholic Metropolitan Cemeteries Trust (CMCT) is writing in response to More Human Property Group's ('MHPG's') request to confirm the status of negotiations to relocate the SOTC from 194 Narellan Road, Campbelltown to Macarthur Memorial Park, 166-176 St Andrews Rd, Varroville.

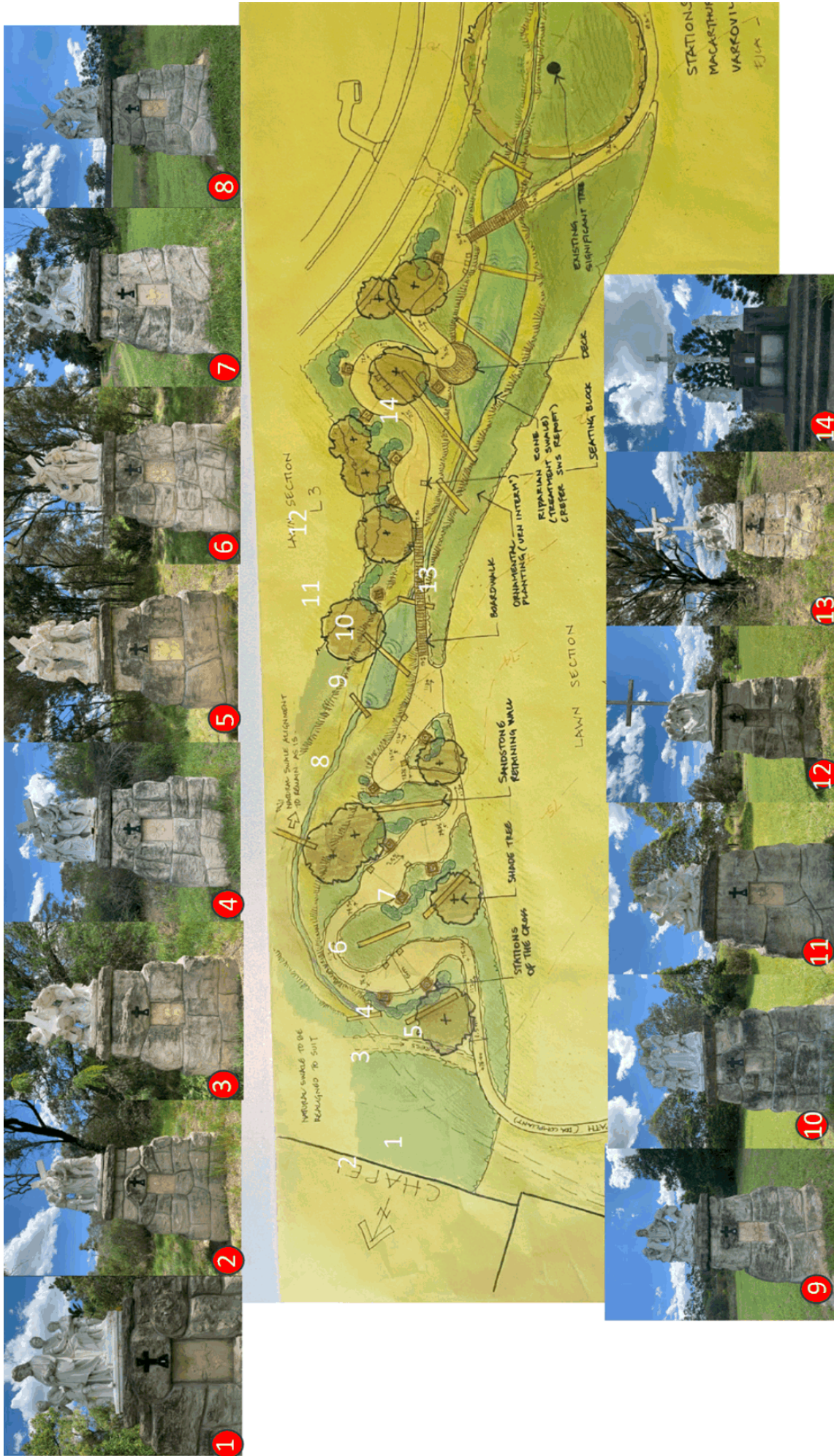
CMCT understands the letter has been requested to support a development application to Campbelltown City Council for removing the SOTC from 194 Narellan Road as an initial step of the relocation.

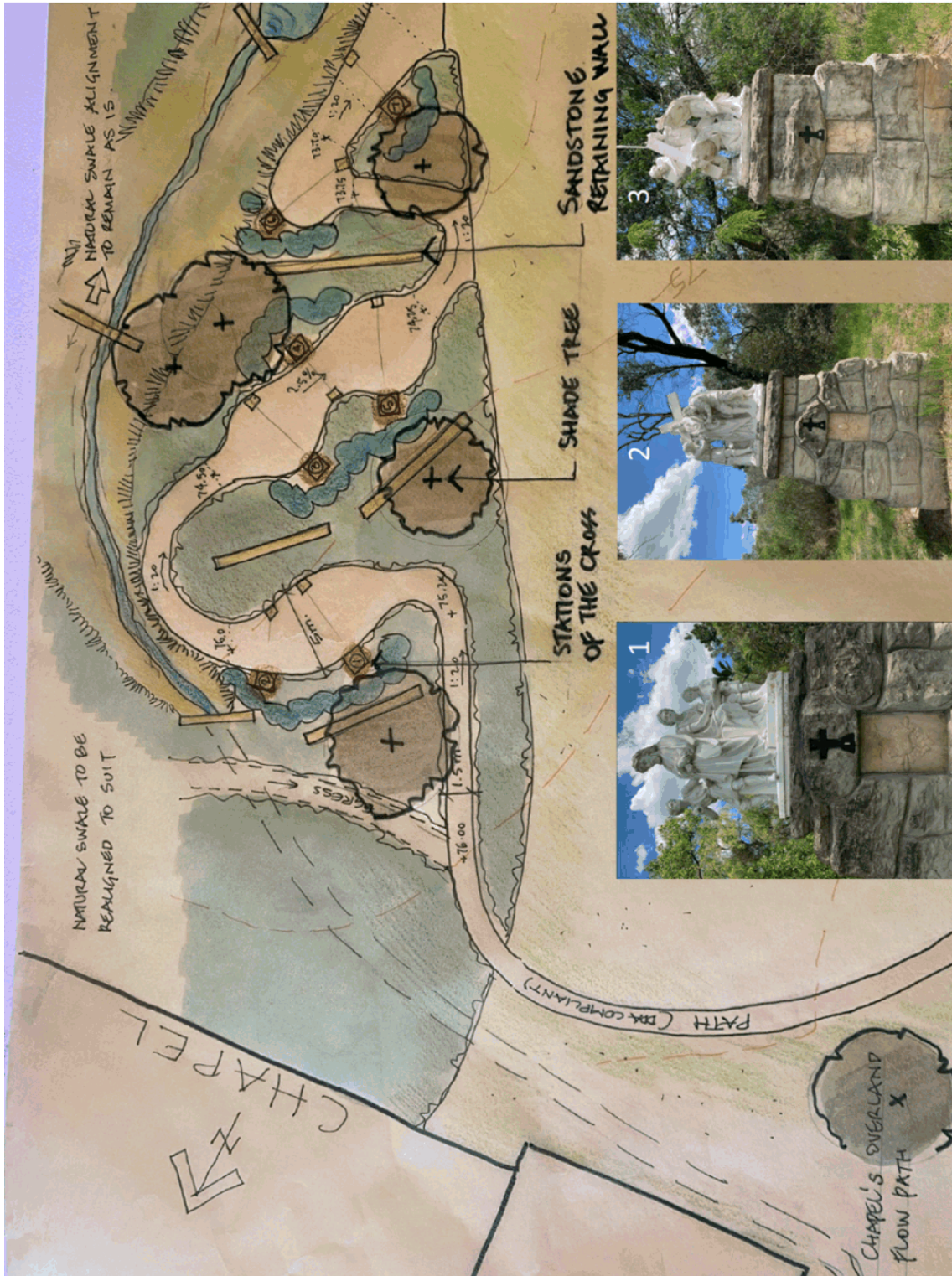
CMCT can confirm that arrangements with MHPG for relocating the SOTC to Macarthur Memorial Park are well advanced. To this end, CMCT has prepared the accompanying concept plans for the intended placement of the SOTC to inform the preparation of a development application to Campbelltown City Council.

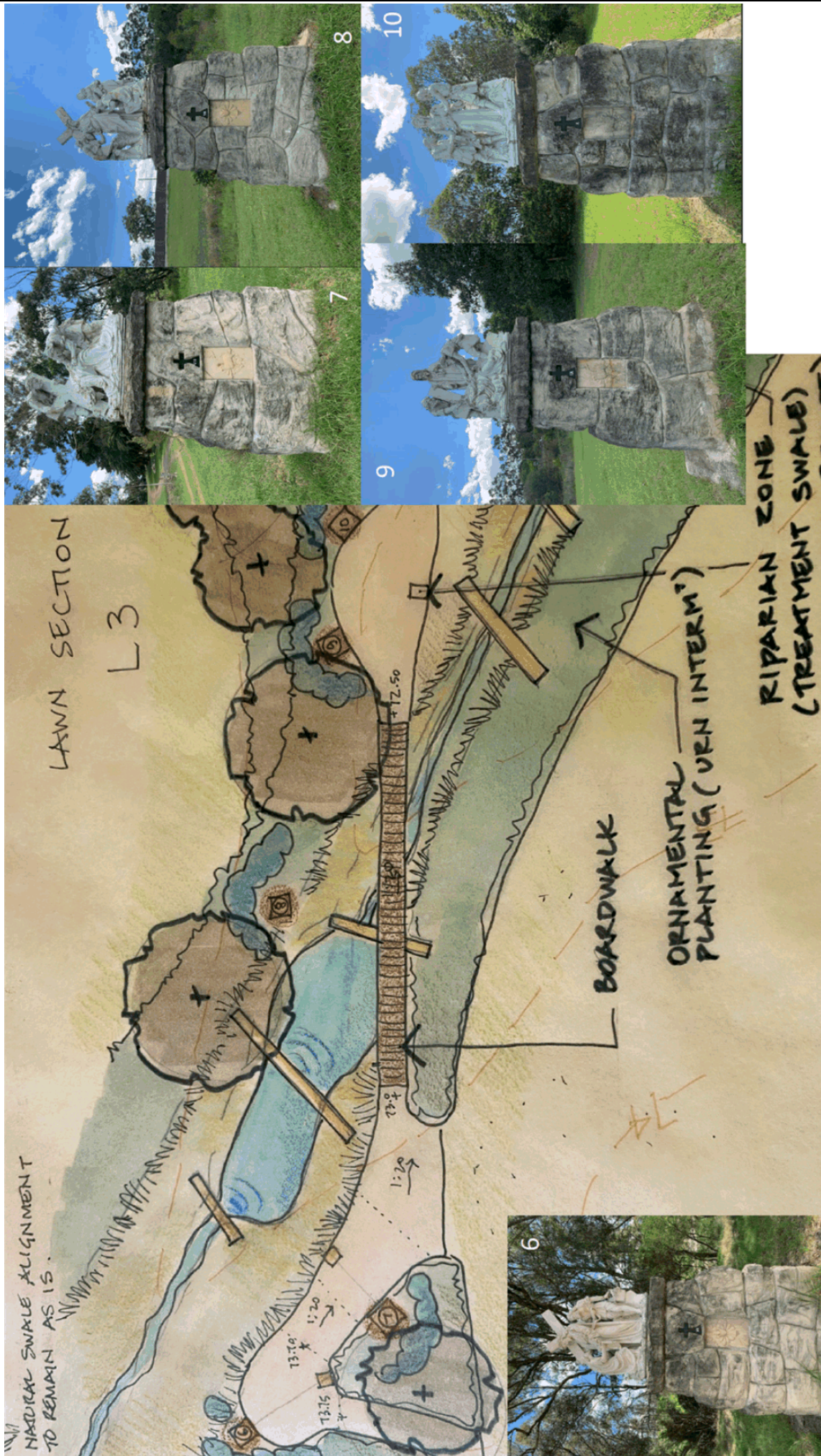
We trust that the above assists. If you require anything else, don't hesitate to contact us.

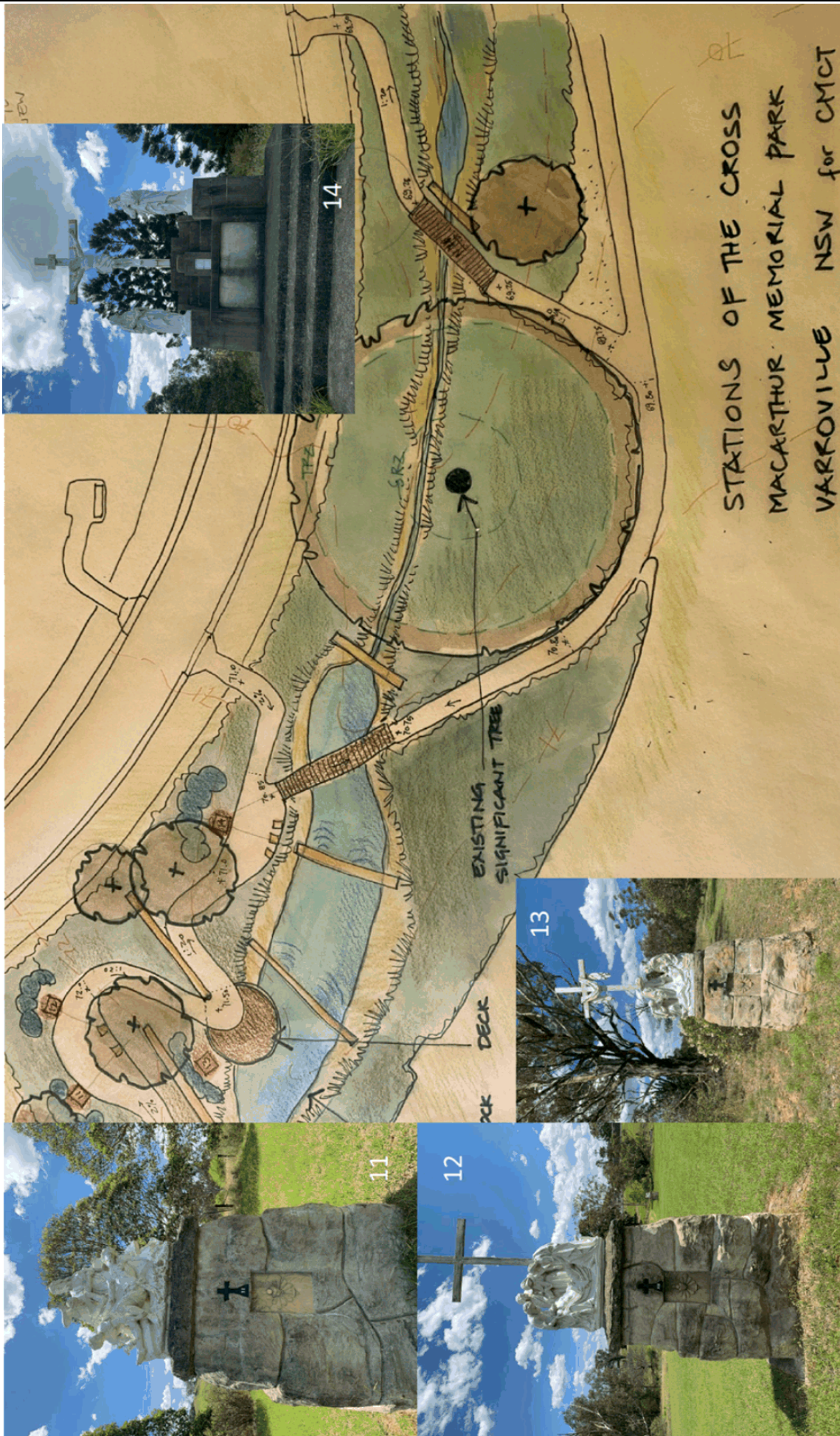
Yours sincerely

Lauren Hardgrove
Chief Executive Officer









5. CONFIDENTIAL ITEMS

5.1 Planning Proposal Request - Menangle Park

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(f) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

-

details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

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