



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

24 JULY 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, 24 July 2024 at 3.00.

MEETING AGENDA

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. APOLOGIES

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General Information

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

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

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

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

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

Recommendations of the Panel

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

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

Information

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

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

Lindy Deitz
General Manager

4. REPORTS

4.1 Demolition of Existing Shed and Construction of a New Shed - 14 Waterhouse Road, Airds

Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.2.2 Improve wellbeing and quality of life

Delivery Program

Principal Activity
1.2.1.2 Build the capacity and sustainability of the local community services sector

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act 1979* and the Local Planning Panels Direction this application is to be determined by the Local Planning Panel as prescribed in Schedule 1 of that direction due to a prescribed conflict of interest.

In this regard, the land on which the proposed development is to be carried out is owned by Campbelltown City Council.

Executive Summary

- A development application has been received for the demolition of an existing shed and construction of a new shed at 14 Waterhouse Road, Airds.
- The subject site is zoned R2 Low Density Residential Zone under the provisions of the Campbelltown Local Environmental Plan 2015. Demolition of the existing shed and construction of a new storage shed is permitted within this zone. The site is currently used as a child care centre operated by KU Children Services and surrounded by residential areas with single and double storey dwellings and Reiby Juvenile Justice Centre to the northeast.
- The land is owned by Campbelltown City Council.
- The site contains Briar Cottage, a Federation Queen Anne style single storey cottage which has been listed as a local heritage item (Item 1) on the Campbelltown Local Environmental Plan 2015 under Schedule 5 (Environmental heritage) Part 1 (Heritage items).
- The application was required to be notified and exhibited for 28 days starting from 3 June 2024 to 2 July 2024 in accordance with Campbelltown Council's Community Participation Plan. No submissions were received during the notification and exhibition period.

- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and it is recommended that the application be approved subject to the conditions of consent listed in attachment 1.

Officer's Recommendation

That Development Application 4356/2023/DA-0 for the demolition of the existing shed and construction of a new shed at Lot 3 DP 1191996, 14 Waterhouse Road, Airds be approved subject to the conditions in attachment 1.

Purpose

The purpose of this report is to seek the Campbelltown Local Planning Panel's (the Panel) determination of a development application (DA) for the demolition of the existing shed and construction of a new shed. The Panel is to exercise Council's consent authority functions for this DA as the development application is located on Council owned land.

The development application has been assessed in accordance with Council's Managing Conflicts of Interest for Council-related Development Policy, Conflict of Interest Management Strategy Statement displayed on the Planning Portal and referral to the Campbelltown Local Planning Panel for determination.

Property Description	Lot 3 DP 1191996, 14 Waterhouse Road, Airds
Application No	4356/2023/DA-0
Applicant	Eddy Sudartha
Owner	Campbelltown City Council
Provisions	<i>Environmental Planning and Assessment Act 1979</i> State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	4 December 2023

The Site

The subject land is known as Briar Cottage located within the suburb of Airs and is legally defined as Lot 3 in DP 1191996, 14 Waterhouse Road, Airs. The site is an irregular shaped allotment with a land area of 3850 m².

The land is occupied by Briar Cottage, a Federation Queen Anne style single storey cottage, a single storey brick building and a storage shed located to the southwest side of the brick building.

The land is identified as R2 Low Density Residential zone under Campbelltown Local Environmental Plan 2015 and surrounded by similarly zoned land characterised by single and double storey dwelling houses and Reiby Juvenile Justice Centre to the northeast.

The property is owned by Campbelltown City Council and currently operated by KU Children's Services.



Figure 1: Aerial photo of the site, source: IntraMaps March 2024

Proposal

The development proposal includes the following:

- Demolition of the existing storage shed located on the southwestern side of the brick building (second building). The existing shed has a floor area of 8.6 m².
- Construction of a new timber framed storage shed in the same location where the existing shed exists. The proposed new shed would have a floor area of 15.12 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 application includes sufficient documentation to ensure that the proposed development would contribute to the community and belonging within Campbelltown. In this regard, the proposal would be consistent with the provisions of the CSP.

2. Planning Provisions

2.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

Under Clause 3.23 of Chapter 3 Educational establishments and childcare facilities a consent authority must take into consideration 'Childcare planning guideline' in assessing a development application for development for the purpose of a centre-based childcare facility.

The application has been assessed with regard to the relevant Clauses of Chapter 3 of the SEPP and the 'Childcare planning guideline'. Given the proposal intends to replace an existing storage shed and is located outside of the existing outdoor playground area, the proposed shed would not reduce the amount of outdoor space available to the children/centre and the total outdoor space of the childcare facility remains unchanged.

The proposal is therefore considered compliant with the SEPP and 'Childcare planning guideline'.

2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 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
- 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.

A search of Council's records for potentially contaminating activities and a site inspection concluded that no evidence was found of contaminating land activities on the land. Therefore, in accordance with Section 4.6 of the Resilience and Hazards SEPP, the land is suitable for the proposed development.

3. Planning Assessment

3.1 Campbelltown Local Environmental Plan 2015

The subject site is zoned R2 Low Density Residential under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The objectives of the R2 zone are:

- 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 proposal includes demolition of the existing storage shed and construction of a new timber framed storage shed, which is permissible with consent within R2 Low Density Residential zone. The proposed storage shed enhances the functionality of the existing childcare centre which meets the day to day needs of the residents. The proposed new storage shed is compatible with the existing character of the area. As such, the proposed development satisfactorily meets the objectives of the R2 Low Density Residential zone.

Clause 4.3 Height of Building

Clause 4.3 provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map. The Height of Building Map identifies a maximum height of 8.5 m for the subject property while the proposed shed has a maximum height of 3 m which is below the prescribed height limit and complies with this clause.

5.10 Heritage conservation

Under clause 5.10(5) of the CLEP 2015, the consent authority may, before granting consent to any development—

- a) on land on which a heritage item is located, or
- b) on land that is within a heritage conservation area, or
- c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Schedule 5 (Environmental heritage) of CLEP 2015 lists Briar Cottage located at the front of the property as a heritage item (Item 1). The single-storey brick building and storage shed located within the southern part of the property have no heritage significance.

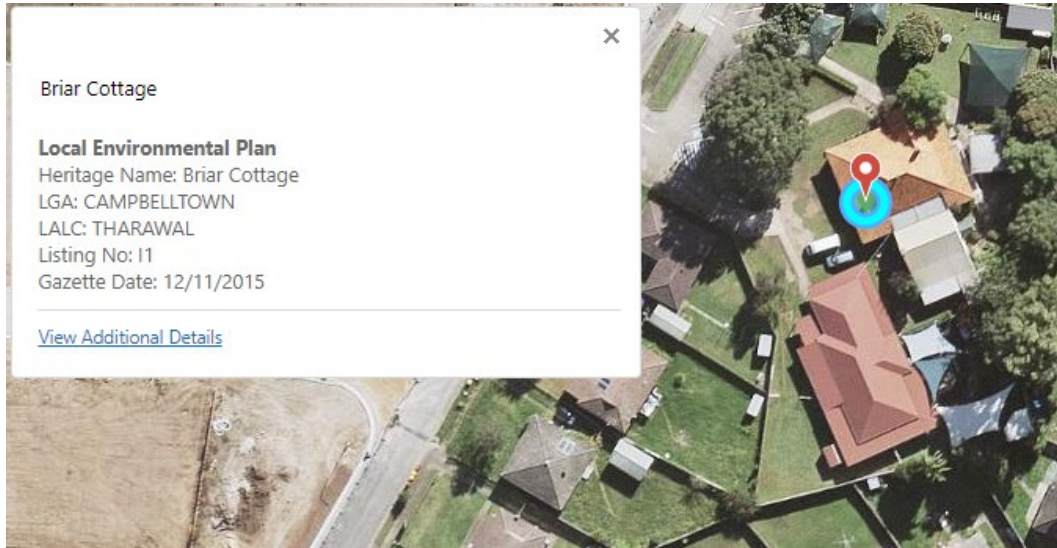


Figure 2: Heritage Item 1: Briar Cottage, Source: NSW State Heritage Inventory

In accordance with the inventory sheet the local heritage site has the following significance:

Both the c. 1885 Victorian Georgian style cottage and the c.1913 Federation Queen Anne style house are of historical significance as evidence of agricultural activity in the Airs area in the late 19th Century and the early 20th Century. The contrast between the 2 buildings evidences expansion and increased profits from agricultural activities over this period. The c. 1885 section of the house is historically associated with Walter Hillary Monckton, variously described as an architect and fruit grower, likely to have been its designer. The c. 1913 Federation Queen Anne style house is of aesthetic significance as a finely detailed substantial house which is a fine representative of its period and style. The c. 1885 cottage is of aesthetic significance as a remnant of a simple Victorian Georgian style building with later alterations and additions.

Council's Heritage Planner has reviewed the Statement of Heritage Impact assessment prepared by LSJ Heritage Planning & Architecture and has confirmed that the proposed replacement storage shed would not physically impact the heritage fabric, views or any significance of the heritage item Briar Cottage located within the property.

Clause 7.1 Earthworks

Pursuant to clause 7.1 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development
- b) the effect of the development on the likely future use or redevelopment of the land
- c) the quality of the fill or the soil to be excavated, or both

- d) the effect of the development on the existing and likely amenity of adjoining properties
- e) the source of any fill material and the destination of any excavated material
- f) the likelihood of disturbing relics
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area
- h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed works would require minimal earthwork to construct the slab of the new shed and would not restrict or prevent the redevelopment of land in the future. No impact on the amenity of adjoining properties has been identified due to the proposed setback to the property boundaries. The development is considered satisfactory when assessed against Clause 7.1 of CLEP 2015.

3.2 Campbelltown (Sustainable City) Development Control Plan 2015

The application has been assessed having regard to the relevant provisions of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP). The objectives of the SCDCP are as follows:

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

The proposal is considered to be generally consistent with the overarching objectives of the SCDCP.

The relevant matters for consideration under Volume 1 of SCDCP 2015 are outlined below:

Part 2: Requirements Applying to All Types of Development

PART 2 – REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT			
Control	Requirement	Proposed	Compliance
2.2 - Site Analysis	Submission of a Site Analysis Plan.	A site analysis plan has been prepared and submitted with the development application.	Complies.
2.3 - Views and Vistas	Development shall have regard to significant view and vista corridors.	The site is not considered to hold, nor be subject to any significant views or vistas.	N/A.
2.4 - Sustainable Building Design	Development to meet requirements of BASIX.	A BASIX certificate is not required for the proposed development.	N/A.
2.5 - Landscaping	Submission of a Landscape Plan.	A landscape plan is not required as the development is for the purpose of an ancillary building for storage.	N/A.
2.7 - Erosion and Sediment Control	An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing activities involving the disturbance of the land surface.	Minimum earthworks would be required. Appropriate conditions have been included with the consent to ensure erosion and sedimentation are addressed suitably at all stages of the development.	Complies subject to conditions.
2.8 - Cut, Fill & Floor Levels	Submission of a Cut and Fill Management Plan.	The application involves negligible modification of ground levels.	N/A.
2.9 - Demolition	Details of proposed demolition work.	The existing shed is to be demolished. Appropriate conditions of consent have been included.	Complies.
2.10 - Water Cycle Management	Submission of a stormwater plan prepared by a suitably qualified person.	A suitable concept stormwater plan has been prepared and submitted with the development application.	Complies.
2.11.2 - Heritage	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	The property, Briara Cottage, is listed on the CLEP 2015 under Schedule 5, Part 1, as I1. A Statement of Heritage Impact (SHI) has been provided and assessed as being satisfactory.	Complies.
2.12 - Retaining Walls	Minimum setback of 0.45 m for rear and side boundaries for retaining walls supporting cut.	No retaining wall is proposed.	N/A.
2.13 - Security	Maximize casual surveillance opportunities to the street.	It is not considered the proposed works would result in criminal activities or anti-social behaviour.	Complies.
2.15 - Waste Management Plan	A detailed Waste Management Plan (WMP) shall accompany	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and	Complies.

	development applications for certain types of development/land uses, as detailed in Table 2.15.1.	the methods of removal and disposal.	
2.16 - Provision of Services	Water, electricity and sewer	The site is connected to water, sewer and electricity services.	Complies.
2.17 - Work on, Over or Near Public Land	Details of proposed works within public land.	The application does not propose works within public land.	N/A

Part 3 – Low and Medium Density Residential

An assessment of Volume 1, Part 3 Low and Medium Density Residential of the SCDCP 2015 is provided below.

3.5 Ancillary Residential Structures			
3.5.2 Outbuildings	a) Outbuildings shall:	Consistent with the existing buildings.	Complies.
	i) incorporate similar or complementary design features, finishes, materials and colours to those of the principal dwelling house;		
	ii) not contain any other sanitary fixtures other than a toilet and a hand basin; and	No sanitary fixtures, toilet and a hand basin proposed.	N/A
	iii) Not be used for any habitable, commercial or industrial purposes.	A condition is recommended.	Complies.
3.5.2.2 Maximum Floor Area for Outbuildings	a) The combined areas of all 'detached' outbuildings (including carports and garages) shall be a maximum of 55 m ² .	The proposed floor area of the shed is 15.12 m ² .	Complies.
3.5.2.3 Setbacks for Outbuildings	a) Outbuildings shall be setback by a minimum of:	Located within the backyard area.	Complies.
	i) 6 m from the primary street boundary;		
	ii) 3 m from the secondary street boundary for all domestic outbuildings other than any garage that is accessed directly from the secondary street.	No secondary street exists.	N/A
	iii) 5.5 m from the secondary street boundary for the garage, where the garage is	The development does not propose a garage.	N/A

	directly accessed from the secondary street.		
	iv) 0.45 m from the side boundaries;	The proposed storage shed is located more than 7 m from the side boundary.	
	v) Despite 3.5.2.3 a) iv), zero metres from the side and rear boundaries for open structures such as pergolas, carports and awnings, subject to compliance with BCA; and	The development does not propose any open structures.	Complies. N/A
	vi) 0.9 m from the rear boundary	The proposed storage shed is located more 3 m from the rear boundary.	Complies.

Part 8 – Centre-based Child Care Facilities

No relevant controls are found related to the outbuildings associated with centre-based childcare facilities. It is assessed that the proposed storage shed does not conflict with any of the controls of Part 8 Center-based Child Care of SCDCP.

3.3 Environmental Planning and Assessment Act 1979 - Section 4.15(1)(b) – Likely Impacts

Section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that the consent authority must consider the development's potential impacts on the natural and built environment, as well as potential social and economic impacts of the development.

The key matters for consideration when considering the potential impacts on the natural and built environment are as follows:

- Heritage Impact
- Social and Economic Impacts
- Construction

Heritage Impact

The application was referred to Council's Heritage Planner to assess the potential impacts on Briar Cottage located within the property.

Council's Heritage Planner has reviewed the Statement of Heritage Impact assessment prepared by LSJ Heritage Planning & Architecture and has confirmed that the proposed replacement storage shed would not physically impact the heritage fabric, views or any significance of the heritage item Briar Cottage located within the property.

Social and Economic Impacts

No adverse social or economic impact is envisaged as a result of the development.

Construction

Construction impacts can be adequately managed within the site provided appropriate conditions that address erosion and sediment control measures and limiting construction work hours to alleviate any potential noise impacts for nearby residents are included as recommended in attachment 1.

3.4 Environmental Planning and Assessment Act 1979 - Section 4.15(1)(c) – Suitability of the Site

Section 4.14 (1)(c) of the EP&A Act requires that the consent authority must consider the suitability of the site when determining a development application. The site is considered to be suitable for the proposed storage shed, particularly noting this will largely replace a smaller shed located in the same location.

3.5 Environmental Planning and Assessment Act 1979 - Section 4.15(1)(d) - Any submissions

Section 4.15 (1)(d) of the EP&A Act requires that the consent authority must consider any submissions made in relation to a development proposal. The application was required to be notified and exhibited for 28 days starting from 3 June 2024 to 2 July 2024 in accordance with Campbelltown Council's Community Participation Plan. No submissions were received during the notification and exhibition period.

3.6 Environmental Planning and Assessment Act 1979 - Section 4.15(1)(e) - The public interest

The proposed development has been considered in terms of the context and setting of the locality in previous sections of this report. The proposed development will not impose any identified adverse impacts on the local community and is considered of public interest due to its positive contribution to the current land use.

Conclusion

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.

Overall, having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the relevant matters discussed within this report, it is recommended that the development be approved, subject to the conditions listed in attachment 1.

Attachments

- 4.1.1 Recommended Conditions of Consent (contained within this report)
- 4.1.2 Architectural Plans (contained within this report)

Reporting Officer

Manager Development Assessment

ATTACHMENT 1
4356/2023/DA-0
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>Approved Development</p> <p>The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.</p> <table border="1"> <thead> <tr> <th>Plan Detail</th> <th>Prepared by</th> <th>Date</th> <th>Rev. No.</th> </tr> </thead> <tbody> <tr> <td>Site Plan DWG No.: 202347-04/04</td> <td>Nagy Khoury Design Pty Ltd.</td> <td>14/11/2023</td> <td>-</td> </tr> <tr> <td>Floor Plan and Elevations DWG No.: 202347-02/04</td> <td>Nagy Khoury Design Pty Ltd.</td> <td>14/11/2023</td> <td>-</td> </tr> </tbody> </table> <p><i>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</i></p> <p style="text-align: right;">D.01.101.0</p>	Plan Detail	Prepared by	Date	Rev. No.	Site Plan DWG No.: 202347-04/04	Nagy Khoury Design Pty Ltd.	14/11/2023	-	Floor Plan and Elevations DWG No.: 202347-02/04	Nagy Khoury Design Pty Ltd.	14/11/2023	-
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Floor Plan and Elevations DWG No.: 202347-02/04	Nagy Khoury Design Pty Ltd.	14/11/2023	-										
2.	<p>Building Code of Australia</p> <p>All building work must be carried out in accordance with the provisions of the <i>Building Code of Australia</i>. In this clause, a reference to the <i>Building Code of Australia</i> is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p><i>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D01.02</p>												
3.	<p>External Finishes</p> <p>The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.</p> <p><i>Condition reason: To ensure the approved development is constructed in the form approved as part of the application.</i></p> <p style="text-align: right;">D01.07</p>												
4.	<p>Unreasonable Noise and Vibration</p> <p>The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.</p> <p><i>Condition reason: To minimise impacts of the development on neighbours.</i></p> <p style="text-align: right;">D01.39</p>												

5.	<p>Shoring and Adequacy of Adjoining Property</p> <p>If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:</p> <ol style="list-style-type: none"> a. Protect and support the adjoining premises from possible damage from the excavation, and b. Where necessary, underpin the adjoining premises to prevent any such damage. <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p><i>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D01.52</p>
6.	<p>Construction Certificate</p> <p>Prior to the commencement of any works that require a construction certificate:</p> <ol style="list-style-type: none"> a. the applicant shall appoint a Principal Certifier; b. the applicant shall obtain a construction certificate for the particular works; and c. when Council is not the Principal Certifier, the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works. <p><i>Condition reason: To comply with legislation.</i></p> <p style="text-align: right;">D01.54</p>

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7.	<p>Waste Management Plan</p> <p>Prior to Council or the appointed Principal Certifier issuing a construction certificate, the relevant provisions of Council's Waste Management Plan are to be completed to the satisfaction of Council.</p> <p><i>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</i></p> <p style="text-align: right;">D02.06</p>
8.	<p>Telecommunications Infrastructure</p> <p>If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and</p> <p>The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.</p> <p><i>Condition reason: To comply with legislation.</i></p> <p style="text-align: right;">D02.59</p>
9.	<p>Sydney Water</p> <p>Prior to Council or the appointed Principal Certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to</p>

	<p>determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.</p> <p>An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the appointed Principal Certifier prior to issue of a construction certificate.</p> <p>The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.</p> <p><i>Condition reason: To ensure no disturbance to Sydney Water infrastructures.</i></p>
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D02.60

BEFORE BUILDING WORK COMMENCES

10.	<p>Erosion and Sediment Control</p> <p>Prior to the commencement of any works 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></p>
11.	<p>Erection of Construction Sign</p> <p>Prior to the commencement of any works on the land, signs must be erected in prominent positions on the site:</p> <ul style="list-style-type: none"> a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours b. Stating that unauthorised entry to the work site is prohibited c. 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) d. Stating the approved construction hours in which all works can occur e. Showing the name, address and telephone number of the principal certifier for the work. <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></p>
12.	<p>Toilet on Construction Site</p> <p>Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:</p> <ul style="list-style-type: none"> a. A public sewer, or b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council. <p><i>Condition reason: To ensure the site is adequately serviced for construction workers.</i></p>

D03.01

D03.02

D03.03

13.	<p>Trade Waste</p> <p>Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.</p> <p><i>Condition reason: To minimise impacts of the development neighbours and the environment.</i></p> <p style="text-align: right;">D03.04</p>
14.	<p>Demolition Works</p> <p>Demolition works shall be carried out in accordance with the following:</p> <ol style="list-style-type: none"> a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council. c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements. d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifier attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. <p><i>Condition reason: To ensure compliance with the relevant standards and NSW Work Cover requirements.</i></p> <p style="text-align: right;">D03.08</p>
15.	<p>Fencing</p> <p>An appropriate fence preventing public access to the site shall be erected for the duration of construction works.</p> <p><i>Condition reason: To ensure public safety.</i></p> <p style="text-align: right;">D03.11</p>

DURING BUILDING WORK

16.	<p>Construction Work Hours</p> <p>All work on site shall only occur between the following hours:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Monday to Friday</td> <td style="width: 50%;">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>	Monday to Friday	7.00 am to 6.00 pm	Saturday	8.00 am to 5.00 pm	Sunday and public holidays	No Work.
Monday to Friday	7.00 am to 6.00 pm						
Saturday	8.00 am to 5.00 pm						
Sunday and public holidays	No Work.						

	<p><i>Condition reason: To protect the amenity of the surrounding area.</i></p> <p style="text-align: right;">D04.01</p>
17.	<p>Erosion and Sediment Control</p> <p>Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifier. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.</p> <p>Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.</p> <p><i>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</i></p> <p style="text-align: right;">D04.02</p>
18.	<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 legislation and to increase road safety and efficiency.</i></p> <p style="text-align: right;">D04.03</p>
19.	<p>Excavation and Backfilling</p> <p>All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:</p> <ul style="list-style-type: none"> • Must preserve and protect the building from damage; and • If necessary, must underpin and support the building in an approved manner, and • Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. <p>The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.</p> <p><i>Condition reason: For the safety of workers and the public.</i></p> <p style="text-align: right;">D04.05</p>

20.	<p>Fill Compaction Requirements</p> <p>Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98 per cent standard compaction.</p> <p>Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.</p> <p><i>Condition reason: To comply with engineering standards.</i></p> <p style="text-align: right;">D04.06</p>
21.	<p>Fill Contamination</p> <p>Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.</p> <p><i>Condition reason: To comply with engineering standards.</i></p> <p style="text-align: right;">D04.07</p>
22.	<p>Dust Nuisance</p> <p>Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual - 'Soils and Construction (2004) (Bluebook). Construction areas shall be treated/regularly watered to the satisfaction of the appointed Principal Certifier.</p> <p><i>Condition reason: To minimise the impacts of the development on the environment.</i></p> <p style="text-align: right;">D04.08</p>
23.	<p>Excess Material</p> <p>All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.</p> <p><i>Condition reason: To reduce the development's impact on the streetscape.</i></p> <p style="text-align: right;">D04.14</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

24.	<p>Retaining</p> <p>Prior to the appointed principal certifier issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.</p> <p><i>Condition reason: To comply with legislation.</i></p> <p style="text-align: right;">D05.35.0</p>
25.	<p>Public Utilities</p> <p>Prior to the appointed Principal Certifier issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.</p>

	<p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p> <p style="text-align: right;">ZD05.23</p>
26.	<p>Council Fees and Charges</p> <p>Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.</p> <p><i>Condition reason: To ensure damage to public assets during construction is identified and rectified.</i></p> <p style="text-align: right;">ZD05.40A</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. Retaining Walls

A separate application for development consent shall be submitted and approved for any retaining walls that do not meet the exempt requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Consent must be received for the construction of any such retaining walls before work commences.

DAADV.05

D. Covenants

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

DAADV.08

E. Inspection within Public Areas

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

DAADV.12

F. Adjustment to Public Utilities

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

DAADV.13

G. Asbestos Warning

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

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

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

DAADV.23

H. 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

I. 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

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Campbelltown City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Campbelltown local planning panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

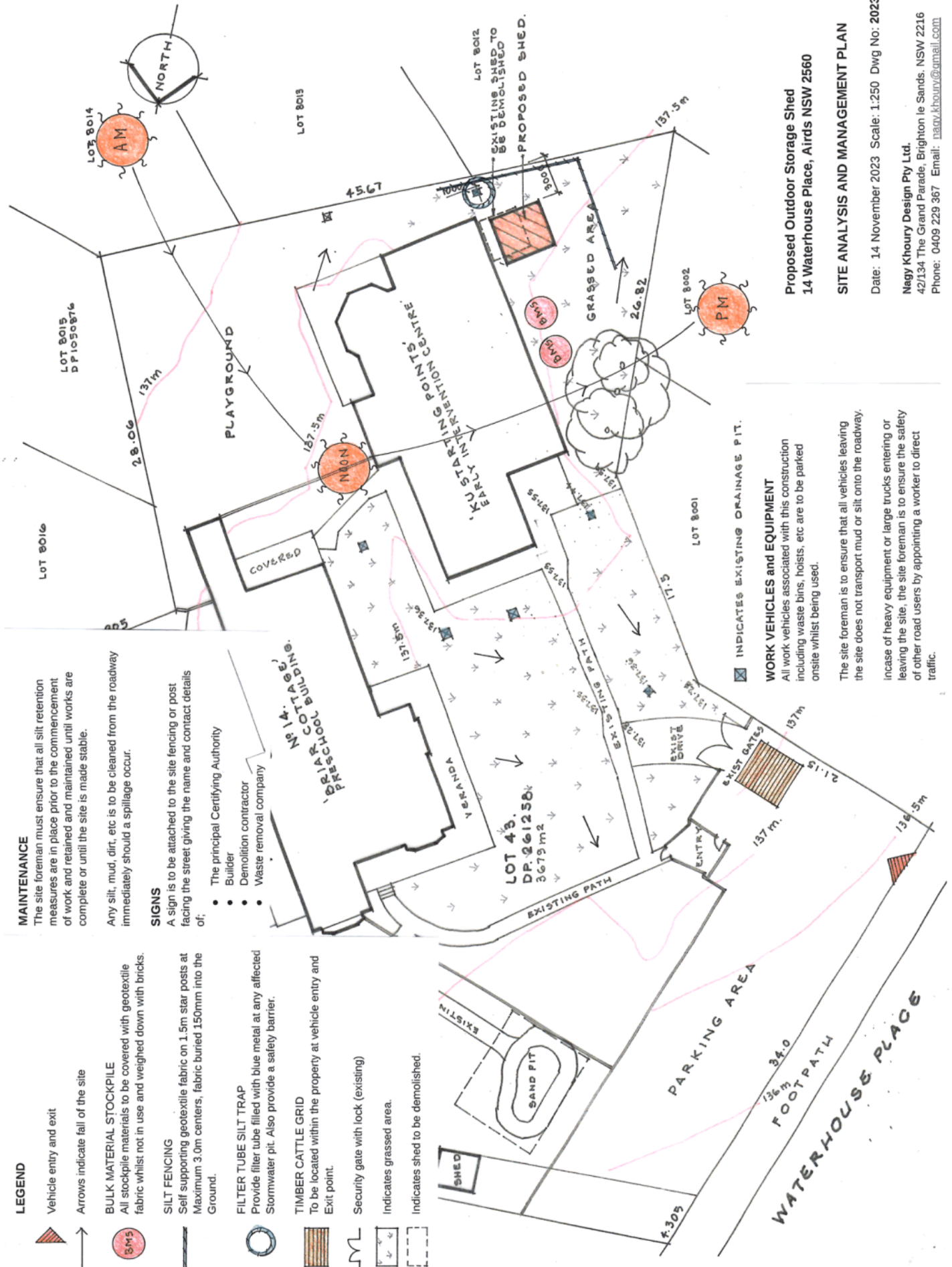
- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Western City Planning Panel (SWCPP).



MAINTENANCE

The site foreman must ensure that all silt retention measures are in place prior to the commencement of work and retained and maintained until works are complete or until the site is made stable.

Any silt, mud, dirt, etc is to be cleaned from the roadway immediately should a spillage occur.

SIGNS

A sign is to be attached to the site fencing or post facing the street giving the name and contact details of:

- The principal Certifying Authority
- Builder
- Demolition contractor
- Waste removal company

LEGEND

- Vehicle entry and exit
- Arrows indicate fall of the site
- BULK MATERIAL STOCKPILE**
All stockpile materials to be covered with geotextile fabric whilst not in use and weighed down with bricks.
- SILT FENCING**
Self supporting geotextile fabric on 1.5m star posts at Maximum 3.0m centers, fabric buried 150mm into the Ground.
- FILTER TUBE SILT TRAP**
Provide filter tube filled with blue metal at any affected Stormwater pit. Also provide a safety barrier.
- TIMBER CATTLE GRID**
To be located within the property at vehicle entry and Exit point.
- Security gate with lock (existing)
- Indicates grassed area.
- Indicates shed to be demolished.

INDICATES EXISTING DRAINAGE PIT.

WORK VEHICLES and EQUIPMENT

All work vehicles associated with this construction including waste bins, hoists, etc are to be parked onsite whilst being used.

The site foreman is to ensure that all vehicles leaving the site does not transport mud or silt onto the roadway.

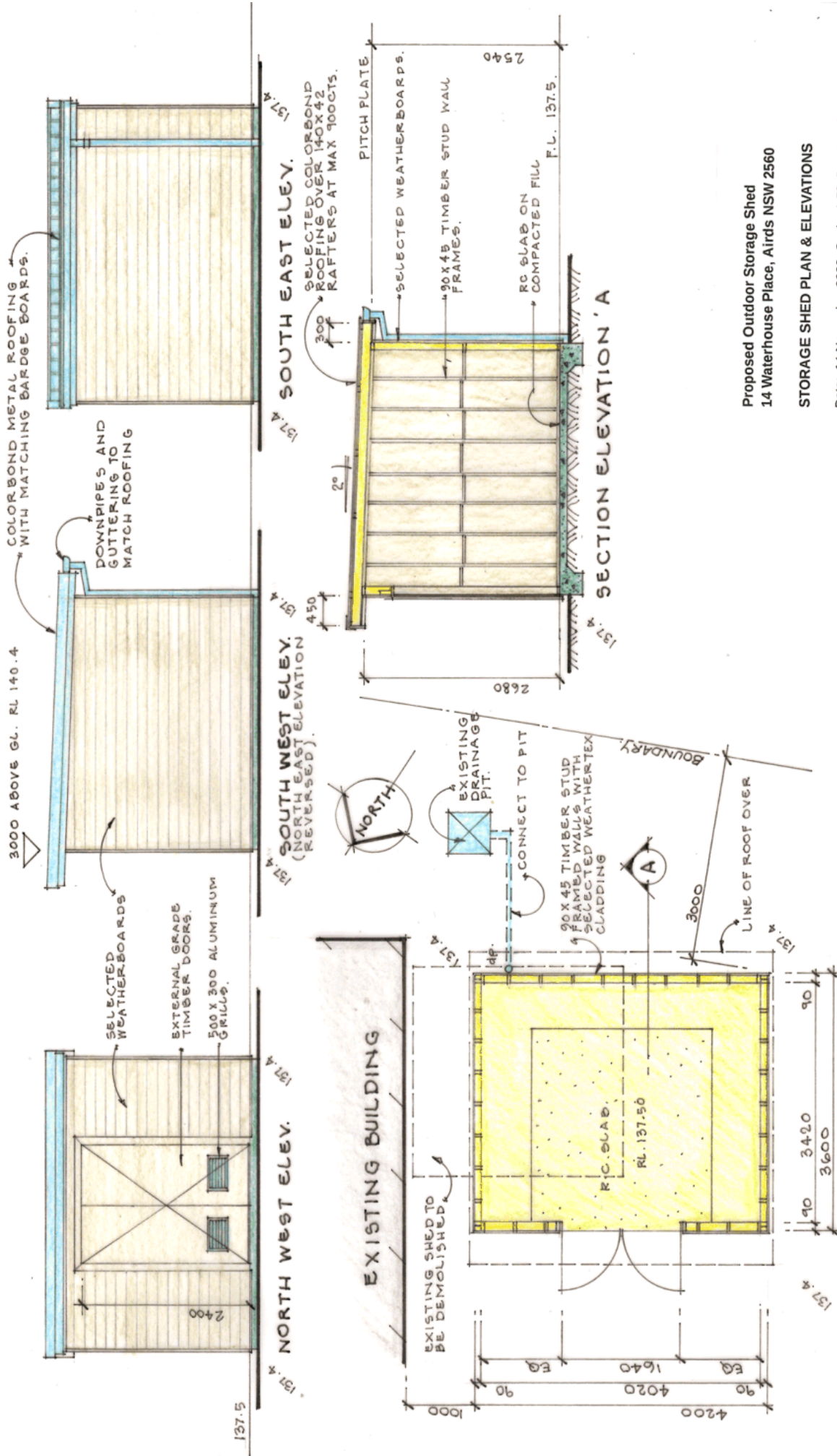
Incase of heavy equipment or large trucks entering or leaving the site, the site foreman is to ensure the safety of other road users by appointing a worker to direct traffic.

Proposed Outdoor Storage Shed
14 Waterhouse Place, Airds NSW 2560

SITE ANALYSIS AND MANAGEMENT PLAN

Date: 14 November 2023 Scale: 1:250 Dwg No: 202347-04/04

Nagy Khoury Design Pty Ltd.
42/134 The Grand Parade, Brighton le Sands, NSW 2216
Phone: 0409 229 367 Email: nagy.khoury@gmail.com



Proposed Outdoor Storage Shed
14 Waterhouse Place, Airds NSW 2560

STORAGE SHED PLAN & ELEVATIONS

Date: 14 November 2023 Scale: 1:50 Dwg No: 202347-02/04

Nagy Khoury Design Pty Ltd.
42/134 The Grand Parade, Brighton le Sands, NSW 2216
Phone: 0409 229 367 Email: nagy.khoury@gmail.com

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

Community Strategic Plan

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

Delivery Program

Principal Activity
1.1.1.1 Deliver initiatives that encourage social inclusion, community connections and celebrate our cultural diversity
2.1.1.3 Deliver effective land use planning to ensure community needs are met

Referral Criteria

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

Executive Summary

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

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

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

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

Officer's Recommendation

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

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

Purpose

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

Property Description	121A Eagleview Road, Minto
Application No	2467/2023/DA-C
Applicant	Mr Mohammed Shafiul Alam
Owner	Mr Mohammed Shafiul Alam
Provisions	<i>Environmental Planning and Assessment Act 1979</i> State Environmental Planning Policy (Resilience and Hazards) 2021\ State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable Cities) Development Control Plan 2015.
Date Received	17 July 2023

Site and Surrounds

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

The site is currently vacant.

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

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



Figure 1: Locality Map

Proposal

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

Specifically, the development proposes:

- A 2 storey community facility with a multiuse hall, offices and meeting rooms, a library and study spaces, kitchen facilities, change rooms, and toilet facilities.

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

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

The community facility will operate as follows:

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

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

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

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

A Section 4.6 variation statement accompanies the Development Application.

Report

1. Vision

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

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

- Outcome 5: Strong Leadership

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

2. Planning Provisions

Section 4.14

Section 4.14 of the EP&A Act relevantly states:

- (1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—
 - a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or
 - b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

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

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021**Chapter 6 – Water Catchments**

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

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

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

State Environmental Planning Policy (Industry and Employment) 2021**Chapter 3 – Advertising and Signage**

Section 3.6 of the Industry and Employment SEPP states:

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

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

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

Campbelltown Local Environmental Plan 2015

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

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

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and

- (b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

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

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

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

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

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

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

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

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

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

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

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

Section 4.15(1)(a)(iii) The provisions of any development control plan**Campbelltown (Sustainable City) Development Control Plan 2015**

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

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

Fencing

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

Loading dock

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

Accessible carparking spaces

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

Signage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4.15 (1)(c) The public interest

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

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

3. Public Participation

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

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

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

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

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

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

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

These issues are addressed in further detail in attachment 3.

Conclusion

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

Attachments

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

Reporting Officer

Manager Development Assessment

GENERAL CONDITIONS

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

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

1. Approved plans and supporting documentation

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

Approved plans				
Plan no.	Revision no.	Plan title	Drawn by	Date of plan
DA01C	C	Site Plan and Location Plan	Cactus Design & Drafting	28/05/2024
DA03C	C	Basement Floor Plan	Cactus Design & Drafting	28/05/2024
DA04C	C	Ground Floor Plan	Cactus Design & Drafting	28/05/2024
DA05C	C	First Floor Plan	Cactus Design & Drafting	28/05/2024
DA06C	C	Roof Plan	Cactus Design & Drafting	28/05/2024
DA07C	C	West & North Elevations, Driveway Profile	Cactus Design & Drafting	28/05/2024
DA08C	C	East & South Elevations	Cactus Design & Drafting	28/05/2024
DA09C	C	Sections	Cactus Design & Drafting	28/05/2024
DA10C	C	Site Analysis Plan	Cactus Design & Drafting	28/05/2024
LP:230507	B	Landscape Plan	Outthere Landscapes & Design	18/12/2023
1 of 10	1	Stormwater Detail Plan	C.K. Engineering Services	10/02/2024
2 of 10	1	Index Plan	C.K. Engineering Services	10/02/2024
3 of 10	1	Stormwater Detail Plan	C.K. Engineering Services	10/02/2024
4 of 10	1	Stormwater Detail Plan	C.K. Engineering Services	10/02/2024
5 of 10	1	Basement Plan	C.K. Engineering Services	10/02/2024
6 of 10	1	First Floor Plan	C.K. Engineering Services	10/02/2024
7 of 10	1	Roof Plan	C.K. Engineering Services	10/02/2024
8 of 10	1	On-Site Detention Calculations	C.K. Engineering Services	10/02/2024
9 of 10	1	On-Site Detention and Transpiration Bed Details	C.K. Engineering Services	10/02/2024
10 of 10	1	Erosion and Sediment Control Plan	C.K. Engineering Services	10/02/2024
C01	04	Cut and Fill Plan	Tekcivil Pty Ltd	26/04/2024
Approved documents				
Document title	Version no.	Prepared by	Date of document	
Traffic Impact Assessment	2	Fernway Engineering	May 2024	
Noise Impact Assessment	--	Broadcrest Consulting Pty Ltd	22/12/2023	
Geotechnical Report	--	Broadcrest Consulting Pty Ltd	13/02/2024	
Operational Plan of Management		HDC Planning	22/05/2024	
Colour Schedule	--	--	23/09/2022	

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

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

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

2. Building Code of Australia

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

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

3. Landscaping

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

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

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

4. External finishes

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

Note: the building shall not incorporate highly reflective glass.

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

5. Use of structure

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

community facility means a building or place—

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

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

6. Garbage room

The garbage storage room identified on the approved plans shall:

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

Condition reason: To ensure compliance with this development consent.

7. Switchboards/utilities/air conditioning units

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

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

8. Driveway

The gradients of driveways and manoeuvring areas shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete or coloured stamped concrete. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

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

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

9. Deliveries

Vehicles servicing the site shall comply with the following requirements:

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

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

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

Condition reason: To ensure signs do not interfere with the safety or amenity of the neighbourhood.

10. Lighting

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

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

11. Storage of goods

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

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

12. Graffiti removal

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

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

13. Unreasonable noise, dust and vibration

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

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

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

14. Engineering design works

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

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

15. Operating hours

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

Monday to Wednesday	11:00 am – 5:00 pm
Thursday & Friday	11:00 am – 10:00 pm
Saturday	09:00 am – 11:00 pm
Sunday	Closed

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

16. Car Parking Spaces

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

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

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

17. Rubbish/recycling bin storage

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

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

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

18. Shoring and adequacy of adjoining property

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

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

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

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

19. Construction certificate

Before commencement of any works that require a construction certificate:

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

Condition reason: To comply with legislation.

20. NSW Rural Fire Service

Emergency and Evacuation

A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be consistent with the NSW RFS document A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:

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

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

Asset Protection Zones

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

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

Landscaping

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

- minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- avoid climbing species to walls and pergolas;
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- low flammability vegetation species are used.

Radiant Heat Shield

A minimum 1.8 metre high radiant heat shield made of non-combustible materials must be constructed along all boundaries of the subject site. All posts and rails must be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth.

Construction Standards

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

Access – Internal Roads

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

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

Water and Utility Services

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

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

- connections to and from gas cylinders are metal; polymer sheathed flexible - gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

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

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

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

21. Pollution Control

Neighbourhood Amenity

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Offensive Noise

The development must be designed so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not emit 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997: Offensive noise means noise:

- a) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i) Is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or

- ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

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

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

Unreasonable Noise, Odour, Dust and Vibration

In the event of a noise, fumes, odour, dust, or waste related issue arising during the implementation, construction and ongoing operation of this development, the person in charge of the premises shall when instructed by Council, cause to carry out an investigation by an appropriate consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

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

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

Use of Music and Public Announcement Systems

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

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

22. Ongoing Use

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

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

23. Food Trucks

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

Condition reason: To ensure compliance with this development consent.

24. Waste & Recycling Storage, Collection and Disposal

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

All waste and recycling generated from the business are to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or on Council/Public land or in such a manner that it will become a litter, odour or health nuisance.

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

Condition reason: To ensure appropriate waste management and disposal.

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

Any fete, fundraiser or event held at the premises must comply with the [NSW Government Premier and Cabinet – Event Starter Guide](#) and the following:

Registration

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

Mobile Food Vehicles

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

Temporary Food Stalls

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

Food Preparation

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

Food Act 2003

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

Food Stall And Food Vehicle Inspections

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

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

Ventilation

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

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

Unreasonable Noise

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

WASTE - All waste and recycling generated from the food stalls and mobile food vehicles are to be kept within appropriate storage receptacles on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, vermin, odour or health nuisance.

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

26. Acoustic Requirements

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

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

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

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

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

27. Site Cap

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

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

28. Special Events

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

Attendance at special events is capped at 300.

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

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

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

29. Utility servicing provisions

Before the issue of a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

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

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

30. Waste Management Plan

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

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

31. Soil and water management plan

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

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

32. Waste management – private collection

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

Condition reason: To ensure Councils records are kept updated.

33. Stormwater Management Plan

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

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the OSD tank and a level spreader.

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

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

Condition reason: To protect the operation of stormwater systems.

34. Design for access and mobility

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

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

35. Telecommunications infrastructure

If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed certifier prior to the issue of a construction certificate or any works commencing, whichever occurs first; and

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

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

36. Sydney Water

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

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

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

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

37. Architectural finishes validation statement

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

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

Condition reason: To ensure compliance with this development consent.

38. Section 7.12 Contributions

Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of \$42,990.31 for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

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

Indexation

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

Indexed development cost (\$) =	$\$CC \times CPI_P$
	CPI_C

Where:

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

Time for payment

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

How to make the contribution payment

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

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

39. On-Site Detention Facility

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

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

Condition reason: To ensure appropriate stormwater management.

40. Civil Works under S138 Roads Act

Prior to issue of a construction certificate, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for construction of one vehicle crossover.

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

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

41. Kitchen Fit-Out

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

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

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

42. Landscape Plan

Prior to the issuing of a construction certificate, a revised Landscape Plan is required to be submitted to the Principal Certifying Authority, that incorporates a wider selection of species, greater than 6 (six), from the following list:

- *Ceratopetalum gummiferum* – NSW Christmas Bush
- *Tristaniopsis laurina* – Water Gum

- Syncarpia glomulifera - Turpentine
- Melaleuca stypheliodes - Prickly-leaved Paper Bark
- Hymenosporum flavum - Native Frangipani
- Banksia serrata - Old man Banksia

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

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

All landscape plants shall be planted at the pot sizes specified in Landscape Plan by Outthere Landscape & Design (16/12/2023)

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

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

43. Unexpected Finds Protocol

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

Condition reason: To ensure unexpected finds are managed appropriately.

44. Entry Gate Plans

Prior to the issue of a construction certificate, detailed design plans of the proposed entry gate are to be prepared and submitted to Council's Senior Town Planner for approval. The gate is to be designed generally in accordance with what is shown on the approved plans; the gate shall not conflict with heavy rigid vehicle access requirements.

Condition reason: To ensure detailed plans are prepared for the entry gate.

BEFORE WORK COMMENCES

45. Erosion and sediment control

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

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

46. Erection of construction sign

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

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

5. Showing the name, address and telephone number of the principal certifier for the work.

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

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

47. Toilet on construction site

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

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

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

48. Trade waste

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

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

49. Vehicular access during construction

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

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

50. Public property

Before any site work commences on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) kerbs, gutters, footpaths, and the like.

Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

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

51. Hoarding / Fence

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

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

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

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

52. Structural engineer details

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

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

53. Food Premises Fit-Out Pre-Construction Meeting

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

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

DURING WORK

54. Construction work hours

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

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

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

55. Erosion and sediment control

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

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

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

56. Dust nuisance

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

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

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

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

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

58. Certification of location of building upon completion

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

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

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

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

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

60. Termite control

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

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

61. Earth works/ Filling works

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

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

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

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

62. Compliance with Council specification

All design and construction work shall be in accordance with:

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

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

63. Construction of Food Preparation Areas

Construction

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

Floor Construction

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

Floor Waste

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

Coving

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

All coving must:

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

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

Penetrations/Service Lines

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

External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

Wall Requirements

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

Window Sills

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

Ceiling Construction

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

Light Fittings

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

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

Hand Wash Basins

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

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

Dishwashing Machines

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

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

Equipment Wash Sinks

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

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

Food Preparation Sink

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

Cleaner's Sink

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

Tap Fittings

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

Fittings and Fixtures

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

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

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

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

Food Preparation Benches

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

Benches

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

Storage Cabinets/Cupboards

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

Shelving

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

Food Display Units

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

Self-Service Appliances

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

Food Storage

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

Coolroom and Freezer Room

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

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

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

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

The coolroom and freezer room must be provided with:

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

Condensation Collection

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

Mechanical Exhaust Ventilation

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

Any cooking apparatus has:

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

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

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

Offensive Odour

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

Pest Protection

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

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

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

Toilet Facilities and Handbasins

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

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

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

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

Locker Storage for Staff Belongings and Equipment

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

Meter Box

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

Roller Door

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

Hot Water Service

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

Smoke Free Areas

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

Office Materials

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

Construction of the Waste Storage Areas and Rooms

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

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

Grease Arrestors

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

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

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

Store Room

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

- a. A smooth, even and non-slip floor surface;
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004;

- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2);
- d. Shelving or storage racks must be designed and constructed to enable easy cleaning; and
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

Note: Caged store rooms are not permitted.

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

64. Section 73 certificate

Before the issue of the relevant occupation certificate, a section 73 compliance certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

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

The section 73 certificate must be submitted to the appointed principal certifier prior to the issue of an occupation certificate.

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

65. Structural engineering certificate

Before the issue of the relevant occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings, the relevant Standards Association of Australia Codes and is structurally adequate.

Condition reason: To ensure the building is structurally adequate.

66. Completion of external works onsite

Before the issue of the relevant occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifier.

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

67. Mechanical ventilation

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

- The mechanical ventilation exhaust system has been installed in accordance with Australian Standard AS1668 Part 1 and 2.

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

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

68. Restoration of public roads

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

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

69. Public utilities

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

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

70. Retaining

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

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

71. Termite protection

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

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

72. Council fees and charges

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

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

73. Pre-Inspection

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

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

74. Registration with Council

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

Condition reason: To ensure health standards are maintained.

75. Food Safety Supervisor

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

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

76. Grease Trap

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

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

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

Advice 1. Adjustment to Public Utilities

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

Advice 2. Salinity

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

ATTACHMENT - COMPLIANCE TABLES**State Environmental Planning Policy (Resilience and Hazards) 2021**

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

Campbelltown Local Environmental Plan 2015

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

The objectives of Section 4.6 of CLEP 2015 are:

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

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

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

Matters for Consideration under Section 4.6

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

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

Case Law

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

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

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

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

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

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

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

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

Assessment

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

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

Is the planning control a development standard?

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

What is the underlying object or purpose of the standard?

- (1) The objectives of this clause are as follows—
- (a) to nominate a range of building heights that will provide a transition in built form and land use intensity across all zones,
 - (b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment centres and transport facilities,
 - (c) to provide for built form that is compatible with the hierarchy and role of centres,

(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

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

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

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

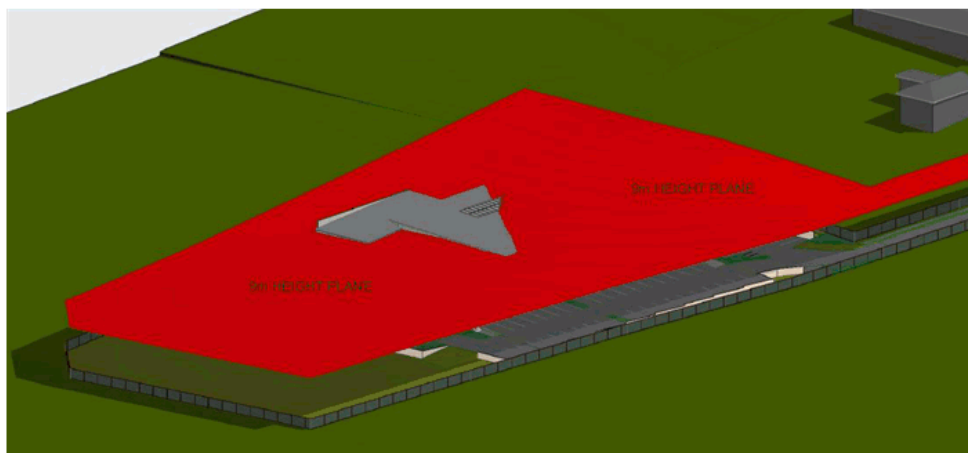


Figure 2: Height Plane Map

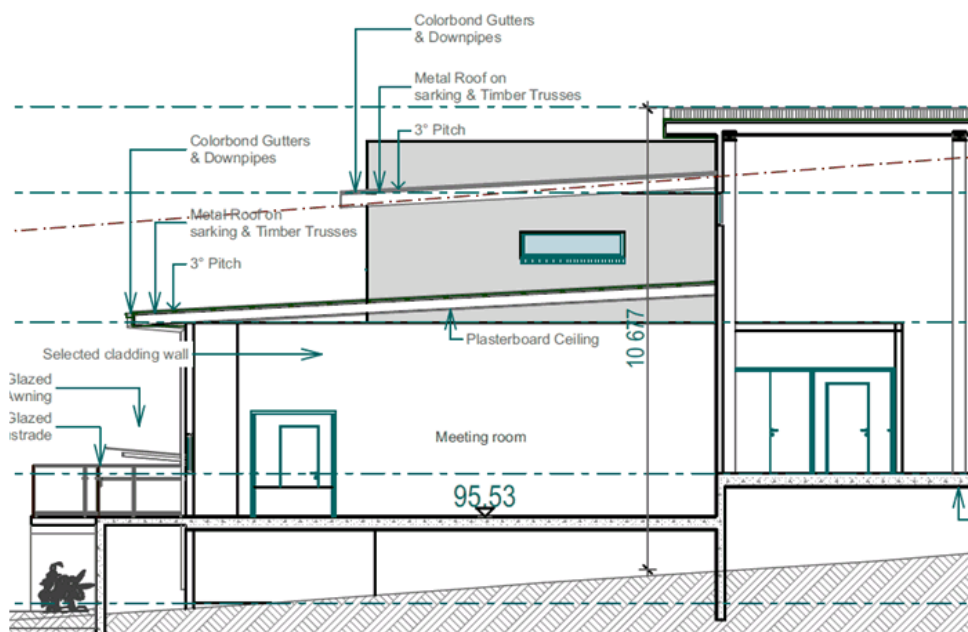


Figure 3: Section Plan

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

Is the exception well founded?

The applicant’s written request demonstrates compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect, the Section 28 variation statement is well drafted, and the variation may be supported

PART 7 – ADDITIONAL LOCAL PROVISIONS

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

The Development Application was referred to the Design Excellence Panel on 21st and 25th September 2023. The following general comments were made by the Panel:

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

In this regard, the following is noted:

- 1) The subject site was created via a subdivision associated with development consent 6/2022/DA-S. As a lawfully created and registered site, it goes that any development specified to the land use table for the C4 Environmental Living zone in the Campbelltown Local Environmental Plan 2015 is permitted upon the land. Given a community facility is a permitted land use, it is unreasonable to request the relocation of the applicant’s proposal to an adjoining and separate site, which already accommodates an existing dwelling house.
- 2) Regarding topography and the site’s relationship to the street, it is noted the site is within an environmental zone characterised predominantly by rural residential development; it is preferable for development in this zone to be scaled accordingly. As a non-residential land use, it is considered the proposal has responded suitably to the topography of the site, noting it’s compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015.

Further, it is noted a development consent (4747/2022/DA-S) has been issued to subdivide 115 Eagleview Rd into two lots, in a manner not dissimilar to the subject site; therefore, given the emergence of battle-axe lots in the locality, it is unreasonable to rely on the existing placement of development and the prevailing setbacks to Eagleview Rd to request a relocation of the proposed development.
- 3) Design amendments were made to the initial proposal to allow for pedestrian access from Eagleview Road to the community facility, including crossings to facilitate uninterrupted travel to the premises. It is considered that the changes made to the proposed development allows for equitable access to all facilities.
- 4) Information provided regarding the intended user groups is detailed in the Plan of Management submitted with the Development Application. Activities proposed to be undertaken at the premises include basketball, tennis and badminton, as well as craft and painting activities, social gatherings and meetings, as well as cultural festivals. On a regular basis, the number of people permitted on site in association with the community facility land use will be limited to 50 (as specified in the Plan of Management and reinforced through a condition of consent to this effect). The proposal also seeks consent for six (6) special events per annum, where attendees will be limited to 300. A condition of consent shall

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

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

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

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

Campbelltown (Sustainable Cities) Development Control Plan 2015

PART 2 – REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT		
Control	Requirement	Proposed
2.2 - Site Analysis	Submission of a Site Analysis Plan.	A site analysis plan has been provided.
2.3 - Views and Vistas	Development shall have regard to significant view and vista corridors.	N/A. The site is not considered to hold, nor be subject to any significant views or vistas.
2.4 - Sustainable Building Design	Development to meet requirements of BASIX.	N/A
2.5 - Landscaping	Submission of a Landscape Plan.	A Landscape Plan has been provided.
2.6 - Weed Management	Submission of a Weed Management Plan.	N/A. The site is not known to be occupied by noxious weeds.
2.7 - Erosion & Sediment Control	An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application proposing activities involving the disturbance of the land surface.	An erosion and sediment control plan has been provided, and conditions regarding erosion and sediment control are recommended.
2.8 - Cut, Fill & Floor Levels	Submission of a Cut and Fill Management Plan.	A Cut and Fill Plan has been provided, showing net cut of 2797m ³ and net fill

		of 2808m ³ ; 11m ³ of material is required to be imported to the site.
2.9 - Demolition	Details of proposed demolition work.	N/A.
2.10 - Water Management	Submission of a Water Cycle Management Plan.	A Stormwater Plan has been provided.
2.11 - Heritage Conservation	Consider the impacts of the proposed development upon indigenous and non-indigenous heritage items.	N/A. The site does not contain any indigenous or non-indigenous heritage items. Further, the site is not located within a heritage conservation area.
2.12 - Retaining Walls	Minimum setback of 0.45m for rear and side boundaries for retaining walls supporting cut.	Details are shown on plans accompanying the Development Application.
2.13 - Security	Maximize casual surveillance opportunities to the street.	Surveillance and general security measures have not been detailed, however, passive surveillance within the site to entry points and adjoining sites is achievable.
2.14 - Risk Management	<p>If located in bushfire prone land the submission of a Bushfire Hazard Assessment Report.</p> <p>If located within mine subsidence district requires approval from Mine Subsidence Board (MSB).</p> <p>If sites have potential for existing contamination an appropriate assessment against SEPP 55 shall be supplied.</p>	<p>A Bushfire Assessment Report accompanies the development application and concludes the development can comply with Planning for Bushfire Protection 2019.</p> <p>N/A. The site is not located within a mine subsidence district.</p> <p>The site is not identified as contaminated. In accordance with Section 4.6 of the <i>Resilience and Hazards SEPP</i>, the land is suitable for the proposed development.</p>
2.15 - Waste Management Plan	A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1.	A Waste Management Plan has been provided.

2.16 - Provision of Services	Availability of water and electricity supply. Sewer	Water and electricity are currently supplied to the site. Reticulated sewer can be made available.
2.17 - Work on, Over or Near Public Land	Details of proposed works within public land.	The application proposes a vehicular crossing within public land. Conditions regarding this matter are recommended.
PART 6 – COMMERCIAL DEVELOPMENT		
6.4.1 Building Form and Character		
Design Requirements	<p>a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.</p> <p>b) Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome:</p> <p>i) the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements;</p> <p>ii) articulation of the different parts of a building's facade by use of colour, arrangement of facade elements, or by varying the types of materials used; and,</p> <p>iii) maximising the interior and exterior interactions at the ground level.</p> <p>c) The main entry to the building shall be easily identifiable from the street and directly accessible</p>	<p>Whilst situated on a battle-axe lot and, therefore, not orientated to the streetscape, the proposal involves modulation and quality finishes to ensure suitable articulation and presentation.</p> <p>The proposal is for a community facility and has been designed around a central multi-use hall, which although lends itself to a generally regular rectangular built form, has incorporated vertical and horizontal design elements, including projections and recesses, as well as varying window shapes, to create a building that appears to be divided into distinct massing elements.</p> <p>The proposal represents a contemporary architectural form that incorporates varying materials (brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing) and design elements.</p> <p>The proposal involves a main entry, as well as various access points to allow for a relationship between the interior and exterior of the building.</p> <p>The site involves an entry gate to identify the premises from the street; the main entry is accessible through the front of the building, at a point where both</p>

	<p>through the front of the building.</p> <p>d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.</p> <p>e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.</p> <p>g) Buildings shall not incorporate highly reflective glass.</p> <p>h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.</p> <p>j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.</p> <p>k) Commercial development shall be designed to address both primary and secondary street setbacks.</p>	<p>pedestrians and vehicular occupants can easily identify it.</p> <p>Given the details shown on the plans submitted with the Development Application are conceptual only, a condition is recommended for more detailed entry gate plans to be submitted to Council for approval prior to the issue of a Construction Certificate. The entry gate is to be designed in such a way that it does not conflict with waste and service vehicle requirements.</p> <p>Side and rear elevations are appropriately treated via modulation and varying materials so as to result in suitable articulation.</p> <p>A condition to this effect is recommended.</p> <p>A condition to this effect is recommended.</p> <p>A schedule of materials and finishes accompanies the Development Application, and shows the proposal will comprise of brick, cladding, multicoloured vitrapanel, aluminium siding and colorbond roofing.</p> <p>Outdoor display/storage is not proposed.</p> <p>The proposal is for a community facility on a battle-axe allotment.</p>
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	n) The developer must allocate/set aside adequate space within the development to install a grease trap and mechanical ventilation, for any proposed food premises, in accordance with the Local Water Authorities recommendations and the following Australian Standards	Council's Environmental Health Officer reviewed the proposal, as amended, and recommended conditions pertaining to ventilation, air-conditioning, food preparation, etc.
6.4.1.3 Fencing		
Design Requirements	<p>a) Commercial fencing shall be a maximum 2.4 metres in height.</p> <p>b) The use of sheet metal fencing is not permitted.</p> <p>d) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.</p> <p>e) Details for fencing shall be submitted with the development application.</p>	<p>The proposed fencing does not exceed 1.8m in height.</p> <p>Colorbond fencing is proposed. Although not generally permitted, the NSW Rural Fire Service recommends a condition that requires a minimum 1.8m high radiant heat shield made of non-combustible material along all boundaries of the subject site.</p> <p>The proposed fencing is located along property boundaries and will not obstruct services, easements or rights of way.</p> <p>Details have been shown on the plans accompanying the Development Application.</p>
6.4.2 Car Parking and Access		
6.4.2.1 General Requirements	<p>a) Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as amended), except as otherwise provided by this Plan.</p> <p>b) The minimum car parking rates shall be provided in accordance with Table 6.4.2.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the</p>	<p>The proposal was reviewed by Council's Senior Development Engineer, who raised no objection to the proposed car parking spaces. Nevertheless, a condition is recommended to ensure compliance with Australian Standard 2890 Parking Facilities.</p> <p>Table 6.4.2.1 does not provide a specific car parking rate for community facilities. In this regard, it is noted the proposal seeks consent for a 50 person visitor cap (on a regular basis) and an at grade car park involving 82 sealed spaces, inclusive of four (4) accessible car spaces, in</p>

	<p>site and or the nature of the use, additional car parking spaces shall be provided as part of the development.</p> <p>c) All car parking spaces that are required under clause 6.4.2.1 b) shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time.</p> <p>d) Commercial development shall be designed to accommodate all related vehicle movements on site such that:</p> <p>i) all vehicles shall enter and exit the site in a forward direction;</p> <p>ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;</p> <p>iii) cause minimal interference to the flow</p>	<p>addition to 26 overflow car park spaces, for a total of 108 car parking spaces.</p> <p>The Traffic Impact Assessment accompanying the Development Application assumes a car occupancy rate of 2.5 persons. Using the following formula, the applicant's Traffic Engineer concludes 108 spaces are sufficient for the expected peak visitation of 300 person six (6) times a year:</p> <p><i>300 patrons X 0.90 modal split for car X 0.40 car occupancy rate = 108 car spaces</i></p> <p>The proposal does not lock, obstruct or reserve car parking spaces.</p> <p>AS 2890.1 requires two-way driveways to be designed at a minimum width of 5.5m with 300mm clearance from obstructions higher than 150mm on either side. Accordingly, the proposed two-way driveway section that connects the carpark with Eagleview Road has been designed at >6.1m width. It is, therefore, satisfied that all vehicles can enter and exit the site in a forward direction.</p> <p>The site will be serviced by a Heavy Rigid Vehicle (HRV) that is 12.5m long (for both waste collection and deliveries). At most, one or two trips by an HRV is expected per week. A HRV loading bay is provided within the site - it measures 12.5m long by 3.5m wide, which complies with the minimum dimensional requirements in AS 2890.2.</p>
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	<p>of traffic within the surrounding road network; and</p> <p>iv) safe and convenient access is provided for pedestrians.</p> <p>e) A Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted as part of a development application addressing the following criteria if the development exceeds the relevant thresholds within SEPP (Infrastructure) 2007.</p>	<p>The Traffic Impact Assessment accompanying the Development Application concludes the proposed development is unlikely to have any material traffic impacts on the surrounding road network.</p> <p>The proposal provides for suitable pedestrian access, and includes a pedestrian crossing to facilitate uninterrupted access to the main entry of the premises.</p> <p>A Traffic Impact Assessment accompanies the Development Application.</p>
<p>6.4.2.2 Loading and Unloading</p>	<p>a) Where practicable, loading bays shall be separated from parking and pedestrian access.</p> <p>b) All loading and unloading shall take place wholly within the site.</p> <p>c) No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.</p> <p>d) Parking and loading bays shall be provided and clearly identified on site.</p> <p>e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p> <p>f) Each new commercial building/unit having a gross floor area: iii) more than 1500 square metres shall provide a</p>	<p>A loading bay is proposed at the rear of the site.</p> <p>The proposal complies. Nevertheless, a condition to this effect is recommended.</p> <p>The proposal complies. Nevertheless, a condition to this effect is recommended.</p> <p>The proposal complies. Nevertheless, a condition to this effect is recommended.</p> <p>The Traffic Impact Assessment report includes swept path diagrams of heavy rigid vehicle movements through the site, which show there will be no conflict with car parking.</p> <p>The proposal complies.</p>

	<p>loading area to allow for a heavy rigid vehicle to manoeuvre on site.</p> <p>g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.</p>	<p>A condition requiring additional landscaping along the boundary of the loading area is proposed, to ensure it is suitably screened from adjoining sites.</p>
6.4.2.3 Access for People with Disabilities	<p>a) Commercial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).</p> <p>b) Notwithstanding Clause 6.4.2.2 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be:</p> <ul style="list-style-type: none"> i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended). 	<p>Conditions pertaining to this matter are recommended.</p> <p>The proposal involves an at grade car park involving 82 sealed spaces, inclusive of four (4) accessible car spaces, in addition to 26 overflow car park spaces, for a total of 108 car parking spaces. The number of accessible car parking spaces are based on the 82 main car parking spaces only. However, accessible car parking spaces are to be provided with respect to the total number of car parking spaces. On this basis, six (6) accessible spaces are required. A condition to this effect is recommended.</p>
6.4.4 Landscaping	<p>a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new development.</p>	<p>The DA is accompanied by a Landscape Plan. Council's Environmental Officer has reviewed the Plan and recommends conditions regarding tree species and tree pot sizes.</p> <p>The proposal complies.</p>

	<p>c) All landscaped bays shall be a minimum 2 metres wide and allow for deep soil planting.</p> <p>d) Landscaped areas shall be separated from driveways and car parking areas by a suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.</p> <p>e) Landscaped area at ground floor level shall be incorporated within the car park at all the outer edges of car parking bays.</p> <p>f) High canopy trees shall be used to allow for clear lines of sight within car parking areas and to internal site access pathways.</p>	<p>A condition to this effect is recommended.</p> <p>The proposal includes landscaping at all outer edges of the car parking bays.</p> <p>The proposal complies.</p>
<p>6.4.5 Residential Interface</p>	<p>a) Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.</p> <p>b) Loading areas, driveways, waste storage areas and roof top equipment shall not be located adjacent to residential development.</p> <p>c) Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential premises.</p> <p>d) External lighting shall be positioned to avoid light</p>	<p>The proposed community facility is setback 23m from the adjoining site to the north west, 22m from the adjoining site to the north east, and 11m from the adjoining site to the south west.</p> <p>Subject to compliance with the recommended conditions of consent, the loading area and waste storage area shall be appropriately screened from adjacent residential land uses.</p> <p>Conditions pertaining to food preparation and ventilation are recommended.</p> <p>A condition to this effect is recommended.</p>

	<p>spillage to adjoining residential development.</p> <p>e) An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.</p>	<p>The DA is accompanied by a Noise Impact Assessment which concludes that based on the predicted noise levels, the proposed community facility is predicted to satisfy the relevant acoustic requirements of the EPA Noise Policy for Industry 2017 and Protection of the Environment Operations Act 1997.</p>
<p>6.7 Commercial Waste Management</p>	<p>a) Commercial development shall make provision for an enclosed onsite waste and recycling area that has adequate storage to accommodate the volume of waste and recycling generated at the development.</p> <p>b) The waste storage area shall:</p> <ul style="list-style-type: none"> i) be no more than 30 metres from the point of collection; ii) contain a hose connection; iii) have an impervious floor that is connected to the sewer; iv) be adequately ventilated; v) incorporate appropriate design and construction materials (including colours and finishes) which complement the development; vi) be appropriately screened from public view by a visual barrier of at least 1.5m high; vii) provide an opening sufficient to allow egress of the maximum sized bin to be used at the development; and 	<p>Plans accompanying the DA depict an onsite waste/recycling area at the rear of the premises.</p> <p>The proposal was reviewed by Council's Environmental Health Officer who recommends conditions regarding the construction and operation of the waste storage area.</p> <p>In terms of collection, the applicant has noted in their Waste Management Plan that a private waste contractor will be engaged to collect and dispose of waste generated on site.</p>

	<p>viii) Ensure that the path for wheeling bins between the waste storage area(s) and the collection point is free of steps and kerbs and has a maximum gradient of 1V:8H.</p> <p>e) The development must be designed in such a way that an Australian Standard heavy rigid vehicle can provide waste collection services to the development. If on-site servicing is required, the site plan and layout shall consider how heavy rigid vehicles can access and move around the development, and make appropriate provisions for this to occur safely. All waste and recycling generated from the business is to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, odour or health nuisance.</p>	<p>The Traffic Impact Assessment report includes swept path diagrams of heavy rigid vehicle movements through the site.</p>
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ATTACHMENT – PUBLIC PARTICIPATION RESPONSES

Issue	Comment
Environmental impact	<p>A concern was raised with the proposed development and its potential impact on wildlife habitats and local waterways. In this regard, the following is noted:</p> <p>The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015. Further, the site is currently vacant and cleared of vegetation.</p> <p>The site is identified on the Georges River Catchment Map as being within the Georges River Catchment. Appropriate soil and water management protocols are conditioned to ensure the development does not result in any adverse impacts to the Georges River or its tributaries.</p> <p>Subject to compliance with the recommended conditions of consent, it is unlikely the proposed development will have an adverse impact on wildlife habitats or local waterways.</p>
Traffic impact	<p>A concern was raised with the proposed development and its impact on the local road network. In this regard, it is noted the application is accompanied by a Traffic Impact Assessment prepared by Fernway Engineering. The Report concludes the car park demands at peak visitation (capped at six times a year) will reach 108 spaces, which the proposal provides. This is based on a car occupancy rate of 2.5 people per vehicle. In terms of the proposal's relationship with the local road network, the Traffic Impact Assessment states that day-to-day traffic generated from the proposal will be sporadic and immaterial, and that during peak visitation (which will only occur six times a year), any increase in traffic will be outside general traffic peak periods and moderated by there being two routes to the site, one from the south and one from the north. Based on the conclusions of the Traffic Impact Assessment, it is considered the proposal is suitable from a traffic perspective.</p>
Acoustic impact	<p>A concern was raised with the proposed development and its acoustic impact. It is noted the Development Application was accompanied by a Noise Impact Assessment prepared by Broadcrest Consulting Pty Ltd. A site inspection was carried out by Broadcrest on the 31/03/2023 which involved a visual assessment of the site and identification of noise producing nodes. A noise logger was set up to record the ambient noise levels for seven days. Based on the predicted noise levels, the proposed development has a low risk of impacting nearby receptors. It was further noted that the noise level generated by any mechanical equipment including air conditioning must not exceed an LAeq(15min) of 5dB(A) above background noise at the property boundary. Overall, the Noise</p>

Issue	Comment
	Impact Assessment concludes the proposed community facility is predicted to satisfy the relevant acoustic requirements of the EPA Noise Policy for Industry 2017 and Protection of the Environment Operations Act 1997 without the need for further acoustic treatments.
Property value	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.
Public interest	A concern was raised as to whether the proposed development is in the public interest. In this regard, it is noted the proposed facility is to be operated by Bondhon Initiatives Minto Inc, a non-profit community organisation. Bondhon Initiatives Minto Inc was formed primarily to support the local Bangladeshi community by providing facilities from which culturally focused activities, physical/sporting facilities and education could be delivered. In this regard, the proposal is considered to have satisfactorily responded to the future desired outcomes expressed in the relevant environmental planning instruments and development control plan, and results in a development outcome that, on balance, has a positive impact on the community. Accordingly, it is considered that approval of the proposed development would be in the public interest.
Public consultation	A concern was raised regarding public consultation and whether it was sufficient. It is noted the Development Application was notified in accordance with the Campbelltown Community Participation Plan (CPP) between 28 July and 21 August 2023.
Objectives of the C4 zone	<p>A concern was raised regarding whether the proposed development is consistent with the objectives of the C4 Environmental Living zone under the Campbelltown Local Environmental Plan 2015, particularly with regard to providing for low impact residential development and conserving the rural and bushland character of land that forms the scenic eastern edge of the Campbelltown's urban area.</p> <p>Whilst it is acknowledged some of the objectives of the C4 zone speak to residential development only, the land use table in the Campbelltown Local Environmental Plan 2015 allows for non-residential land uses in the C4 zone, including community facilities. The following objectives apply to non-residential land uses:</p> <ul style="list-style-type: none"> • <i>To conserve the rural and bushland character of land that forms the scenic eastern edge of Campbelltown's urban area.</i> <p>Planners comment: The proposal seeks to maximise the development potential of the site with regard to current development standards and controls and balances contemporary</p>

Issue	Comment
	<p>built form with landscaping to respect the rural character of the locality.</p> <ul style="list-style-type: none"> <i>To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.</i> <p>Planners comment: As a non-residential land use, it is considered the proposal has responded suitably to the topography of the site, noting it's compliance with the relevant development controls contained within the Campbelltown (Sustainable Cities) Development Control Plan 2015.</p> <ul style="list-style-type: none"> <i>To maintain significant stands of native vegetation and wildlife and riparian corridors.</i> <p>Planners comment: The site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015. Further, the site is currently vacant and cleared of vegetation.</p> <ul style="list-style-type: none"> <i>To ensure the preservation and maintenance of environmentally significant and environmentally sensitive land.</i> <p>Planners comment: As mentioned above, the site is not mapped on the Biodiversity Values Map as containing significant vegetation, nor as an area of biodiversity significance on the Terrestrial Biodiversity Map of the Campbelltown Local Environmental Plan 2015. Further, the site is currently vacant and cleared of vegetation.</p> <p>On this basis, it is considered the proposal is consistent with the relevant objectives of the C4 zone.</p>
Land use definition	<p>Recreation Facility (Indoor)</p> <p>A recreation facility (indoor) is defined in the Campbelltown Local Environmental Plan 2015 as follows:</p> <p><i>recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i></p> <p>The proposal does not seek consent for the use of the site as a recreation facility (indoor).</p>

Issue	Comment
	Reference was made to the prominence of the central multi-use hall and whether such a hall would characterise the proposed development as a recreation facility (indoor). Whilst the physical prominence of the multi-use hall is noted, it is unreasonable to equate physical prominence in this instance with land use dominance; a multi-use hall by its very nature is larger than an office, library or kitchen. It is satisfied sporting activities comprise only one function of the proposed community facility and that they do not form a dominant use in their own right.
Bulk and scale	<p>A concern was raised with the bulk and scale of the proposed development.</p> <p>The proposal responds suitably to the natural topography of the site and has minimal impact on streetscape character by virtue of being located within a battle-axe allotment. The perspective of any building from lots lower than a development site will naturally be enhanced as a consequence of the topography of the site and orientation of allotments; in this regard, the development will be suitably screened by appropriate landscaping to soften its perspective from adjoining properties.</p>
Wastewater	<p>A concern was raised with the applicant's wastewater response and whether it is adequate for the proposed development.</p> <p>Whilst it is acknowledged a Waste Water Report was submitted with the Development Application and includes details on an Aerated Wastewater Treatment System, the applicant has also contacted Sydney Water regarding a gravity connection to the sewerage system. Opal Water Management have been engaged as a Water Service Coordinator to coordinate Sydney Water requirements. The process will require the submission of an application to Sydney Water for the preparation of their Notice of Requirements (NOR). Within this application the applicant will be seeking Sydney Water's review of a concept plan to extend the gravity sewer network to provide a point of connection within the boundaries of subject site. A condition requiring a Section 73 Certificate be obtained prior to the issue of an Occupation Certificate is recommended to ensure the development is connected to reticulated sewer.</p>
Fencing	A concern was raised with the applicant's proposed use of colorbond fencing. Although not generally permitted, the NSW Rural Fire Service recommends a condition that requires a minimum 1.8m high radiant heat shield made of non-combustible material along all boundaries of the subject site. The installation of a colorbond metal fence will ensure the RFS's condition is complied with.

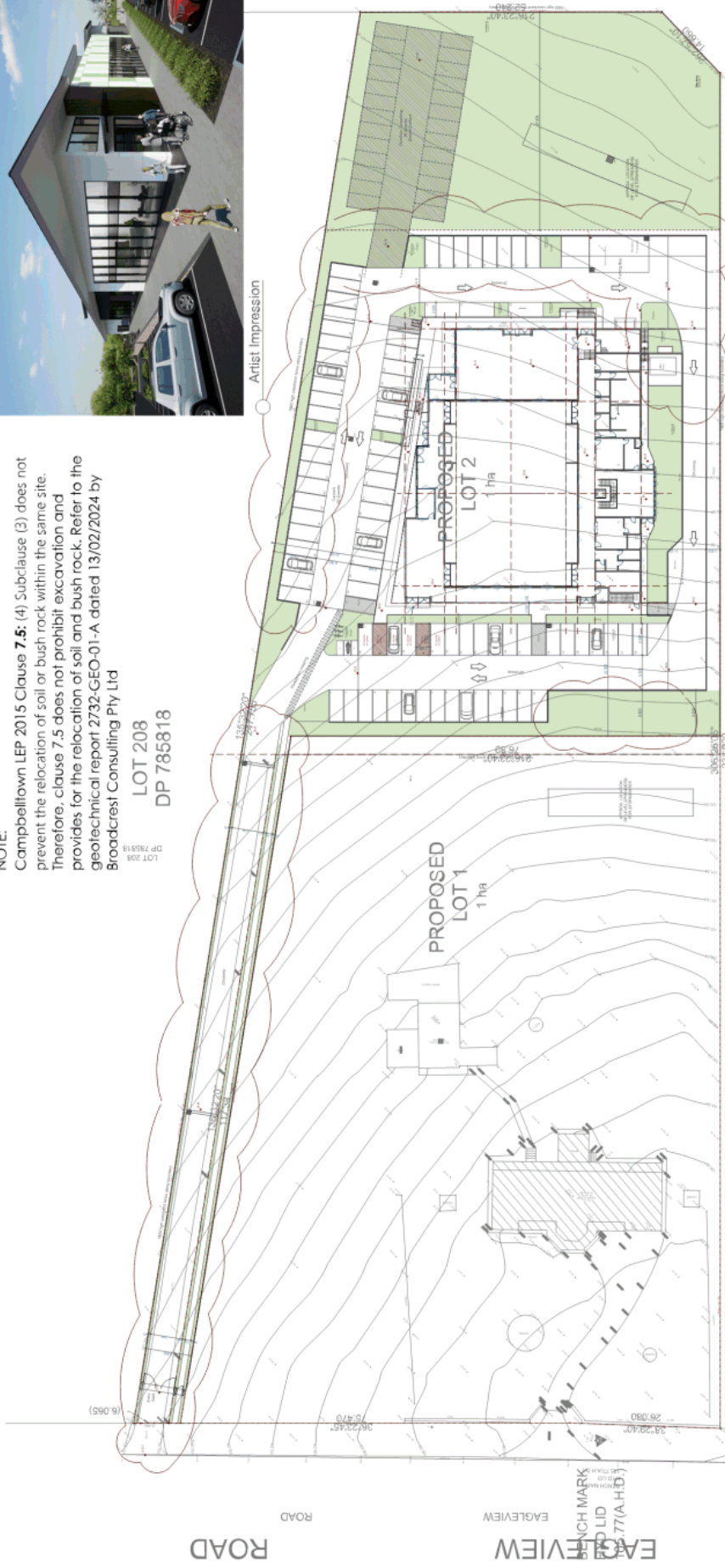
Issue	Comment
Earthworks	A concern was raised with the extent of earthworks proposed as part of this Development Application. In this regard, it is noted the proposal seeks to generally balance cut and fill (net cut 2797m ³ , net fill 2808m ³); 11m ³ of material is required to be imported to the site. It is not considered that the earthworks will detrimentally impact surrounding sites.



NOTE:
 Campbelltown LEP 2015 Clause 7.5: (4) Subclause (3) does not prevent the relocation of soil or bush rock within the same site. Therefore, clause 7.5 does not prohibit excavation and provides for the relocation of soil and bush rock. Refer to the geotechnical report 2732-GEO-01-A dated 13/02/2024 by Broadcrest Consulting Pty Ltd

LOT 208
 DP 785818

Artist Impression



Location Plan



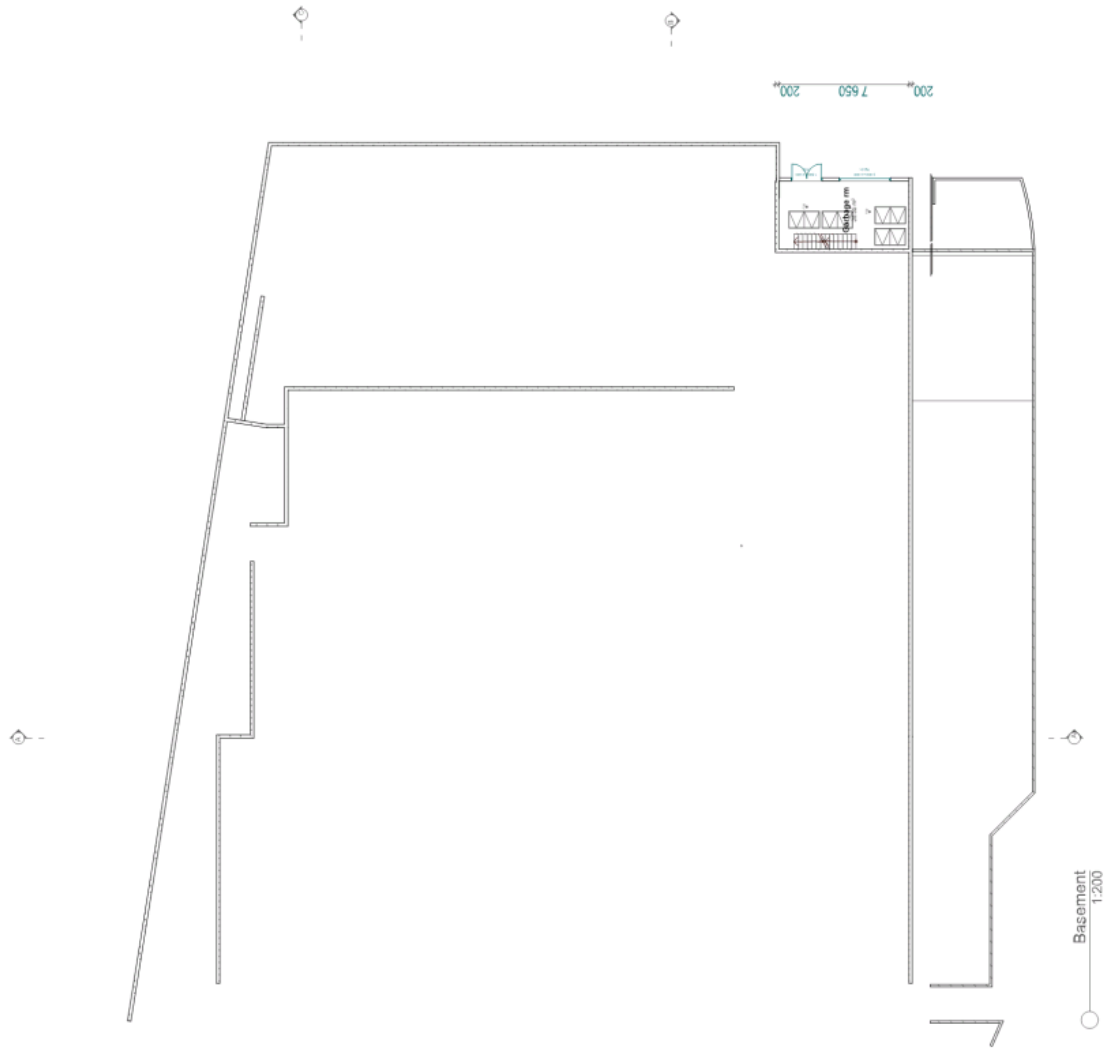
ENTRY GATE WITH ADDRESS

LOT 206
 DP 785818

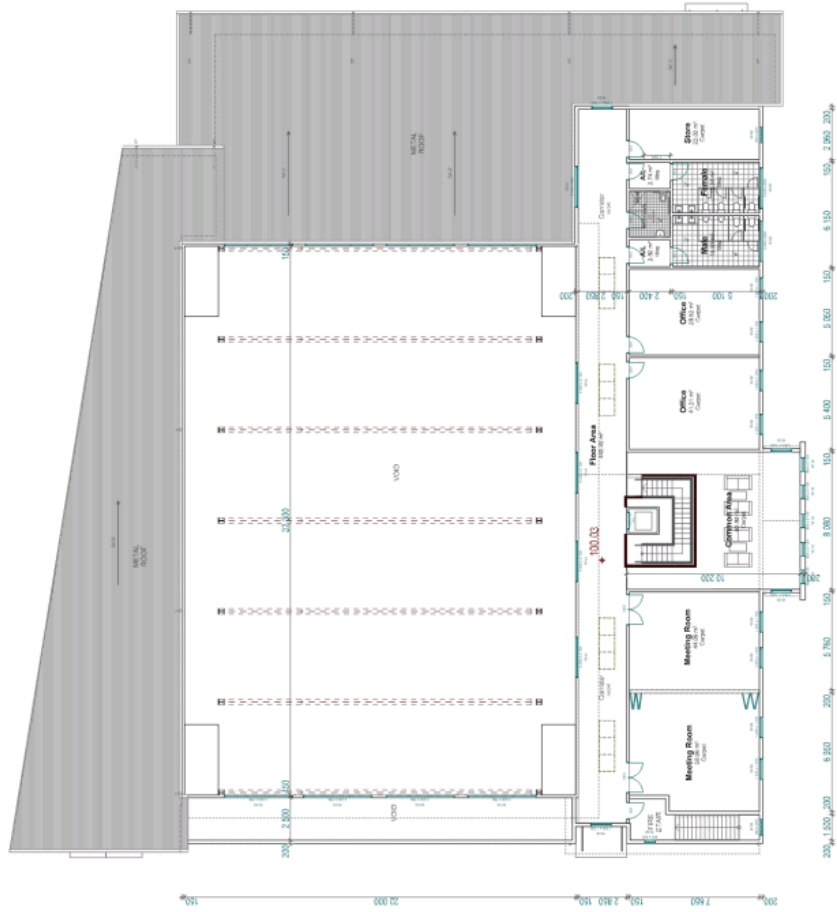
SITE CALCULATIONS: COUNCIL
 SITE AREA : 9997m²
 FSR 0.22:1
 PROPOSED FLOOR AREA : 2221m²
 CARSPACES : 82 + 26 overflow on grass
 LANDSCAPED AREA: 3853m²

Site Plan
 1:500

<p>Notes:</p> <p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is for information only and does not constitute an offer without authority from the designers.</p>		<p>Revision:</p> <p>A. DEVELOPMENT APPLICATION SUBMITTED B. DEVELOPMENT APPLICATION APPROVED C. BALANCEY CAPITAL RESULTS, NEW CAMPBELLTOWN DEVELOPMENT</p>	<p>Client: Birlite Constructions</p> <p>Project: Proposed Community Facility at 121 Eagleview Rd, Birlite</p>		<p>Designer: BIRLITE CONSULTANTS 121 EAGLEVIEW RD BIRLITE NSW 2570 18 JULY 2024</p>		<p>Scale: 1:500</p>	<p>Draw No: DA01C</p>	<p>Title: Site Plan and Location Plan</p>

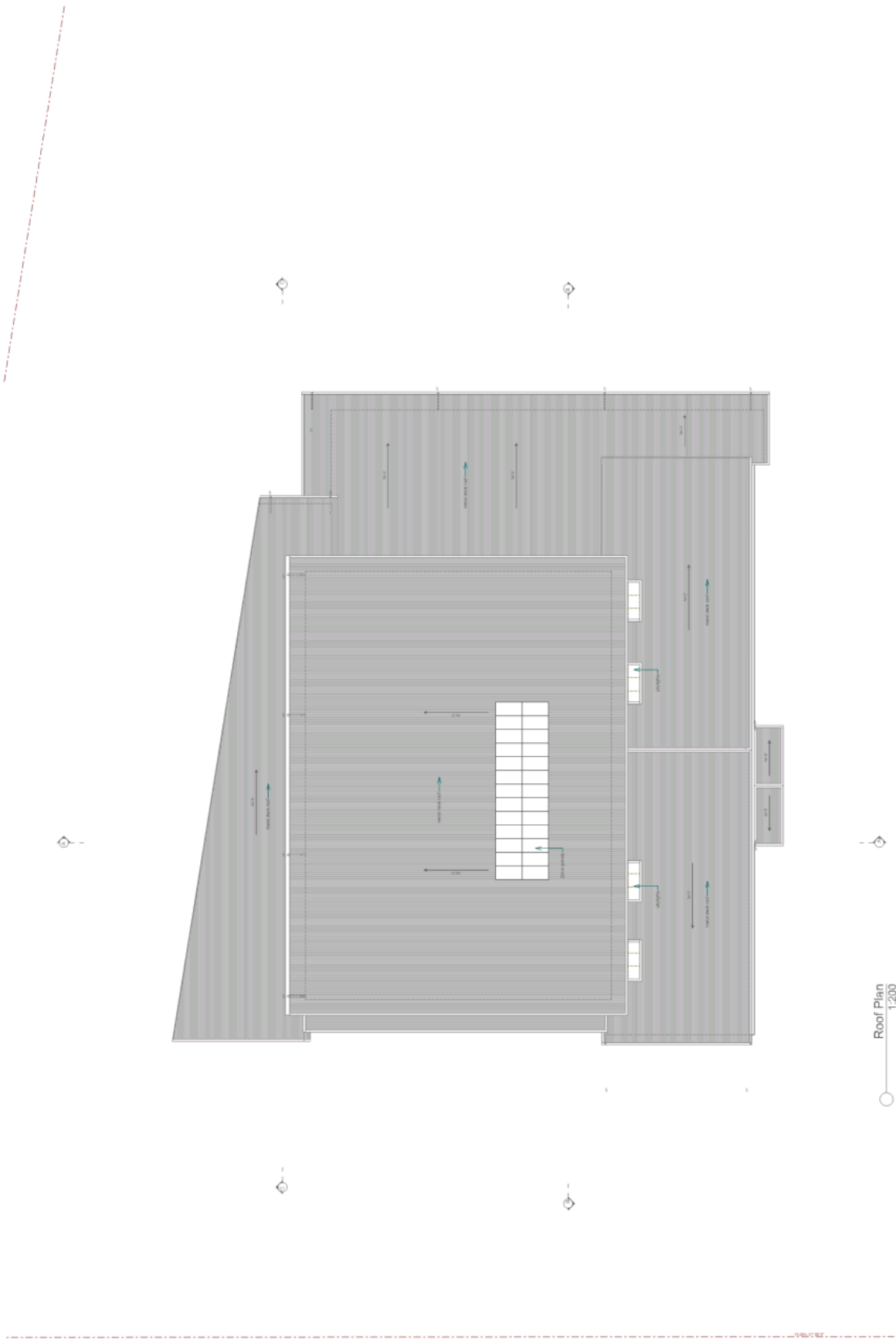


<p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is not to be used for construction or other purposes without authority from the designers.</p>		<p>Revision A. DEVELOPMENT APPLICATIONS B. PERMITS C. BASINENT CAPTAVA RESULTS, NEW CAMPANINES ON GRAND D. 2024</p>	<p>Project Proposed Community Facility at 121 Edgeway St, Bello</p>	<p>Client Bullice Constructors</p>	<p>Designer bdcoc BUILDING DESIGN CONSULTANTS ASSOCIATES PTY LTD 10/100 WILSON ST MELB 3000 VIC 3000 AUSTRALIA Tel: 03 9411 1277</p>		<p>Drawn: C.S.S. Check: C.S.S. Date: 08/07/2024 Scale: 1:200</p>	<p>Draw No. DA03C</p>	<p>Title Basement Floor Plan</p>
									<p>Author: AG 24/07/24</p>



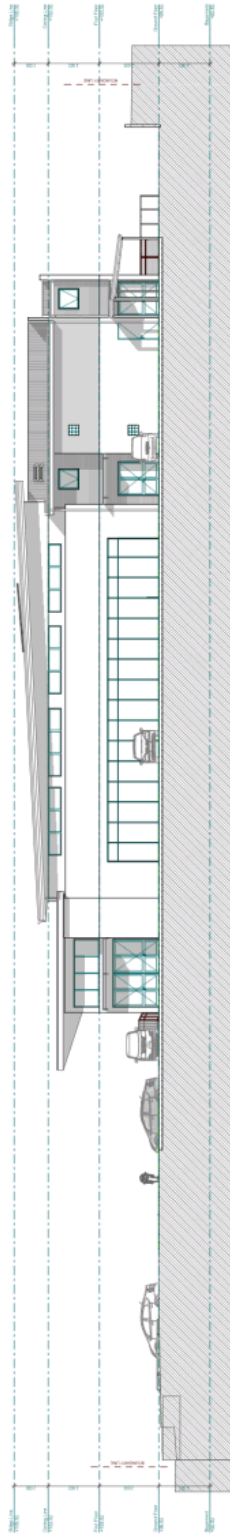
First Floor Plan
1:200

<p>Notes</p> <p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is intended to be used as a guide only and does not constitute a contract. No liability is accepted without authority from the designers.</p>		<p>Revision</p> <p>A. DEVELOPMENT APPLICATIONS/REPLACEMENTS B. DEVELOPMENT APPLICATIONS/REPLACEMENTS C. BALANCEY CAPTIVA RESULTS, NEW CAMPFIRE/IN DEMAND D. 2024/07/24</p>	<p>Project</p> <p>Proposed Community Facility at 121 Edgarville Rd, Bello</p>	<p>Client</p> <p>Bullice Constructions</p>	<p>Design</p> <p>bdoo BUILDING DESIGN ASSOCIATES PTY LTD 12/121 EDGARVILLE RD, BELLO VIC 3083 M: 08 9478 2000 E: info@bdoo.com.au W: www.bdoo.com.au</p>		<p>Drawn No.</p> <p>DA05C</p>	<p>Title</p> <p>First Floor Plan</p>	<p>Drawn By</p> <p>AG 24/07/24</p>

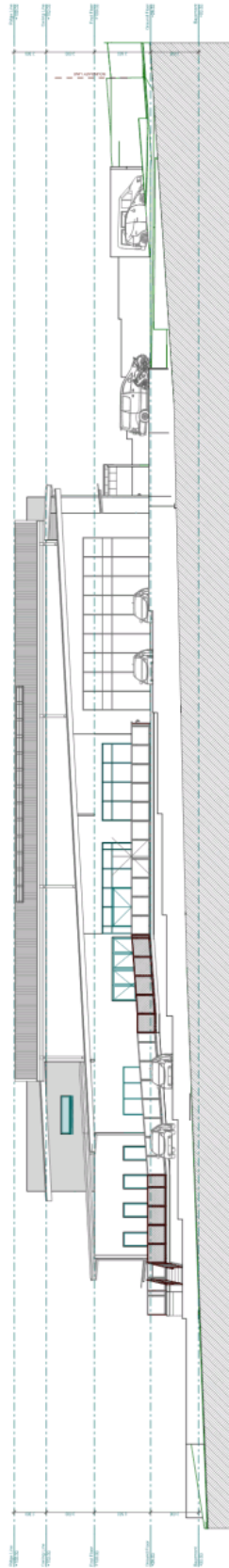


Roof Plan 1:200

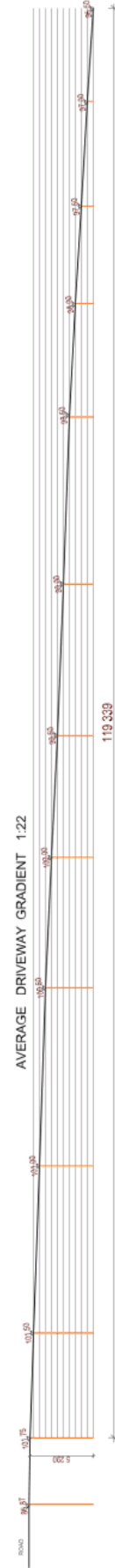
<p>Notes:</p> <p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is intended to be used as a guide only and does not constitute a contract. The drawing is without authority from the designers.</p>		<p>Revision</p> <p>A. DEVELOPMENT APPLICATIONS/REPLACEMENTS</p> <p>B. APPROVALS</p> <p>C. MATERIALS/CLIMATE REVISIONS. REFER COMMENTS ON DRAWING</p> <p>DATE</p>	<p>Client:</p> <p>Billie's Constructions</p>	<p>Project:</p> <p>Proposed Community Facility at 121 Edgar Street, Hillside</p>	<p>Designer:</p> <p>bdgc BUILDING DESIGN GROUP</p> <p>121 Edgar Street, Hillside</p> <p>0215 252 2522</p> <p>10/10/2023</p>	<p>Drawn No:</p> <p>DA08C</p>	<p>Title:</p> <p>Roof Plan</p>	<p>Drawn By:</p> <p>AG 24/07/24</p>



West Elevation
1:200



North Elevation
1:200

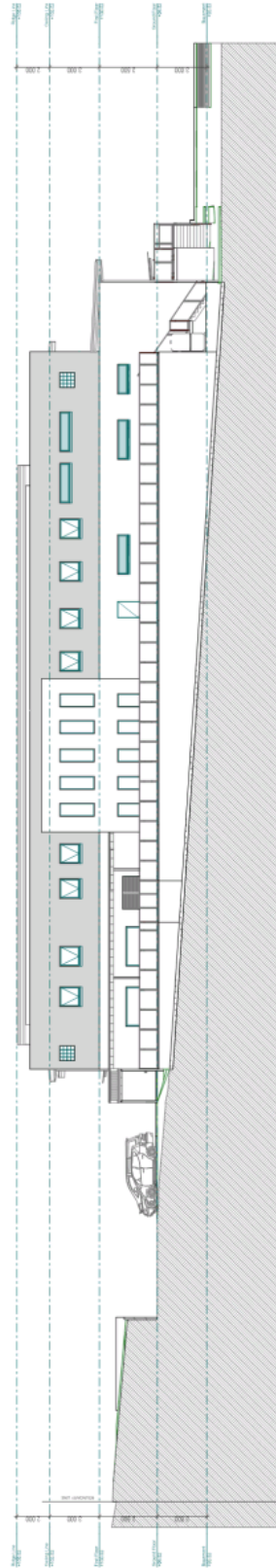


Driveway Profile
1:250

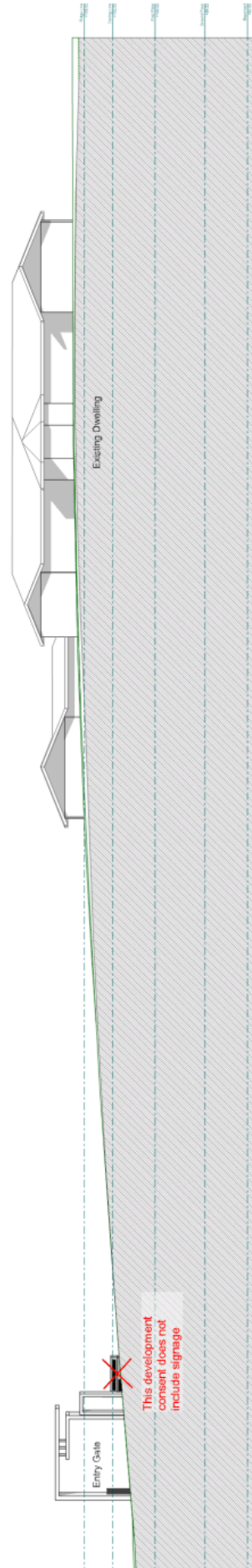
<p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is for information only and does not constitute an offer without authority from the designers.</p>	<p>North</p>	<p>Revision</p> <p>A. DEVELOPMENT APPLICATIONS/REVISIONS</p> <p>B. PRELIMINARY DESIGN/REVISIONS</p> <p>C. PRELIMINARY DESIGN/REVISIONS</p> <p>D. PRELIMINARY DESIGN/REVISIONS</p>	<p>Project</p> <p>Proposed Community Facility at 121 Edgarview Rd, Bello</p>	<p>Client</p> <p>Bullice Constructions</p>		<p>Designer</p> <p>DAVID J. COOPER ARCHITECTS</p> <p>12/12/2023</p>		<p>Sheet</p> <p>C.213</p> <p>Date</p> <p>02/03/2024</p>	<p>Drawn No.</p> <p>DA07C</p>	<p>Title</p> <p>West & North Elevations Driveway Profile</p>
										<p>Scale</p> <p>1:250</p>



East Elevation
1:200



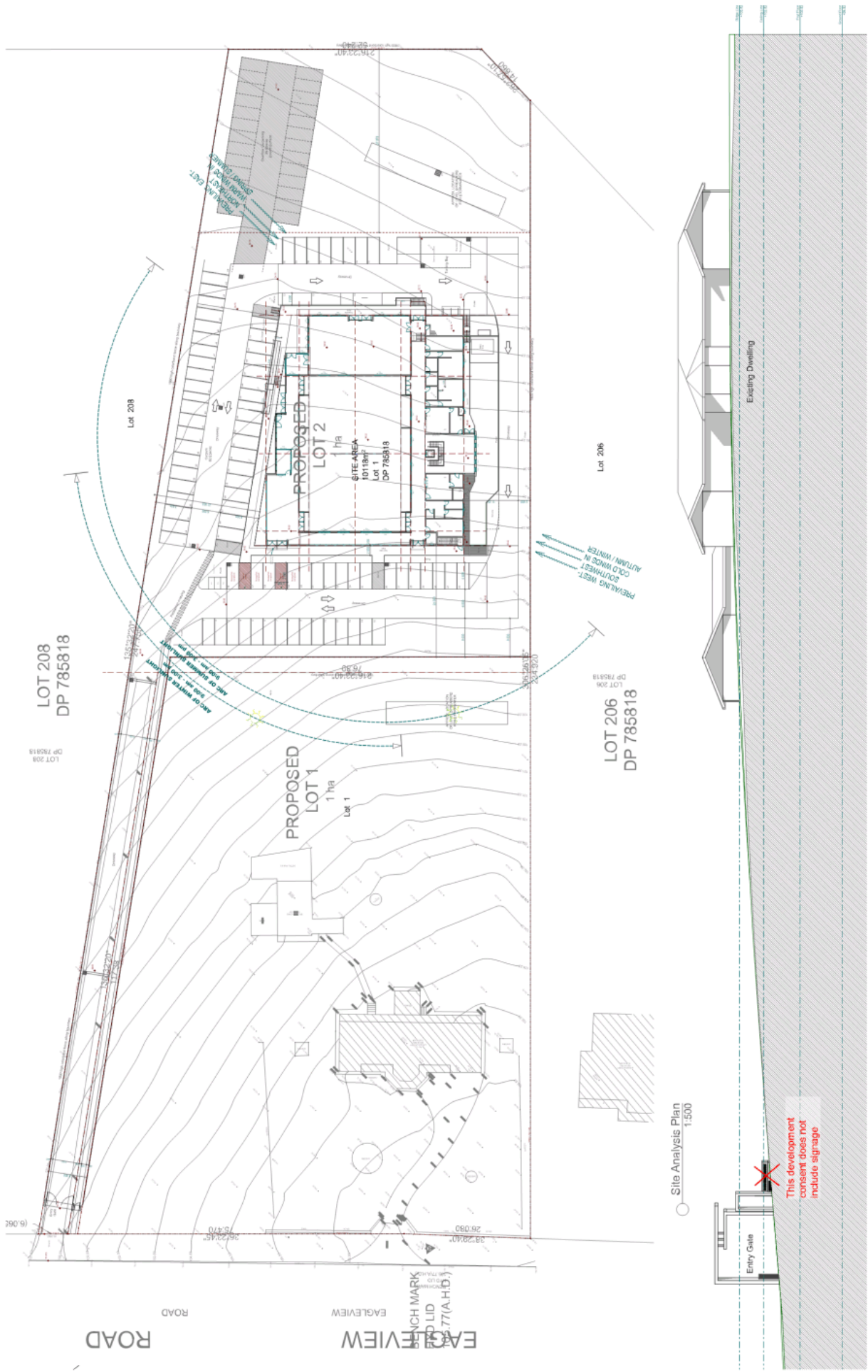
South Elevation
1:200



Street Elevation
1:200

This development consent does not include signage

<p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is not to be used for construction without authority from the designers.</p>	<p>North</p>	<p>Revision</p> <p>A. DEVELOPMENT APPLICATION SUBMITTED</p> <p>B. DEVELOPMENT APPLICATION APPROVED</p> <p>C. SIGNAGE CAPTION REVISED. SEE CAPTIONED ON DRAWING</p> <p>D. SIGNAGE</p>	<p>Client</p> <p>Buildice Constructions</p>	<p>Project</p> <p>Proposed Community Facility at 121 Edgar Street, Ballu</p>	<p>Designer</p> <p>bd66 BUILDING RESPONSES</p> <p>100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000</p>	<p>Project</p> <p>Proposed Community Facility at 121 Edgar Street, Ballu</p>	<p>Client</p> <p>Buildice Constructions</p>	<p>Designer</p> <p>bd66 BUILDING RESPONSES</p> <p>100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000</p>	<p>Draw No.</p> <p>DA08C</p>	<p>Title</p> <p>East & South Elevations</p>



<p>Revision</p> <p>A. DEVELOPMENT APPLICATION SUBMIT</p> <p>B. DEVELOPMENT APPLICATION APPROVED</p> <p>C. BULKY GOODS PERMIT APPLICATION SUBMITTED</p>		<p>Client:</p> <p>Bullice Constructions</p>	<p>Project:</p> <p>Proposed Community Facility at 121 Eagleview Rd, Bullice</p>	<p>Designer:</p> <p>bdcc BUILDING DESIGN CONSULTANTS</p>	<p>Drawn By:</p> <p>DA19C</p>
<p>Notes:</p> <p>All levels and dimensions to be confirmed on site before commencing fabrication. The drawing is for information only and does not constitute an offer without authority from the designers.</p>		<p>Scale:</p> <p>Street Elevation 1:200</p>		<p>Title:</p> <p>Site Analysis Plan</p>	



○ Shadow 21 June - 9am



○ Shadow 21 June - 12pm



○ Shadow 21 June - 3pm

Note: Downpipe locations are indicative only. Refer to Stormwater Engineers plans for location of dps and drainage pipes.

All levels and dimensions to be confirmed on site before commencing fabrication. This drawing is a copyright and must not be copied or used without authority from the designer.



Revision
A. COMPLYING DEVELOPMENT ISSUE

Client
KIKKIZ1

Client
Buildco Constructions

Project
Proposed Community Facility at
121 Eagleview rd, Minto

Designer
C.A. BULLOCK &
15 Stevens Way,
Minto, NSW 2056
Tel: (02) 9241 1271



Job No. 2020
Project C.D.G
Drawing No. 00/00/0021

Scale: AS SHOWN

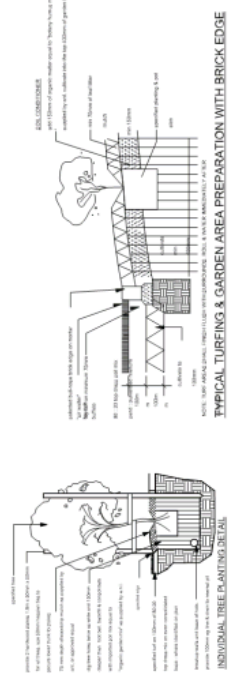
Title
Shadow Diagrams
Winter

Dwg No.
DA11C

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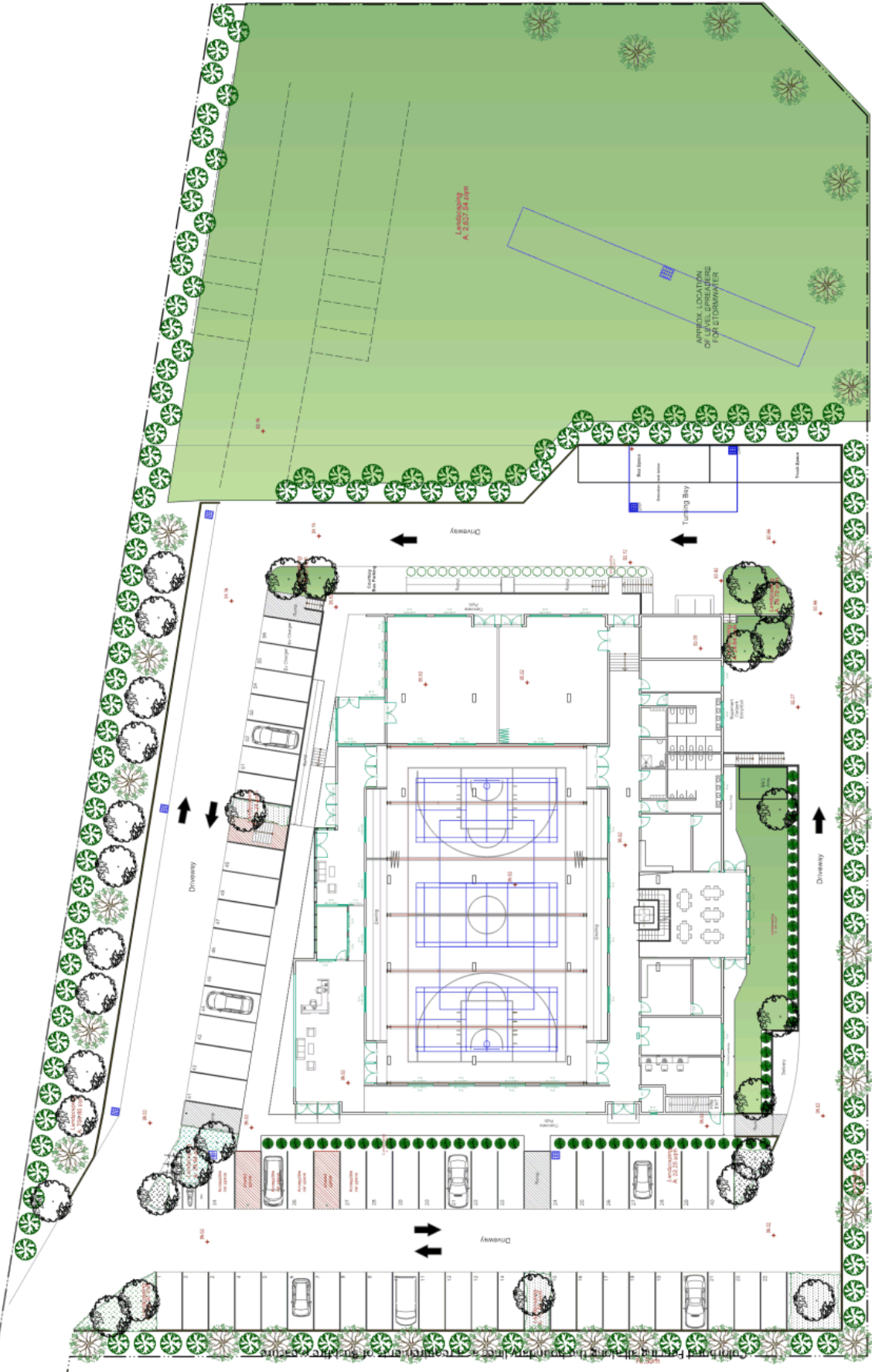
Project Details:
 PROJECT: INALDO CONSTRUCTION
 SITE: 151 EAGLEVIEW ROAD, MIMBO
 DRAWING NO: LP-2024007
 DATE: 24/07/2024
 SCALE: 1:500 (B, A2)
 SHEET NO: 1 OF 1

Client: INALDO CONSTRUCTION
 PROJECT: 151 EAGLEVIEW ROAD, MIMBO
 DRAWING NO: LP-2024007
 DATE: 24/07/2024
 SCALE: 1:500 (B, A2)
 SHEET NO: 1 OF 1



PLANT SCHEDULE

Botanical Name	Common Name	Pot Size	Plant Qty	Height	Spread	Native/Exotic
Tree						
<i>Artemisia smithii</i>	Lillypilly	300mm	122	4m	2m	Native
<i>Banksia integrifolia</i>	Coastal Banksia	45L	30	15-25m	5m	Native
<i>Elaeagnus reticulatus</i>	Blueberry/Ash	45L	31	7-25m	3m	Native
Shrubs						
<i>Grevillea sp.</i>	Grevillea	300mm	23	2m	2m	Native
<i>Themeda triandra</i>	Kenagiroo Grass	300mm	80	800mm	200mm	Native
<i>Hardenbergia violacea</i>	Native Lilac	150mm	53	1.5m	3m	Native
<i>Lomandra longifolia</i>	Mitl Rush	150mm	36	1m	1m	Native



Colorbond Fencing all along the boundary lines as a requirements of Bushfire measure

STORMWATER MANAGEMENT PLAN

121 EAGLEVIEW ROAD MINTO



REGISTERED PROFESSIONAL ENGINEER
No. 12488
REGISTERED PROFESSIONAL DRAFTER
No. 12488

SHEET INDEX:

SHEET No.	TITLE	AMMENDMENT No.
1	INDEX SHEET	1
2	ROOF PLAN	1
3	STORMWATER DETAIL PLAN	1
4	STORMWATER DETAIL PLAN	1
5	BASEMENT PLAN	1
6	FIRST FLOOR PLAN	1
7	ROOF PLAN	1
8	ON-SITE DETENTION CALCULATIONS	1
9	ON-SITE DETENTION AND TRANSPORTATION BED DETAILS	1
10	EROSION AND SEDIMENT CONTROL PLAN	1

LEGEND

- ↑ FLOWPATH
- FLOOR WASTE
- ⊕ F9-2 FLOW BREAKER AND DOWNPIPE TYPE 2
- ⊖ PROPOSED GRAVED PIT
- ⊕ PROPOSED SEALED WATER TIGHT PIT
- ⊖ PROPOSED STORMWATER PIPE - GRADITY
- ⊕ PROPOSED STORMWATER PIPE - GRAVITY
- ⊖ PROPOSED STORMWATER PIPE - CHANGED
- ⊕ PROPOSED RIBBING MAN (PRESSURE PIPE)
- ⊖ PROPOSED BUILDING - GROUND FLOOR
- ⊕ PROPOSED BUILDING - FIRST FLOOR
- ⊖ MAIN-HEAD
- ⊕ SUMP OVERFLOW
- ⊖ PIT INVERT LEVEL
- ⊕ 1:4.5% GRATED DRAIN
- ⊖ 48.3% EXISTING SURFACE LEVEL
- ⊕ 1:0.3% PROPOSED SURFACE LEVEL
- ⊖ 9" P SEALED INSPECTION OPENING
- ⊕ 20-1 DOWNPIPE - TYPE 1
- ⊖ 20-1 200x100mm ANSA DRAINING TO RAWWATER TANK
- ⊕ AREA PASSING ON-SITE DETENTION TANK

- NOTE:**
- ALL PROPOSED PITS TO BE 400 x 400 GART INSET ON
 - ALL CHANGED LINE PIPES TO BE 1000 UPVC REWER
 - ALL CHANGED LINE PIPES TO BE 1000 UPVC REWER
 - OTHERWISE SHOWN
 - UPVC UNLESS SHOWN OTHERWISE
 - ALL GRAVED DRAINS TO BE MINIMUM 150 WIDE
 - ALL NON-TRAFFICABLE PITS TO BE LIGHT DUTY PITS N
 - TRAFFICABLE ANSAS TO BE HEAVY DUTY
 - ALL PIPES GRADIENT 1:20 UNLESS SPECIFIED OTHERWISE
 - ALL PIPES GRADIENT 1:20 UNLESS SPECIFIED OTHERWISE
 - ALL PIPES GRADIENT 1:20 UNLESS SPECIFIED OTHERWISE
 - ALL DOWNPIPES SHALL CONFORM TO AS/NZS 1986 FOR
 - ALL BOX GUTTERS SHALL COMPLY WITH AS/NZS 2778
 - MINIMUM 1:200 GRADE TO SWAMP/DRAIN PIPES
 - ALL DRAINAGE WORKS SHALL BE IN ACCORDANCE WITH

DOWNPIPE TYPE	DOWNPIPE SIZE
1	ROUND 100
2	RECTANGULAR 100 X 75
3	RECTANGULAR 100 X 75
4	RECTANGULAR 100 X 100

FOR DA APPROVAL

SURVEYOR	0	DATE	13/03/23	AMMENDMENT	No.	DATE	No.	AMMENDMENT	DO NOT SCALE
ARCHITECT	1	DATE	18/03/24	AMMENDMENT	No.	DATE	No.	AMMENDMENT	DO NOT SCALE
CONSULTANT									

CLIENT: C.K. ENGINEERING SERVICES
 48 FLORA ST
 ROSELANDS, NSW 2196
 MOB: 0403 329 327
 EMAIL: cks@ksoulab@gmail.com

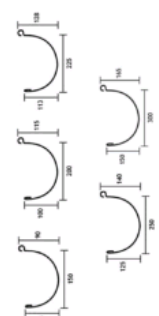
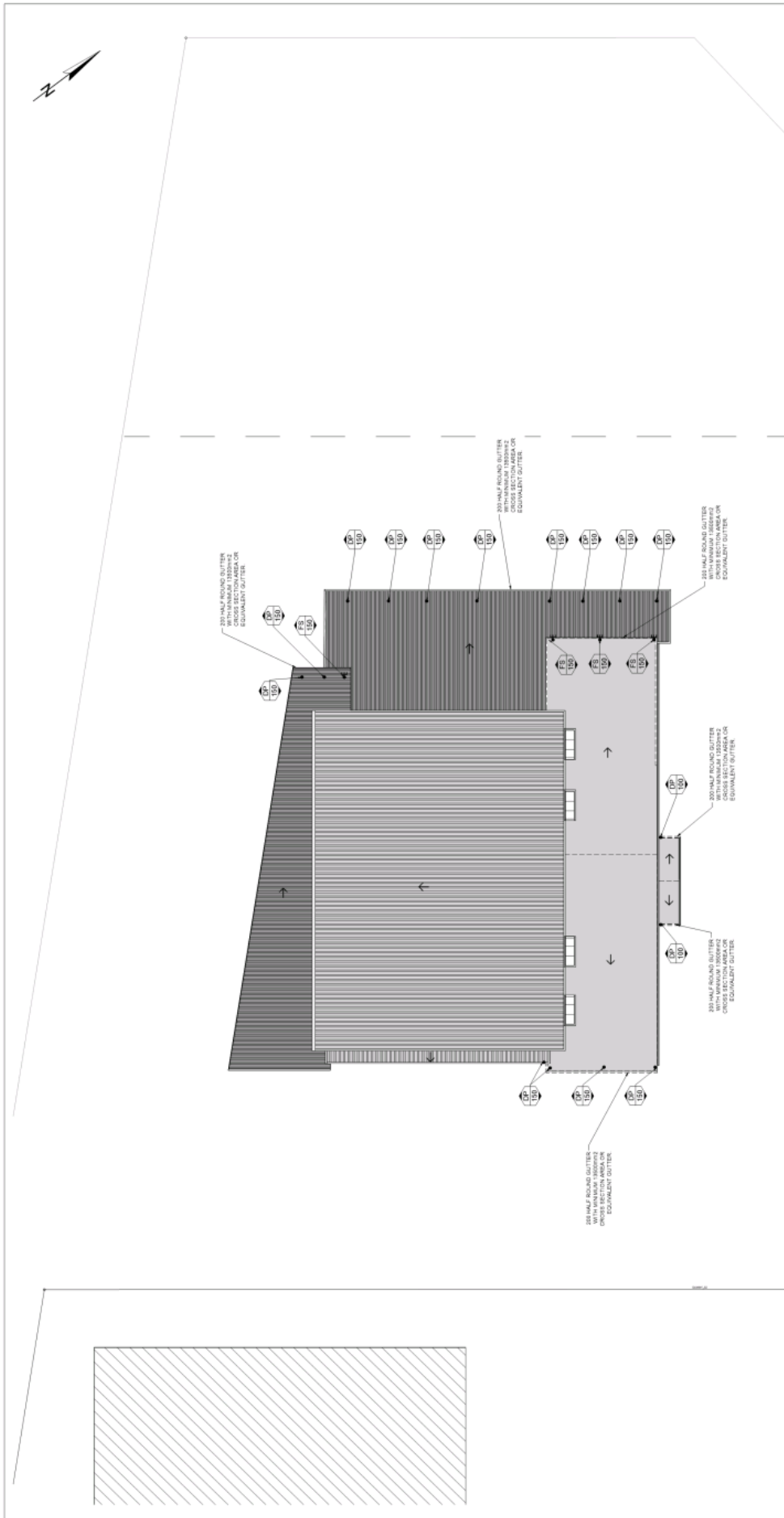
PROJECT: 121 EAGLEVIEW ROAD/MINTO

DRAWING TITLE: STORMWATER DETAIL PLAN

DESIGNED: C. K.
CHECKED: C. K.

DATE: FEBRUARY 2024
SCALE: AS SHOWN
DATUM: AHD
NO. IN SET: 1 OF 10
ISSUE: 1

DRAWN: S. C. **SIGNED:** [Signature]
JOB & DRAWING No.: 221950



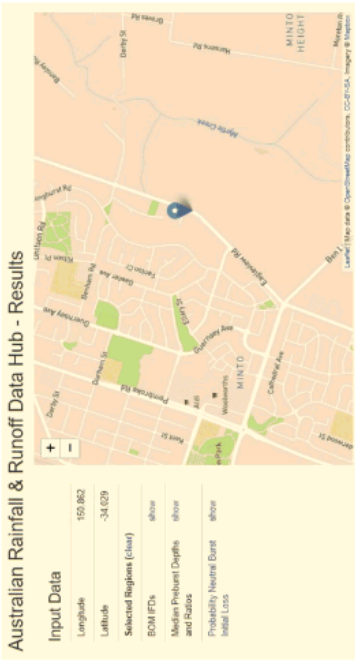
ROOF PLAN
SCALE 1:200



National Engineering Register
REGISTERED PROFESSIONAL ENGINEER
 BE CIVIL ENGINEERING (PE) No. 448804

FOR DA APPROVAL

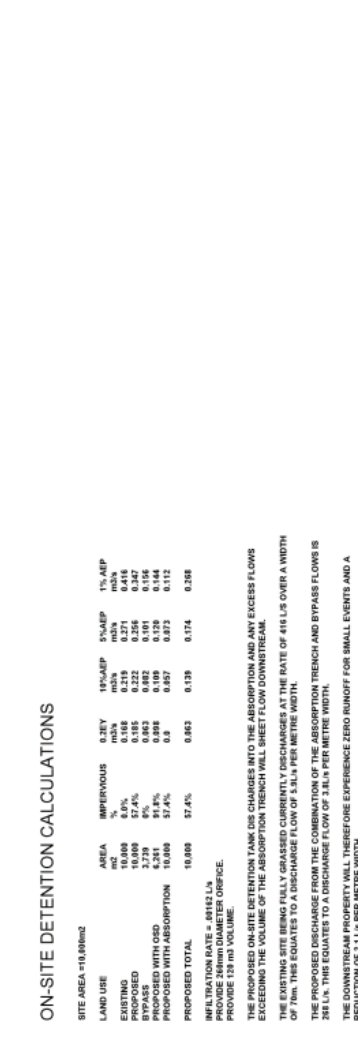
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	1	CAUSE - AMEND (DRAINAGE ABSORPTION)	18/03/24							
ARCHITECT				PROJECT:	121 EAGLEVIEW ROAD/MINTO			CHECKED: C. K.		DATUM: AHD
CONSULTANT				EMAIL: caktus@ctes.com.au				JOB & DRAWING NO:	221950	No. IN SET: 7 OF 10
										ISSUE: 1



IFD Design Rainfall Intensity (mm/h)

Issued: 08 April 2023
 Rainfall intensity for Durations, Exceedance per Year (EY), and Annual Exceedance Probabilities (AEP).
 FAO for New ARR, probability terminology.

Duration	Annual Exceedance Probability (AEP)						
	63.2%#	50%#	20%#	10%#	5%#	2%#	1%#
1 min	121	136	184	217	251	296	332
2 min	97.6	109	145	171	197	233	261
3 min	90.7	101	136	160	184	218	244
4 min	85.8	96.0	129	152	176	207	232
5 min	81.5	91.4	123	146	168	198	222
10 min	65.0	73.2	99.4	118	136	160	179
15 min	54.0	60.8	82.7	97.8	113	133	149
20 min	46.3	52.2	70.9	83.9	96.8	114	128
25 min	40.7	45.8	62.2	73.6	84.9	100	112
30 min	36.5	41.0	55.6	65.7	75.8	89.5	100
45 min	28.1	31.6	42.6	50.4	58.1	68.7	77.0
1 hour	23.2	26.0	35.1	41.4	47.8	56.5	63.4
1.5 hour	17.7	19.8	26.6	31.4	36.3	43.0	48.2
2 hour	14.6	16.4	22.0	26.0	30.0	35.5	39.9
3 hour	11.3	12.6	17.0	20.0	23.2	27.5	30.9



ON-SITE DETENTION CALCULATIONS

SITE AREA = 18.89m²

LAND USE	AREA m ²	IMPERVIOUS %	0.2EY m ³ /h	5% AEP m ³ /h	10% AEP m ³ /h
EXISTING	10.889	8.0%	0.188	0.271	0.416
PROPOSED	3.739	8.0%	0.188	0.271	0.416
BYPASS	4.271	0%	0.000	0.000	0.000
PROPOSED WITH OSD	1.831	81.8%	0.098	0.100	0.144
PROPOSED WITH ABSORPTION	10.004	57.4%	0.4	0.597	0.973
PROPOSED TOTAL	19.899	57.4%	0.883	1.139	1.774

INFILTRATION RATE = 0.1412 L/s
 PROVIDE 240mm DIAMETER ORIFICE.
 PROVIDE 150 L/s FLOW.

THE PROPOSED ON-SITE DETENTION TANK DISCHARGES INTO THE ABSORPTION AND ANY EXCESS FLOWS EXCEEDING THE VOLUME OF THE ABSORPTION TRENCH WILL SHEET FLOW DOWNSTREAM.

THE EXISTING SITE BEING FULLY GRASED CURRENTLY DISCHARGES AT THE RATE OF 416 L/S OVER A WIDTH OF 7m. THIS EQUATES TO A DISCHARGE FLOW OF 2.8 L/S PER METRE WIDTH.

THE PROPOSED DISCHARGE FROM THE COMBINATION OF THE ABSORPTION TRENCH AND BYPASS FLOWS IS 24 L/S. THIS EQUATES TO A DISCHARGE FLOW OF 2.8 L/S PER METRE WIDTH.

THE DOWNSLOPE PROPERTY WILL THEREFORE EXPERIENCE ZERO RUNOFF FOR SMALL EVENTS AND A REDUCTION OF 2.1 L/S PER METRE WIDTH.

FOR DA APPROVAL

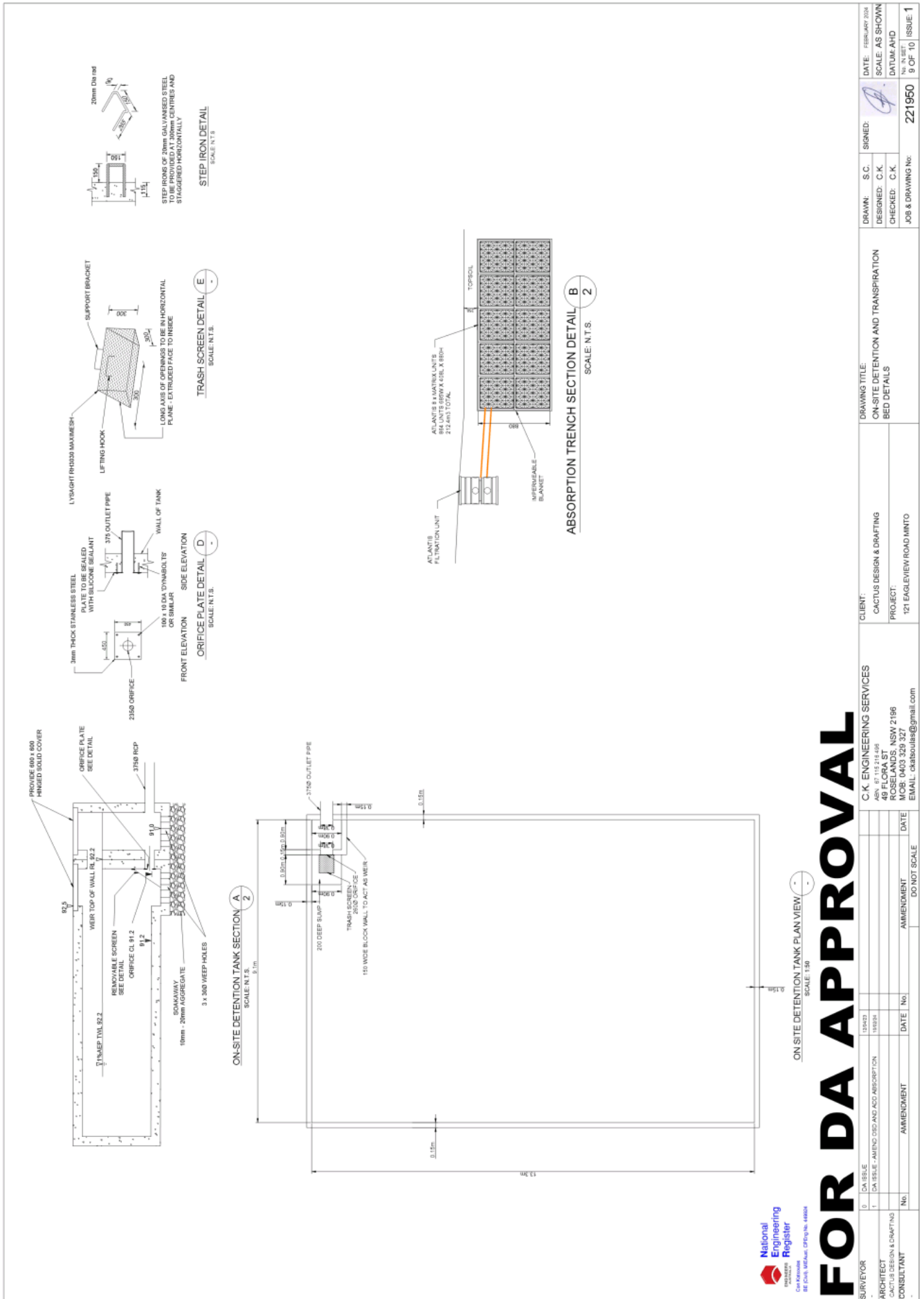
C.K. ENGINEERING SERVICES
 48 FLORA ST
 ROSELANDS, NSW 2196
 MOB: 0403 329 327
 EMAIL: ckariboulaie@gmail.com

DATE: FEBRUARY 2024	SCALE: AS SHOWN
SIGNED: C.K.	DRAWN: S.C.
CHECKED: C.K.	DESIGNED: C.K.
DATE: AHD	NO. OF SHEETS: 8
NO. OF SHEETS: 10	ISSUE: 1
JOB & DRAWING NO: 221950	

DRAWING TITLE: ON-SITE DETENTION CALCULATIONS

No.	AMENDMENT	DATE	No.	AMENDMENT	DATE
0	DATE	13/03/23			
1	DATE	18/03/24			

SURVEYOR
 ARCHITECT
 CONSULTANT



DATE: FEBRUARY 2024	SIGNED:	SCALE: AS SHOWN
DESIGNED: C.K.	DESIGNED: C.K.	DATUM: AHD
CHECKED: C.K.	CHECKED: C.K.	No. IN SET
JOB & DRAWING No:	221950	9 OF 10 ISSUE: 1

DRAWING TITLE:
ON-SITE DETENTION AND TRANSPORTATION BED DETAILS

CLIENT:
CACTUS DESIGN & DRAFTING

PROJECT:
121 EAGLEVIEW ROAD/MINTO

C.K. ENGINEERING SERVICES
121 EAGLEVIEW ROAD
48 FLORA ST
ROSELANDS, NSW 2196
MOB: 0403 329 327
EMAIL: cks@cses.com.au

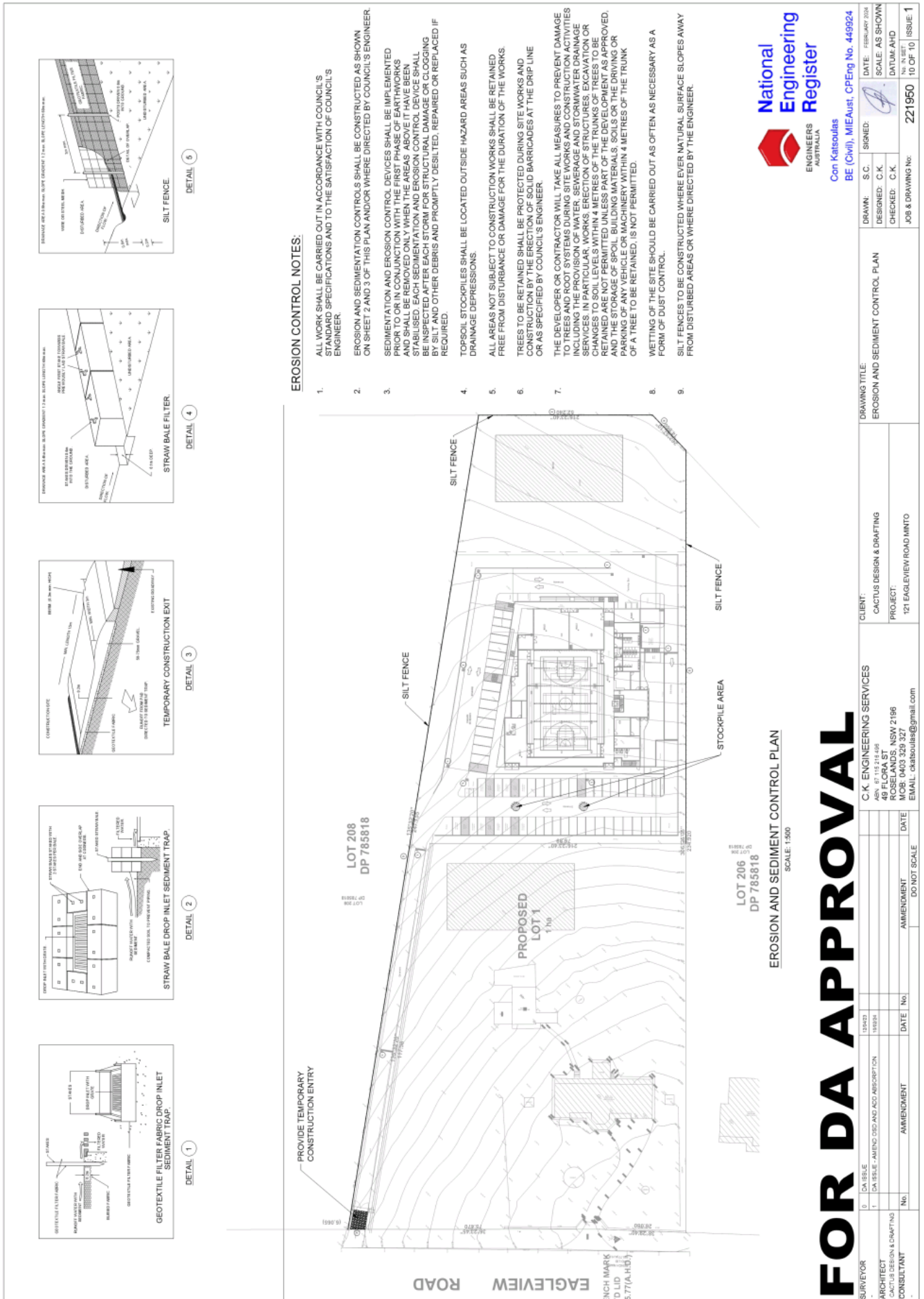
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1	CAUSE - AMEND DESIGN AND ABSORPTION	18/03/24	

No.	AMENDMENT	DATE	DATE

SURVEYOR	
ARCHITECT	
CONSULTANT	



FOR DA APPROVAL



Can Katsoulas
 BE (Civil), MIEAust, CPEng No. 449924

DRAWN: S.C.	SIGNED:	DATE: FEBRUARY 2024
DESIGNED: C.K.	CHECKED: C.K.	SCALE: AS SHOWN
JOB & DRAWING NO: 221950		DATE: 10 OF 10

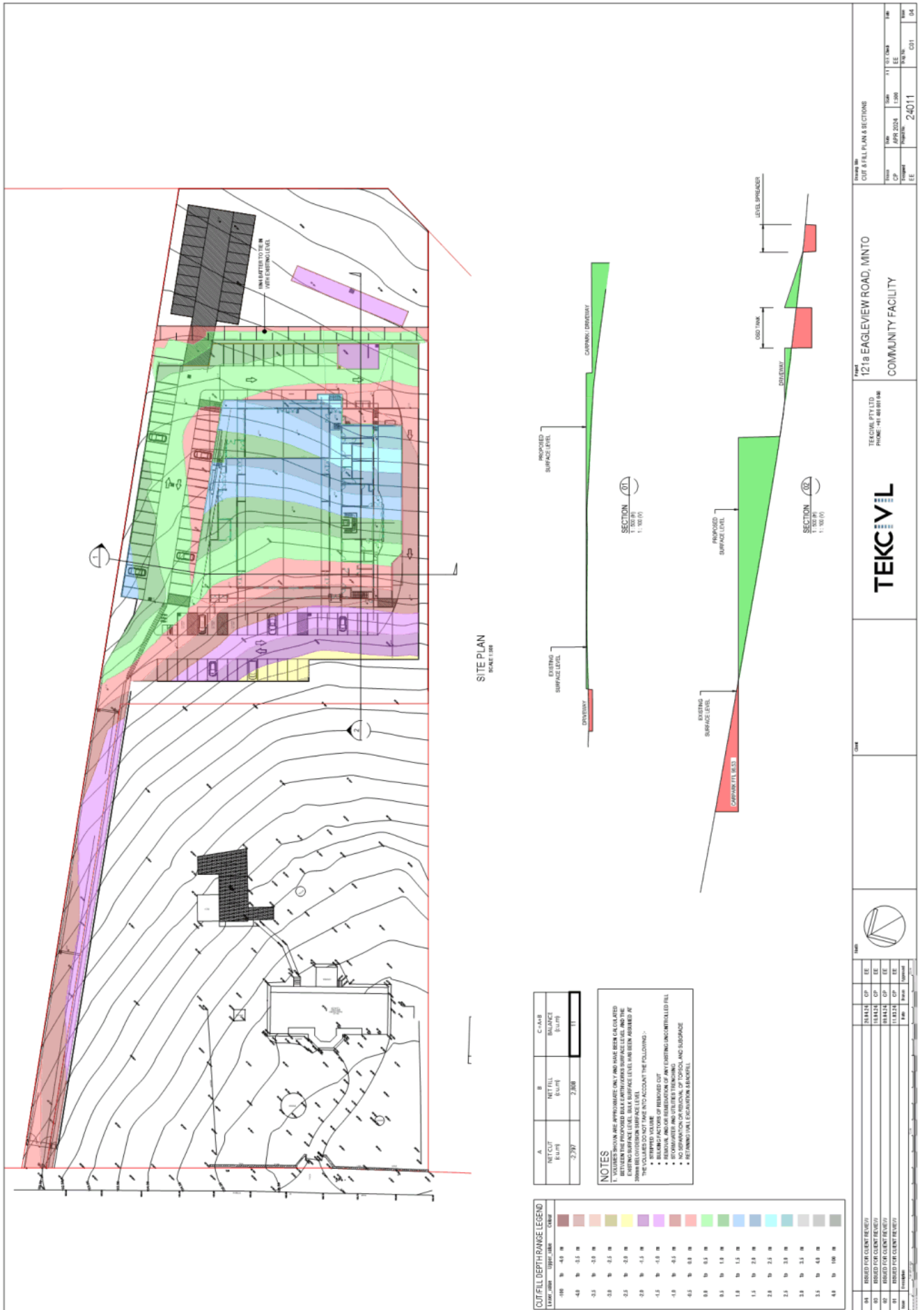
FOR DA APPROVAL

SURVEYOR	0	DA/BLE	13/03/23				
ARCHITECT	1	DA/BLE - AMEND (DRAINAGE AND ACID ABSORPTION)	18/03/24				
CONSULTANT		AMENDMENT	DATE	NO	AMENDMENT	DATE	DO NOT SCALE

CLIENT: CACTUS ENGINEERING SERVICES
 48 FLORA ST
 ROSELANDS, NSW 2196
 MOB: 0403 329 327
 EMAIL: caktus@ctes.com.au

PROJECT: 121 EAGLEVIEW ROAD/MINTO

DRAWING TITLE: EROSION AND SEDIMENT CONTROL PLAN



121a EAGLEVIEW ROAD, MINTO
COMMUNITY FACILITY



TEKCVL PTY LTD
PHONE: +61 8 9311 8188

NO	REVISION	DATE	BY	CHKD
01	ISSUED FOR CLIENT REVIEW		EE	EE
02	ISSUED FOR CLIENT REVIEW		EE	EE
03	ISSUED FOR CLIENT REVIEW		EE	EE
04	ISSUED FOR CLIENT REVIEW		EE	EE

DATE: 24/07/2024
PROJECT: 24011
SHEET: 04

121 Eagleview rd, Minto

1. Colour Schedule



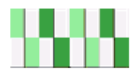
1. Main External Walls
Austral Bricks – Expressions ‘Blackstone’



2. Cladding External Walls
Dulux ‘Enchantress’



3. Cladding External Walls
Dulux ‘Casper White Quarter’



4. Main Feature Wall
Multicoloured Vitrapanel



5. Feature Wall
Aluminium siding



6. Fascias, Gutters and Downpipes
Colorbond ‘Monument’



7. Window frames
Colorbond ‘Night Sky’



8. Garage door
Colorbond ‘Monument’



9. Metal roof
Colorbond ‘Monument’



**REVISED Clause
4.6 request for
variation – Height
of Buildings**

Lot 12, DP.1302331

121A Eagleview Road,

MINTO NSW 2566

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

22 May 2024



HDC
Haskew de Chalain
PLANNING



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121A Eagleview Road, Minto

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1 Introduction

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

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

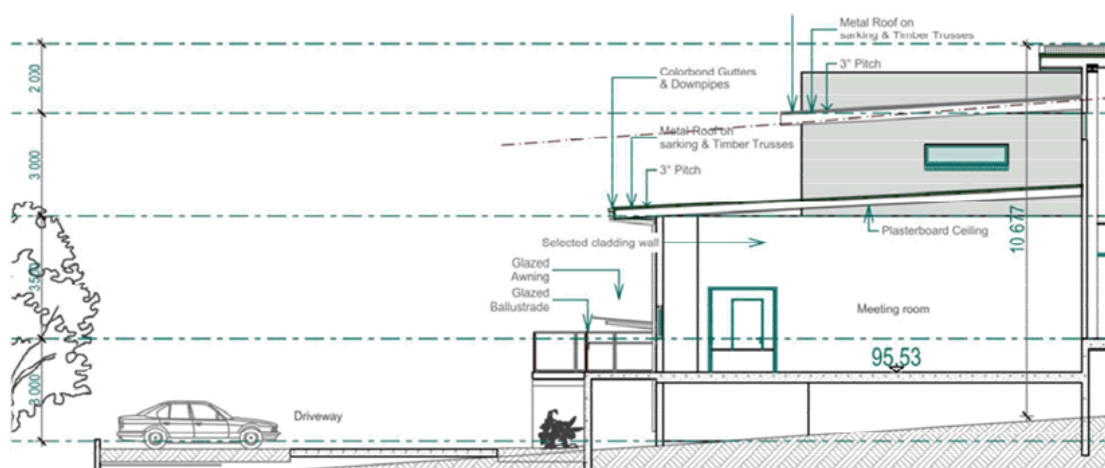


Figure 1: Section showing maximum height exceedance of 1.677m

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

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

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



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



Figure 2: Subject Site (source: NearMap)

Subject site

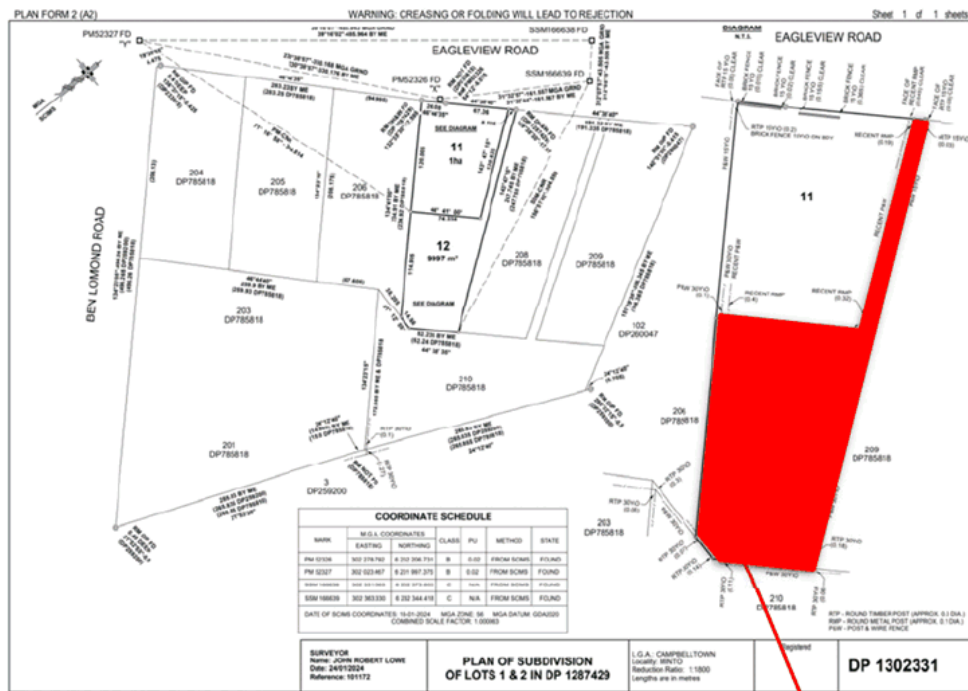


Figure 3: Plan of Subdivision

Subject site

121A Eagleview Road, Minto



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

In brief terms, this variation request says that:

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

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

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

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

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

1.1 SITE CONTEXT

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

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

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

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



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

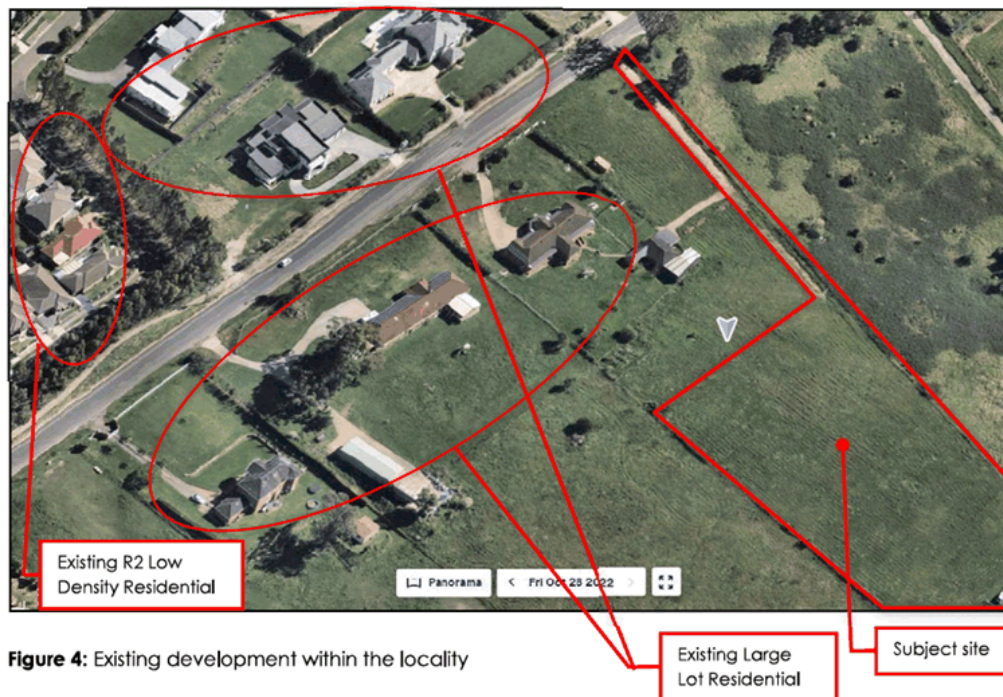


Figure 4: Existing development within the locality

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

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

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



2 The Request for Variation

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

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

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

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

4.6 Exceptions to development standards

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

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

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

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

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

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

(5) *(Repealed)*



(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

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

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

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

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.2.

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

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

Campbelltown Local Environmental Plan 2015.

What is the zoning of the Land?

The subject site is zoned C4 – Environmental Living.



What Are the objectives of the zone?

The objectives of the zone are:

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

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

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

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

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

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

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



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

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

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

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

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

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

What is the Development Standard Being Varied?

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

What are the objectives of the Development Standard?

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



(b) to ensure that the heights of buildings reflect the intended scale of development appropriate to the locality and the proximity to employment centres and transport facilities,

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

(d) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and to the public domain.

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

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

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

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

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

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

The maximum variation is 18.6 %.

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

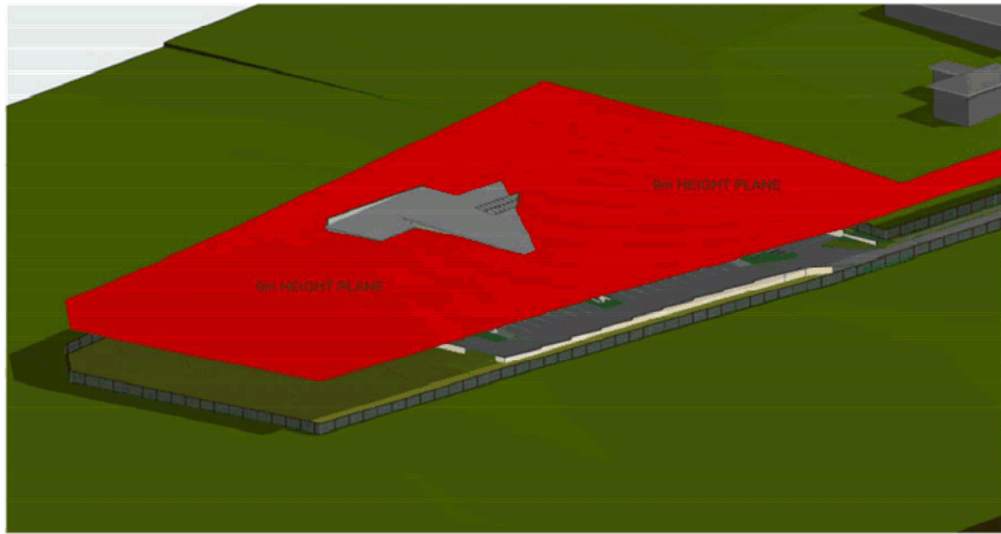


Figure 5: 3D height blanket diagram – 9 metres above existing ground level

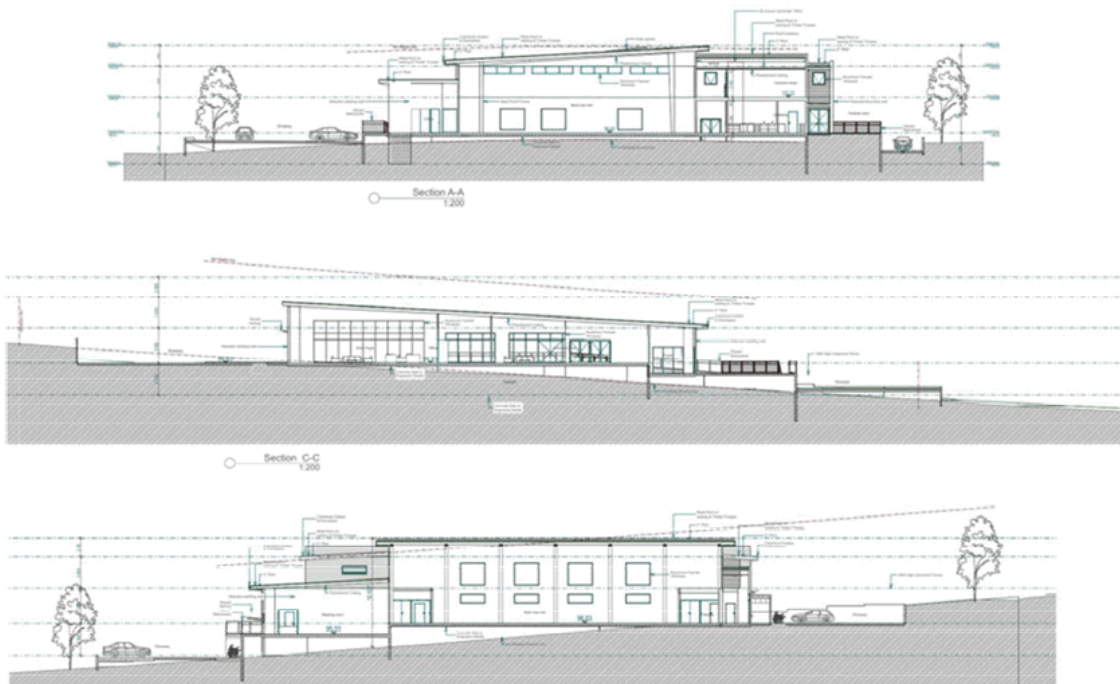


Figure 6: Sections depicting maximum building height

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

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

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

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

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

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

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

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



The 5 ways are:

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

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



3 Sufficient environmental planning grounds to justify contravening the development standard

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

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

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

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

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

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



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

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

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

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

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

3.1 REASON FOR VARIATION 1 – NEGLIGIBLE AMENITY OR VISUAL IMPACTS

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



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



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

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

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

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

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

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

4 Public Interest

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

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

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



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

5 Conclusion

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

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

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

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

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

REVISED
**Statement of
Environmental
Effects**

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

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

22 May 2024





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

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121A Eagleview Road, Minto

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1 Introduction

This report has been prepared as a REVISED Statement of Environmental Effects in assessment of a Development Application proposing the construction of a community facility with a total floor area of 2221 sqm comprising:

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

This revised Statement has been prepared due to changes in building design. That is, the original proposal included basement car parking. This revised design has removed the basement, with all car parking to be provided at-grade.

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

The proposal satisfies the *Campbelltown Local Environmental Plan 2015* and the relevant parts of the *Campbelltown Development Control Plan (DCP)*.

This report is submitted in accordance with Clause 24(1) of the Environmental Planning and Assessment Regulation 2021 ("the EPAA Regulation 2021"). The purpose of this Statement of Environmental Effects is to provide a description and general information about the site and the proposed development. And provides the following information:

- Description of the site, surrounding development and the wider locality;
- Description of the proposed development;
- Assessment of the proposed development in accordance with all statutory controls and Council's Development Control Plan (DCP); and,
- A broader environmental assessment of the proposal, having regard to the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Provided with this Statement of Environmental Effects are architectural plans and supporting documentation to enable the determination of the development application.



This report addresses several key considerations relevant to the proposal. These key considerations include but are not limited to:

- Consistency with zone objectives;
- Land use characterisation;
- Character and visual amenity;
- Bushfire hazard;
- Preservation of acoustic amenity;
- Traffic management; and
- Site serving.

The above key considerations have been addressed within this report and associated technical reports and plans.

The proposal is compliant with the relevant development controls and demonstrates consistency with the zone objectives.

It is considered that this application has appropriately addressed the key planning and development provisions applying to the site and the development is appropriate for the site, topographic features, and locality. It is therefore recommended that this development application be determined as approved.

The site, proposal and development controls are fully discussed, and with the Section 4.15 summary assessment of the proposal, forms the required Statement of Environmental Effects.

2 Site details

2.1 SITE DESCRIPTION

The subject site of proposed development is officially described as **Lot 207, DP.785818**, commonly known as **121 Eagleview Road, MINTO NSW 2566**. The site is formed by a recently created battle-axe allotment with access handle off Eagleview Road. The site proportions are:

- North western boundary – 74.336 metres;
- South eastern boundary – 52.24 metres with a splay of 14.66 metres;
- Southern boundary – 104.905 metres.
- Battleaxe handle width – 8.105 metres
- Total site area of 9997 sqm.

The newly created allotment is vacant with no trees of vegetative significance. **Reference should be made to figures 1-3 and site survey.**



Figure 1: Aerial Imagery of Subject Site and locality (source: NearMap)

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Figure 2: Subject Site (source: NearMap)

Subject site

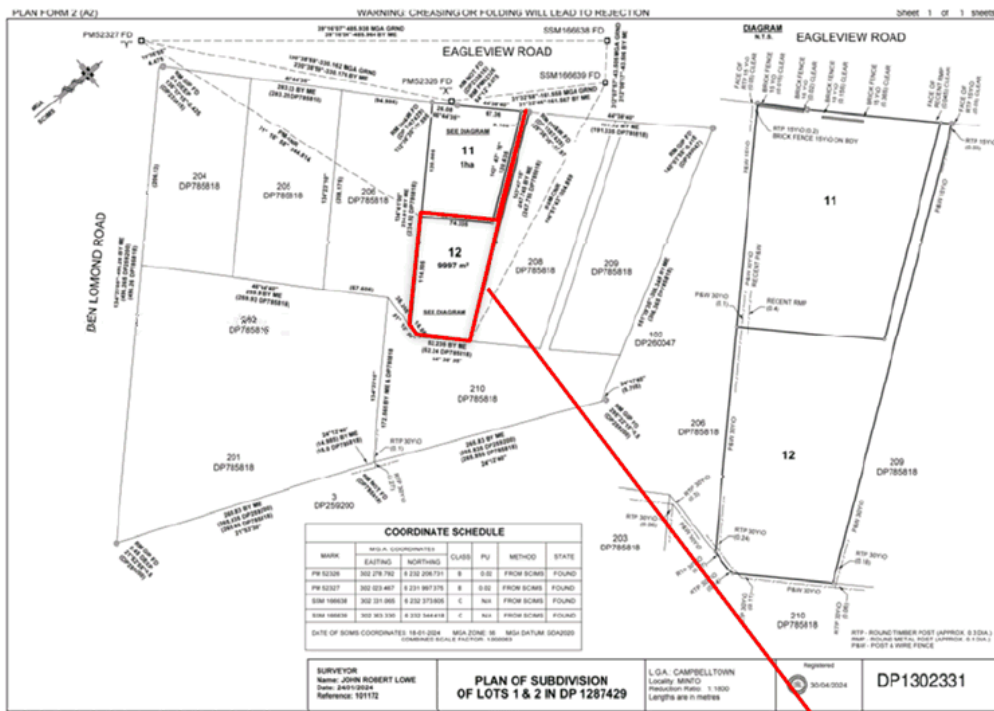


Figure 3: Plan of Subdivision

Subject site

121A Eagleview Road, Minto



2.2 SITE CONTEXT

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

2.3 EXISTING DEVELOPMENT

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

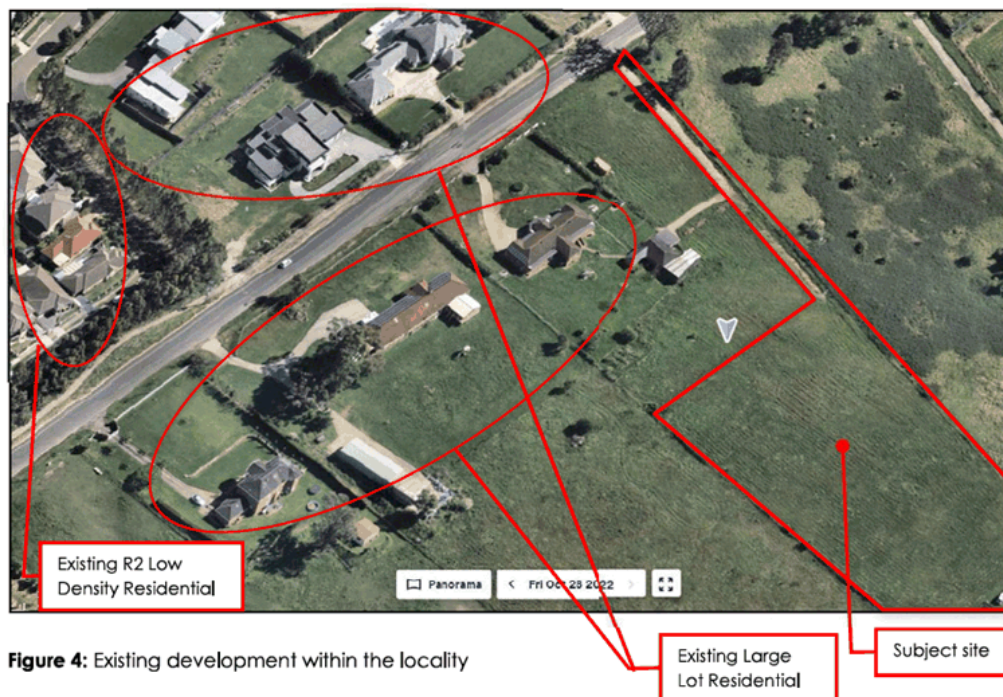


Figure 4: Existing development within the locality



2.4 SUITABILITY OF THE SITE

The key opportunities from which the proposed development responds are as follows.

The development site:

- is located in an area with planning controls that permit development as proposed;
- is of proportions able to support development of the scale proposed; and,
- is capable of being provided with the necessary infrastructure and services to enable development as proposed.



3 Proposed Development

3.1 OVERVIEW

The proposed community facility will operate between:

- Monday to Wednesday - 11am to 5pm;
- Thursday and Friday - 11am – 10pm;
- Saturday - 9am to 11pm; and,
- Sunday closed
- Six times per year Special Events (cultural days, food events, visiting performers) – 9:00am to midnight.

Under typical operating conditions, the community facility will have 6-8 staff members and an average of 40-50 community participants. Occasionally (approximately 4-6 times per year) a special community event may occur with a maximum of 300 patrons. The operating conditions are detailed in the Operational Plan of Management attached at '2'.

The proposed redevelopment of the site will involve site preparation works, provision of required servicing infrastructure and construction of a building with at grade car parking to be used exclusively as a *community facility*.

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

While this proposal is not residential in nature, the building design will result in a structure that is consistent with buildings in the locality in terms of bulk and scale. It is argued that this proposal:

- will provide an aesthetically pleasing and contemporary contribution to a locality;
- represents development at a scale that is compatible with the existing and future character of the locality; and,
- contributes to the local government area of Campbelltown much needed community facilities.

This development will result in the provision of community facility that is both viable and needed in the locality. The final development design has been informed through the aid and assistance of the feedback and input from pre-development consultation with Council.

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



3.2 LANDSCAPE CHARACTER

It is undeniable that large parts of the Campbelltown LGA continue to include areas of larger lot residential subdivision patterns that would typically be termed as 'semi-rural landscape character'. Such a term is also synonymous with attributes such as 'semi-rural lifestyle'.

To consider the impact of new development it is important to first consider what is meant by 'semi-rural character'. Broadly speaking, semi-rural character refers to land use and development patterns where open space, natural landscapes, and vegetation are predominant over the built environment.

Notwithstanding the above, when considering the impact of new development, it is important to distinguish "semi-rural landscape character" from lifestyle attributes and atmosphere. Whilst the proposed development may result in some visual impact when viewed from particular vantage points, the proposed development in no way impacts on the social essence of the locality.

The visual catchment of the site, meaning the generalised views of the site and surrounding properties, is predominantly of semi-rural land that was historically cleared of significant vegetation to maximise the development potential of the land, whether that use was a rural type pursuit, or as can be seen today, larger lot residential purposes. The current day views of the landscape are therefore the result of modification to large areas of land cleared of vegetation. This cleared landscape provides for expansive open views.

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

The development has been designed to be complementary to the semi-rural, larger lot residential context. The visual experience for future travellers along Eagleview Road will be one of views of predominantly undulating land with a distinctive human element, in the form of housing, local roads, property fencing and utility infrastructure. Essentially the visual catchment of the locality is one that is affected by infrastructure such as road and powerline easements set within a landscape that has been substantially modified, devoid of vegetation, other than grass and highly influenced by human activities.

The resultant design of the community facility has respected this semi-rural and human influenced, character of the locality. Positioning the building deep within a battle-axe lot provides for a substantial front setback from Eagleview Road and a single, entry point, echoes the interface that currently exists between properties and the Road. The single-entry point also minimises vehicular interference into the site and on traffic flow of Eagleview Road. Reference should be made to the following figures (Figures 5-8) for a visual assessment of the proposal.



Figure 5: Proposed entry off Eagleview Road – Note, proposed building not visually prominent



Figure 6: View towards the proposed community facility from 123 Eagleview Road. West side of the Property

121A Eagleview Road, Minto

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Figure 7: View towards proposed community facility from 123 Eagleview Road, South side of the Property



Figure 8: View towards proposed community facility from 119 Eagleview Road, North-East side of the Property.



3.3 ACOUSTIC REPORT

This proposed development enables compliance with noise emission and impact standards as concluded in the Acoustic Report, with respect to external noise intrusion impacts. The acoustic assessment finds that:

.....the proposed development has a low risk of impacting nearby receptors, therefore no further acoustic treatments are required.

.....Any new noise generating equipment such as air conditioning units, mechanical ventilation, or similar must be designed to protect the acoustic privacy of residents and neighbours. The noise level generated by any equipment must not exceed an LAeq(15min) of 5dB(A) above background noise at the property boundary.

Reference should be made to the Acoustic Assessment accompanying this application.

3.4 DDA ACCESS TO PREMISES STANDARDS

This proposed development will enable compliance with the relevant access to premises standards. Compliance with conditions of the consent, prior to the issue of a Construction Certificate will ensure that access for all is guaranteed.

Reference should be made to the Access Assessment accompanying this application.

3.5 NATIONAL BUILDING CODE OF AUSTRALIA – BCA 2019

The proposed development can be made to be consistent against the Deemed-to-Satisfy Provisions of the BCA 2019 Amendment 1 given that the designs can comply with all conditions of the consent, prior to the issue of a Construction Certificate.

3.6 TRAFFIC AND PARKING

Off-street parking is proposed on site within a defined at grade car parking area with overflow car park to be used only during major events. It should be noted that car parking and vehicular access requirements for a community facility is not provided within the Campbelltown DCP. Hence for the purposes of this assessment, parking rates applied to entertainment facility (indoor) have been adopted. An entertainment facility (indoor) is considered the most comparable and relevant land use for car parking matters.

Reference should be made to the Traffic and Parking Assessment Report accompanying this application.



3.7 LANDSCAPING

The subject site will undergo significant landscape treatment and this will be delivered to integrate with the building design outcomes.

The landscaping treatment will focus on providing significant land screening along the boundaries and the ground level areas around the building footprint.

In this regard a comprehensive landscape scheme has been provided which will see the development receive an appropriate level of vegetation, trees, shrubs, ground cover and the like implemented to address visual, aesthetic and in some cases privacy objectives.

Reference should be made to the landscape plan accompanying this application.

3.8 SITE CONTAMINATION

The proposed development seeks no change to a more sensitive land use. That is, this proposal relates to the use of land, previously concerned with a residential use of the land to the use of the land for a community facility. Furthermore, the subject site enjoys a recently issued development consent for a residential subdivision and as such it is can be concluded that the site is suitable for the proposed land use. Furthermore, preliminary site contamination assessment has confirmed that:

Based on the site investigation and analytical results, NEO Consulting considers that the potential for significant contamination of site soil to be low.

Reference should be made to the Preliminary Site Investigation accompanying this application.

3.9 WASTE MANAGEMENT

The design includes refuse storage and collection facilities designed to comply with the requirements of Council and industry best practice. An assessment of proposed waste has been undertaken and the bin quantities required for the proposed community facility can be accommodated in the bulk waste storage rooms.

Operational waste management will require that the building manager monitor the number of bins required. Waste and recycling volumes may change according to building occupancy levels or management practices. Any requirements for adjusting the capacity of the waste facilities can be achieved by changing the number of bins, the bin sizes or collection frequencies. Building management will also be required to negotiate any changes to bins or collections with the collection service provider.

On collection days, the building caretaker will be responsible for transporting the waste and recycling for collection. Details of the waste collection procedures are included within the Waste Management Plan.

Reference should be made to the Waste Management Plan accompanying this application.



3.10 STORMWATER MANAGEMENT AND WATER QUALITY

The development of the site will adopt the use of appropriate stormwater management and water quality devices to meet the requirements of the Council.

A detailed stormwater engineering design is provided with this development application.

3.11 BUSHFIRE HAZARD

The subject land is identified as bushfire prone land due to the presence of potential grassland hazard within and surrounding the subject land. A development proposal on bushfire prone land must comply with the NSW Rural Fire Service (RFS) document 'Planning for Bush Fire Protection 2019' (PBP).

The bushfire assessment confirms that:

The proposed building is a Class 9b building (public assembly). As per PBP (2019) s.8.3.11, the development is classified as Infill Development not Special Fire Protection Purpose. The facility has been designed to provide a concrete driveway around the entire building separating the proposed building from any potential grass fire risk. A 1.8m high non combustible fence is also proposed along each boundary to prevent the potential for grassfire encroaching into the subject site.

.....Grassland is located within the subject site and on the adjoining allotments. The development is assessed as infill as per s.8.3.11 (PBP 2019). PBP acknowledges the variation in risk associated with the occupants of assembly buildings and that a variety of bush fire safety solutions may apply based on the merits of the situation. A 10 kW/m² or lower rating cannot be achieved for the building. It should be acknowledged that the development is affected by Grassland only and the grassfire risk can be mitigated with a 1.8m high non-combustible fence located along each boundary in the vicinity of the building. With the exception of the western (south western) facade which is assessed as BAL-29 all other elevations will receive a maximum predicted radiant heat load less than 19 kW/m² in the event of a bushfire. The building being constructed to BAL-29 in combination with non-combustible fencing along the boundary will provide a reasonable level of bushfire protection for the proposed development.

There is sufficient space within the site to provide an asset protection zone (APZ). A minimum 12m APZ is required (and achieved) between the proposed building and the Grassland. The proposed building is designed with access and carparks located between the building and grassland. The proposed 1.8m high fence along the boundary in addition to the carpark and access ways encircling the building will mitigate potential grassfire extending into the subject site. The proposed design provides for suitable defensible space around the building. The proposed APZs are sufficient to achieve the nominated BAL-ratings and defensible space. The land between the building grassland is to be managed as an Inner APZ for at least 12m or to the boundary, whichever comes first. Grass is considered managed when maintained as short cropped grass < 100mm high. The proposed APZs are to be managed as an inner asset protection zone in perpetuity.

Refer to the Bushfire Hazard Assessment accompanying this application.



3.12 WASTE WATER MANAGEMENT

The subject site is not currently connected to a reticulated sewerage system. However, Sydney Water has been approached and it is understood that gravity connection to the sewerage system is possible. Opal Water Management have been engaged complete the role of Water Service Coordinator to coordinate the Sydney Water requirements to enable the release of the Section 73 certificate. The process will require the submission of an application to Sydney Water for the preparation of their Notice of Requirements (NOR). Within this application the applicant will be seeking Sydney Water review of a concept plan to extend the gravity sewer network to provide a point of connection within the boundaries of subject site. Following the issue of the NOR, and Sydney Water comments a detailed design for formal Sydney Water approval and construction will be prepared and submitted.

Notwithstanding the above, an alternative to sewer connection has also been considered. An investigation into the feasibility of onsite waste water disposal has been conducted in accordance with Campbelltown City Council "Wastewater Management and Water Recycling and Strategy" 2009 and,

- Australian Standard AS1547: 2012 "On-site Domestic Wastewater Management"
- Dept. Local Government 1998, On-site Sewage Management for Single Households
- Water NSW, "Designing and Installing Onsite Wastewater Systems", 2019

This assessment seeks to demonstrate that treated wastewater generated by the proposed Community Facility can be sustainably managed on the site. The Onsite Wastewater Assessment Report states that:

- The wastewater nodes onsite will be from WC/handbasins and kitchen areas...
- The proponent has indicated that an average of 50 persons may use the site on a consistent basis. A safety factor of 50% of this number has been calculated for the site. The proponent has indicated that community events with 350 persons may happen 4 – 6 times a year. These events will need to be supplemented with portable toilets onsite for those days.
- *The proposal is to install an AWTS system onsite.....*
- *Installation of an AWTS suitable to treat the calculated daily flowrate of 2250L/day.*
- *Installation of a subsurface effluent dispersal field of a minimum 1232m2.*
- *Stock and vehicles must be kept out of the EDA by fencing.*
- *Proposed EDA is to regularly mowed and a dense grassland maintained.*
- *This design assumes at least three-star rated plumbing fixtures are used in any new development.*

An area has been identified on the site for the irrigation of waste water. However, it is noted that should this method of waste water be relied upon, that is connection to sewer is not possible, then the proposed overflow car parking area will require relocation.

Reference should be made to the Onsite Wastewater Report and correspondence from Water Services Coordinator accompanying this application.



4 Relevant Planning Controls

The relevant environmental planning instruments and development controls are outlined below and comment on compliance provided.

4.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021: CHAPTER 4 - REMEDIATION OF LAND

Clause 4.6(1)(a) of *State Environmental Planning Policy (Resilience and Hazards) 2021: Chapter 4 – Remediation of Land* states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Based on available information from the Department of Planning website, the pre-existing publication “*Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land*” remains the current guide document providing advice on the process of determination as to whether a site is contaminated (the *Contaminated Land Planning Guidelines* remain in draft form). In this regard, Section 2.2 of the Guidelines states:

When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The Guidelines continue at Section 3.2.1 by stating that:

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

The proposed development seeks no change to a more sensitive land use and residential development over the remainder of the site will continue. Furthermore, the subject site enjoys a recently issued development consent for subdivision confirming that the site is suitable for the continuation of residential development. Furthermore, preliminary site investigation has confirmed that site contamination is not a constraint to development.

Reference should be made to the preliminary site contamination assessment accompanying this application.



4.2 CAMPBELLTOWN LOCAL ENVIRONMENTAL PLAN 2015

The subject development site located within the Campbelltown LGA. In this regard the applicable LEP is the *Campbelltown Local Environmental Plan 2015*, and the relevant clauses and provisions are addressed below.

4.2.1 Zoning

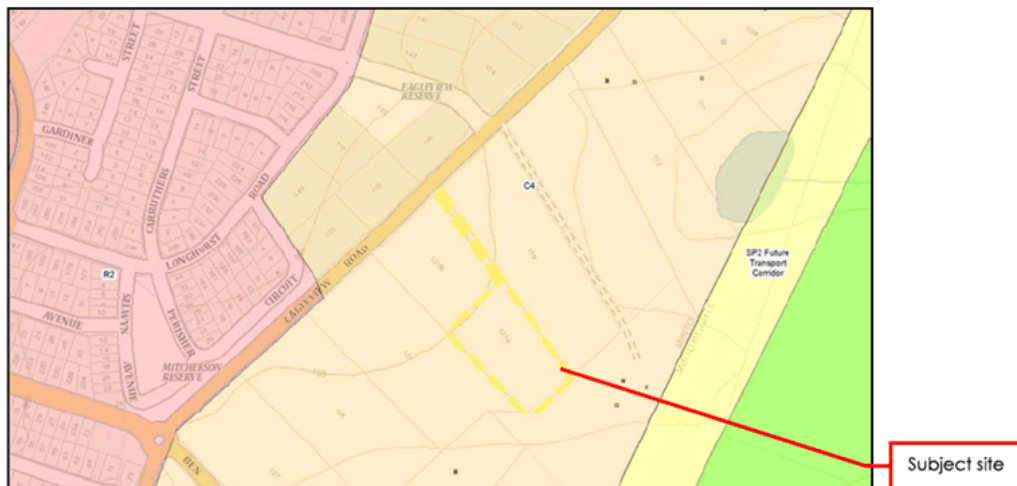


Figure 10: The subject site is zoned C4 Environmental Living pursuant to the Campbelltown Local Environmental Plan 2015.

4.2.2 Satisfying zone objectives

The objectives of the C4 Environmental Living zone are:

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



It is considered that this proposal satisfies the relevant zone objectives. That is, while this proposal is not "residential" development it is argued that this proposal will not denigrate the rural character of the locality, nor adversely impact on the scenic value of the area. Furthermore, this proposal has no impact on significant stands of native vegetation and wildlife and riparian corridors.

Upon review of the development design and the land zoning objectives there is little doubt that development of the subject site as proposed will satisfy the relevant C4 zone objectives.

4.2.2.1 Compatibility with rural landscape character

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

Reference is made to the Land and Environment Court Planning Principles and relevant case law dealing with matters such as "context", "compatibility" and "character".

Roseth SC considered "scale and density in the context of the surrounding area" in *Project Venture Developments Pty Ltd v Pittwater Council*, 11209 of 2004, (22 April 2005). Roseth SC sights the **Planning principle: compatibility in the urban environment** and while Roseth SC was considering the matter in an urban context the principles and key examination of language remain particularly relevant to this proposal. Roseth SC says

*22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is **capable of existing together in harmony. Compatibility is thus different from sameness.***

*26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. **The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.** In special areas, such as conservation areas, architectural style and materials are also contributors to character.*

27 Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

*28 **Front setbacks and the way they are treated are an important element of urban character.** Where there is a uniform building line, even small differences can destroy the unity. **Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.***



Notwithstanding any of the above, the Courts have also considered what geographic area should be considered when looking at local character. That is, is the local area the immediate vicinity, a street, a residential block or further afield. In *Epping Property Developments Pty Ltd v Parramatta City Council* [2017] NSWLEC 1095 the Court found that:

76 The requirement of cl 30A of the ARH SEPP is to consider if the design of the development is compatible with the character of the local area. It is not a requirement that the design of the development must be the same as predominant development in the area.

*87 Having regard to all of the evidence, I have therefore formed the view that the application meets the Project Venture test that the **boarding house is capable of existing together with dwellings in the area without being required to be the same as them in terms of having the same density, scale or appearance.** The difference in these attributes is not such that harmony is unable to be achieved or incompatibility arises.*

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

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

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

- for a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment; and,
- the most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

Having regard to the above, it is argued that this proposal is compatible with the local area character. That is, the local area character is comprised of a mix of:

- cleared larger lot residential developments arranged in a regular pattern; and,
- general, low density residential development.

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



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

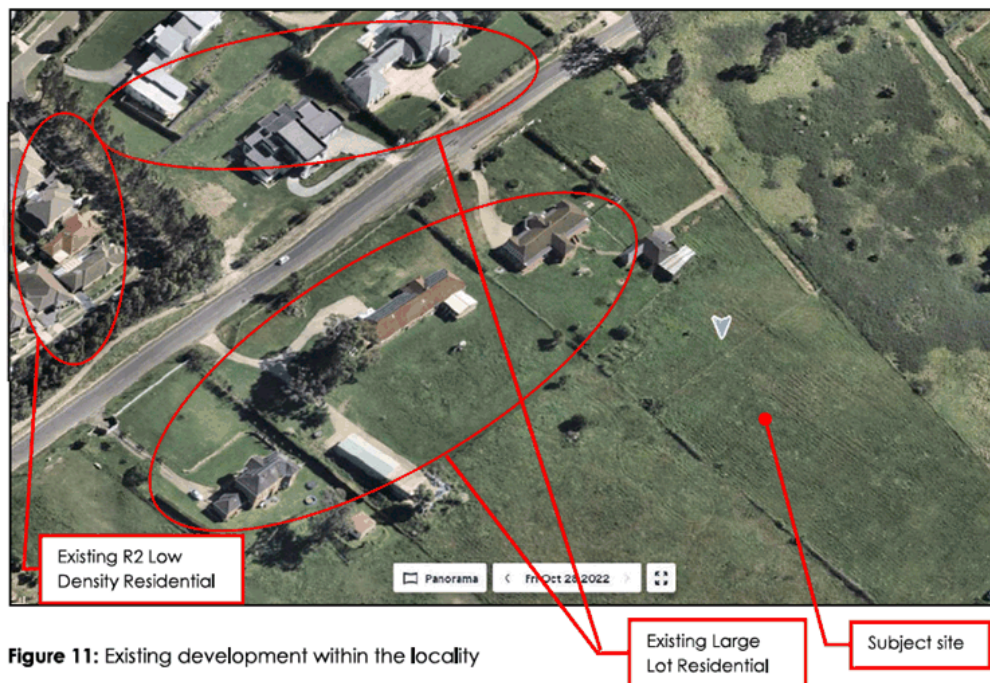


Figure 11: Existing development within the locality

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

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

Neighboring residential development will have views to the proposal sitting within a large expanse of land, not out of character when compared to other larger lot residential developments in the locality. While visually present, the question is whether the proposed development is compatible, or sits well within the landscape. In this regard, one needs to consider the dominant form or characteristic of the proposal and this is a larger detached building surrounded with open space, car parking and formal landscaping. The landscape treatment will ensure that views to the proposal are "softened". This proposal does not seek to hide the proposal completely, but introduce landscape treatment, site



arrangement (setbacks, spacing and building location) and building design so that if the proposal is viewed from vantage point, the view across the existing landscape will not be disturbed by an incongruent development.

4.2.3 Permissibility

Land uses permissibility within the C4 Zone is reflected in the following land use table content:

3 Permitted with consent

*Building identification signs; Business identification signs; Centre-based child care facilities; **Community facilities**; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Horticulture; Home-based child care centres; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Tank-based aquaculture; Viticulture; Water supply systems*

community facility means a building or place—

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

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

A community facility is permitted within the C4 Zone. The key elements of a community facility are:

- owned or controlled by a non-profit community organisation; and,
- used for the physical, social, cultural or intellectual development or welfare of the community.

In this regard, the proposed facility is to be operated by **Bondhon Initiatives Minto Inc**, a non-profit community organisation. **Bondhon Initiatives Minto Inc** was formed primarily to support the local Bangladeshi community by providing facilities from which culturally focused activities, physical/sporting facilities and education could be delivered. **Reference should be made to attachment 3 for details of incorporation and community group leadership team.**

Upon review of the architectural plans for the development it is argued that the development as proposed includes facilities to support the physical, social, cultural or intellectual development. That is, this proposal includes elements such as multi-purpose hall/sporting court, meeting rooms and library to be used by the community. Cultural events, festivals and sporting activities will be catered for within this proposal.

It is argued that this proposal meets the relevant land use definition and is a **community facility**, which is a permissible land use type within the C4 zone.



4.2.4 Principal Development Standards

The Campbelltown Local Environmental Plan 2015 prescribes a maximum height of building development standard relevant to this proposal. The Maximum Building Height applied to the subject site is 9 m. The project architect has provided plans and details showing the maximum height as exceeding the permitted building height. A clause 4.6 request to vary a development standard accompanies this application.

4.2.5 Preservation of the natural environment

Clause 7.5 – Preservation of the natural environment applies to the subject site. This clause prohibits the removal of soil or bush rock from the site. The originally submitted proposal included basement carpark which required substantial excavation and removal of excess soil. This proposal has been amended to only provide at grade car parking, hence consistency with clause 7.5 is assured.

Reference should be made to the Cut and Fill plan submitted with this application.



5 s.4.15 Planning Assessment

In determining the environmental effects of a development proposal the consent authority, is required to consider those matters relevant as listed in section 4.15 of the Environmental Planning and Assessment Act, 1979. These matters are listed below with commentary where required.

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS - SECTION 4.15(1)(A)(I)

The relevant environmental planning instruments have been identified and discussed in section 4 of this statement. This proposal is permissible subject to the provisions of the *Campbelltown Local Environmental Plan 2015*, and it is considered that the provisions of all relevant environmental planning instruments have been satisfactorily addressed within Section 4 of this statement.

5.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS - SECTION 4.15(1)(A)(II)

At the time of preparing this application no draft planning instruments where applicable to this proposal.

5.3 DEVELOPMENT CONTROL PLANS - SECTION 4.15(1)(A)(III)

The Campbelltown Development Control Plan applies to this proposal and it is argued that the proposal is consistent with the relevant aims and objectives of the DCP and generally compliant with the specific controls applicable to the site and the type of development proposed. A summary of the relevant controls prescribed by the DCP and commentary is provided at Appendix 1.

While the DCP is a relevant consideration when making a determination of this proposal, Council is reminded that the proclamation of the Environmental Planning and Assessment Amendment Act 2012 on 1 March 2013 confirmed the status and weight that should be placed on development control plans when making a determination of a development application. The amendments to the Environmental Planning and Assessment Act 1979 clarified the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process.



The Amendment Act makes it clear that the **principal purpose of a DCP is to provide guidance to a consent authority** on land to which the DCP applies.¹

The Amendment Act reinforces that the **provisions contained in a DCP are not statutory requirements and are for guidance purposes only**. Furthermore, it should be noted that the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome.

The Amendment Act confirms that Council can confidently apply development control plans **flexibly** and if a development application does not comply with provisions in a DCP, a consent authority **must be flexible** in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.

Reference should be made to Appendix 1 of this statement.

5.4 ANY PLANNING AGREEMENT - SECTION 4.15(1)(A)(IIIA)

This proposal is not subject to any planning agreement.

5.5 THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH) - SECTION 4.15(1)(A)(IV)

Clause 62 and 69 requires consideration of compliance with the provisions of the Building Code of Australia (BCA), which can be applied to demonstrate compliance prior to the issue of a Construction Certificate.

5.6 ENVIRONMENTAL AND SOCIAL IMPACTS - SECTION 4.15(1)(B)

Section 4.15(1)(b) requires the consent authority to consider:-

"(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality."

The relevant matters are addressed below.

¹ State of New South Wales through the Department of Planning & Infrastructure, 18 March 2013, Planning System Circular, PS 13-003.



5.6.1 Impacts on the Natural Environment

Development of the site as detailed in this proposal is appropriate with regard to its impact on the natural environment being in an area. The proposal will not result in the loss of any significant vegetation. The proposed landscaped scheme and treatments will improve the environmental quality of the immediate locality.

5.6.2 Impacts on The Built Environment

Bulk and scale

The proposed design is of a scale which is consistent with the intent of the development standards contained within the LEP which permits development at the scale proposed for the proposed land use in this location.

The proposed building height is compliant with the HOB development standard and the proposed building is suitably setback back from adjoining residential land such that an unreasonable material impact, whether overshadowing, visual and acoustic privacy, and visual amenity is not realised. It is argued that the proposed bulk and scale results in no impact on adjoining sites and the public domain than would a fully compliant residential development.

Overshadowing

Significant building setback prevents unacceptable overshadowing to adjoining premises.

Privacy and visual impacts

The proposed building will not give rise to unsatisfactory privacy or visual impacts. The building as proposed have been established with respect to the relevant development controls and the application of good design principles.

Acoustic

Land uses proposed are not likely to give rise to adverse acoustic impact.

Traffic and parking

A traffic and parking report accompanies this application in support of the proposal. Car parking provisions achieve satisfactory access arrangements. Accessible parking is available, and parking will be adequately secure.

Traffic generation, vehicular movement, car parking and access has been assessed and is addressed in detail within the Traffic and Parking Assessment Report which accompanies this application.

Social and economic impacts

It is to the benefit of the local government area to support appropriate non-residential development within certain land use zones for culturally appropriate community pursuits. The Campbelltown local government area is comprised of a multitude of ethnic groups and the provision of facilities to support a diversity of cultures groups is of benefit to the wider community. Diversity enriches the population, builds understanding and tolerance.



121A Eagleview Road, Minto

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5.7 THE SUITABILITY OF THE SITE - SECTION 4.15(C)

Section 4.15(c) requires the consent authority to consider:

"(c) the suitability of the site for the development."

The existing development site and the adjacent sites do not provide any constraints which would render the site unsuitable for development as proposed.

5.8 SUBMISSIONS - SECTION 4.15(D)

Section 4.15(d) requires the consent authority to consider:

"(d) any submissions made in accordance with this Act or the regulations".

Any relevant submissions will require consideration by the consent authority in the determination of this proposal. The applicant will also seek the opportunity to respond to submissions if received after exhibition of this proposal.

5.9 PUBLIC INTEREST - SECTION 4.15(E)

Section 4.15(e) requires the consent authority to consider:

"(e) the public interest".

The public interest is best achieved by the orderly and economic use of land for permissible purposes that do not impact unreasonably on development and/or enjoyment of surrounding land. In this case, it is considered that this proposal represents an efficient, orderly and economic use of land while also satisfying a community need for community facilities.

5.10 DEVELOPMENT CONTROL PLANS- SECTION 4.15(3A)

Section 4.15(3A) of the Act the Environmental Planning and Assessment Act, 1979 requires Councils to be flexible in applying any provisions that apply to a proposal and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

As detailed in this statement, the proposed development warrants a flexible application of the DCP.



6 Conclusion

This proposal relates to the provision of a community facility which is a land use permissible within the C4 Environmental Living zone. The proposed community facility will have a total floor area of 2221 sqm comprising:

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

This proposal is to occur upon a site that is of suitable proportions to enable the proposed development to be suitably setback from adjoining development.

It is considered that the proposed development satisfies the relevant zone objectives and satisfies the development standards in the Local Environmental Plan.

The building design has developed and progressed, and with assistance from the Council consultation processes. The building design is considered contemporary and sympathetic to the adjoining development. The proposed development as submitted has the potential to deliver a high quality community facility to the locality and is deserving a positive determination from the consent authority.



Appendix 1 –Development Control Consistency Summary Table

NOTE: Other than the general requirements applying to all development (Part 2) the *Campbelltown (Sustainable City) Development Control Plan 2015* does not include development controls that are directly applicable to this proposal. However, as a guide to development design, Part 4 - Rural Residential Development and Ancillary Rural Residential Structures was consulted. That is, while this proposal relates to a community facility, not a rural residential development, the DCP controls that inform site planning (building setbacks) have been adopted for this proposal. It is argued that compliance with these controls will result in a development that is in keeping with the desired future character for the locality.

NOTE: A *Community Facility* is not a *Commercial Premises*, but the *Campbelltown (Sustainable City) Development Control Plan 2015* considers a *community facility* as being *Commercial development*. In this regard, only parts 6.4, 6.6 and 6.7 of the DCP can be applied to this proposal. Flexibility in the application of the DCP is essential as the DCP does not suitably consider a *community facility* outside of a town centre context upon a battle-axe allotment.

Clause	Guidance	Comment	Consistency
Part 2 – Requirements Applying to all Types of Development			
2.2 Site Analysis	Objectives: <ul style="list-style-type: none"> Identify the constraints and opportunities for the development of the site. Provide an understanding of how the development relates to the site. Identify the capability and suitability of the site for development. 	Site analysis plan included with the application	YES
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: <ol style="list-style-type: none"> the Scenic Hills; rural/semi rural landscape areas; the Georges and Nepean River corridors; areas of significant public open space (formal and informal); and heritage items. b) District views and existing significant view corridors as	This proposal is situated on a newly created battle-axe lot. The proposed building is located so as to have no impact on views or vistas.	YES



Clause	Guidance	Comment	Consistency
	<p>viewed to and from public places shall be protected. c) The opportunity to create new view/vista corridors shall be taken wherever possible and appropriate.</p>		
<p>2.4 Sustainable Building Design</p>	<p>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. b) A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1. c) All rainwater tanks shall comply with AS3500 (as amended) – National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water’s Guideline for Rainwater Tanks on Residential Properties. d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000sqm shall be connected to the plumbing in the building to provide water for toilets. e) Where it is intended that the development be strata title subdivided, the tank shall be sited in a location to be common property. f) Above ground water tanks shall be located behind the primary or secondary building line.</p> <p>2.4.2 Solar Hot Water a) All new buildings are encouraged to provide a solar hot water system. b) Where the site is connected to the gas main, the solar hot water system is encouraged to be gas boosted.</p>	<p>Water tanks to be provided</p> <p>Not to be strata titled</p> <p>Noted</p> <p>Solar Panels to be provided to the development.</p>	<p>YES</p> <p>N/A</p> <p>YES</p> <p>ABLE TO COMPLY</p>



Clause	Guidance	Comment	Consistency
	<p>2.4.3 Natural Ventilation a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.</p> <p>2.4.4 Light Pollution a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.</p> <p>2.4.5 BASIX</p>	<p>Natural ventilation provided</p> <p>Noted</p> <p>Not a BASIX assessable development</p>	<p>YES</p> <p>ABLE TO COMPLY</p> <p>N/A</p>
2.5 Landscaping	<p>a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.</p> <p>b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.</p> <p>c) Landscape design shall add value to the quality and character of the streetscape.</p> <p>d) A Landscape Concept Plan is required to be submitted with a development application for: xiii) any other development that in the opinion of Council a landscape plan</p>	<p>This proposal is supported by a landscape plan that demonstrates that the proposal will be appropriately landscaped.</p> <p>Landscape plan provided</p>	<p>YES</p> <p>YES</p>
2.6 Weed Management	<p>a) A Weed Management Plan shall be submitted with any DA within land zoned for rural, environmental protection or waterways purposes that: i) is proposed on site of two (2) or more hectares in area; or ii) have a significant infestation of noxious or environmental weeds present iii) is within 100 metres of a watercourse;</p>	<p>Weed infestation not apparent on the subject site</p> <p>Less than 2ha – Newly created lot of 1 hectare</p>	<p>N/A</p>



Clause	Guidance	Comment	Consistency
	<p>b) Despite Clause 2.6 a) above, a weed management plan shall be prepared and submitted as part of a DA where Council is of the opinion that such a plan is needed.</p>		
<p>2.7 Erosion and Sediment Control</p>	<p>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. b) Site activities shall be planned and managed to minimise soil disturbance. c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance. d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.</p>	<p>Refer to ESCP submitted with this application</p>	<p>YES</p>
<p>2.8 Cut, Fill and Floor Levels</p>	<p>a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations. b) For any dwellings within residential zones, the maximum level of cut shall not exceed 1.0 metre 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. c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.</p>	<p>Reference should be made to the sectional drawing submitted with this application which shows the extent of excavation.</p> <p>Not a dwelling in a residential zone</p> <p>No excavation within a zone of influence.</p>	<p>YES</p> <p>N/A</p> <p>N/A</p>



Clause	Guidance	Comment	Consistency
	d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas. e) All fill shall be 'Virgin Excavated Natural Material' (VENM). f) No fill shall be deposited in the vicinity of native vegetation. g) All basement excavation shall be setback a minimum of 900mm from the property boundaries. h) Provisions of basements shall not result in non-compliance with deep soil planting controls contained within this plan.	Noted Noted Noted Noted Not proposed	ABLE TO COMPLY N/A
	2.8.2 Surface Water and Floor Levels Design Requirements a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	Reference should be made to the stormwater design submitted with this application	YES
	b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	Not affected	N/A
	c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) flood level.	Noted	YES
	d) For development on land not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be	Noted	YES



Clause	Guidance	Comment	Consistency
	100mm. These heights can be reduced locally to 50mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction). e) Buildings involving basements, hospitals, seniors living dwellings and educational establishment with more than 50 students shall comply with the provisions of Council's Engineering Design Guide for Development f) Any solid fence constructed across an overland flow path shall be a minimum 100mm above the finished surface level of the overland flow path. g) Where underground car parking is proposed, measures shall be taken in design and construction to ensure escape routes, pump out drainage systems (which include backup systems) and location of service utilities (including power, phone, lifts) are appropriately located in relation to the 100 year ARI event, in accordance with Section 4.13.8 of Council's Engineering Design Guide for Development	Basement not proposed Not proposed Not Proposed	N/A N/A N/A
2.9 Demolition		No demolition proposed	N/A
2.10 Water Cycle Management		Reference should be made to stormwater details submitted with this application. This proposal does not trigger WSUD requirements. This proposal relates to the construction of a single building on a newly created allotment within an existing urban area. No further impact to water catchments	N/A



Clause	Guidance	Comment	Consistency
2.11 Heritage Conservation		This proposal has no impact on heritage	N/A
2.12 Retaining Walls	Objective: Ensure that retaining walls visible to a public place are compatible with the character and scale of development within the streetscape and other public domain areas in the locality	Retaining walls proposed as shown on architectural drawings. Retaining walls not visible from public domain.	YES
2.13 Security	a) Development shall be designed to: i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places; ii) minimise dead ends and other possible entrapment areas; iii) clearly identify and illuminate access points to buildings and designated public places; and iv) clearly differentiate between private and public space. b) External lighting shall be designed to: i) encourage the use of safe areas; ii) define safe corridors for movement of people; and iii) allow facial recognition of approaching pedestrians at 15 metres. c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention. d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant. e) Development applications for multi dwelling housing, attached dwellings residential flat buildings, mixed-use development, boarding houses, shop top housing, commercial development, industrial development and large	This proposal is located on a battle-axe allotment. Views of the street and public places limited Noted Access points clear Differentiation between public and private clear Appropriate lighting to be provided Noted Not a commercial or industrial building. Community facility not defined as requiring formation CPTED assessment	N/A YES YES YES ABLE TO COMPLY YES N/A N/A



Clause	Guidance	Comment	Consistency
	scale subdivision comprising more than 10 dwellings/units allotments or incorporating works to be dedicated to Council shall be accompanied by a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.		
2.14 Risk Management	2.14.1 Salinity 2.14.2 Bushfire 2.14.3 Subsidence 2.14.4 Public Health	Subject site not affected by salinity Refer to bushfire assessment report Subject site not affected by subsidence Cooling towers not proposed	ABLE TO COMPLY N/A N/A
2.15 Waste Management	2.15.1 Waste Management Plan	Waste handling and storage to be provided to comply with Council requirements. Reference should be made to the waste management plan submitted with this application.	YES
2.16 Provision of Services		This proposal will be provided with required services infrastructure including connection to mains water and electricity. Application will be made to Sydney water for extension of reticulated sewer to service this proposal. It is noted that should this not occur, onsite waste water disposal will be required. In this regard, an onsite waste water management report accompanies this proposal.	ABLE TO COMPLY
2.17 Work On, Over or Near Public Land		No work on, over or near public land	N/A
2.19 Development Near or on Electricity Easements		No work proposed near electricity easements	N/A



Clause	Guidance	Comment	Consistency
2.20 Development on Land Adjacent to, or Affected by a Gas Easement		No work proposed adjacent to, or affected by a gas easement	N/A
2.21 Acoustic Privacy		Reference should be made to the acoustic assessment report accompanying this application. Acoustic amenity able to be preserved.	YES
4.3 General Requirements for Rural Residential Development - Zones RU2, RU5, E3 and E4			
4.3.1.1 Siting & Streetscape	a) Developments shall be designed to fit the existing contours and landform of the site and to minimise the amount of cut and fill. b) Materials, colours and finishes of roofing, walls, driveways and fencing shall: i) not be obtrusive; ii) not be highly reflective and/or include bright colours; iii) complement or be recessive to the landscape setting in which the building is to be situated; and iv) be submitted to Council as part of the development application. c) Garages and outbuildings shall be designed and located so that they do not dominate the primary street frontage of the building as viewed from the street and prominent public places. d) Garage doors facing public streets shall be no wider than 50% of the width of the main dwelling (at its street fronting facade). e) Highly reflective materials and bright colours for roofing shall not be allowed. f) Building shall not be sited downstream from existing dams in order to reduce the potential for inundation of the buildings if the dam fails or overtops.	While the development will involve significant excavation, cutting and filling has been minimised.	YES
		Materials and finishes selected to not be obtrusive or highly reflective.	YES
		This proposal is set well back from the street (future battle-axe lot). Landscaping proposed to soften the development.	YES
		Garages and outbuildings not proposed	N/A
		Not proposed	N/A
		Dams not on site.	N/A



Clause	Guidance	Comment	Consistency
4.3.1.2 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.	This proposal complies with permitted building height and due to significant building separation and boundary setback does not give rise to impacts to solar access and/or visual or acoustic privacy.	YES
4.5.1 Dwelling Houses - Rural Residential - Zones RU2, RU5, E3 and E4	a) The minimum setbacks for a dwelling house shall be in accordance with the setback requirements for dwelling houses shown in Table 4.5.1. Less than or equal to 1 ha, 20 m primary setback and 10 m side and rear setback	While this proposal is not a dwelling house, this proposal meets the primary, side and rear setback controls.	YES
Part 6 – Commercial Development			
6.1 Application	Note: For the purpose of this part, commercial development means any of the following: • Community facility	A Community Facility is not a Commercial Premises, but the Campbelltown (Sustainable City) Development Control Plan 2015 considers a community facility as being Commercial development. In this regard, only parts 6.4, 6.6 and 6.7 of the DCP can be applied to this proposal. Flexibility in the application of the DCP is essential as the DCP does not suitably consider a community facility outside of a town centre context upon a battle-axe allotment.	DCP to be applied flexibly and matters considered on merit
6.4 General Requirements for Commercial Development	6.4.1 Building Form and Character		
	Design Requirements a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape. b) Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: i) the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses;	Not visible from public place, but visible from adjoining residential premises. Building design is considered compatible to residential context. Refer to section. 4.2.2.1 <i>Compatibility with rural landscape character</i> of this Statement. "Large Building" not defined however reference should be made to architectural plans	YES YES



Clause	Guidance	Comment	Consistency
	variation to the height of the building so that the building appears to be divided into distinct massing elements;		
	ii) articulation of the different parts of a building's facade by use of colour, arrangement of facade elements, or by varying the types of materials used; and	Articulation proposed. Refer to architectural plans	YES
	iii) maximising the interior and exterior interactions at the ground level.		
	c) The main entry to the building shall be easily identifiable from the street and directly accessible through the front of the building.	This proposal is located on a battle-axe block making this control irrelevant. However, the entrance to the building when view from the site is clear and obvious.	N/A
	d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	Large expanses of blank walls not proposed	YES
	e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.	Noted	ABLE TO COMPLY
	f) Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.	No frontage to street or public space	N/A
	g) Buildings shall not incorporate highly reflective glass.	Highly reflective glass not proposed	YES
	h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	Refer to architectural plans and schedule of materials and finishes	YES
	i) Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.	Not on a corner site	N/A
	j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	Not proposed, nor relevant to this proposal	N/A



Clause	Guidance	Comment	Consistency
	<p>k) Commercial development shall be designed to address both primary and secondary street setbacks.</p> <p>l) Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.</p> <p>m) For applications involving new construction work with a value of \$30 million or greater, any existing above ground power lines, traversing the property's frontage, shall be relocated underground at the developers expense.</p> <p>6.4.1.1 Commercial Development Floor Area</p> <p>Design Requirements:</p> <p>a) The maximum gross floor area of any single retail premises within any business in areas zoned B1 ,B2 and B5 shall not exceed 500 square metres unless the proposal has been supported by an economic impact assessment, prepared by a suitably qualified person.</p> <p>6.4.1.2 Building Setbacks</p> <p>Design Requirements:</p> <p>a) All commercial development outside areas zoned B3 and B4 shall be setback from property boundaries in accordance with this section.</p> <p>b) Development shall be setback a minimum of :</p> <p>i) 30 metres to: – the main southern railway corridor, ii) 30 metres to: – the South Western Freeway corridor, – Ben Lomond Road between Pembroke Road and the Main Southern Railway Corridor, – Campbelltown Road, – Henderson Road, – Pembroke Road, – Rose Payten Drive; and</p>	<p>The subject site is a battle-axe block, no street address possible</p> <p>Not infill development</p> <p>CIV not \$30 million or above</p> <p>Not a retail premises and not in land uses zones B1 ,B2 and B5 (or equivalent)</p> <p>Not located in the vicinity of any defined localities.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>



Clause	Guidance	Comment	Consistency
	<p>– Williamson Road.</p> <p>iii) 15 metres to:</p> <ul style="list-style-type: none"> – Airds Road, – Badgally Road, – Ben Lomond Road between Campbelltown Road and the Main Southern Railway Corridor, – Blaxland Road between Campbelltown Road and Rose Street, – the south eastern side of Blaxland Road between Rose Street and Lot 5 DP 538258, – Blaxland Road between Lot 5 DP 538258 and Narellan Road, – Devon Road, – Grange Road, – Plough Inn Road between Campbelltown Road, and Hollylea Road, – Sussex Street and – Swaffham Road. <p>iv) 10 metres from any other primary street frontage. exclusive of any required road widening.</p> <p>6.4.1.3 Fencing</p> <p>a) Commercial fencing shall be a maximum 2.4 metres in height.</p> <p>b) The use of sheet metal fencing is not permitted.</p> <p>c) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.</p> <p>d) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.</p> <p>e) Details for fencing shall be submitted with the development application.</p> <p>6.4.2 Car Parking and Access</p> <p>6.4.2.1 General Requirements</p> <p>Design Requirements</p> <p>a) Off street parking and loading shall be designed in accordance with Australian Standards 2890.1 and 2 (as</p>	<p>Colourbond fencing proposed</p> <p>Not on a corner allotment</p> <p>Noted</p> <p>Refer to architectural plans and 3d renders</p> <p>Refer to traffic assessment report.</p>	<p>YES</p> <p>N/A</p> <p>YES</p> <p>YES</p> <p>YES</p>



Clause	Guidance	Comment	Consistency
	amended), except as otherwise provided by this Plan.		
	b) The minimum car parking rates shall be provided in accordance with Table 6.4.2.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the site and or the nature of the use, additional car parking spaces shall be provided as part of the development.	NOTE: No carparking rate articulated for a Community facility	N/A
	c) All car parking spaces that are required under clause 6.4.2.1 b) shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time.	Noted	ABLE TO COMPLY
	d) Commercial development shall be designed to accommodate all related vehicle movements on site such that:		
	i) all vehicles shall enter and exit the site in a forward direction;	Noted	YES
	ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;	Noted	YES
	iii) cause minimal interference to the flow of traffic within the surrounding road network; and	Noted, refer to traffic assessment report	YES
	iv) safe and convenient access is provided for pedestrians.	Noted	YES
	e) A Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted as part of a development application addressing the following criteria if the development exceeds the relevant thresholds within SEPP (Infrastructure) 2007:	Refer to traffic assessment report	YES
	i) the existing traffic environment;		
	ii) anticipated traffic generation from the proposed development;	Refer to traffic assessment report	YES
	iii) the potential cumulative impact in the locality;		



Clause	Guidance	Comment	Consistency
	<p>6.4.2.2 Loading and Unloading</p> <p>Design Requirements</p> <p>a) Where practicable, loading bays shall be separated from parking and pedestrian access.</p> <p>b) All loading and unloading shall take place wholly within the site.</p> <p>c) No loading or unloading shall be carried out across parking spaces, landscaped areas pedestrian aisles or on roadways.</p> <p>d) Parking and loading bays shall be provided and clearly identified on site.</p> <p>e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking.</p> <p>f) Each new commercial building/unit having a gross floor area:</p> <p>i) up to 200 square metres shall provide a loading area to allow for a small rigid vehicle to manoeuvre on site;</p> <p>ii) more than 200 square metres, but up to 1500 square metres shall provide an area to allow for a medium rigid vehicle to manoeuvre on site; and</p> <p>iii) more than 1500 square metres shall provide a loading area to allow for a heavy rigid vehicle to manoeuvre on site.</p> <p>g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.</p>	<p>Delivery area proposed</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Heavy vehicles servicing not proposed.</p> <p>Loading docks not proposed or required for this proposal</p>	<p>YES</p> <p>YES</p> <p>ABLE TO COMPLY</p> <p>ABLE TO COMPLY</p> <p>N/A</p>



Clause	Guidance	Comment	Consistency
	<p>6.4.2.3 Access for People with Disabilities</p> <p>Design Requirements a) Commercial development shall comply with the minimum access requirements contained within the BCA , the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended). b) Notwithstanding Clause 6.4.2.2 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).</p> <p>Table 6.4.2.1 Car Parking Rates</p> <p>6.4.3 Public Domain</p> <p>Design Requirements a) A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted as part of any development application for a new development having a gross floor area greater than 5,000sqm. b) Any development application for a new development having a gross floor area greater than 5000sqm shall provide public art of a type and location that is acceptable to Council. c) Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.</p>	<p>The proposed development can be made to be consistent against the Deemed-to-Satisfy Provisions of the BCA 2019 Amendment 1 given that the designs can comply with all conditions of the consent, prior to the issue of a Construction Certificate.</p> <p>Accessible car parking spaces proposed</p> <p>NOTE: No carparking rate articulated for a Community facility</p> <p>This proposal does not have interface with the public domain.</p> <p>Not greater than 5000sqm</p> <p>Not fronting the street</p>	<p>ABLE TO COMPLY</p> <p>YES</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>



Clause	Guidance	Comment	Consistency
	<p>6.4.5 Residential Interface</p> <p>Design Requirements</p> <p>a) Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.</p> <p>b) Loading areas, driveways, waste storage areas and roof top equipment shall not be located adjacent to residential development.</p> <p>c) Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential premises.</p> <p>d) External lighting shall be positioned to avoid light spillage to adjoining residential development.</p> <p>e) An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.</p>	<p>Building setback exceeds 3 metres</p> <p>Located away from residential premises</p> <p>Significant separation between this proposal and other residential premises</p> <p>External lighting significantly separated from adjoining premises</p> <p>Refer to acoustic assessment accompanying this application</p>	<p>YES</p> <p>YES</p> <p>ABLE TO COMPLY</p> <p>ABLE TO COMPLY</p> <p>YES</p>
<p>6.7 Commercial Waste Management</p>	<p>Design Requirements – Commercial Development</p> <p>a) Commercial development shall make provision for an enclosed onsite waste and recycling area that has adequate storage to accommodate the volume of waste and recycling generated at the development. Minimum commercial waste generation rates are contained in Table 6.7.1.</p> <p>b) The waste storage area shall:</p> <p>i) be no more than 30 metres from the point of collection;</p> <p>ii) contain a hose connection;</p> <p>iii) have an impervious floor that is connected to the sewer;</p>	<p>Waste handling facilities proposed</p> <p>NOTE: Generation rates not articulated for Community Facilities.</p> <p>Refer to Waste Management Plan accompanying this application</p> <p>Refer to architectural plans and waste management plan</p>	<p>YES</p> <p>N/A</p> <p>ABLE TO COMPLY</p>



Clause	Guidance	Comment	Consistency
	become a litter, odour or health nuisance.		
6.8 Parenting Facilities	<p>6.8.1 Development Applications to which this Section Applies</p> <p>Design Requirements a) Parenting facilities shall be incorporated in all new buildings and alterations/ refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be provided.</p>	Parenting facilities required	ABLE TO COMPLY
	<p>6.8.2 General Requirements</p> <p>Design Requirements a) Each parenting facility shall be designed to: i) provide a quiet place for parents to feed children in privacy; ii) be a unisex use facility; iii) provide an allocated area to change nappies; iv) provide hand washing (warm and cold) and drying facilities; v) provide a toddler toilet; vi) be separated from male, female and disabled toilets; and vii) be well ventilated in accordance with Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities (as amended).</p>	Parenting facilities to be provided in accordance with DCP. This proposal includes toilets and changeroom facilities that are of a size capable of accommodating parenting facilities.	ABLE TO COMPLY



Appendix 2 – Operational Plan of Management



1 Introduction

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

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

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

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

2 Person Responsible for Plan of Management Implementation and Compliance

2.1 POSITION OF RESPONSIBLE PERSON

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

Mohammed ALAM

Phone: 0420848218

Position: Public officer

2.2 DELEGATION OF CERTAIN FUNCTIONS

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



3 Normal Activities

3.1 USE OF COMMUNITY FACILITY

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

3.2 HOURS OF OPERATION

The hours of operation of the Community Facility will be:

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

3.3 SPORTING ACTIVITIES

3.3.1 Mondays to Wednesday

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

3.3.2 Thursdays and Fridays

Activity	Time
Basketball	11:00 am to 4:00 pm
Badminton/Tennis	4:00 pm to 10:00 pm



3.3.3 Saturdays

Activity	Time
Basketball	9:00 am to 4:00 pm
Badminton/Tennis	4:00 pm to 11:00 pm

3.4 CULTURAL/EDUCATIONAL ACTIVITIES

3.4.1 Mondays to Wednesdays

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

3.4.2 Thursdays and Fridays

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

3.4.3 Saturday

Activity	Time
National day celebration, cultural food fair, International food festival and cultural cloth fair	9:00am to 11:00pm



3.5 MAXIMUM ATTENDANCE – NORMAL OPERATION

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

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

3.5.1 Monitoring and Recording Maximum Attendance – Normal Operation

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

3.6 CAR PARKING

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

3.6.1 On-Street Parking After Normal operation

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

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

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

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



3.6.2.1 *Communication with Campbelltown City Council*

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

3.7 NOISE MANAGEMENT

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

4 Special Events

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

4.1 MAXIMUM NUMBER OF SPECIAL EVENTS PER ANNUM

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

4.2 SPECIAL EVENT OPERATING HOURS(6 TIMES PER YEAR)

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

4.3 MAXIMUM POPULATION ATTENDANCE

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



4.4 NEIGHBOURS TO BE INFORMED

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

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

4.5 PARKING MANAGEMENT ON SPECIAL EVENT DAYS

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

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

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

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

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

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

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

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

4.5.2 On Street Parking

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



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

5 Neighbour Relations and Dispute Handling

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

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

6 Emergency Response Plan and Evacuation Strategy

6.1 EMERGENCY TELEPHONE NUMBERS

For All Emergencies Dial 000

6.2 IMPORTANT WEBSITES

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

Fires Near Me is also available as a smartphone app.

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

6.3 EMERGENCY RADIO BROADCASTS

ABC Radio: Frequency: ABC News Radio:

AM 702 AM 630



6.4 EMERGENCY ASSISTANCE VOLUNTEER PERSONNEL

Any able bodied person who volunteers to assist in community events must also act as an Emergency Assistance Volunteer. Emergency Assistance Volunteers are to be provided with a copy of the Plan of Management and are to be acquainted with the Emergency Response Plan and Evacuation Strategy. Emergency Assistance Volunteers will be responsible for ensuring that elderly and disabled people are assisted during the event of an evacuation. They will also be responsible for relaying any specific instructions issued by Emergency Services Personnel.

6.5 EMERGENCY MUSTERING POINTS

There are two emergency mustering points. These are:

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

6.6 EMERGENCY REQUIREMENTS VOID HOURS OF OPERATION

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

6.7 FIRE AND SMOKE EMERGENCIES

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

6.8 SEVERE WEATHER EMERGENCY

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

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



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

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

6.9 BUSHFIRE EMERGENCY

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

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

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

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

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

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



Appendix 3 – Community Facility Incorporation and Leadership Team

Non-Profit Organisation

Committee Members and responsibilities

Organisation's legal name: **Bondhon Initiatives Minto Inc.**

Address For Service: 3 Bimberi Ave, Minto
New South Wales 2566, Australia
Email Address: for Service: shahin.shefil@gmail.com
Physical Address for Service: 3 Bimberi Ave, Minto
New South Wales 2566, Australia

Organisation's primary contact:
Name: MOHAMMED ALAM
Date of birth: 30/12/1975
Position in the organisation: **Public officer**
Phone number: 0420848218
Alternative phone number: 0433759040
Email address: shahin.shefil@gmail.com
Organisation's physical address and contact details:
3 Bimberi Ave, Minto
New South Wales 2566, Australia

Responsible Persons

The name of Responsible Persons for organisation's governing document.

Responsible Person's details:

1. Mohammed ALAM
Date of birth: 30/12/1975
Address: 3 Bimberi Ave Minto New South Wales 2566 Australia
Phone: 0420848218
Email address: shahin.shefil@gmail.com
Position: Public officer
Date on which this person became a Responsible Person: 10/12/2021.

2. Mohammad Ahmed
Date of birth: 25/10/1977
Address: 46 Ellery St Minto New South Wales 2566 Australia
Phone: 0467900239
Email address: rubel_01@yahoo.com
Position: President
Date on which this person became a Responsible Person: 20/12/2021.

3. Mahmuda Rashid
Date of birth: 19/08/1982
Address: 46 Ellery St Minto New South Wales 2566 Australia
Phone: 0298207359
Email address: rubel_01@yahoo.com
Position: Vice-president
Date on which this person became a Responsible Person: 20/12/2021.



4. Mohammed Alam
Date of birth: 30/12/1975
Address: 3 Bimberi Ave Minto New South Wales 2566 Australia
Phone: 0420848218
Email address: shahin.shefil@gmail.com
Position: Secretary
Date on which this person became a Responsible Person: 20/12/2021.

5. Shakhawat Hossain
Date of birth: 09/12/1982
Address: 13 Woodroffe St Minto New South Wales 2566 Australia
Phone: 0423510487
Email address: shak.syed@gmail.com
Position: Committee member
Date on which this person became a Responsible Person: 20/12/2021.

6. Mahbuba Aqter
Date of birth: 27/06/1984
Address: 13 Woodroffe St Minto New South Wales 2566 Australia
Phone: 0490195966
Email address: shomi321@gmail.com
Position: Committee member
Date on which this person became a Responsible Person: 20/12/2021.

7. Sara Afrin
Date of birth: 09/01/1978
Address: 3 Bimberi Ave Minto New South Wales 2566 Australia
Phone: 0433759040
Email address: sara.afrin78@gmail.com
Position: Treasurer
Date on which this person became a Responsible Person: 20/12/2021.

4.3 Construction of advertising signages as part of business rebranding - 24 Blaxland Road Campbelltown

Community Strategic Plan

Objective	Strategy
4 Economic Prosperity	4.2.3 Provide support for local businesses 4.2.1 Support the growth, productivity and diversity of the local economy

Delivery Program

Principal Activity
4.2.3.1 Provide programs that support local start-ups, small and medium businesses

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Local Planning Panels Direction this application is to be determined by the Local Planning Panel as prescribed in Schedule 1 of that direction due to a prescribed conflict of interest.

In this regard, the land on which the proposed development is to be carried out is owned by Campbelltown City Council.

Executive Summary

- A development was lodged on 20 February 2024 for construction of advertising signage as part of business rebranding at 24 Blaxland Road, Campbelltown.
- The subject site is within E3- Productivity Support zone.
- In accordance with the Campbelltown Community Participation Plan 2018, the application was publicly exhibited and notified for 28 days to nearby neighbours between 13 June 2024 to 11 July 2024 and no submissions were received.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and it is recommended that the application be approved, subject to recommended conditions in attachment 1.

Officer's Recommendation

That development application 515/2024/DA-A for construction of advertising signage as part of business rebranding be approved subject to the conditions of consent in attachment 1.

Purpose

The purpose of this report is to seek the Campbelltown Local Planning Panel's (the Panel) determination of a development application (DA) for construction of advertising signage as part of business rebranding at 24 Blaxland Road, Campbelltown. This Panel is to exercise Council's consent authority functions for this DA as the development application is located on Council owned land.

The application has been assessed in accordance with Council's Managing Conflicts of Interest for Council-related Development Policy, including extended public exhibition for 28 days, Conflict of Interest Management Strategy Statement displayed on the Planning Portal and referral to the Campbelltown Local Planning Panel for determination.

Property Description	Lot 1 DP 1098718, Homebase Complex, 24 Blaxland Road, Campbelltown
Application No	515/2024/DA-A
Applicant	Reegan Cake
Owner	Campbelltown City Council
Provisions	Campbelltown 2027 – Community Strategic Plan Campbelltown Local Environmental Plan 2015 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Industry and Employment) 2021 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	20 February 2024

History

The subject Lot 1 Deposited Plan 1098718 was registered 26 June 2006. The land currently has an established commercial complex and associated facilities located along Blaxland Road, Campbelltown. The subject development is located at Units 7 and 8, 24 Blaxland Road, Campbelltown and is occupied by an existing business SuperCheap Auto.

Proposal

This application seeks approval for the construction of advertising signage as part of business rebranding.

Proposed signage associated with the fit out and use of the subject tenancy for a Super Cheap Auto Shop as follows:

Front Elevation:

Sign 1	3D Corporate Logo	8500 mm wide	3000 mm high
Sign 2	Make it Super Sign	10955 mm wide	1800 mm high
Sign 3	UV Printed Lifestyle Sign	3670 mm wide	2585 mm high

Sign 4	UV Printed Lifestyle Sign	3650 mm wide	2585 mm h
Sign 5	UV Printed Lifestyle Sign	3690 mm wide	2585 mm
Sign 9	Corporate Log	4500 mm wide	700 mm high

The following are decals proposed and are exempt under State Environmental Planning Policy (Exempt and Complying Development Coded) 2008 as they are safety requirements and information, not advertising or business identification.

Sign 6	Trading Hours	400 mm wide	600 mm high
Sign 7	Welcome Sign	1800 mm wide	800 mm high
Sign 8	Hazchem Sign	700 mm wide	350 mm high
Sign 11	Deliveries Sign	700 mm wide	350 mm high
Red Vinyl that is to be applied to external face of existing glazing.			

Pylon Elevation

Sign 10x2	Corporate Logo	1800 mm wide	1200 mm high
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The application proposes to paint the front elevation of the unit used by Super Cheap Auto within the complex in red colour.



Figure 1: Front and Rear elevation



Pylon Sign

Site Description

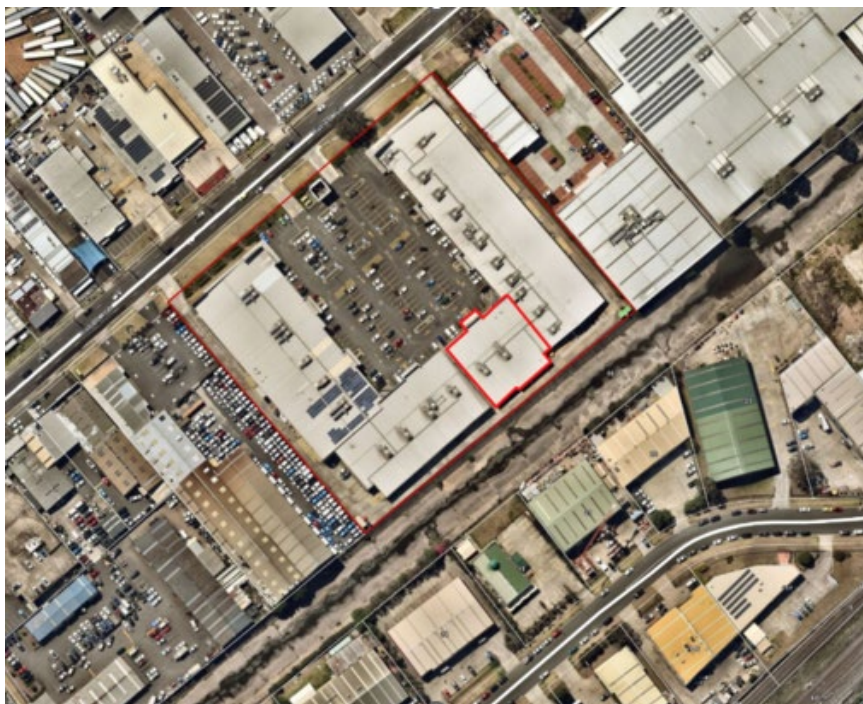


Figure 2: Aerial Imagery of Site (Intramaps CCC).

The site is identified as shop 7-8, 24 Blaxland Road Campbelltown, legally described as Lot 1 Deposited Plan 1098718. The site is located within an established bulky goods retail complex, with surrounding businesses including Bing Lee, Forty Winks, Godfreys, Campbelltown Carpet Court, Beacon Lighting and The Good Guys.



Super Cheap Auto Shop



Becon Lightning Shop

Figure 3: Site Images



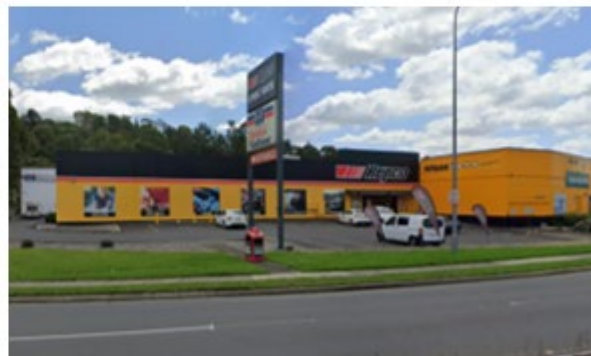
AMX Shop



BCF Shop



Amart Shop



Repco Shop

Figure 4: Images of commercials along Blaxland Road

Report

1. Vision

Campbelltown 2032 Community Strategic Plan

This document establishes a set of strategic directions to guide decision making and development outcomes.

Campbelltown 2032 Community Strategic Plan (CCSP 2032) is the Community Strategic Plan for the City of Campbelltown. The CCSP 2032 address 4 key strategic outcomes. The most relevant to the proposed development is outcome 4, that is Economic prosperity.

The proposal aims to enhance visual appeal within the car park and along Blaxland Road, thereby attracting increased sales to the commercial complex. This initiative supports local businesses within the complex and creates job and career opportunities for residents. Consequently, the proposal is poised to stimulate the growth, productivity, and diversity of the local economy, aligning with Strategies 4.1, 4.3, and 4.5 of Outcome 4 – Economic prosperity.

2. Planning Provisions

The proposed development has been assessed in accordance with the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), and having regard to those matters, the following issue have been identified for further considerations.

2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPPRH 2021) requires the consent authority to consider whether the subject land of any development application is contaminated.

Contamination has been addressed under the application for the built form of the commercial complex and in accordance with council records there is no evidence of contamination in the historical use of the site, it is therefore considered that the site is suitable for the proposed development.

2.2 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 has the following objectives (extracted from 3.1).

Objectives	Proposed Development
a) to ensure that signage (including advertising)– <ul style="list-style-type: none"> i. is compatible with the desired amenity and visual character of an area, and ii. provides effective communication in suitable locations, and 	(i)The proposed signage is consistent with the characteristics along the Blaxland Road, which is an established commercial area. Where each business has their own identification. (Refer to Figure 4) The proposed signage effectively communicates

iii. is of high-quality design and finish, and	the rebranding of business Super Cheap Auto and the goods it sells, whilst respecting the architectural features of the building by strategically placing signage in order to frame important feature like the tenancy entrance. The proposed signage is consistent with exiting tenancies on site. (Refer Figure 2). The signage proposed are of high-quality design and finish.
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As per clause 3.6, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied –

- a) That the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a); and
- b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposal has been assessed in the table above and is considered to be consistent with the objectives of this Chapter as set out in section 3.1(1)(a)

An assessment against the assessment criteria specified in Schedule 5 is provided in the table below.

	Comments	Satisfactory
1 – Character of the Area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is consistent with the existing character of Blaxland Road. Particularly, it provides an effective identification of the business within the site without detracting from the nature of the other commercial tenancies.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is of a similar nature to existing signage of other tenants that it fits within the existing architectural style of the building and the walls are considered to frame the signage. It is therefore considered that the proposed signage is consistent with theme of the commercial complex.	Yes
2 – Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal does not detract from the amenity or visual quality of any significant buildings or spaces.	Yes
3 – Views and vistas		
Does the proposal obscure or compromise important views?	No obstruction will be caused by the proposal.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal is contained below the existing building roof line, situated on ground level and therefore does not impact the skyline or reduce the quality of vistas.	Yes

Does the proposal respect the viewing rights of other advertisers?	The proposal signages does not protrude or interfere with any adjacent tenancies thereby not compromising the rights of other advertisers.	Yes
4 – Streetscape, setting or landscape		
Is the scale, proportion, and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposal is appropriate for Blaxland Road.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The presence of the proposed signs would enhance visual interest given that the lot is commercial tenancy.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage aligns seamlessly with the architectural style of the building. They are appropriately sized and strategically positioned within architecturally framed areas, ensuring a simplified visual impact, and avoiding clutter.	Yes
Does the proposal screen unsightliness?	The proposed suite of signage is simple and seeks to provide no visual impact or unsightliness and ensures consistent outcome along the streetscape.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal sits within established signage areas and is contained below the reference building line.	Yes
Does the proposal require ongoing vegetation management?	No vegetation is present.	N/A
5 – Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	As mentioned earlier, the signage has been carefully designed to complement the existing architectural style of the building, with walls framing the signage. Consequently, the proposed sign is deemed to be proportionate and harmonious with the scale of the building.	Yes
Does the proposal respect important features of the site or building, or both?	The proposal respects the building's architectural features by strategically placing signage to frame key elements such as the tenancy entry.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is innovative in its utilization of contemporary advertising tools to promote a renowned business like Super Cheap Auto.	Yes
6 – Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	All signages are integrated with the overall building and are designed as integral part of the development proposed.	Yes
7 – Illumination		
Would illumination result in unacceptable glare?	Illumination signages would all be from the internal sources and would not result in an unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination of the signages will provide better visibility, assist elderly. The signages are setback a considerable distance from the Blaxland Road so will not have any lights cast on the roads that will	Yes

	affect the safety of vehicles.	
Would illumination detract from the amenity of any residence or other form of accommodation?	Illumination of signage's proposed within a commercial premises. There are no residences or other forms of accommodation nearby.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the lights can be adjusted where required.	Yes
Is the illumination subject to a curfew?	No, the proposed illuminated signages will not be a subject to curfew.	Yes
8 - Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not obscure sight lines and will not reduce safety for any road, pedestrians, or cyclists.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal is well within normal and expected standards for business signs in a commercial area and would not impact on the safety of Blaxland Road.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal would not impact on the safety of Blaxland Road.	Yes

The proposal is considered to have satisfied the above criteria, as found in Schedule 5.

3. Planning Assessment

3.1 Campbelltown Local Environmental Plan 2015

The subject site is zoned E3- Productivity Support under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015) as depicted in the image below:

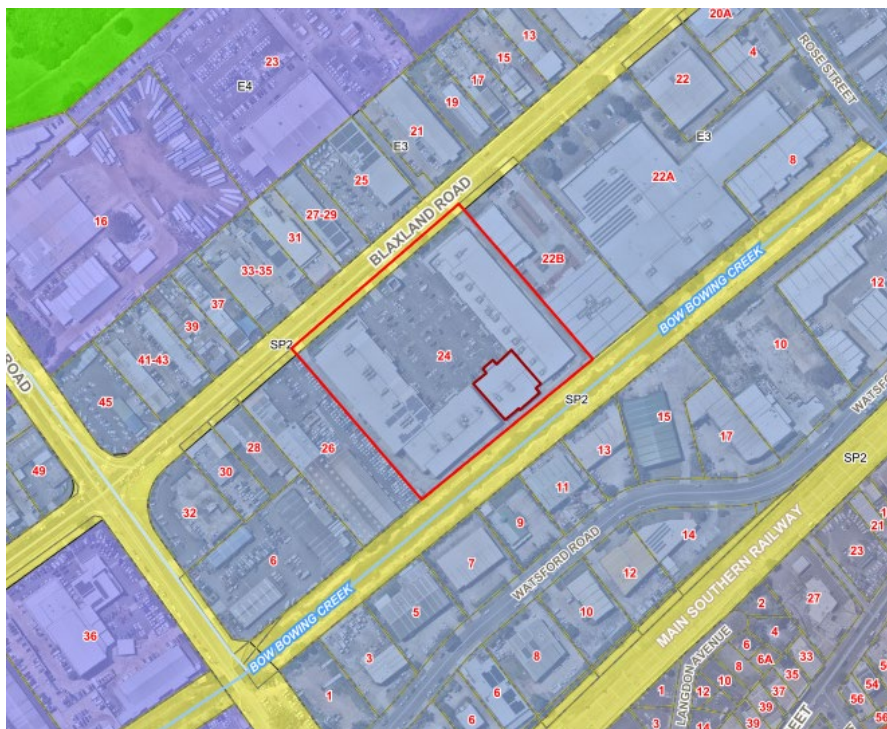


Figure 5: Extract of zoning image of the subject site (Intramaps CCC).

The objectives of the E3 Productivity Support zone are:

- To provide a range of facilities and services, light industries, warehouses, and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses, and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight, or quantity or to sell goods manufactured on-site.
- To facilitate diverse and sustainable means of access and movement.
- To encourage industries or business involved in scientific research or development.
- To provide healthy, attractive, functional, and safe business areas.

The proposed development is defined as advertising signage and business identification sign. These definitions are shown below:

advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

business identification sign means a sign—

- (a) that indicates—
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The proposed signage aligns with an existing land use that serves the needs of the community, businesses, and industries, while maintaining the economic viability of the commercial site without proposing changes to its operation. It is considered that the proposed signage meets the above objectives and are permissible with development consent within the zone.

The proceeding table highlights compliance with the relevant clauses of the CLEP 2015.

LEP Clause	Requirement	Proposed	Compliance
Clause 4.3 Maximum Building Height	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map.	No changes to building height proposed. The advertising signages proposed do not extend above the parapet.	Yes
7.10 Essential Services	Development consent must not be granted to development unless adequate arrangements have been made to the supply of water, electricity, sewage, stormwater, roads, telecommunications, and gas.	Essential services already exist at this location.	Yes

3.2 Campbelltown (Sustainable City) Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) applies to the subject land. The aims of the SCDCP are:

- Ensure that the aims and objectives of the CLEP 2015 are complemented by the Plan
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development
- Facilitate innovative development of high-quality design and construction in the City of Campbelltown
- Ensure that new development maintains or enhances the character and quality of the natural and built environment
- Ensure that new development takes place on land that is capable of supporting development
- Encourage the creation of safe, secure and liveable environments
- Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions
- Provide for the design requirements for a variety of housing within the City of Campbelltown.

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

Assessment against the development standards outline SCDCP has been undertaken.

Part 2 of the SCDCP apply to all types of the development. Compliance with relevant provisions of Part 2 of the Plan is discussed as follows:

Control	Design Requirement	Proposed	Compliance
Part 2 Requirements Applying to all Types of Development			
2.3 Views & Vistas	Development shall appropriately respond to Campbelltown's important views and vistas to and from public places.	Proposal would not significantly impact views and vistas	Yes
2.13 Security	Designed to enhance safety and security	The site provides appropriate security features in accordance with CPTED principles.	Yes
2.15.1 Waste management plan	A detailed Waste Management Plan (WMP) shall accompany development applications.	Submitted and considered to be satisfactory.	Yes
2.15.2 Waste Management During Demolition and Construction	<p>a) All waste and recyclable streams shall be stored separately on site.</p> <p>b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP.</p> <p>c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management facility. Details of disposal arrangements shall be specified in the WMP.</p> <p>d) Convenient and safe vehicular access to waste and recycling material storage areas shall be provided.</p> <p>e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, Office of Environment and Heritage and other regulatory authority guidelines and requirements.</p>	<p>a) A condition of consent can be applied.</p> <p>b) Storage areas for waste and recycling streams to be kept on site as indicated by the WMP.</p> <p>c) Details of specific contractor specified in WMP.</p> <p>d) Vehicular access exists on site, no changes proposed.</p> <p>e) A condition of consent can be applied.</p>	Yes

Part 16- Advertising and Signage

Part 16 - Advertising and Signage sets out the requirements for advertising and signage development within the City of Campbelltown. The proposal incorporates new wall corporate

signages, pylon signage and other wall signages for the business. Below is an assessment of these signages against the relevant development standards:

Part 16 – Advertising and Signage			
Section	Requirement	Proposed	Compliance
16.3 Relationship to other Environmental Planning Instruments			
16.3.1 SEPP Industry and Employment 2021	DA for signage must comply with aims and objectives of Chapter 3 Advertising and signage and schedule 5 of SEPP Industry and Employment 2021.	Signage complies with Schedule 5 of SEPP (Industry and Employment) 2021	Yes
16.3.2 SEPP (Exempt and Complying Development Codes) 2008	a) Development controls under this part shall apply to signs and advertisement that are not considered exempt and complying development under SEPP (Exempt and Complying Development Codes) 2008	Proposed signages are not exempt or complying development.	
16.3.3 Transport Corridor Outdoor Advertising and signage Guidelines	This guideline is required to be considered where signage is proposed to be located on Transport Corridor land as identified under SEPP (Industry and Employment) 2021	Proposed signage is not located on land identified as transport corridor land.	
Australian Standards	Must comply with relevant Australian standards	Will be conditioned to comply with relevant Australian standards.	
16.4.1 Restrictions	The following signs are not permissible: <ul style="list-style-type: none"> • Above awning signs. • Banner or flag signs other than business and industrial zones, including bunting. • Inflatable signs. • Portable or movable signs. • Moving signs. • 'A frame' signs on public land. • Roof or sky signs. • Posters on poles or other structures. • Flashing signs. • Dynamic Electronic Display that are visible to drivers. • Billboard Sign. 	None of the proposed signs are listed as restricted.	Yes
16.4.2 Design and Location	a) Signage attached to buildings shall be designed, located, scaled and sized having regard to the architectural style, features scale and design of the facades of the building.	Proposed signage has been designed to fit within the existing architectural style of the building as the walls are considered to frame the signage. It is therefore considered that the proposed signage has regards to the	Yes

		<p>architectural style; features scale and design of the façade of the building.</p> <p>Proposed signages does not dominate landscaped and public domain areas.</p> <p>No free standing signages proposed.</p> <p>No signage proposed over the building parapet.</p> <p>A condition of consent will be applied regarding minimising graffiti.</p> <p>Proposed signages are of high quality and durable materials.</p> <p>Proposed signage does not contain reflective materials, colours and finishes.</p> <p>The internal illumination of the signs will not impact upon nearby occupants, glare, or light spillage.</p>	
16.4.3 Public Safety	<p>a) Signs and their supporting structures shall be structurally sound and constructed in manner to maintain pedestrian and traffic safety.</p> <p>b) Signs shall be designed and erected so to</p> <p>i) not to compromise driver and pedestrian safety,</p> <p>ii) avoid confusion with road traffic signs and signals,</p> <p>iii) not obscure a road hazard,</p>	<p>a)The proposed signage will be erected in a structurally sound manner and maintain pedestrian and traffic safety.</p> <p>b)The proposed signs do not compromise driver or pedestrian safety with designs which cannot be confused for traffic signs or signals and do not</p>	<p>Yes</p> <p>Yes</p>

	oncoming vehicles, pedestrians and iv) avoid advertising messages, designs or bright lighting that may distract motorists.	obscure any road signs or hazards. Proposal does not propose any advertising messages that may distract motorists.	
16.4.4 Contents	Signs that contain wording in a language other than English shall have an English translation of that wording to a minimum font size of 50% of the non-English word/s.	Signage's contains wording in English only.	Yes
16.4.5 Maintenance of Signs	All signs shall be maintained to a high standard, including any advertising surface, structure, and finish.	Will be required to be maintained to a high standard by way of a recommended condition of consent.	Yes
16.4.6 Illumination	a) Illuminated signs shall i. have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign; and ii. not be animated, flashing, or moving.	Means of illumination proposed to be achieved internally. No animated signage proposed.	Yes
16.4.7 DA's for Signs	Photomontage of the sign and relation to adjacent road environment required for all development application for signage.	The site is located away from traffic control devices. A photomontage of all proposed signage has been provided.	Yes
16.6 Signs within Business, Industrial Zones and Special Purpose Zones			
Section	Requirement	Proposed	Compliance
16.6.1 Number of Signs	a. Notwithstanding any other requirement of this part, the total number of signs installed on any building elevation facing a public space shall not exceed 6.	Total number of signs installed on the elevation are not more than 6. Sign 1 to Sign 5, and Sign 9	Yes
16.6.3 Business Identification Signs	a) Corporate colour schemes associated with business identification shall only be permitted where the consent authority is satisfied that the colour scheme is compatible with the desired future character of the area and will not detract from the appearance of the building and its surroundings	a) Colour scheme of franchise is acceptable and compatible with the desired future character of the area and will not detract from the appearance of the building and its surroundings.	Yes
16.6.3.1 Wall Signs	a) Only one wall sign per building elevation shall be permitted. b) A wall sign shall: i) not result in more than 4 business identification signs of this type for	Only one wall sign proposed on each elevation of the building. Business identification sign proposed refer to single type of business	Yes

	<p>the building (which may refer to more than one business within the building);</p> <p>ii) be attached to the building in which the business identified in the sign is located;</p> <p>iii) where located on land zoned for commercial purposes, excluding areas zoned B5 under the CLEP, not be more than 6sqm in area or 20% of the building elevation, whichever is the lesser;</p> <p>v) not project beyond the parapet or eaves of the building to which it is attached; and</p> <p>vi) not cover any window, door or architectural feature</p> <p>vii) Council may consider varying the size of a wall sign within commercial and industrial areas, where a wall sign area has been incorporated as part of the architectural design of the building and where Council is of the opinion that the proposed wall sign is of appropriate scale in relation to the building, streetscape and the surrounding environment.</p>	<p>(Supercheap Auto)</p> <p>Attached to the front elevation of the building.</p> <p>Land located on (former) B5 zone under CLEP (currently E3 Productivity Support), the control is not applicable for this subject site.</p> <p>No Sign proposed is projected beyond the parapet.</p> <p>No wall signs proposed cover window, door or architectural features.</p> <p>No variation requested.</p>	
16.6.3.3 Under Awning Signs	<p>a) Under awning signs shall:</p> <p>i) not result in more than one sign of this type for each ground floor tenancy;</p> <p>ii) not be more than 2 m² in area;</p> <p>iii) be erected with the lower edge at least 2.6 m above ground level (existing);</p> <p>iv) be suspended at right angles to the building;</p> <p>v) not project beyond the awning fascia;</p> <p>vi) be at least 600 mm behind the edge of the kerb;</p>	<p>One sign proposed under awning. (Welcome sign)</p> <p>Under Awning sign is not more than 1.5 m².</p> <p>Proposed at least 2.6 m above the ground level.</p> <p>Suspended at right angles.</p> <p>Not projected beyond the awning fascia.</p> <p>More than 600 mm setback from the Blaxland Road.</p>	Yes

	vii) include a separation distance of 3 m from other under awning signs	No other under awning sign proposed.	
16.6.3.5 Window Signs	a) Window signs shall not cover more than 30% of the surface of the window in which it is displayed or 8sqm, whichever is the lesser.	Window sign means a sign that is painted or displayed inside a window of a building. Sign 3, Sign 4 and Sign 5 are proposed be applied to external face of the existing glazing and thus not consider as window sign. The proposed sign 6 is a window sign and covers 0.24 sqm of the window surface and thus complies.	Yes
16.6.3.7 Freestanding Pylon and Directory Board Signs	<p>a) Freestanding pylon and directory board signs shall:</p> <p>i) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located;</p> <p>ii) not exceed a height of 8 m, above natural ground level to the highest point of the sign/ structure;</p> <p>iii) not have an area for the sign of more than 8 m² where the lot is occupied by 1 commercial tenant;</p> <p>iv) where the building is occupied by more than 1 tenant, the minimum area of 8 m² shall be increased by 1 additional square meter per additional occupancy to a maximum of 18 m²;</p> <p>v) be only permitted where the building has a minimum 10 m building setback from the primary road frontage.</p>	<p>The proposed Sign 10 a Pylon sign replaces the existing Super Cheap Auto Sign that is on the existing Pylon.</p> <p>The pylon sign does not exceed the height of 8 m.</p> <p>Less than 8 m² area used by the pylon sign proposed.</p> <p>Pylon sign replaces the existing sign. No changes to the size of the signage.</p> <p>The commercial unit has a minimum 10 m building setback from the primary road frontage.</p>	Yes

3.3 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.

Visual Impact

The proposed advertising signage has been designed to fit within the existing architectural style of the building by strategically placing signage in order to frame important features.

Assessment to the design of the advertising signages has been provided by the applicant in support of the proposal and is considered to be acceptable. Conditions of consent have been recommended to manage the illumination of the signages to acceptable glare.

This application proposes to paint the front facade of the unit occupied by Super Cheap Auto in red, which may contribute to visual clutter if other tenants choose similar approaches. However, given the commercial nature of the area along Blaxland Road (see Figure 4), businesses typically adhere to their own branding requirements. This would not create clutter but rather enhance visual interest, considering the commercial context of the subject site. Moreover, since the subject tenancy is set back 100 meters from Blaxland Road, the red paint would not significantly alter the visual landscape and aligns with the established character of the area.

Crime Prevention Through Environmental Design

The proposed development addresses the key requirements of Crime Prevention Through Environmental Design (CPTED) specifically in regard to access, surveillance, territorial reinforcement, landscaping and lighting. All existing access, surveillance, lighting, and landscaping is being retained and therefore CPTED measures are being retained.

Economic Impacts

The proposal seeks to improve the visual appeal within the car park and along Blaxland Road, thereby attracting increased trade to the commercial complex. This initiative promotes local businesses within the area and creates job and career opportunities for residents.

The proposed signage is designed to complement the existing land use, fulfilling the needs of the community, businesses, and industries, while ensuring the economic sustainability of the commercial site without altering its operations.

As demonstrated by the above assessment the proposed development is unlikely to result in adverse impacts on either the natural and/or built environments, subject to compliance with recommended conditions of consent.

3.4 Suitability of the Site

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 the proposed development is of a scale and design that it is suitable for the site. No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

4. Public Participation

Section 4.15(1)(d) of the EP&A Act requires the Panel to consider submissions. The application was required to be notified in accordance with Council's Community Communication Plan. The application was publicly exhibited and notified for 28 days to nearby neighbours between 13 June 2024 to 11 July 2024 and no submissions were received.

Conclusion

Development application 515/2024/DA-A, proposes construction of advertising signage as part of business rebranding at 24 Blaxland Road, Campbelltown. The proposal has been assessed under Section 4.15 of the *Environmental Planning Assessment Act 1979* and State Environmental Planning Policy (Industry and Employment) 2021. The proposed development is permissible with consent under the provision of Campbelltown Local Environmental Plan 2015 and is consistent with the objectives of the E3 Productivity Support zone.

Having regard to the matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is suitable for the site subject to conditions discussed in this report.

Attachments

- 4.3.1 Recommended Conditions of Consent (contained within this report)
- 4.3.2 Architectural Plans (contained within this report)

Reporting Officer

Manager Development Assessment



**ATTACHMENT 1
515/2024/DA-A
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(1) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.	<p>Approved Development</p> <p>The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Plan Detail</th> <th style="text-align: left;">Job Number</th> <th style="text-align: left;">Prepared by</th> <th style="text-align: left;">Date</th> </tr> </thead> <tbody> <tr> <td>Front Elevation and Rear Elevation</td> <td>DWG No. SCA-Campbelltown_Elevation; Page 2</td> <td>MEDIA & SIGNAGE</td> <td>14.11.22</td> </tr> <tr> <td>Pylon Sign</td> <td>DWG No. SCA-Campbelltown_Elevation; Page 3</td> <td>MEDIA & SIGNAGE</td> <td>14.11.22</td> </tr> <tr> <td>Proposed Signage details</td> <td>DWG No. SCA-Campbelltown_Elevation; Page 4</td> <td>MEDIA & SIGNAGE</td> <td>14.11.22</td> </tr> </tbody> </table> <p><i>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</i></p> <p style="text-align: right;">D01.Z01</p>	Plan Detail	Job Number	Prepared by	Date	Front Elevation and Rear Elevation	DWG No. SCA-Campbelltown_Elevation; Page 2	MEDIA & SIGNAGE	14.11.22	Pylon Sign	DWG No. SCA-Campbelltown_Elevation; Page 3	MEDIA & SIGNAGE	14.11.22	Proposed Signage details	DWG No. SCA-Campbelltown_Elevation; Page 4	MEDIA & SIGNAGE	14.11.22
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Pylon Sign	DWG No. SCA-Campbelltown_Elevation; Page 3	MEDIA & SIGNAGE	14.11.22														
Proposed Signage details	DWG No. SCA-Campbelltown_Elevation; Page 4	MEDIA & SIGNAGE	14.11.22														
2.	<p>Advertising Signs – Separate DA Required</p> <p>This consent does not permit the erection or display of any advertising signage outside of the scope of this consent.</p> <p>This consent does not authorise the use of banner signs, flag signs or 'A' frame signs.</p> <p>Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.</p> <p><i>Condition reason: To ensure signage is limited to the areas specified in the application.</i></p> <p style="text-align: right;">D01.16</p>																
3.	<p>Advertising Sign</p> <p>a. All signage is to be erected/supported in a safe and secure manner.</p> <p>b. At no time shall the intensity, period of intermittency and hours of illumination of the signage cause injury to the amenity of the neighbourhood.</p>																

	<p>c. No signage on site shall flash, move or display electronic images.</p> <p>d. The advertising structure shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area.</p> <p>e. The advertising sign/s and any associated structure must be removed, and the building/ site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the premises whichever is the lesser. If the advertising sign is to be retained after this period, a new development application must be lodged before the expiration of the consent for Council's consideration.</p> <p><i>Condition reason: To ensure signs do not interfere with the safety or amenity of the neighbourhood.</i></p> <p style="text-align: right;">D01.17</p>
<p>4.</p>	<p>Design and Location of the Signage</p> <ul style="list-style-type: none"> • All signs are to be wholly within the property as identified in the plans. • Signage displays shall not contain/use: <ol style="list-style-type: none"> a. Complex displays that hold a drivers attention beyond "glance appreciation". b. Displays resembling traffic signs or signals by use of colour, shape or words that can be construed as giving instruction to traffic (ie words such as 'halt' or 'stop'). c. Flashing lights. d. Electronically changeable messages. e. A method of illumination that distracts or dazzles. • Construction and maintenance activities shall be undertaken wholly within the commercial complex. • All works associated with the proposed sign, including maintenance activities, shall be at no cost to Campbelltown City Council. <p><i>Condition reason: To comply with legislative requirements and minimise impacts on traffic safety and efficiency.</i></p> <p style="text-align: right;">D01.999</p>
<p>5.</p>	<p>Lighting</p> <p>Any proposed illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of <i>Australian Standard 4282 (as amended)</i> so as not to impact upon the amenity of the occupants of adjoining and nearby premises or traffic.</p> <p><i>Condition reason: To ensure lighting is operated in a manner that protects the amenity of the local area.</i></p> <p style="text-align: right;">D01.18</p>
<p>6.</p>	<p>Graffiti Removal</p> <p>In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.</p> <p><i>Condition reason: To protect and preserve the visual amenity of the surrounding public domain.</i></p> <p style="text-align: right;">D01.34</p>
<p>7.</p>	<p>Construction Certificate</p>

	<p>Before commencement of any works that require a construction certificate:</p> <ul style="list-style-type: none"> a. the applicant shall appoint a principal certifier; b. the applicant shall obtain a construction certificate for the particular works; and c. when Council is not the principal certifier, the appointed principal certifier shall notify Council of their appointment no less than two days before the commencement of any works. <p><i>Condition reason: To comply with legislation.</i></p>
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D01.54

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

8.	<p>Council Fees and Charges</p> <p>Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.</p> <p><i>Condition reason: To comply with legislation.</i></p>
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ZD05.40A

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. **Provision of Equitable Access**

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

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

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

DAADV.03

C. **Smoke Free Environment Act**

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

DAADV.27

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

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Campbelltown City Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Campbelltown local planning panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

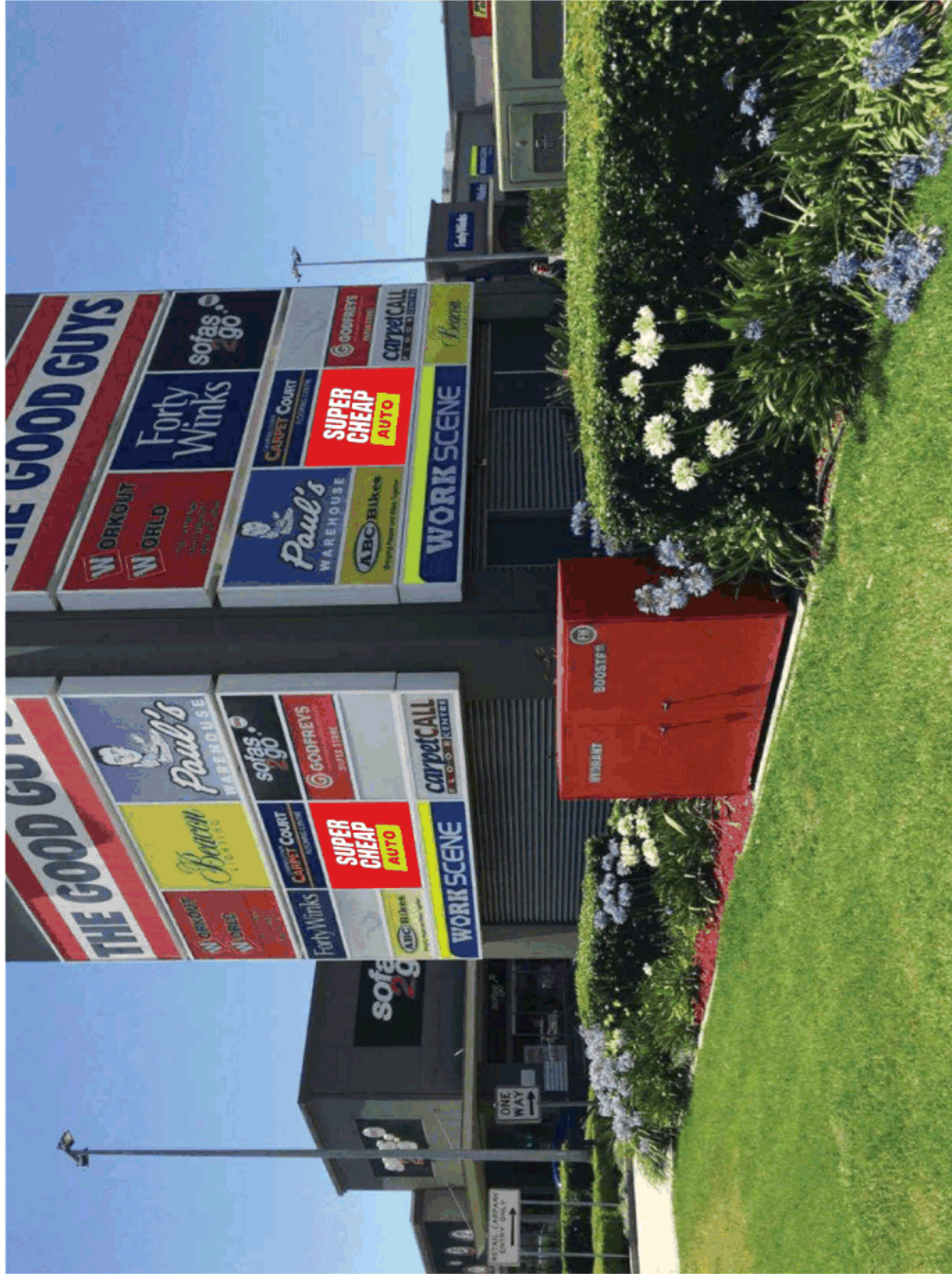
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Western City Planning Panel (SWCPP).





PYLON SIGN
SIGN TO



VR	DESCRIPTION	DATE	DESIGNER	TITLE
D.1	Updated Sign 1.888	14/11/22	Reggie	SUPERCHEAP AUTO CAMPBELLTOWN ELEVATION
				SCALE NTS
				DWG NO. - SCA Campbelltown_Elevation

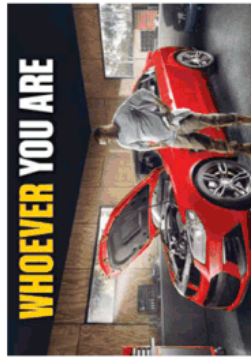
3

MAKE IT SUPER

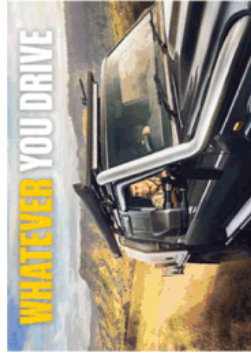
SIGN 2: MAKE IT SUPER
10955 w x 1800mm h
Sign written letters.



SIGN 1: 3D CORPORATE LOGO
ACM size: 8500 w x 3000mm h
Overall Size: 7656 w x 2250mm h
Supercheap Letters: 7656 w x 1217mm h
Yellow with Auto: 3364 w x 1018mm h
3D Logo with ACM backing fixed directly to wall
note: Packing and backing panels will be required behind the letters



SIGN 3: LIFESTYLE SIGNAGE
3670 w x 2585mm h
Digitally printed self-adhesive vinyl with anti-graffiti clear coat over print. Print to be applied to external face of existing glazing



SIGN 4: LIFESTYLE SIGNAGE
3650 w x 2585mm h
Digitally printed self-adhesive vinyl with anti-graffiti clear coat over print. Print to be applied to external face of existing glazing



SIGN 5: LIFESTYLE SIGNAGE
3690 w x 2585mm h
Digitally printed self-adhesive vinyl with anti-graffiti clear coat over print. Print to be applied to external face of existing glazing



SIGN 6: TRADING HOURS
400 w x 600mm h
SCAINT22-TRDNHRS-STD_PC_ThuLnt3
Translucent (optically clear) vinyl applied to external face of existing glazing



RED VINYL
2585mm h
Red vinyl to be applied to external face of existing glazing
Qty: 7



SIGN 7: WELCOME SIGNAGE
1800 w x 800mm h
Vinyl cut graphics applied to prefinished red ACM



SIGN 8: HAZCHEM SIGN
700 w x 350mm h
UV printed ACM with gloss clear coat
Qty: 2



SIGN 10: CORPORATE LOGO
1800 w x 1200mm h
Illuminated light box. Computer cut vinyl applied to translucent flex face.
Replace face only.
Qty: 2



SIGN 11: DELIVERIES SIGN
700 w x 350mm h
UV printed ACM with gloss clear coat



SIGN 9: CORPORATE LOGO
4500 w x 700mm h
UV printed ACM with gloss clear coat

	VR	DESCRIPTION	DATE	DESIGNER	TITLE	A3
	D.1	Updated Sign 1.988	14/11/22	Rogio	SUPERCHEAP AUTO CAMPBELLTOWN ELEVATION	SCALE NTS
DWG NO. - SCA-Campbelltown_Elevation						4

4.4 Construction of a single storey dwelling - 102 Amundsen Street, Leumeah

Community Strategic Plan

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

Delivery Program

Principal Activity
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options

Referral Criteria

In accordance with section 4.8 of *Environmental Planning and Assessment Act 1979* and the Local Planning Panels Direction this application is to be determined by the Local Planning Panel as prescribed in Schedule 1 of that direction due to a prescribed conflict of interest.

In this regard, the land on which the proposed development is to be carried out is owned by a Councillor of Campbelltown City Council.

Executive Summary

- Council has received a development application for the construction of a single storey dwelling.
- The subject site is zoned R2 Low Density Residential under the Campbelltown Local Environmental Plan 2015.
- The development application was not notified as notification was not required by the Campbelltown Community Participation Plan.
- It is recommended that the application be approved, subject to conditions.

Officer's Recommendation

That Development Application 1926/2024/DA-DW for the construction of a single storey dwelling at 102 Amundsen Street, Leumeah be approved subject to the conditions listed in attachment 1

Purpose

To assist Council 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 435 DP 1267282; 102 Amundsen Street, Leumeah
Application No	1926/2024/DA-DW
Applicant	Eden Brae Holdings Pty Limited
Owner	Ms Meg Oates
Provisions	<i>Environmental Planning and Assessment Act 1979</i> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Building) 2022 State Environmental Planning Policy (Resilience and Hazards) 2021 Campbelltown Local Environmental Plan 2015 Campbelltown (Sustainable City) Development Control Plan 2015
Date Received	4 June 2024

Site and Surrounds

The site is legally defined as Lot 435, in Deposited Plan 1267282 known as 102 Amundsen Street, Leumeah. The site is an irregular shaped with a primary street frontage of 26.1 m to Amundsen, secondary street front of 37.1 m to Leumeah Road and site depth of approximately 32.5 m. The site has a total area of 896.4 m².

The site comprises of vacant land parcel that was subdivided under Development Application No. 3351/2018/DA-SW/B, which involved the subdivision of a larger landholding into 38 Torrens title lots.

The locality is characterised by a range of detached residential dwellings and transformation from vacant land to residential dwellings.

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



Figure 1: Locality Map

Proposal

The development application seek consent for the construction of a single storey dwelling and associated works.

The dwelling comprises of a total gross floor area of 104.6m² and includes 3 bedrooms, ensuite, bathroom, laundry, kitchen, dining and living room.

The site has the following constraints:

Site Constraints	Applicable to this site
Bushfire Prone Land	Bal-Low, Vegetation Category 3 and Vegetation Buffer. Conditions of consent has been recommended to ensure the development complies with <i>Planning for Bushfire Protection</i> .
Aboriginal Sensitivity Zone	Mid to basal valley slopes
Koala Habitat	Mapped as mainly cleared land under Koala Plan of Management
Easements/Restrictions	See below
Tree Removal	All trees are to be retained
Biodiversity Impacts	The development will have no adverse impact on the surrounding biodiversity.
Restrictions on use of land relating to driveway location, building envelope, footing design, cut/fill limitations and fencing.	The proposed dwelling design and location complies with all applicable restrictions on the use of land.

Report

1. Vision

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

- Outcome 1: Community and belonging
- Outcome 2: Places for people
- Outcome 3: Enriched natural environment
- Outcome 4: Economic prosperity
- Outcome 5: Strong leadership

The development application has been assessed with regard to the desired outcomes and objectives identified within Campbelltown. The proposal is consistent with strategy 2.3 of this plan in that the development provides for a range of housing choices for existing and future residents within Campbelltown Local Government area.

2. Planning Provisions

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

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

2.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchments and as such Chapter 4 Koala Habitat Protection 2021 and Chapter 6 (Water Catchment) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application.

Chapter 4 Koala Habitat Protection 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The proposal is consistent with Chapter 4 Koala Habitat Protection 2021 and under the Campbelltown Koala Plan of Management the site is mapped as mainly cleared land.

Chapter 6 Water Catchments generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

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

2.1.2 State Environmental Planning Policy (Sustainable Building) 2021

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 a dwelling house

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.

2.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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.

Pursuant to 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	<p>The land was previous identified as contaminated under the original development application No. 3355/2018/DA-SW (for subdivision of an existing lot into 38 Torrens title lots).</p> <p>Under that application, a Contamination Assessment report was prepared by GeoEnviro Consultancy Pty Ltd and submitted in response to the contamination. The report confirms that the site would be subject to remediation and validation works and that the site would be suitable for the residential purposes once the work was completed. The remediation works were completed prior to the issue of the subdivision certificate.</p>
(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	The site has been remediated and the land is suitable for the proposed development.
(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	Not applicable as the site has been remediated.

for that purpose.	
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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021. Therefore, it is considered that the subject site is suitable for the proposed development.

2.1.3 Campbelltown Local Environmental Plan

The subject site is zoned R2 – Low Density Residential under the provisions of Campbelltown Local Environment Plan 2015 (CLEP 2015).

The proposed development is defined as a dwelling house and is permissible with consent within an R2 zone.

The objectives of the objectives of the R2 low density 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 proposal is consistent with the objectives of the zone.

Clause 4.3 Height of Buildings

Clause 4.3 sets out the maximum building height in accordance with the Height of Buildings map. The subject site has a height limit of 8.5 m. The proposed development has a maximum height of 5.4 m and is therefore compliant with the maximum building height set by CLEP 2015.

Clause 4.3A Height Restrictions for Certain Residential Accommodation

Clause 4.3A sets out the limit the number of storeys for certain types of residential developments. A dwelling house must not be higher than 2 storeys. The proposed development is for a single storey dwelling house and is therefore compliant.

Clause 4.4 Floor Space Ratio

Clause 4.4 sets out the floor space ratio requirements for all developments in accordance with the floor space ratio map and the table. Specifically, clause 4.4(2A) sets the maximum permitted floor space ratio for a dwelling house in Zone R2 Low Density Residential as 0.55:1.

A gross floor area of 104.6 m² is proposed, which equates to a floor space ratio of 0.11:1. The development therefore complies with the maximum floor space ratio.

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.

Essential services were made available to the site as part of the land subdivision under 3351/2018/DW-SW satisfying the requirements of this clause.

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**

The development proposal has been assessed against the applicable sections of the Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP). The proposal satisfies all applicable controls including those relating to building setbacks, height, deep soil, private open space, driveway design and carparking. A complete assessment of the proposal against the SCDCP is provided in attachment 3.

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

No Planning Agreement has been proposed as part of this application.

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

Applicable Regulation considerations including demolition, compliance with the Building Code of Australia, compliance with the *Home Building Act*, PC appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection, and these have been addressed by appropriate consent conditions.

3. Section 4.15(1)(b) The Likely Impact of the Development

Section 4.15(1)(b) of the EP&A Act requires Council to assess the development environment impact on both the natural and built environment, and social and economic impacts in the locality.

Natural environment

The proposed development is not considered to have any adverse impacts on the natural environment of the locality.

Built Form

The proposed development provides an appropriate and sustainable use of a building in a built form that is consistent with the surrounding streetscape.

Social, economic and environmental impacts

Having regard to social and economic impacts generated by the development, the use of the building will contribute to the provision of employment opportunities (particularly during the construction phase) within the Campbelltown Local Government Area.

4. 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 the proposed development is of a scale and design that it is suitable for the site. The proposal responds well to site conditions in terms of its size, shape, topography and relationship to adjoining buildings and land uses.

No constraints or hazards have been identified which would deem the site unsuitable for the proposed development.

5. Section 4.15(1)(d) Any Submissions made in Accordance with this Act or the regulations

Section 4.15(1)(d) of the EP&A Act requires Council to consider any public submissions in the assessment of a development application.

The application not required to be notified in accordance with the Campbelltown Community Participation Plan, and it is noted that no submissions were otherwise received.

6. 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 R2 Low Density Residential zone.

The proposed development has demonstrated that the site is suitable for the proposed development. The proposal is considered to be in the public interest in that it will deliver new and appropriately located housing.

Conclusion

The subject development application 1926/2024/DA-DW proposing construction of a single storey dwelling at 102 Amundsen Street, Leumeah has been assessed under the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

The proposed development is consistent with the general intent of Campbelltown Community Strategic Plan 2032 which outlines the long-term vision for the Campbelltown and Macarthur Region. The proposed use is permissible within the R2 Low Density Residential zone and aligns with the zone objectives.

The proposed development is consistent with the relevant controls within SEPP (Biodiversity and Conservation) 2021, SEPP (Sustainable Buildings) 2022, SEPP (Resilience and Hazards) 2021, Campbelltown Local Environmental Plan 2015 and the Campbelltown (Sustainable City) Development Control Plan 2015.

In assessing the Development Application against the development standards and objectives outlined in the Campbelltown Local Environmental Plan 2015 and Sustainable City Development Control Plan 2015, the proposal is recommended for approval subject to the recommended conditions of consent in attachment 1.

Attachments

- 4.4.1 Recommended Conditions of Consent (contained within this report)
- 4.4.2 Architectural Plans (contained within this report)
- 4.4.3 Compliance Table (contained within this report)
- 4.4.4 Floor Plan (due to confidentiality)(distributed under separate cover)

Reporting Officer

Manager Development Assessment

GENERAL CONDITIONS

1.	<p>Approved plans</p> <p>Development must be carried out in accordance with the following approved plans and except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th colspan="5" style="text-align: left; padding: 2px;">Approved plans</th> </tr> <tr> <th style="width: 10%; padding: 2px;">Plan no.</th> <th style="width: 10%; padding: 2px;">Revision no.</th> <th style="width: 30%; padding: 2px;">Plan title</th> <th style="width: 30%; padding: 2px;">Drawn by</th> <th style="width: 20%; padding: 2px;">Date of plan</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 2px;">1</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Site Analysis & Site Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> <tr> <td style="text-align: center; padding: 2px;">2</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Floor Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> <tr> <td style="text-align: center; padding: 2px;">3</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Elevation Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> <tr> <td style="text-align: center; padding: 2px;">4</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Section Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> <tr> <td style="text-align: center; padding: 2px;">5</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Site Sediment Control Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> <tr> <td style="text-align: center; padding: 2px;">6</td> <td style="text-align: center; padding: 2px;">D</td> <td style="padding: 2px;">Stormwater Concept Plan</td> <td style="padding: 2px;">Eden Brae Homes</td> <td style="text-align: center; padding: 2px;">18.6.24</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><i>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</i></p> <p style="text-align: right; font-size: small;">D.01.101.D</p>	Approved plans					Plan no.	Revision no.	Plan title	Drawn by	Date of plan	1	D	Site Analysis & Site Plan	Eden Brae Homes	18.6.24	2	D	Floor Plan	Eden Brae Homes	18.6.24	3	D	Elevation Plan	Eden Brae Homes	18.6.24	4	D	Section Plan	Eden Brae Homes	18.6.24	5	D	Site Sediment Control Plan	Eden Brae Homes	18.6.24	6	D	Stormwater Concept Plan	Eden Brae Homes	18.6.24
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2.	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. 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— <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and 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 c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— <ol style="list-style-type: none"> 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>b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p><i>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D.01.070.P</p>
<p>3.</p>	<p>Notification of Home Building Act 1989 requirements</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p><i>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D.01.071.P</p>
<p>4.</p>	<p>Shoring and adequacy of adjoining property</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense — <ol style="list-style-type: none"> a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if —

	<p>a. the person having the benefit of the development consent owns the adjoining land, or</p> <p>b. the owner of the adjoining land gives written consent to the condition not applying.</p> <p><i>Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D.01.074.P</p>
5.	<p>Building Code of Australia</p> <p>All building work must be carried out in accordance with the provisions of the <i>Building Code of Australia</i>. In this clause, a reference to the <i>Building Code of Australia</i> is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p><i>Condition reason: Prescribed condition under Section 69 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D01.02</p>
6.	<p>Contract of insurance (residential building work)</p> <p>In the case of residential building work for which the <i>Home Building Act 1989</i> requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This clause does not apply:</p> <ol style="list-style-type: none"> 1. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or 2. To the erection of a temporary building. <p><i>Condition reason: Prescribed condition under Section 69 of the Environmental Planning and Assessment Regulation 2021.</i></p> <p style="text-align: right;">D01.04</p>
7.	<p>Bushfire protection</p> <p>Construction of the development shall comply with the Bushfire Attack Level BAL Low construction standard as detailed in Australian Standard AS 3959 (as amended) – <i>Construction in Bushfire Prone Areas</i> Section A3.7 Addendum Appendix 3 of Planning for Bushfire Protection – 2019.</p> <p>The entire property shall be managed as an ‘inner protection area’ as outlined within section 4.1.3 of Planning for Bushfire Protection – 2019 and the Rural Fire Service (RFS) document ‘Standards for Asset Protection Zones’.</p> <p><i>Condition reason: To ensure the development is acceptable having regard to the requirements of Planning for Bush Fire Protection 2019.</i></p> <p style="text-align: right;">D01.45</p>
8.	<p>Rain water tank/s</p> <p>Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.</p>

	<p><i>Condition reason: To reuse rainwater and comply with any BASIX commitments made in the application.</i></p> <p style="text-align: right;">D01.53</p>
9.	<p>Construction certificate</p> <p>Before commencement of any works that require a construction certificate:</p> <ol style="list-style-type: none"> 1. the applicant shall appoint a principal certifier; 2. the applicant shall obtain a construction certificate for the particular works; and 3. when Council is not the principal certifier, the appointed principal certifier shall notify Council of their appointment no less than two days before the commencement of any works. <p><i>Condition reason: To comply with legislation.</i></p> <p style="text-align: right;">D01.54</p>
10.	<p>Fencing</p> <p>In accordance with the 88b restriction registered on title, no fencing shall be erected on the lot unless:</p> <ol style="list-style-type: none"> a) The fence is a minimum of 1.8m in height and is constructed of hardwood timber (no sheet fencing). Hardwood is required to comply with NSW Planning for Bushfire Protection. b) The fence includes a component fixed to the main fence structure which extends a minimum of 0.3m below the finished ground level at the bottom of the and is constructed of durable materials which will prevent passage of a dog under the fence. c) Any gate incorporated into the fence is the same height as the adjoining fence and be constructed with less than 50mm clearance between the bottom of the gate and finished ground level. d) A solid, durable barrier is provided below any gate extending at least 0.3m below finished ground level at the gate and extending the full width of the gate to prevent dogs digging under the gate. e) The fence is constructed in such a manner that a dog cannot pass through or climb over the fence. f) No dogs shall be permitted to enter or remain on the lot burdened unless Exclusion Fencing complying with the specifications above has been installed and is continually maintained to exclude access to all identified Shale Sandstone Transition Forest habitat areas within the lot burdened. g) No Koala Food Tree or shelter trees shall be planted or permitted to remain within areas of the lot burdened which have been separated from Shale Sandstone Transition Forest habitat areas. <p>Fencing shall be maintenance in perpetuity.</p>

	Condition reason: To ensure the development complies with restriction 20 in the 88B.	D01.999
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BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

11.	<p>Utility servicing provisions</p> <p>Before the issue of a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.</p> <p>Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.</p> <p>Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p> <p align="right">D02.04</p>
12.	<p>Work on public land</p> <p>Before the issue of a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifier issuing an occupation certificate.</p> <p>Condition reason: To ensure that work on public land is undertaken with approval.</p> <p align="right">D02.35</p>
13.	<p>Telecommunications infrastructure</p> <ol style="list-style-type: none"> 1. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed certifier prior to the issue of a construction certificate or any works commencing, whichever occurs first; and 2. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer. <p>Condition reason: To ensure that the development does not impact any telecommunications infrastructure and that appropriate arrangements have been made for the approved development.</p> <p align="right">D02.59</p>
14.	<p>Sydney Water</p> <p>Before the issue of a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.</p> <p>An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the appointed certifier prior to issue of a construction certificate.</p> <p>The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.</p> <p>Condition reason: To ensure the development does not adversely affect Sydney Water infrastructure and that appropriate arrangements have been made to connect to Sydney Water services.</p> <p align="right">D02.60</p>

BEFORE BUILDING WORK COMMENCES

15.	<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></p> <p style="text-align: right;">D03.01</p>
16.	<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 5. Showing the name, address and telephone number of the principal certifier for the work. <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></p> <p style="text-align: right;">D03.02</p>
17.	<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 of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:</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></p> <p style="text-align: right;">D03.03</p>
18.	<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></p> <p style="text-align: right;">D03.06</p>
19.	<p>Fencing</p> <p>An appropriate fence preventing public access to the site shall be erected for the duration of construction works.</p> <p><i>Condition reason: To protect workers, the public and the environment.</i></p> <p style="text-align: right;">D03.11</p>
20.	<p>Geotechnical reference</p> <p>Before any site work commences, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site shall be submitted to the appointed principal certifier. The designing structural engineer shall also nominate a site classification in accordance with AS2870 - Residential Slabs and Footings.</p> <p><i>Condition reason: To inform the principal certifier of any structural design requirements for the approved building works.</i></p> <p style="text-align: right;">D03.13</p>

DURING BUILDING WORK

21.	<p>Construction work hours</p> <p>All work on site shall only occur between the following hours:</p> <table style="margin-left: 40px;"> <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></p> <p style="text-align: right;">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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22.	<p>Erosion and sediment control</p> <p>Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual - Soils and Construction (2004) (Bluebook), the approved plans, Council specifications and to the satisfaction of the principal certifier. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.</p> <p>Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.</p> <p><i>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater and waterways.</i></p> <p style="text-align: right;">D04.02</p>						
23.	<p>Work zones</p> <p>All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.</p>						

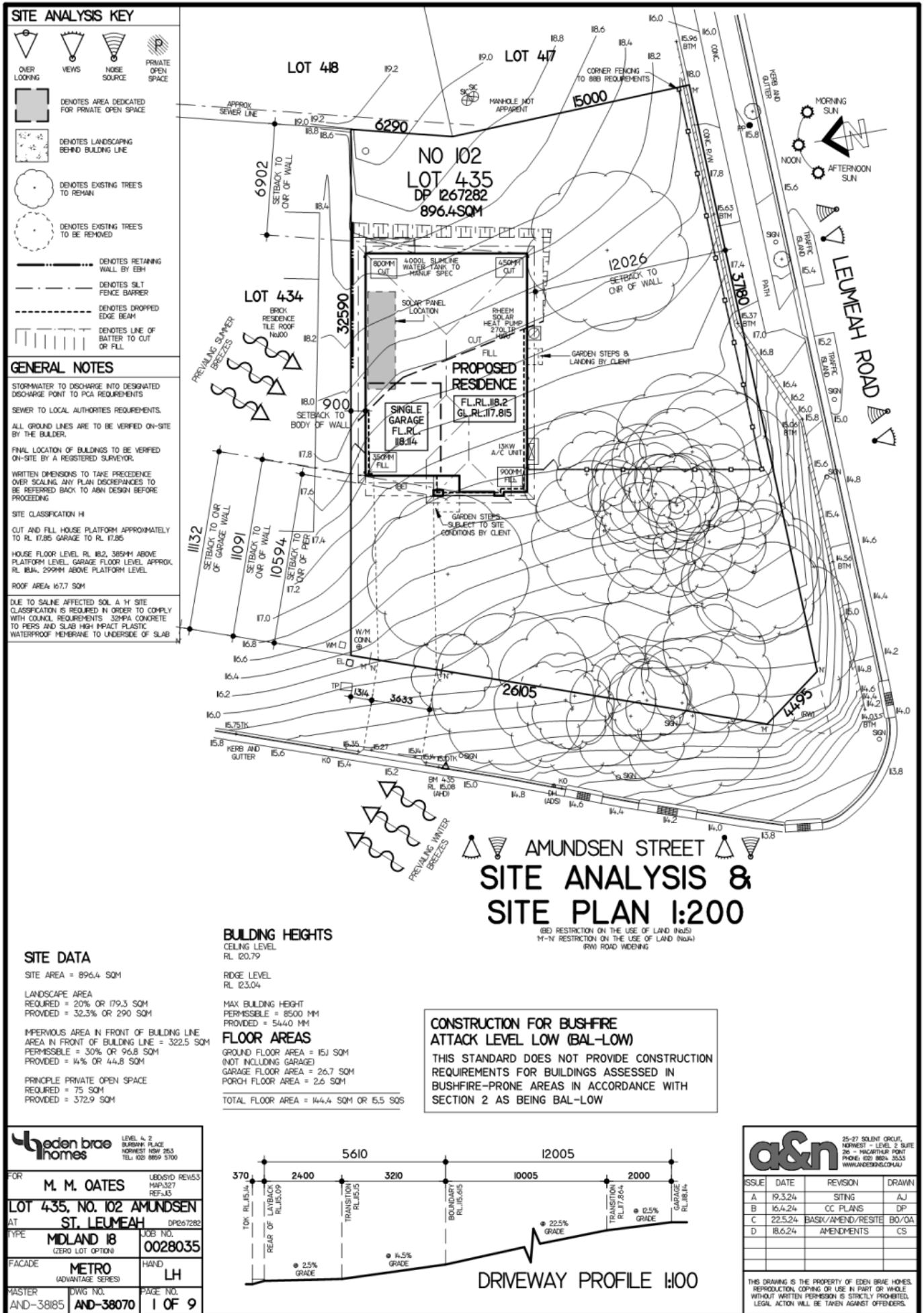
	<p>Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The 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></p> <p style="text-align: right;">D04.03</p>
24.	<p>Protection of existing trees</p> <p>While site work is being carried out, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.</p> <p>All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.</p> <p>All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.</p> <p><i>Condition reason: To protect and retain existing trees.</i></p> <p style="text-align: right;">D04.04</p>
25.	<p>Public safety</p> <p>Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.</p> <p><i>Condition reason: To protect workers, the public and the environment.</i></p> <p style="text-align: right;">D04.19</p>
26.	<p>Compliance with Council specification</p> <p>All design and construction work shall be in accordance with:</p> <ul style="list-style-type: none"> • Council's specification for Construction of Subdivisional Road and Drainage Works (as amended) • Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended • Soils and Construction (2004) (Bluebook) and • Relevant Australian standards and State Government publications. <p><i>Condition reason: To ensure earthworks are carried out in accordance with the relevant Australian Standards, best practice and Council's DCP.</i></p> <p style="text-align: right;">D04.21</p>
27.	<p>Residential driveway and layback crossing</p>

	<p>The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.</p> <p>A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.</p> <p>Construction of the vehicle crossover and driveway shall be hand dug with structural root barriers installed to protect tree protection zone. Construction methods are to be prepared by a suitably qualified arborist.</p> <p><i>Condition reason: To ensure that work on public land is undertaken with approval in accordance with Councils requirements and restriction 14 in the 88B.</i></p> <p style="text-align: right;">D04.28</p>
28.	<p>Associated works</p> <p>The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.</p> <p><i>Condition reason: To ensure that work on public land is undertaken with approval in accordance with Councils requirements.</i></p> <p style="text-align: right;">D04.31</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

29.	<p>Public utilities</p> <p>Before the issue of the relevant occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.</p> <p><i>Condition reason: To ensure any damage to public infrastructure is rectified.</i></p> <p style="text-align: right;">D05.23.0</p>
30.	<p>Lot/House numbers</p> <p>Before the issue of the relevant occupation certificate all lot/house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.</p> <p>For all new additional lots created, please submit the details of the development via the "Property Address Enquiry form" on Campbelltown City Council's website to ensure the correct house number is stencilled.</p> <p><i>Condition reason: To ensure property details are clearly visible from the street for emergency services.</i></p> <p style="text-align: right;">D05.25.0</p>
31.	<p>Retaining</p> <p>Unless otherwise approved as part of this application, before the issue of the relevant occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.</p>

	<p><i>Condition reason: To ensure any retaining walls or filling onsite has been authorised.</i></p> <p style="text-align: right;">D05.35.0</p>
32.	<p>BASIX</p> <p>Before the issue of the relevant occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.</p> <p><i>Condition reason: To confirm BASIX commitments have been provided.</i></p> <p style="text-align: right;">D05.37.0</p>
33.	<p>Council fees and charges</p> <p>Before the issue of the relevant occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.</p> <p><i>Condition reason: To ensure that there are no outstanding fees, charges or rectification works associated with the approved development.</i></p> <p style="text-align: right;">D05.40.0</p>
34.	<p>Location of Retaining Wall</p> <p>Prior to the issue of the occupation certificate, a survey report prepared by a registered surveyor which confirm the retaining and any associated footings are located wholly within the property boundary.</p> <p><i>Condition reason: To ensure that the walls have been constructed in accordance with the approved plans and wholly within the subject property boundary.</i></p> <p style="text-align: right;">D05.99.0</p>



SITE ANALYSIS KEY

- OVERLOOKING
- VIEWS
- NOISE SOURCE
- PRIVATE OPEN SPACE
- DENOTES AREA DEDICATED FOR PRIVATE OPEN SPACE
- DENOTES LANDSCAPING BEHIND BUILDING LINE
- DENOTES EXISTING TREES TO REMAIN
- DENOTES EXISTING TREES TO BE REMOVED
- DENOTES RETAINING WALL BY EBH
- DENOTES SILT FENCE BARRIER
- DENOTES DROPPED EDGE BEAM
- DENOTES LINE OF BATTER TO CUT OR FILL

GENERAL NOTES

STORMWATER TO DISCHARGE INTO DESIGNATED DISCHARGE POINT TO PCA REQUIREMENTS

SEWER TO LOCAL AUTHORITIES REQUIREMENTS.

ALL GROUND LINES ARE TO BE VERIFIED ON-SITE BY THE BUILDER.

FINAL LOCATION OF BUILDINGS TO BE VERIFIED ON-SITE BY A REGISTERED SURVEYOR.

WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALING. ANY PLAN DISCREPANCIES TO BE REFERRED BACK TO A&N DESIGN BEFORE PROCEEDING

SITE CLASSIFICATION H

CUT AND FILL HOUSE PLATFORM APPROXIMATELY TO RL 17.85 GARAGE TO RL 17.85

HOUSE FLOOR LEVEL RL 18.2, 385MM ABOVE PLATFORM LEVEL. GARAGE FLOOR LEVEL APPROX RL 18.34, 299MM ABOVE PLATFORM LEVEL

ROOF AREA: 167.7 SQM

DUE TO SALINE AFFECTED SOIL A H SITE CLASSIFICATION IS REQUIRED IN ORDER TO COMPLY WITH COUNCIL REQUIREMENTS. 30MPA CONCRETE TO FERS AND SLAB HIGH IMPACT PLASTIC WATERPROOF MEMBRANE TO UNDERSIDE OF SLAB

SITE DATA

SITE AREA = 896.4 SQM

LANDSCAPE AREA
 REQUIRED = 20% OR 179.3 SQM
 PROVIDED = 32.3% OR 290 SQM

IMPERVIOUS AREA IN FRONT OF BUILDING LINE
 AREA IN FRONT OF BUILDING LINE = 322.5 SQM
 PERMISSIBLE = 30% OR 96.8 SQM
 PROVIDED = 4% OR 44.8 SQM

PRINCIPLE PRIVATE OPEN SPACE
 REQUIRED = 75 SQM
 PROVIDED = 372.9 SQM

BUILDING HEIGHTS

CEILING LEVEL
 RL 20.79

RIDGE LEVEL
 RL 23.04

MAX BUILDING HEIGHT
 PERMISSIBLE = 8500 MM
 PROVIDED = 5440 MM

FLOOR AREAS

GROUND FLOOR AREA = 151 SQM (NOT INCLUDING GARAGE)
 GARAGE FLOOR AREA = 26.7 SQM
 PORCH FLOOR AREA = 2.6 SQM

TOTAL FLOOR AREA = 144.4 SQM OR 15.5 S05

CONSTRUCTION FOR BUSHFIRE ATTACK LEVEL LOW (BAL-LOW)

THIS STANDARD DOES NOT PROVIDE CONSTRUCTION REQUIREMENTS FOR BUILDINGS ASSESSED IN BUSHFIRE-PRONE AREAS IN ACCORDANCE WITH SECTION 2 AS BEING BAL-LOW

Eden brae homes

LEVEL 4, 2 BURMAN PLACE, NORTHWEST NSW 285, TEL: 023 8859 5700

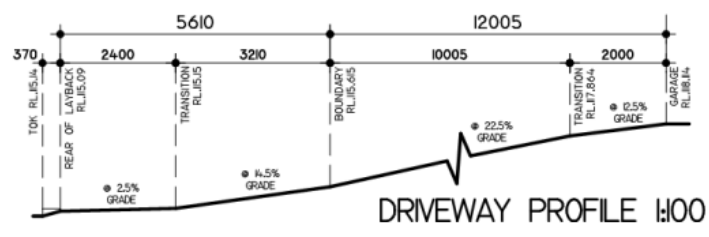
FOR **M. M. OATES** UBS/SDV REV53 HAP-327 REF-J45

AT **LOT 435, NO. 102 AMUNDSEN ST. LEUMEAH** DP1667282

TYPE **MDLAND 18 (ZERO LOT OPTION)** JOB NO. **0028035**

FACADE **METRO (ADVANTAGE SERIES)** HAND **LH**

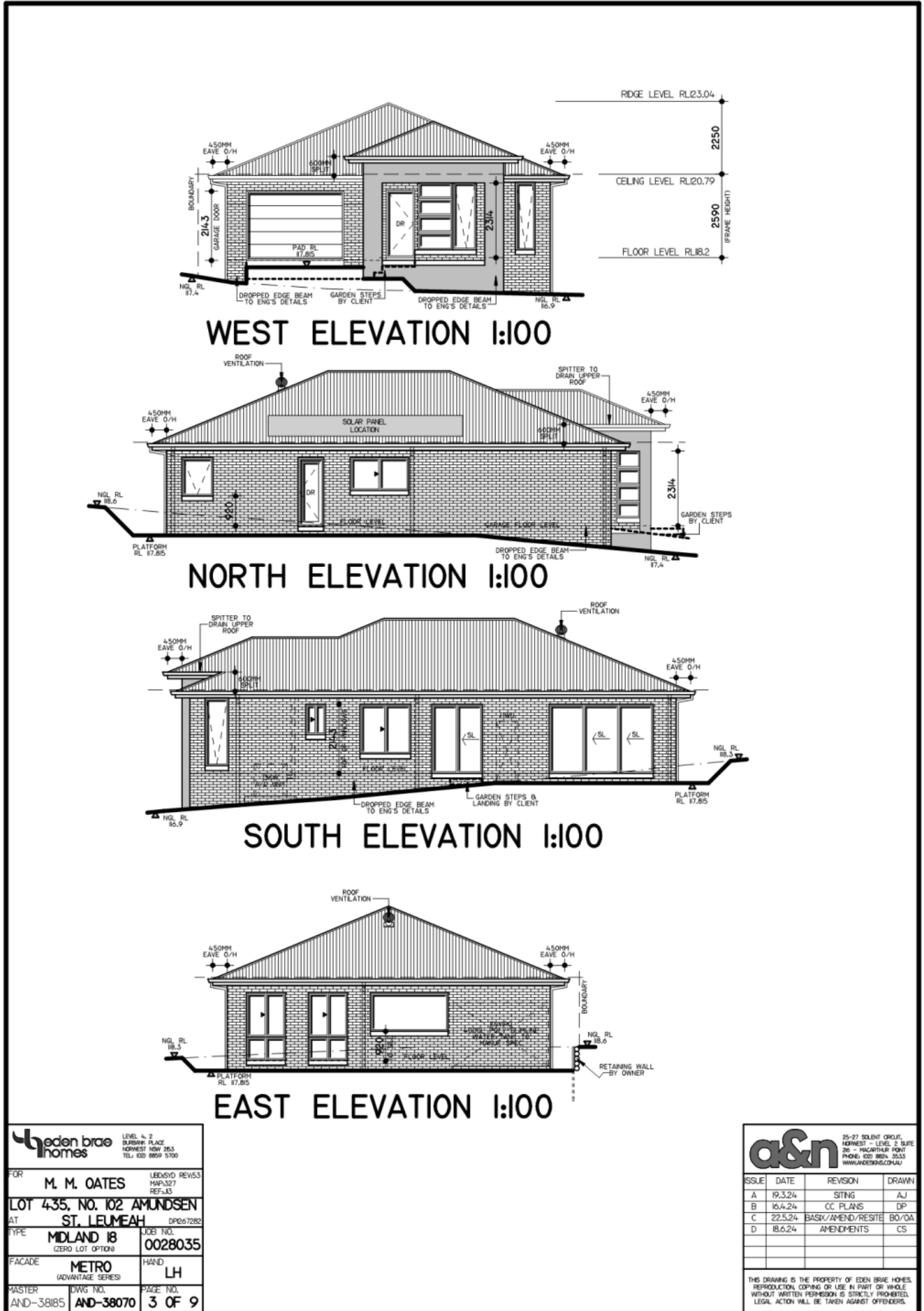
MASTER **AND-38185** DWG NO. **AND-38070** PAGE NO. **1 OF 9**



a&n 25-27 SOLENT CIRCUIT, NORTHWEST - LEVEL 2 SUITE 26 - MACARTHUR POINT, PHONE: 023 8824 3533 WWW.AANDN.COM.AU

ISSUE	DATE	REVISION	DRAWN
A	19.3.24	SITING	AJ
B	16.4.24	CC PLANS	DP
C	22.5.24	BASK/AMEND/RESITE	BO/OA
D	18.6.24	AMENDMENTS	CS

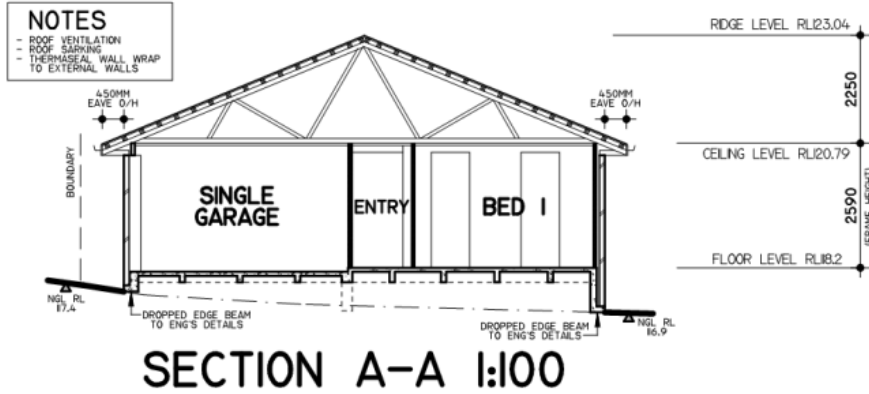
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		LEVEL 4, 2 BURMAN PLACE NORTHWEST HSB 263 TEL: 020 8859 5700
FOR	M. M. OATES	UBD510 REV:53 HAP:327 REF:45
AT	LOT 435, NO. 102 AMUNDSEN ST. LEUMEAH	DPE67282
TYPE	MIDLAND 18 (ZERO LOT OPTION)	JOB NO. 0028035
FACADE	METRO (ADVANTAGE SERIES)	HAND LH
MASTER	DWG NO. AND-38185	PAGE NO. 3 OF 9

		25-27 SOLENT CIRCUIT, NORTHWEST - LEVEL 2 SUITE 26 - HICRITCHEY POINT PHONE: 020 8624 3533 WWW.ANDREWS.CO.UK	
ISSUE	DATE	REVISION	DRAWN
A	19.3.24	SITING	AJ
B	15.4.24	CC PLANS	DP
C	22.5.24	BASIC/AMEND/RESITE	BO/OA
D	18.6.24	AMENDMENTS	CS

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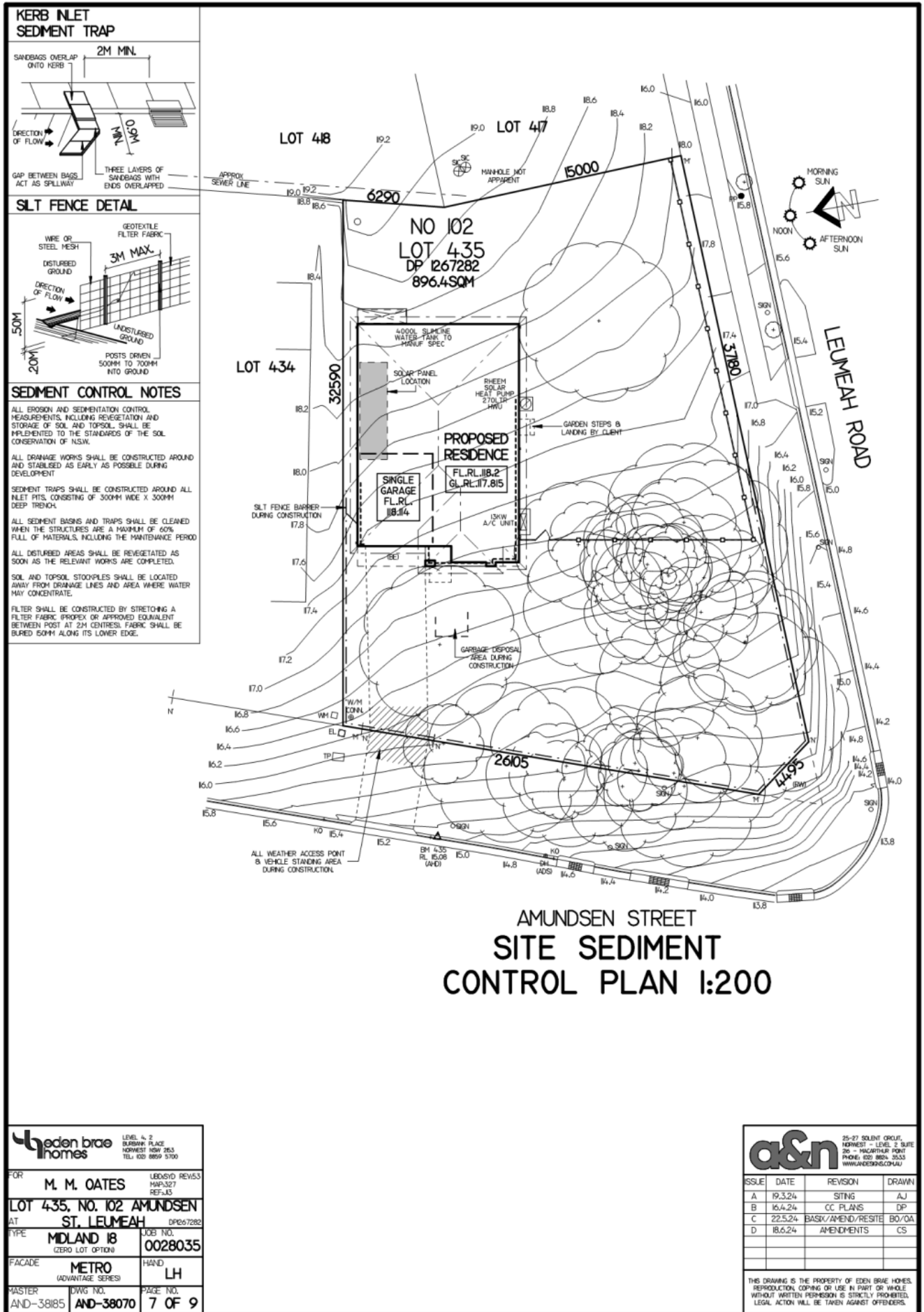
SUMMARY OF MATERIALS

- 22-5° ROOF PITCH COLORBOND ROOF SHEETING
- COLORBOND GUTTER & FASCIA
- CHARGED PVC DOWNPIPES TO BE PAINTED
- PRE-FABRICATED TERMITE RESISTANT HYBRID ADVANCED FRAMING SYSTEM & T2 TREATED PINE ROOF TRUSSES TO MANUFACTURE SPECIFICATIONS
- DIMENSIONS ARE TO FRAME SIZES ONLY EXCLUDES GYPROCK & SKIRTINGS THEREFORE THEY ARE NOT FINISHED ROOM SIZES
- FACE BRICKWORK 
- RENDERED (ACRYLIC) & PAINTED BRICKWORK AS SELECTED 
- ALUMINIUM WINDOWS & DOORS
- FRONT ENTRY DOOR & FRAME TO BE PAINT GRADE
- SECTIONAL OVERHEAD GARAGE DOOR

			LEVEL 4, 2 BURMAN PLACE NORWICH NSW 2853 TEL: 023 8859 5700
FOR	M. M. OATES	UB0510 REV:53 MHP-327 REF-A5	
AT	LOT 435, NO. 102 AMUNDSEN ST. LEUMEAH	DPE267282	
TYPE	MDLAND 18 (ZERO LOT OPTION)	JOB NO. 0028035	
FACADE	METRO (ADVANTAGE SERIES)	HAND LH	
MASTER	DWG NO. AND-38185	PAGE NO. 4 OF 9	

				25-27 SOLENT CIRCUIT, NORWICH - LEVEL 2 SUITE 26 - HACKETT'S POINT PHONE: 023 8824 3533 WWW.ANDERS.COM.AU
ISSUE	DATE	REVISION	DRAWN	
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C	22.5.24	BASK/AMEND/RESITE	BO/OA	
D	18.6.24	AMENDMENTS	CS	

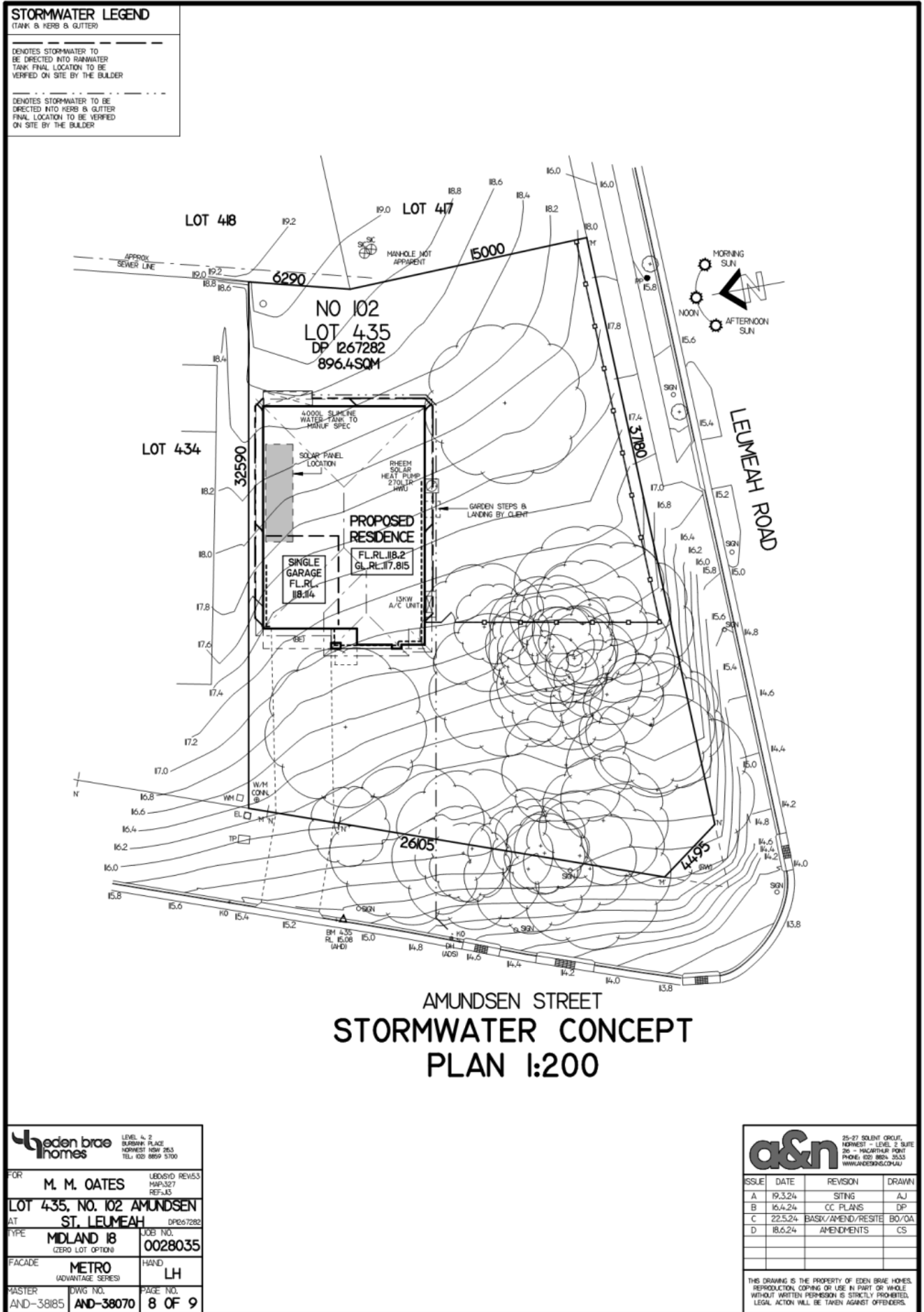
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AMUNDSEN STREET
 SITE SEDIMENT
 CONTROL PLAN 1:200

LEVEL 4, 2 BURMAN PLACE, NORTHWEST NSW 285, TEL: 02 8859 5700		
FOR	M. M. OATES	UBD510 REV:53 MHP-327 REF-J45
LOT	LOT 435, NO. 102 AMUNDSEN ST. LEUMEAH	DP667282
TYPE	MDLAND 18 (ZERO LOT OPTION)	JOB NO. 0028035
FACADE	METRO (ADVANTAGE SERIES)	HAND LH
MASTER	DWG NO. AND-38185	PAGE NO. 7 OF 9

25-27 SOLENT CIRCUIT, NORTHWEST - LEVEL 2 SUITE 26 - MACARTHUR POINT, PHONE: 02 8824 3533, WWW.ANDREWS.COM.AU			
ISSUE	DATE	REVISION	DRAWN
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LEVEL 4, 2 BURMAN PLACE NORTHWEST NSW 283 TEL: 02 8859 5700		
FOR	M. M. OATES	UBS/D REV:53 MHP-327 REF-J45
AT	LOT 435, NO. 102 AMUNDSEN ST. LEUMEH	DP1267282
TYPE	MDLAND 18 (ZERO LOT OPTION)	JOB NO. 0028035
FACADE	METRO (ADVANTAGE SERIES)	HAND LH
MASTER	DWG NO. AND-38185	PAGE NO. 8 OF 9

25-27 SOLENT CIRCUIT, NORTHST - LEVEL 2 SUITE 26 - MACARTHUR POINT PHONE: 02 8824 3533 WWW.ANDREWS.COM.AU			
ISSUE	DATE	REVISION	DRAWN
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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 with Part 3 of this Volume 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.	A 4,000L rainwater tank is proposed to service the principal dwelling.	Yes
2.4.5 BASIX	A BASIX certificate is to be submitted with residential development in accordance with the SEPP (Building Sustainability Index)2004.	BASIX certificate prepared by Frys Building Consultancy PTY LTD has been submitted. BASIX certificate achieves a project score of 42 (water), pass (Thermal Comfort) and 50 Energy.	Yes
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. Conditions of consent has been imposed.	Yes
2.8.1(a) 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.	Areas of fill proposed have been demonstrated on the site, elevation and section plan.	Yes
	(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.	The site, elevation and section plan show the level of cut and fill. The plan is compliant and doesn't exceed 1.0 metres above ground.	

Part	Requirement	Proposed	Compliance
2.9 Demolition	A development application involving demolition shall be considered having regard to the requirements set out in this part.	No demolition is proposed.	N/A
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.	The site falls to the street, stormwater plan prepared by a suitably qualified person is not required.	
	h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/ device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility. Note: Rubble pits and charged lines are not generally considered a suitable drainage solution.	Stormwater collected on a development site shall be disposed of (under gravity) directly to the kerb as shown in plans prepared by Eden Brae.	
2.10.3 Stormwater Drainage	(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.	Provided. Concept stormwater plan prepared by Eden Brae.	Yes

Part	Requirement	Proposed	Compliance
	<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>	The stormwater concept plan provided is satisfactory.	Yes
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> <p>b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted within 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>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>Conditions of consent to be imposed, to ensure that any retaining wall not shown on the plans must be CDC or exempt development.</p> <p>Not applicable.</p> <p>The retaining wall is proposed on the northern boundary with a zero setback.</p> <p>Retaining wall has a height of 0.7m.</p> <p>The retaining wall is located wholly within the boundary property and the adjoining site fence will remain at the same level.</p>	Yes

Part	Requirement	Proposed	Compliance
	d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	Achieved.	
	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.	The retaining wall is located wholly within the property boundary.	
	f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	Not applicable.	
	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.	The side setback remains at 0.9m. The BEP requires the dwelling to have a side setback on the northern side of 0.9m.	
	h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	Not applicable. The retaining wall is located whole within the property boundary.	
	i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	Not applicable.	
2.15.1 Waste Management	A detailed Waste Management Plan shall accompany development applications including secondary dwellings.	Waste management plan submitted is considered satisfactory in accordance with the requirements set out in section 2.15.2 of this control.	Yes
2.15.3 On-going Waste Management	Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view	The site has space along the side of the dwelling to store all waste and recycling storage containers behind the primary and secondary building line.	Yes
2.16 Provision of Services	Ensure that development is provided with adequate water and power supply	The proposal will connect into existing infrastructure servicing	Yes

Part	Requirement	Proposed	Compliance
		the site. Condition of consent has been imposed.	
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 proposal is considered to achieve a satisfactory building design in terms of façade treatment, massing, and roof form. The dwelling are in a form that is considered consistent with the desired future character of the low-density residential area.	Yes
	b) Development on corner sites shall incorporate facade treatments that address both street frontages and achieve positive articulation in building design.	Achieved.	
	c) The built form shall relate to the natural landform and setting.	Built form has been sited accordingly.	
	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 single garage with the dwelling 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.	Garage proposed is 11.3m from primary boundary.	
	g) No bathroom, ensuite, toilet or laundry windows shall face the primary street of an allotment.	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. Proposal is a single storey dwelling.	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	Single garage proposed. Achieved.	Yes
	b) The minimum internal dimension of an enclosed garage shall be 3 metres x 6 metres	Proposed single garage is 4.5m x 5.7m. Does not comply with the DCP, however it does comply with the minimum car parking standards with Australian Standards and the internal dimensions are considered acceptable in this case.	
	c) Transitional grades shall comply with AS2890.1 (as amended) Parking Facilities - Off-Street Car Parking.	Not applicable	
	e) Driveways greater than 30 metres in length as viewed from the street shall be avoided.	Not applicable.	
	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. 3.6m width.	
	i) Driveways shall be designed and located perpendicular to the road (Figure 3.4.2.2).	The driveway is designed perpendicular to the road.	

Part	Requirement	Proposed	Compliance
	j) Plain concrete driveways including crossover and layback shall not be permitted. Details of driveway colours and patterns shall be submitted with the development application.	Achieved. Conditions of consent has been imposed.	
	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.	Proposed development has one undercover car parking spaces. The development provides car parking spaces forward of the building line along the driveway.	
	l) Internal driveways and vehicle access shall be provided with sufficient widths to ensure easy access to and from designated car parking areas/garages.	N/A	
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	Location of the AC units located within side setbacks to the secondary street.		

Part	Requirement	Proposed	Compliance
	background levels at the property boundary.		
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 space of another dwelling located within 6 metres of the proposed window or balcony unless appropriately screened (refer to Figure 3.4.3.1).	Achieved. No window of a habitable room is directly facing a window of another habitable room.	Yes
3.4.4 Solar Access	a) Living areas shall have a northerly orientation.	The building location is constricted by the Building Envelope plan. However, given the orientation of the site, solar access to the east facing living area windows of the proposed dwelling gain access to sunlight in the morning.	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 rear private open space area 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.	The development does not result in any adverse impact on solar access to adjoining lots.	
	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

Part	Requirement	Proposed	Compliance
	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	Achieved.	
	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 collection point should not exceed 30 metres.	Achieved. Waste storage areas are less than 30 meters from collection point.	
	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.	N/A	
	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.	Conditions of consent to be imposed.	Yes
	b) Residential fencing along the rear and side boundaries shall be: i) located behind the primary street building line;	Conditions of consent to be imposed.	

Part	Requirement	Proposed	Compliance
	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.		
	c) Front residential fencing shall be a maximum of 1.2 metres in height and complement the design of the development.	No front fencing proposed.	
	d) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	The fencing shall be behind the building line. Condition of consent has been imposed.	
	e) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights	Achieved. Conditions of consent has been imposed.	
	f) Details for fencing shall be submitted with the development application.	Fencing details have not been provided. However, a condition of consent has been imposed to ensure that fencing meets all requirements.	
3.6.1 Dwelling Houses - Zones R2 & R3			
3.6.1.1 Site Requirement	a) A dwelling house shall not be erected on land with an average width less than 15 metres (measured at the primary street building setback), unless the allotment was in existence at the date upon which the Plan came into effect.	Complies. The subject site contains an allotment width of 26m.	Yes
3.6.1.2 Deep Soil Planting	a) A dwelling house 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; and ii) a minimum of 20% of the total site area shall be available for deep soil planting	The dwelling house provide more than 30% of the area forward of the building line and more than 20% of the total site area is available for deep soil planting.	Yes
3.6.1.3 Setbacks	a) A dwelling house shall be setback a minimum of:		Yes

Part	Requirement	Proposed	Compliance
	<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 any other structure that may block access to the rear of the dwelling.</p>	<p>11.4m from primary street boundary proposed.</p> <p>11.3m from garage to primary street boundary proposed.</p> <p>12m from secondary street.</p> <p>Garage does not access the secondary street.</p> <p>0.9m from side boundary</p> <p>Rear setback of 7.2m for the building of a height a 4.5m.</p> <p>Rear setback of 9.7m for the building of a height of 4.75m</p> <p>Achieved.</p>	
3.6.1.4 Car Parking Rates	<p>) a) A dwelling house shall be provided with an undercover car parking area which is restricted to a maximum of:</p> <p>i) 18 sqm for 1 – 2 bedroom dwellings; and</p> <p>ii) 36 sqm for dwellings proposing 3 or more bedrooms</p>	<p>Single garage proposed to service the principal dwelling of 3 bedrooms is 24.84sqm. Complies.</p>	Yes
3.6.1.5 Private Open Space	<p>a) A dwelling house shall be provided with an area of private open space that:</p>	<p>Achieved.</p>	Yes

Part	Requirement	Proposed	Compliance
	i) is located behind the primary street building setback; ii) has a minimum area of 75sqm; iii) has a minimum width of 3 metres; iv) includes a minimum levelled area of (5x5)sqm; v) has a minimum unfragmented area of 60sqm; vi) has an internal living room directly accessible to the outdoor private open space areas; and vii) satisfies solar access requirements contained in section 3.4.4.	Min 75sqm achieved. Achieved. A levelled area of (5x5) sqm is achieved. Achieved. Achieved. Achieved.	
3.6.1.6 Site Services	The location, design and construction of utility services shall satisfy requirements of the relevant servicing authority and Council.	Conditions of consent to be imposed to ensure the site is service by utilities.	Yes

The proposed development compliant with the requirements of Council's Sustainable City Development Control Plan 2015.

4.5 Campbelltown Local Planning Panel Operations Guideline

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
5.2.1.4 Build a Resilient City and community

Executive Summary

- At its meeting on 26 February 2020, the Campbelltown Local Planning Panel considered a report on Operational Procedures and resolved to adopt the plan for publication on Council's website.
- Following the Council's formal re-appointment of the Campbelltown Local Planning Panel, it is again recommended the Operation Guideline be endorsed by the Panel for its second term.

Officer's Recommendation

That the Campbelltown Local Planning Panel note the Operational Guidelines and Code of Conduct for Planning Panels attached to this report.

History

The Campbelltown Local Planning Panel was established by Council on 13 February 2018 to determine certain development applications and to provide advice on planning proposals for a period up to three years. On 9 March 2021, Council resolved to re-appoint the Chairs and expert members to 30 June 2021 in accordance with the advice of the Minister for Planning and Public Spaces. In July 2024 the Local Planning Panel has again been refreshed with new membership.

The Panel has always operated in accordance with the relevant Ministerial Directions in respect of Operational Procedures and the published Code of Conduct.

Report

The purpose of this report is for the Panel to note the Operational Guidelines and Code of Conduct under which the Panel operates. These documents are attached to this report.

Attachments

- 4.5.1 Local Planning Panels - Operational Procedure (contained within this report)
- 4.5.2 Local Planning Panels - Code of Conduct (contained within this report)

Reporting Officer

Executive Manager – Planning and Development

LOCAL PLANNING PANELS DIRECTION – OPERATIONAL PROCEDURES

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Signature removed

The Hon. Anthony Roberts MP
Minister for Planning

Dated: 7/12/22

Objective

The objective of this direction is to set procedures for how local planning panels are to operate.

Application

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979 (Act)*.

Note: Local planning panels are independent committees appointed by councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures or the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Subject to these procedures, any direction by council and the requirements of the Act, the panel is to determine how to call meetings and conduct its business.

Direction

Local planning panels are directed to comply with the operational procedures set out in Schedule 1 to this direction.

In this direction, any reference to 'development applications' includes applications to modify development consents.

This direction takes effect on 24 April 2023.

SCHEDULE 1 – OPERATIONAL PROCEDURES

PART 1 – Panel composition

1.1 Chair selection and rotation

1. The chair and any alternate chairs are to rotate presiding over panel meetings, or other business, as practicable, unless the chair or alternative chair is unavailable for any reason.
2. Where possible, deferred matters should be considered by the chair that presided over the original deferment.

1.2 Independent expert members and alternates

1. The independent expert members and alternate members must be interchanged by the chair or alternate chairs for reasons including:
 - a. a member has a conflict of interest,
 - b. a member is unavailable, or
 - c. to ensure there is a level of randomisation involved in which expert members and alternates hear a matter, through regular rotation of the members, to reduce opportunities to improperly influence members.

1.3 Community representatives for wards and use of alternates

1. A community representative member must be interchanged by the chair or alternate chairs for reasons including:
 - a. a member has a conflict of interest,
 - b. a member is unavailable, or
 - c. to ensure there is a level of randomisation involved in which community representatives and alternates hear a matter, through regular rotation of the representatives, to reduce opportunities to improperly influence representatives.

PART 2 – Reviews of panel decisions

2.1 Reviews

1. The determination of a review application from a panel decision shall be determined by different members (including the chair) of the panel to those who made the original determination.

PART 3 – Meeting and other business procedures

3.1 Role of chair

1. The chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
2. The chair is to preside over panel meetings and other business.
3. The chair is to ensure the panel fully discharges its responsibilities under the Act, these operational procedures, any other directions from council, and the code of conduct for local panel members in a timely manner.

4. The chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of its functions.
5. The chair is to determine which alternative chair, independent expert members or alternates, and which community representative or alternates are to hear a matter prior to consideration of the matter commencing. The chair may make arrangements with the general manager (or delegate) to determine independent expert members or alternates, and which community representatives or alternates are to hear a matter.
6. The chair must regularly rotate the independent expert members and the community representatives from the pool of appointed members to reduce opportunities to improperly influence panel members.

3.2 Role of alternate chairs

1. Alternate chairs have the same role as the chair when presiding over a panel meeting or any other business.

3.3 Meeting and other business procedures

1. The panel is only required to hold a public meeting where the development application has attracted 10 or more unique submissions by way of objection.
2. A **unique submission** means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.
3. The panel may determine detailed procedures for the execution of efficient and effective meetings and any other business.
4. The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.
5. The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
6. The panel must give reasonable notice to the public of the times and places of its meetings. This must be through the website used by the panel and may include other mechanisms as appropriate.
7. The panel may:
 - a. adjourn the public meeting where a panel briefing is required to hear confidential or sensitive information or to deliberate before reconvening for voting and determination; or
 - b. close the public meeting for deliberation and/or voting and determination.
8. With a view to discharging its responsibilities in a timely manner, the panel may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel. Where, there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.
9. The panel shall hold meetings or transact its business as required to meet panel demands and workloads.

10. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.

3.4 Site inspections and panel briefings

1. The chair may elect for the panel to attend site inspections or panel briefings for development applications and planning proposals prior to the panel's consideration
2. Site visits should be conducted on the same day as a public meeting, if practicable.
3. Site visits and panel briefings are solely to be used to identify and clarify issues with a proposal.
4. At a site visit or panel briefing, a panel member must not offer an opinion on the merit of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendation.
5. The panel may be briefed by council staff and any other person engaged in the assessment of the matter about the proposal.
6. On request, and at the chair's discretion, the applicant for a development application or planning proposal which is to be considered by the panel may brief the panel prior to its decision. Council staff are to be in attendance and ensure a written record is made of attendees and key issues discussed.
7. A written record of the site visit or briefing must be made publicly available on the panel's website.

3.5 Transaction of business outside meetings

1. Where a development application is the subject of less than 10 unique submissions by way of objection, the panel is able to determine the application by an electronic circulation of papers.
2. Planning proposals are able to be considered by an electronic circulation of papers.
3. Decisions made by electronic circulation of papers are to be recorded in the panel's minutes and made publicly available on the panel's website.

PART 4 – Other matters

4.1 Obligation to consult with council if adverse financial impacts

1. A panel must not exercise a function that will result in the making of a decision that would have, or that might reasonably be expected to have, a significantly adverse financial impact on a council until after it has consulted with the council.
2. The consultation may be in writing, with the council being given a specified time to respond in writing. Where a meeting with the General Manager (or delegate) is to be held to discuss the matter, all relevant panel members should be present, and minutes kept of the meeting and its outcomes.

4.2 Interactions with third parties about matters before the panel

1. Panel members are not to discuss any matter that is to be considered by the panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of the local planning panel meeting.
2. This does not apply to persons employed by the council to assess the matters to be considered by the panel, nor to panel briefings as specified in Part 3.4.

4.3 Deferring determinations

1. Where the panel determines to defer its determination of an application, it must record the reasons for the deferral in its minutes.
2. Where the determination of an application is deferred pending the provision of additional information, the panel must specify the timeframe in which the information is to be provided to the council for assessment.

4.4 Panel performance

1. Once a planning assessment is completed by the council and referred to the panel, the panel will be expected to:
 - a. determine the matter within 2 weeks (14 calendar days) for development and modification of consent applications; and
 - b. provide its advice within 2 weeks (14 calendar days) on planning proposals.
2. Panel chairs are obliged to work with senior council staff to ensure that key issues are addressed during assessment, in order to minimise the number of deferrals by the panel at determination stage.
3. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement, the panel chair may require the council to report the matter to the panel within 4 weeks for determination.

Note: The requirements relating to the timeframes for assessing development applications under the *Environmental Planning and Assessment Regulation 2021* must be considered.

4.5 Consideration of advice from Design Review Panel

1. Council assessment officers and the panel should consider the advice of any design review report in its assessment reports and in making a determination. The design review report may be used in the following ways:
 - a. to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes;
 - b. to establish if the reasonable recommendations of the design review panel have been followed;
 - c. as evidence for refusing development consent where the advice of the design review panel has not been adopted.
2. In some instances, the panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:
 - a. The application is poor and has not considered the advice of the design review panel – refusal.
No return to design review panel
 - b. Application will require minor modifications – to be managed via conditions of consent.
No return to design review panel
 - c. The application will require significant modification, the extent and nature of which requires advice from the design review panel.
Return to design review panel



Local Planning Panels Code of Conduct

August 2020



NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Local Planning Panels Code of Conduct

First published: August 2020

ISBN/ISSN: 978-1-76058-396-5

More information

www.planningportal.nsw.gov.au/planningpanels

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Part 1 – Introduction

This code of conduct has been approved by the Minister for Planning and Public Spaces (the Minister) for members of Local Planning Panels (panels) under clause 28 of Schedule 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This code is based on the *Model Code of Conduct for Local Councils in NSW* where it would apply to panel members.

Panels are independent panels appointed by councils. Their main functions are to determine development applications and to provide advice on planning proposals. Panels are not subject to the direction or control of the council, except on matters relating to procedures of the panel or the time within which it is to deal with a matter (unless these directions are inconsistent with a direction of the Minister). Panels are subject to any directions made by the Minister under section 9.1 of the EP&A Act.

Failure by a panel member to comply with this code is the responsibility of councils to address. In cases of serious breaches council has the option to remove a panel member from office (clause 16 of schedule 2 of the EP&A Act).

Part 2 – Definitions

In the Code the following definitions apply:

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LG Act	<i>Local Government Act 1993</i>
code	means the Code of Conduct for Local Planning Panels
conflict of interest	a conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
Councillor	any person elected or appointed to civic office, including the mayor
conduct	includes acts and omissions
Panel	Local Planning Panel
Panel member	member of a local planning panel, including the chair, independent expert members, community representatives and alternates
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

Part 3 – General Conduct Obligations

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that:
- a) is likely to bring the council, the panel or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or applicable policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a personal benefit
 - g) constitutes harassment or bullying behaviour under this code or is improperly discriminatory.
- 3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the EP&A Act, LG ACT, or any other Act.
- 3.3 You should attend all meetings and briefings of the panels, which require your attendance, as far as possible, and allow necessary time to prepare. Where possible you should provide a three-day notice for non-attendance.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clause 3.4 or 3.5.

Harassment and discrimination

- 3.7 You must not harass or improperly discriminate against others, and you must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It

also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.

- 3.8 For the purposes of this code, “harassment” is any form of behaviour towards a person that is:
- a) not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.9 You must not engage in bullying behaviour.
- 3.10 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably and
 - b) the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct

- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards.

Work health and safety

3.13 You have statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council, or panel to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council, or panel relating to workplace health or safety that you have been notified of
- e) report accidents, incidents and near misses to the panel chair and take part in any incident investigations.

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
- 3.16 You must not approach an applicant or proponent, a consultant representing an applicant or a proponent or an objector.

- 3.17 If you are approached by an applicant or proponent, their consultant or an objector, you must not discuss any application which is either before the panel or will come before the panel at some future time, except during a panel briefing or meeting where the application forms part of the agenda and the applicant or proponent, their consultant or an objector has a right to be heard by the panel.
- 3.18 You must disclose in writing to the panel chair any efforts made to lobby you by any persons, including councillors, property developers or real estate agents.
- 3.19 The chair must report these disclosures to the council's general manager. If the approach has been made by the general manager the chair must report these disclosures to the Office of Local Government.
- 3.20 If you are the chair of the panel and you have been approached, then you must disclose this to the general manager. If the approach has been made by the general manager, you must report this disclosure to the Office of Local Government.

Note: Reporting of these disclosures must be included in the regular activity reports provided by the council to the Department of Planning and Environment (Planning Panels Secretariat).

Obligations in relation to meetings, briefings and site inspections or other panel business

- 3.21 You must comply with rulings by the panel chair at panel meetings, site inspections, briefings or other panel business.
- 3.22 You must not harass the panel chair, council officials or any members of the public present during panel meetings or other proceedings of the panel or council.
- 3.23 You must not engage in conduct that disrupts panel briefings, meetings or other business that would otherwise be inconsistent with the orderly conduct of meetings.

Part 4 – Conflicts of Interest

What is a conflict of interest

- 4.1 A conflict of interests includes:
- a) an 'actual' conflict of interests, which is where there is a direct conflict between your duties and responsibilities as a panel member and your private interests or other duties
 - b) a 'potential' conflict of interests, is where your duties and responsibilities as a panel member could conflict in the future with your private interest or other duties
 - c) a 'reasonably perceived' conflict of interests, is where a person could reasonably perceive that your private interests or other duties are likely to improperly influence the performance of your duties as a panel member, whether or not this is in fact the case
 - d) Private interests can be of two types: pecuniary or non-pecuniary.
- 4.2 Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.
- 4.3 Any conflicts of interests must be managed to uphold the probity of panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.
- 4.4 The following situations are considered to represent a conflict of interest for panel members (however this list is not exhaustive):
- a) members who have current or previous involvement in a specific project, or site, that is subject of a DA or a planning proposal that is subsequently reviewed by a panel, for example as a consultant.
 - b) Members, who are ex-councillors, where they have deliberated or voted on, or otherwise considered, a matter, and/or been present when such consideration is undertaken, in their previous role at council and that matter, or a related matter, subsequently comes before the panel. Matters which are considered to be related to a panel matter include, but are not limited to:
 - a planning proposal for the site

- a voluntary planning agreement for the development or planning proposal
 - a Masterplan for the development or planning proposal
 - a Plan of Management for the development
 - property matters related to the site, including leases, licences, purchase of land, disposal of land and management of lands
 - legal matters related to the site, development or proposal
 - consideration on whether to make a submission to the panel on a DA
- c) Members, who are ex-council staff, that have:
- presented, or been present at a council meeting, that considered an assessment report that is to come before the panel, or a related matter as per section 3.19(b)
 - been directly or indirectly involved in the preparation of an assessment report that is to come before the panel
 - approved agenda items for reporting to council meetings or have been a signatory to correspondence in relation to matters that may come before a panel.

Management of conflicts

- 4.5 Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest/issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict or ceasing to provide services.
- 4.6 The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual panel members.
- 4.7 Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.

- 4.8 When the conflict of interest arises as a result of an interest of the chair, an alternate chair or the panel is to assume the chair's leadership role in the management of the conflict process.
- 4.9 All panel members must sign a declaration of interest in relation to each matter on the agenda before consideration of the matter. These declarations and any management measures put in place are to be published on the relevant council's website as soon as practicable.

What is a pecuniary interest?

- 4.10 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person.
- 4.11 You have a pecuniary interest if the interest is:
- yours,
 - your spouse's, your de facto partner's or your relative's, or
 - your partner's or employer's or is the interest of a company or other body of which you, or your nominee, your partner or your employer, is a member.
- 4.12 You do not have a pecuniary interest:
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body,
 - just because you are employed by a council, statutory body or employed by the Crown, or
 - just because you are a member of or a delegate of a council, company or other body that has a pecuniary interest in the matter, so long as you do not have any beneficial interest in shares of the company or body (clause 27, schedule 2 of the EP&A Act).
- 4.13 For the purposes of this:
- Your "relative" is any of the following:
- your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (a) and (b).

“de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.14 If you have a pecuniary interest, you:
- a) must prepare and submit written returns of interests in accordance with clause 4.17, and
 - b) must disclose pecuniary interests in accordance with clause 4.24.
- 4.15 You must as soon as practicable disclose in writing to the panel chair (or if you are the panel chair, to the general manager) the nature of any pecuniary interest you have in any panel matter with which the panel chair is dealing.
- 4.16 The panel chair, or the general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

Disclosure of interests in written returns

- 4.17 You must make and lodge with the panel chair a return in the form set out in schedule 2 to this code, disclosing your interests as specified in schedule 1 to this code within one month or prior to your first consideration of a panel matter, whichever occurs earlier after:
- a) becoming a panel member, or
 - b) 30 June of each year, and
 - c) if you become aware of an interest you are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.18 You need not make and lodge a return under clause 4.17, paragraphs (a) and (b) if:
- a) you have made and lodged a return under that clause in the preceding 3 months, or
 - b) you have ceased to be a panel member in the preceding 3 months.
- 4.19 You must not make and lodge a return that you know or ought reasonably to know is false or misleading in a material particular.
- 4.20 The panel chair must provide returns to the general manager who must keep a register of returns.

- 4.21 Returns required to be lodged with the panel chair under clause 4.17(a) and (b) must be tabled at the first meeting of the panel after the last day the return is required to be lodged.
- 4.22 Returns required to be lodged with the panel chair under clause 4.17(c) must be tabled at a panel meeting as soon as practicable after the return is lodged.
- 4.23 The general manager must cause the information contained in returns made and lodged by panel members and the panel chair under clause 4.17, other than information disclosing the address of the panel member's principal place of residence, to be published on the website used by the panel as soon as practicable after the returns are lodged, and the information must be kept up to date.

Disclosure of pecuniary interests at meetings

- 4.24 If you have a pecuniary interest in any matter with which the panel is concerned, and you are part of a panel which is to consider the matter you must disclose the nature of the interest to the panel as soon as practicable.
- 4.25 You must step aside from your place on the panel and not be in sight of the panel at any time during which the matter is being considered or discussed by the panel.
- 4.26 A disclosure made to the panel must be recorded in the panel's record of decision.
- 4.27 A general notice may be given to the panel chair in writing by a panel member to the effect that the panel member, or the member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- 4.28 Such a notice is, unless and until the notice is withdrawn, sufficient disclosure of the panel member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the panel after the date of the notice.
- 4.29 You do not breach clause 4.24 or 4.25 if you did not know, and could not reasonably be expected to have known, that the matter under consideration by the panel was a matter in which you had a pecuniary interest.

Part 5 – Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests you have that do not amount to a pecuniary interest as defined in clause 4.10 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 5.3 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of the panel decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in favour of your public duty.
- 5.4 When considering whether or not you have a non-pecuniary conflict of interest, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.5 Where you have a non-pecuniary conflict of interest for the purposes of clause 5.2, you must disclose the relevant private interest fully and in writing as soon as practicable.
- 5.6 If a disclosure is made at a panel meeting, both the disclosure and the nature of the interest must be recorded in the meeting record. This disclosure constitutes disclosure in writing for the purposes of clause 5.5.
- 5.7 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.8 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.10, but it involves:
 - a) a relationship between a panel member and another person that is particularly close, for example, a current or former spouse or de facto partner, a relative for

- the purposes of clause 4.11 or another person from the panel member's extended family that the panel member has a close personal relationship with, or another person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the panel member and an organisation, sporting body, club, corporation or association that is particularly strong, including, but not limited to, active participation in its management or administration and other activities
 - d) a financial interest that is not a pecuniary interest for the purposes of clause 4.10.
 - e) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.9 If you have a significant non-pecuniary conflict of interest, you must manage it by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clause 4.15-4.17 and 4.22-23.
- 5.10 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- Note: Loss of quorum as a result of compliance with this Part**
- 5.11 A quorum for a determination of a panel is a majority of its members, including the chair, i.e. a total of three members.
- 5.12 In accordance with the operational procedures for panels a determination is to be deferred if a quorum is not present.
- 5.13 These procedures also provide that where conflicts of interest are known before consideration of a matter, alternate members will be used to ensure there is a quorum.
- 5.14 You must ensure that any employment or business, or other roles or activities you engage in will not:
- a) conflict with, impair or otherwise prevent the full exercise of your official duties

- b) involve using confidential information or resources obtained through your work with the panel
- c) require you to work while on panel duty
- d) discredit or disadvantage the panel or the council
- e) pose, due to fatigue, a risk to your health or safety, or to the health and safety of others.

Personal dealings with council to which you have been appointed as a panel member

- 5.15 You may have reason to deal with your council in your professional capacity (for example, acting as a consultant on behalf of a developer) or personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any professional or personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
- a) access council information for professional or personal purposes
 - b) undertake professional or personal dealings with the council during work time, or
 - c) approach council staff in staff only areas to discuss your professional or personal dealings with the council.
- 5.17 You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

Part 6 – Personal Benefit

Gifts and benefits

- 6.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you.
- 6.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.

How are offers of gifts and benefits to be dealt with?

- 6.3 You must not:
 - a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit of any kind.
- 6.4 Where you are offered or receive a gift or benefit, you must disclose this promptly to the panel chair and the general manager in writing. If you are the chair of the panel you must make the disclosure to the general manager. The recipient and general manager must ensure that, at a minimum, the following details are recorded in the panel's gift register:
 - a) whether the gift was accepted or refused
 - b) the nature of the gift
 - c) the estimated monetary value of the gift
 - d) the name of the person who offered the gift, and
 - e) the date on which the gift was offered or received.
- 6.5 Where you receive a gift or benefit of value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the general manager.

Improper and undue influence

- 6.6 You must not use your position to influence other panel members or council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else.
- 6.7 You must not take advantage (or seek to take advantage) of your status or position, or of functions you perform, in order to obtain a private benefit for yourself or for any other person or body.

Part 7– Relationships and Interactions

Interactions with councillors and council staff

- 7.1 You may only approach and liaise with council staff nominated by the general manager to assist the panel to obtain information and clarify matters relating to its duties, responsibilities and functions and matters before it.
- 7.2 You may not direct or pressure council staff in the performance of their work, or recommendations they should make. Any direction to staff can only be given by the general manager.
- 7.3 You must not approach a councillor, or if approached by a councillor must not discuss any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting.
- 7.4 Panel members must:
 - a) give their attention to the business of the panel while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions.

Part 8 – Access to Information and Council Resources

- 8.1 The general manager is responsible for ensuring that panel members can access information necessary for the performance of their official functions, including the reporting of development applications to the panel in a timely manner or as requested by the panel.

Panel members to properly examine and consider information

- 8.2 Panel members must ensure that they to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Use of certain council information

- 8.3 In regard to information obtained in your capacity as a panel member, you must:
- a) only access council information needed for panel business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your panel membership
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.4 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 8.5 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information

- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any information discussed during a confidential forum.

Personal information

8.6 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.7 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.8 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 8.9 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.10 You must not use the council letterhead, council crests or other information that could give the appearance it is official council material for.
- 8.11 You must not convert any property of the council to your own use unless properly authorised.

Internet access and use of social media

- 8.12 You must not use council's computer resources or other mobile devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.13 You must not use social media to post comments, photos, sound recordings or other information that:
- a) compromises your capacity to perform your official duties in an unbiased manner
 - b) has the potential to have a negative impact on your working relationships within the council or with external parties
 - c) is offensive, humiliating, threatening or intimidating to anyone
 - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - e) divulges confidential council information
 - f) breaches the privacy of other panel members
 - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code or the council's code of conduct, or
 - h) could be perceived to be an official comment on behalf of the panel or council where you have not been authorised to make such comment.

Council record keeping

- 8.14 All information received in your official capacity is a council record and must be managed in accordance with the council's approved record management practices and policies.
- 8.15 All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.

Panel member access to council buildings

- 8.16 Panel members are entitled to have access to any room designated by the general manager for the use of the panel and public areas of the council's buildings during normal business hours and for meetings.

Part 9 – Maintaining the Integrity of this Code

- 9.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 9.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 9.3 For the purposes of clause 9.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another's reputation
 - c) to obtain a political advantage
 - d) to influence a panel member or council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under this code
 - g) to take reprisal action against a person for making a complaint under this code
 - h) to take reprisal action against a person for exercising a function prescribed under Part 10 of this code
 - i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code.
- 9.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code.

- 9.6 For the purposes of clause 9.4 and 9.5, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 9.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 9.8 You must comply with a reasonable and lawful request made by a person exercising a function under Part 10. A failure to make a written or oral submission invited under Part 10 will not constitute a breach of this clause.

Disclosure of information about the consideration of a matter under this code

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with Part 10.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under Part 10.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at panel meetings or briefings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made under this code or a matter being considered under this code except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under Part 10.

Part 10 – Breaches of this Code

What is a code of conduct complaint?

10.1 For the purpose of this code, a code of conduct complaint is a complaint that alleges conduct on the part of a panel member in connection with their role as a panel member or the exercise of their functions as a panel member that would constitute a breach of the standards of conduct prescribed under this code of conduct.

10.2 The following are not “code of conduct complaints” for the purposes of this code:

- a) complaints about the standard or level of service provided by the panel or a panel member
- b) complaints about the merits of a decision made by the panel or a panel member or the exercise of a discretion by the panel or a panel member
- c) complaints about the policies or procedures governing the operations of the panel or of the council
- d) complaints about the exercise in good faith by the panel or a panel member of their functions, whether or not involving error.

10.3 Only code of conduct complaints are to be dealt with under this code. Complaints that are not a code of conduct complaint for the purposes of clause 10.1 are to be dealt with under the council’s routine complaints management processes.

When must a code of conduct complaint be made?

10.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.

10.5 A complaint made after 3 months may only be accepted if the general manager or their delegate is satisfied that there are compelling grounds for the matter to be dealt with under this code.

How may a code of conduct complaint about a panel member be made?

10.6 All code of conduct complaints about panel members are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

10.7 Where a code of conduct complaint about a panel member cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

10.8 Notwithstanding clause 10.6 and 10.7, where the general manager becomes aware of a possible breach by a panel member of this code, he or she may initiate the process for the consideration of the matter without a written complaint.

Delegation by general managers of their functions under this Part

10.9 A general manager may delegate his or her functions under this Part to a member of staff of the council or to a person or persons external to the council other than a state government agency. References in this Part to the general manager are also to be taken to be references to their delegates.

What complaints may be declined at the outset?

10.10 Without limiting any other provision in this code, the general manager may decline to deal with a complaint under this code where he or she is satisfied that the complaint:

- a) is not a code of conduct complaint for the purposes of clause 10.1, or
- b) subject to clause 10.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or
- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of this code to be readily identified.

How are code of conduct complaints about panel members to be dealt with?

10.11 The general manager is responsible for the management of code of conduct complaints about panel members and for determining the outcome of such complaints.

10.12 The general manager may decide to take no action in relation to a code of conduct complaint about a panel member on the grounds that he or she considers that no action is warranted in relation to the complaint.

- 10.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a panel member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.
- 10.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about panel members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or a voluntary apology. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of this code.
- 10.15 Where the general manager resolves a code of conduct complaint under clause 10.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under this code of conduct.
- 10.16 Sanctions for breaches of the code of conduct by panel members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing the person from membership of the panel.
- 10.17 Prior to imposing a sanction against a panel member under clause 10.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of this code that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager or their delegate must consider the person's response in deciding whether to impose a sanction under clause 10.16.

Complaints about the consideration of matters under this Part

- 10.18 Complaints about the consideration of a code of conduct complaint by the general manager or his or her delegate under this Part, may be made in writing to the Office of Local Government.

Schedule 1: Disclosures of Interest

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the panel member disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a panel member
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the panel member became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

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3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a panel member has an interest includes a reference to any real property situated in Australia in which the panel member person has an interest.
4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a panel member by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. When making a return under clause 4.15 of this code you must disclose:
 - a) the street address of each parcel of real property in which you had an interest on the return date, and
 - b) the street address of each parcel of real property in which you had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to your duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if you ceased to hold the interest prior to becoming a panel member.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. When making a return under clause 4.15 of this code you must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

Contributions to travel

10. When making a return under clause 4.15 of this code you must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by you in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
11. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to his or her functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Expenditure and Disclosures Act 1981*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a panel member.
12. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

13. When making a return under clause 4.15 of this code you must disclose:
- a) the name and address of each corporation in which you had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which you had an interest or held a position in the period since 30 June of the previous financial year, and

- c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
14. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
15. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
16. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a panel member.

Positions in trade unions and professional or business associations

17. When making a return under clause 4.15 of the code you must disclose:
- a) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
18. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a panel member.

Dispositions of real property

19. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property by you (including the street address of the affected property) in the period since 30 June of the previous financial year, under which he or

she wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

20. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
21. A disposition of real property need not be disclosed if it was made prior to you becoming a panel member.

Sources of income

22. When making a return under clause 4.15 of this code you must disclose:
 - a) each source of income that the you reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by you in the period since 30 June of the previous financial year.
23. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by you is a reference to:
 - a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of his or her employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
24. The source of any income need not be disclosed by you in a return if the amount of the income received, or reasonably expected to be received, by the person from that

source did not exceed \$1000, or is not reasonably expected to exceed \$1000, as the case may be.

25. The source of any income received by the person that they ceased to receive prior to becoming a panel member need not be disclosed.

Debts

26. When making a return under clause 4.15 of this code you must disclose the name and address of each person to whom you were liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

27. A liability to pay a debt must be disclosed by you in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

28. A liability to pay a debt need not be disclosed by you in a return if:

- a) the amount to be paid did not exceed \$1000 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that you were liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$1000, or
- b) you were liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money you were liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

- (ii) the goods or services were supplied in the ordinary course of any occupation of you that is not related to your duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to you becoming a panel member.

Discretionary disclosures

29. You may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2: Form of Return

Disclosures return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Code of Conduct for Local Planning Panels in NSW (the Code).
2. If this is the first return you have been required to lodge do not complete Parts C, D of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a panel member.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.
8. "**" means delete whichever is inapplicable.

Important information

This information is being collected for the purpose of complying with clause 4.15 of the Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.17 of the Code). Complaints about breaches of these requirements are to be referred to the general manager and may result in disciplinary action by the council.

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The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information in this return other than information about your principal place of residence will be published on the council's website.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name]*

*as at *[return date]*

*in respect of the period from *[date]* to *[date]*

[person's signature]

[date]

A. Real Property

Street address of each parcel of real property in which I had an interest *at the return date/*at any time since 30 June	Nature of interest

B. Sources of income

1 *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of income I received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of income I received from a trust since 30 June:

Name and address of settlor	Name and address of trustee

3 *Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of other income I received at any time since 30 June:

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor

Local Planning Panels Code of Conduct

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position *at the return date/*at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date/*at any time since 30 June	Description of position
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G. Debts

Name and address of each person to whom I was liable to pay any debt *at the return date/*at any time since 30 June

H. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

I. Discretionary disclosures

4.6 Processes and Delegations - Land and Environment Court related matters and modifications

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
5.2.2.1 Conduct Council business in an open, transparent and accountable manner

Executive Summary

- The membership of the Campbelltown Local Planning Panel has just been refreshed and therefore it is appropriate that the Panel review their position on Land and Environment Court related matters and modifications.
- The Local Planning Panels Direction provides guidance on the matters to be considered by a Local Planning Panel.
- The Local Planning Panels Direction indicates that arrangements should be made on the determination pathway for an application to modify a development consent under section 4.55 (Modification of consents—generally) of the *Environmental Planning and Assessment Act, 1979*, and flexibility with the determination pathway for an application to modify a development consent under 4.56 (Modification by consent authorities of consents granted by the Court) of the *Environmental Planning and Assessment Act 1979*.
- This report seeks the views of the Campbelltown Local Planning Panel on Councils proposal that the determination of an application to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the *Environmental Planning and Assessment Act 1979* be undertaken by Council staff unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards set out in the Local Planning Panels direction.
- Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* provides that the council is to be the respondent to an appeal but is subject to the control and direction of the Panel in connection with the conduct of the appeal.
- Land and Environment Court appeals can be cumbersome, requiring decisions to be made by the applicant and respondent within a very short time frame (sometimes within the period of a 15min adjournment), but also appeals can extend over many months, and sometimes beyond the period of appointment for a Local Planning Panel. The Department

of Planning, Industry and Environment advises that each Local Planning Panel should have a clear process for management of appeals against the decision of the panel.

- Section 2.20(8) of the Environmental Planning and Assessment Act 1979 enables the Panel to delegate any of its functions to the General Manager or other staff of the Council.
- To enable the timely and efficient handling of Land and Environment Court appeals, this report recommends that the Campbelltown Local Planning Panel delegate the function of the management of Land and Environment Court appeals to the General Manager of Campbelltown City Council or their delegate.
- To enable the timely and efficient handling of minor modifications application types, including 4.55(1) and 4.55(1A), this report recommends that the Campbelltown Local Planning Panel delegate the determination functions of these modifications to the General Manager of Campbelltown City Council or their delegate.

Officer's Recommendation

1. That the Campbelltown Local Planning Panel support the position that all applications to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the *Environmental Planning and Assessment Act, 1979* be determined by the General Manager of Campbelltown City Council, or their delegate, unless the modification meets the criteria for conflict of interest, contentious development or departure from development standards identified in the Local Planning Panels Direction.
2. That the Campbelltown Local Planning Panel delegate its functions as referred to in Part 8 Division 8.3 Section 8.15(4) of the *Environmental Planning and Assessment Act 1979* to the General Manager, or their delegate.

Purpose

The purpose of this report is to seek the position of the Campbelltown Local Planning Panel (the Panel) on Council's proposed arrangements in regard to applications to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The purpose of this report is also to seek the position of the Campbelltown Local Planning Panel (the Panel) on the management of Land and Environment Court Appeals related to applications considered by, or that would be considered by if an appeal had not been made, the Panel.

Report

Modification of a Development Consent – section 4.56 of the EP&A Act

On 6 May 2024 the most recent Local Planning Panels Direction was issued. This direction outlines the development applications to be considered and determined by the Panel. This

direction also provides guidance on which applications to modify a development consent are to be determined by the Panel.

The direction requires the Council to make certain arrangements for the determination of these applications, and it is considered appropriate to consult with the Panel in making such arrangements.

Council has longstanding procedures in place to determine all modification applications not determined by the Panel. However, with the appointment of new Panel Chair, experts and community members in July 2024, it is considered appropriate that the new arrangements be agreed in relation to the handling of modification applications.

There is however one matter not resolved in the direction which relates to applications to modify a development consent made under section 4.56 of the EP&A Act, which relates to an application to modify a development consent issued by the Land and Environment Court.

Section 4.55(1) applications relate to modifications involving a minor error, misdescription or miscalculation and are therefore recommended to be assessed and determined by Council under delegated authority of the General Manager.

Section 4.55(1A) applications generally involve only minor amendments to a development consent and may not lawfully involve amendments having more than a minimal environmental impact. Accordingly, it is recommended that these modifications be assessed and determined by Council under delegated authority of the General Manager, unless the modification itself meets the criteria for development set out in the schedules relating to conflict of interest, contentious development or departure from development standards.

Section 4.56 says:

4.56 Modification by consent authorities of consents granted by the Court

(cf previous s 96AA)

- (1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if—
 - (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
 - (b) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, and
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed

modification by sending written notice to the last address known to the consent authority of the objector or other person, and

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.
- (1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.
- (1B) (Repealed)
- (1C) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.
- (2) After determining an application for modification of a consent under this section, the consent authority must send a notice of its determination to each person who made a submission in respect of the application for modification.
- (3) The regulations may make provision for or with respect to the following—
 - (a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,
 - (b) the effect of any such deemed determination on the power of a consent authority to determine any such application,
 - (c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.
- (4) (Repealed)

Accordingly, it is recommended that for any application to modify a development consent under section 4.56 of the EP&A Act, that the modification be determined by the General Manager or their delegate, unless the modification itself meets the criteria for development set out in the schedules relating to conflict of interest, contentious development or departure from development standards.

Land and Environment Court Appeals

Section 8.15(4) of the EP&A Act provides as follows:

- (4) If the determination or decision appealed against under this Division was made by a Sydney district or regional planning panel or a local planning panel, the council for the area concerned is to be the respondent to the appeal but is subject to the control and

direction of the panel in connection with the conduct of the appeal. The council is to give notice of the appeal to the panel.

Advice issued by the Department of Planning and Environment is that each Local Planning Panel should have a clear process for management of appeals against the decision of the panel. To this end, a number of Panels have resolved to delegate control and direction in relation to legal appeals to avoid ad hoc resolutions being made suited only to particular circumstances. This also overcomes any potential issues related to the timing of decisions. In such cases the Panel remains informed of the appeal and its status.

This report requests that the Panel delegate their functions of control and direction of Planning Appeals to the General Manager or their delegate, to allow for the efficient and cost effective conduct of proceedings.

The Department advises that resolutions on delegating the Panels functions to council staff should be broad enough to cover all circumstances allowing clear, transparent and timely responses by staff without the need to revert to the panel for additional instructions.

Council's position is that section 8.15(4) of the EP&A Act does not apply to deemed refusals because a LPP is not defined as a consent authority under section 4.5 of the EP&A Act. Further, following consultation with the Department, Council's view is that Planning Appeals relating to decisions made by the LPP before 1 March 2018 are saved and are not subject to section 8.15(4) of the EP&A Act.

Although Council is the respondent in any appeal to the Court, in Planning Appeals that relate to a determination of the LPP, Council's conduct of the class 1 proceedings is subject to the control and direction of the LPP. This means that appeals to which section 8.15(4) applies will need to be reported to and instructions obtained from the LPP. By reason of section 2.20(8) of the EP&A Act, the LPP cannot delegate its functions to a single Panel member and therefore a decision of the full Panel is required before solicitors are provided with any instructions.

Such a process is cumbersome and unlikely to work in practice. Furthermore, the provision makes it difficult for Council to comply with the Court's requirements that:

The parties are to participate, in good faith, in the conciliation conference (s34(1A) of the *Land and Environment Court Act 1979*), including preparing to be able to fully and meaningfully participate, having authority or the ready means of obtaining authority to reach agreement and genuinely endeavouring to reach agreement at the conciliation conference (Paragraph 47 Practice Note - Class 1 Development Appeals)

In order to ensure that Council can continue to conduct Planning Appeals in the most efficient manner, it is appropriate that the Panel delegate its functions under the section 8.15(4) to the General Manager or their delegate, on the condition that in the case of a Planning Appeal relating to a decision of the Panel that is contrary to the recommendation of the development assessment report, the Chair of the Panel that made the relevant decision will be consulted with, as to the conduct of the Planning Appeal within 7 days of Council being served with the Appeal.

Section 2.20(8) of the EP&A Act allows LPPs to delegate any of their functions to the General Manager or other staff. Such a delegation does not require a resolution of the Council under section 381 of the *Local Government Act 1993*.

The requirement for the General Manager or their delegate to consult with the Chair of the Panel about the conduct of the appeal means that the Panel can be satisfied that Council will conduct the appeal with the Panel's decision in mind. If the Panel was concerned that an appeal was not being conducted in a manner consistent with its determination, the Panel could resolve to revoke the delegation in that specific matter.

Financial and other Impact

Should the delegation in regards to legal proceedings not be provided to the General Manager or other staff, additional legal costs may be incurred associated with the management of legal proceedings as well as additional time being wasted in having to adjourn the proceedings or conciliation conferences proposed by the Court due to the need to seek the separate authority of the Panel to accept possible amendments to an application.

Conclusion

For the efficient and effective operation of the Campbelltown Local Planning Panel it is necessary to set in place delegations and procedures for Land and Environment Court related matters and modifications.

Due to the practical realities of conciliation conferences and the need for instructions at short notice, together with the clear advantages of having a Council officer present at the conciliation with delegation to give instructions with respect to settlement or the defense of a Planning Appeal, it is appropriate for the Local Planning Panel to delegate its functions under section 8.15(4) of the *Environmental Planning and Assessment Act, 1979* to the General Manager or their delegate.

Additionally, Councils need to make arrangements for the determination of applications to modify a development consent, including those issued by the NSW Land and Environment Court. In making these arrangements it is appropriate to seek the views of the Panel on the proposed arrangements. In this regard, it is proposed that for any application to modify a development consent under section 4.55(1), 4.55(1A) and 4.56 of the *Environmental Planning and Assessment Act, 1979*, that the modification be determined by the General Manager or their delegate unless the modification itself meets the criteria for development set out in the schedules of the Local Planning Panels direction relating to conflict of interest, contentious development or departure from development standards.

Attachments

4.6.1 Local Planning Panel Direction - Development Applications and Applications to Modify Consents (contained within this report)

Reporting Officer

Executive Manager – Planning and Development

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS AND APPLICATIONS TO MODIFY DEVELOPMENT CONSENTS

I, the Minister for Planning and Public Spaces, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Signature removed

The Hon. Paul Scully MP ✓
Minister for Planning and Public Spaces

Dated: 6/5/24

Objective

The objective of this direction is to identify the development applications and applications to modify development consents that are to be determined by local planning panels on behalf of councils.

Application

This direction applies to councils in the Greater Sydney Region, Wollongong and Central Coast. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental plan prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

1. Local planning panels of councils in the areas identified in the Table below are to determine development applications for development of a kind specified in the corresponding Schedule to this direction.

Table -

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel under the Act	Schedule 1
Blacktown, Canterbury-Bankstown, Central Coast, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

2. Local planning panels are to determine applications under section 4.55(2) of the Act for the modification of development consents granted by the panel that:
 - propose amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or
 - propose amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or
 - meet the criteria for development applications set out in the Schedules to this direction relating to conflict of interest, contentious development or departure from development standards.

Note: Councils in the areas identified in the Table to this direction are generally precluded from exercising consent authority functions by operation of section 4.8(2) of the Act. This means councils should make arrangements for the determination of all other modification applications under section 4.55(2), as well as sections 4.55(1) and (1A) of the Act, by council staff. Councils should also make arrangements for the determination of modification applications under section 4.56 of the Act by either the local planning panel or council staff.

This direction takes effect on the date of this direction and applies to development applications and applications to modify development consents lodged but not determined before the date of this direction.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

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

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment development) applies.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
- (b) in any other case - is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

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

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item,
- (d) development for the purpose of end of journey facilities, or
- (e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning, Housing and Infrastructure which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

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

3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard

imposed by an environmental planning instrument by 10% or non-numerical development standards.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy (Housing) 2021*, Chapter 4 (Design of residential apartment) applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

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