

**JOINT REGIONAL PLANNING PANEL  
SYDNEY WEST REGION**

<b>JRPP No</b>	<b>2011SYW030</b>
<b>DA Number</b>	<b>348/2011/DA-RA</b>
<b>Local Government Area</b>	<b>Campbelltown City Council</b>
<b>Proposed Development</b>	<b>Six storey residential apartment building</b>
<b>Capital Investment Value</b>	<b>\$12,500,000</b>
<b>JRPP Referral Criteria</b>	<b>Development exceeds \$10 million capital investment value</b>
<b>Street Address</b>	<b>12-20 Tyler Street, Campbelltown</b>
<b>Applicant</b>	<b>designcorp Australia Pty Ltd</b>
<b>Number of Submissions</b>	<b>Four</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Andrew MacGee – Senior Development Planner</b>

## Attachments

1. Recommended conditions of consent
2. Locality plan
3. Roof and site analysis plan
4. Floor plans
5. Elevation plans
6. Section plans
7. Shadow diagrams
8. Landscape plan
9. 3D elevations

## Purpose

The purpose of this report is to assist the Sydney West Joint Regional Planning Panel in its determination of the subject development application pursuant to the *Environmental Planning and Assessment Act 1979*.

<b>Development Description</b>	Demolition of existing dwellings, construction of a six-storey residential apartment building containing 71 units, basement car parking area, associated site works and landscaping and strata subdivision
<b>Property Description</b>	Lots 9 – 13 DP 29034  12-20 Tyler Street, Campbelltown
<b>JRPP Application No.</b>	2011SYW030
<b>Council Application No.</b>	348/2011/DA-RA
<b>Applicant</b>	designcorp Australia Pty Ltd
<b>Owner</b>	CR Potter, LG Chamberlain, DH & JA Cato, JM Cockburn and GG & A Giurlia
<b>Statutory Provisions</b>	State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development  Campbelltown (Urban Area) Local Environmental Plan 2002  Campbelltown (Sustainable City) Development Control Plan 2009
<b>Date Received at Council</b>	1 March 2011

## History

A briefing on the subject application was presented to the Sydney West Joint Regional Planning Panel (JRPP) on 26 May 2011 at the Council's chambers. Matters discussed at the briefing included the proposal's relationship with surrounding development (including a 'land-locked' parcel), traffic management and compliance with local planning controls.

## **Introduction**

Council has received a development application for the demolition of existing buildings and construction of a multi-storey residential apartment building. Due to the development's cost, the application is forwarded to the JRPP for determination pursuant to Clauses 13B and 13F of State Environmental Planning Policy (Major Development) 2005. The proposed development incorporates 71 residential units (7 x 1 bedroom, 47 x 2 bedroom, 17 x 3 bedroom) and 98 car parking spaces located within two basement levels as well as associated landscaping and communal facilities.

## **The Site**

The site is located on the north eastern side of Tyler Street and backs onto the Lomandra School. The site is irregular in shape as the property aligns itself with a bend in the road. The site comprises five allotments. The site has an area of approximately 2,977 square metres and has a frontage of approximately 83 metres to Tyler Street. The site generally falls towards the north in the order of approximately 3 metres.

The site is approximately 1.3 kilometres from Campbelltown Railway Station and a similar distance from the Queen Street CBD precinct.

The site presently contains five existing dwellings and associated outbuildings.

The immediate environment is characterised by a range of dwelling sizes and styles, including single detached dwellings and to the south, several four storey 'walk up' flat buildings are located along nearby Moore-Oxley Street. A high school, two specialist public schools and range of commercial in-fill style developments are also located nearby on Beverley Road and Chamberlain Street.

It is also noted that two development consents are presently active within Tyler Street for the construction of apartment buildings containing a total of 148 units. One building would be located to the south west of the subject site at Nos. 24-27 Tyler Street and the JRPP has recently granted development consent to a building at No. 102 Beverley Road and Nos. 2-1 Tyler Street, immediately to the north of the present proposal.

## **The Proposal**

The proposed residential units are located within two separate buildings above ground level, which presents to Tyler Street as a six storey high development. Two main levels of car parking and residential storage would be provided below ground level as an enclosed basement. The development is serviced by two elevators, which provide direct access from the basement car parking areas to all levels of the building.

The buildings feature three main pedestrian entry points from Tyler Street, with two leading to entry lobbies and the central point leading to the communal open space areas at ground level. Some ground floor units are also provided with their own direct access points to the street via gates to their private open space area. The Tyler Street frontage also incorporates the building's entry driveway and landscaping planter structures. .

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

<b>Floor Level</b>	<b>Units</b>	<b>Car parking spaces</b>	<b>Service Areas</b>	<b>Storage Areas</b>	<b>Recreation Areas</b>
Lower Basement	Nil	53 resident spaces, 8 bicycle spaces	Stormwater pump-out pit	Individual cages for several units	Nil
Upper Basement	Nil	37 resident spaces, 8 visitor spaces, 8 bicycle spaces	2 x garbage chute outlets and compaction rooms	Individual cages for several units	Nil
Ground Floor	2 x 1 bedroom units, 7 x 2 bedroom units, 2 x 3 bedroom unit including 8 adaptable units	Nil	3 x public Tyler Street entries, 2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Communal 100 square metre recreation room, paved outdoor seating space.
Level 1	1 x 1 bedroom unit, 8 x 2 bedroom units and 3 x 3 bedroom units	Nil	2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Nil
Level 2	1 x 1 bedroom unit, 8 x 2 bedroom units and 3 x 3 bedroom units	Nil	2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Nil
Level 3	1 x 1 bedroom unit, 8 x 2 bedroom units and 3 x 3 bedroom units	Nil	2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Nil

Floor Level	Units	Car parking spaces	Service Areas	Storage Areas	Recreation Areas
Level 4	1 x 1 bedroom unit, 8 x 2 bedroom units and 3 x 3 bedroom units	Nil	2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Nil
Level 5	1 x 1 bedroom unit, 8 x 2 bedroom units and 3 x 3 bedroom units	Nil	2 x lift lobbies	2 x garbage bin storage areas, in unit residential storage areas	Nil

Each apartment typically contains bedrooms, bathrooms/ensuite, kitchen, built in wardrobes, linen closet and combined living/dining areas as well as an internal laundry. Balconies provide private open space to each unit. The development includes two levels of security controlled basement car parking, accessible from Tyler Street.

The proposed development is generally finished in painted pre-cast concrete panels and alternate colour face brick, where differing vertical and horizontal elements are painted in contrasting but compatible colours. Balcony balustrading would utilise fixed glass panes and masonry, with aluminium louvres covering some windows/balconies to protect them from sun and to provide for increased privacy.

The streetscape elevations are articulated, with differing materials, colours and finishes to break up the appearance of the architecture from the streets where the building may be viewed. Side elevations also provide for articulation and varying building elements interspersed with residential apartment balconies and windows. The height of the two buildings also varies along its length to promote added visual interest and character and to match the falling land gradient. Roof features at the edge of the building also provide interest and would allow for the dispersion of light into certain units.

Landscaping is provided to the perimeter of the building, on its street frontages and side boundaries. The landscaping has been designed to complement the unit and community open space area at the ground floor of the complex.

Walkways from Tyler Street and the internal lift lobbies lead residents and visitors to the communal open space and internal common room which are contained in the centre of the development at ground level.

Waste would be managed through the use of a dedicated garbage chute and bin storage room next to each elevator on every floor. The rooms are appropriately sized to be able to store two 240-litre bins for recycling collection with general waste disposed of via the chute to a storage room in the basement. The bins would be moved to the ground floor by a caretaker on a rotational basis and stored/compacted within a dedicated garbage store area whilst waiting for collection. The waste would be stored in the service area in conveyor/compactor units and transported by a caretaker to the street for collection. The applicant proposes a

weekly collection of both recycling and regular garbage bins from Tyler Street following discussions with Council's Senior Waste Officer and in consultation with Council's waste collection contractor. Green waste would be collected and disposed of via the complex's landscaping maintenance contractor.

The proposal also includes the strata subdivision of the building upon its completion in order to allow sale of units to individual owners.

## **Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

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

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

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

*A building that comprises or includes:*

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

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

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

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

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

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

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

## **Principle 1 – Context**

As detailed in this report, the existing development context comprises generally low level residential and some commercial in-fill development. However the desired future character of the precinct as expressed in Campbelltown (Sustainable City) DCP should be considered.

The proposal before the JRPP is a design response to the desired future density within the area and reflects nearby approvals for the construction of high density residential apartment buildings (on Chamberlain Street and within Tyler Street itself). The buildings address the Tyler Street frontage and present an array of articulation measures to create visual interest and reduce appearance of its size.

## **Principle 2 – Scale**

The scale of the proposed development is consistent with the building height and form of development envisaged by Campbelltown Sustainable City DCP (SCDCP). Measures have been undertaken to reduce the development's perceived scale, principally by dividing the building into two above-ground towers, which reduces the scale of the development and provides for additional amenity for residents. Further, the subject site is larger in area than the minimum sought by the SCDCP, thus minimising the potential for inappropriate bulk and scale elements along the boundaries and street frontages of the subject site.

## **Principle 3 – Built Form**

It is considered that the built form of the proposal is appropriate given the context and scale of the building, and the location of the subject site and its relationship with nearby future development. The façade of the building has architectural merit and would provide for an interesting architectural addition to the precinct.

## **Principle 4 – Density**

The density is consistent with that provided by Campbelltown (Sustainable City) DCP and is commensurate with the increased densities required to reinforce the commercial core of Campbelltown's regional comprehensive centre.

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

The proposed building achieves an acceptable level of energy efficiency. Several of the apartments utilise a design enabling cross-ventilation. Passive solar design principles such as sliding doors and louvres would also assist climate control. Energy efficient appliances and water saving devices are to be fitted. The application was accompanied by a BASIX certificate, which demonstrates that the building reached the required water and energy usage savings. The waste management plan detailed for the site facilitates the collection and storage of recyclables as per Council's policy.

## **Principle 6 – Landscape**

Specific planting and hedging has been provided to ground floor units to improve privacy. A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 15 metres. Communal areas have been provided within the central 'breezeway' between the above-ground towers, where sunlight and tree plantings would be available.

## Principle 7 – Amenity

The design of the proposed residential units generally provides good internal amenity. Balcony areas connect to living areas and are considered satisfactory, providing privacy and solar control by way of being recessed into the main building, with some protected by louvres. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Solar access has been provided to each of the apartments via balconies accessing each living area and in some of the units, a second balcony to a bedroom.

## Principle 8 – Safety and Security

The building presents an active façade to Tyler Street, with good views for residents to and from their particular lobby or unit as they access their dwelling from street level. Basement car parking contains a security shutter at a strategic location to ensure that only residents or accepted visitors with the appropriate electronic 'key' can access the car parking area. A comprehensive 'safer by design' statement has been included with the application.

## Principle 9 – Social Dimensions

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

## Principle 10 – Aesthetics

The design provides a combination of architectural elements, such as varying wall setbacks, feature walls and colours, balconies, roof height variations and contrasting materials which make the building visually interesting and contribute positively to the streetscape.

A detailed design statement, prepared by the architect, has been submitted with the application and further reinforces the building's compatibility with the SEPP's visual amenity and 'livability' objectives and standards.

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

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

### *Primary development controls*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Building height  No numeric requirement stipulated – use Council's DCP height standard. Design practice notes provided.	To ensure development responds to the desired scale of the area.  To allow daylight access to development and the public domain	Complies with the requirements of the Sustainable City DCP (SCDCP) i.e. 6 storeys.



<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
<p>Building depth</p> <p>Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units.</p>	<p>To ensure the bulk of development is compatible with desired future development.</p> <p>To allow for solar access and natural ventilation.</p> <p>To provide for dual aspect apartments.</p>	<p>The depth of each tower is greater than 18 metres, however, the Code states that “freestanding buildings may have a greater depth if they achieve satisfactory ventilation and daylight penetration”. The building is considered satisfactory in that regard, as detailed later in the report. Apartments are provided with adequate light and ventilation, with most having an easterly, north easterly, northern or north westerly orientation.</p>
<p>Building separation</p> <p>Rises with building height – 12 metres up to 4 storeys and 18 metres for up to eight storeys.</p>	<p>To provide for deep soil zones and stormwater management</p> <p>To control overshadowing of adjacent properties.</p> <p>To provide visual and acoustic privacy.</p>	<p>Building is 6 metres from side boundaries in accordance with Council's SCDCP. The building does not ‘step in’ above 5 storeys. Complies with Council's SCDCP setback requirements. Discussed in more detail later in the report.</p>
<p>Side and rear setbacks</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To provide for deep soil planting areas.</p> <p>To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.</p> <p>To maximise building separation to provide visual and acoustic privacy.</p>	<p>Council's SCDCP requires a 6 metre setback to side and rear boundary. The proposal complies.</p>
<p>Street setback</p> <p>No numeric requirement stipulated. Design practice notes provided.</p>	<p>To create a clear transition between public and private space.</p> <p>To allow an outlook and surveillance of the street.</p> <p>To allow for streetscape character.</p>	<p>Council's SCDCP requires 5.5 metre setback. The proposal complies with this requirement.</p>

### *Site design*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
<p>Deep soil zones</p> <p>No requirement stipulated. Design practice notes provided.</p>	<p>To assist in the management of the water table.</p> <p>To improve the amenity of developments through the retention and/or planting of large and medium size trees</p>	<p>An assessment against Council's requirements is detailed later in the report.</p>

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Fences and walls  No numeric requirements stipulated. Design practice notes provided.	To define the boundaries between areas having different functions or owners.  To provide privacy and security. To contribute positively to the public domain.	The buildings contain several landscaping planter walls along the front, rear and side boundaries. The walls help to distinguish public and private open spaces, detail the building entries and private open space areas.
Landscape design  No numeric requirements stipulated. Design practice notes provided.	To improve stormwater quality.  To improve urban air quality.  To add value to residents' quality of life within the development.  To improve the solar performance of the development	A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided for deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for birds.
Orientation  No numeric requirements stipulated. Design practice notes provided.	To optimise solar access to residential apartments and adjacent buildings.  To improve the thermal efficiency of new buildings.  To contribute positively to the desired streetscape.	The building is orientated as best as possible having regard to the existing street. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.
Stormwater management  No numeric requirements stipulated. Design practice notes provided.	To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.	A significant area of deep soil planting is provided in the development. Stormwater capture and management complies with Council's Sustainable City DCP Vol. 2.
Safety  No numeric requirement stipulated. Design practice notes provided.	To ensure that residential flat developments are safe and secure for residents and visitors.  To contribute to the safety of the public domain.	Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.
Visual privacy  No numeric requirement stipulated. Design practice notes provided.	To provide reasonable levels of visual privacy.  To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.	Balconies have been aligned to reduce overlooking.  Fixtures to balconies such as louvres and sliding screens are sometimes used to reduce overlooking potential.
Building entry  No numeric requirement stipulated. Design practice notes provided.	To create entrances that provide a desirable residential identity for the development.  To orient visitors.  To contribute positively to the streetscape.	Separate entries provided for vehicles and pedestrians to increase safety.  Visitor and entry from street clearly defined and easily accessible.

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Car parking  No numeric requirement stipulated. Design practice notes provided.	To minimise car dependency for commuting and to promote alternative means of transport.  To provide adequate car parking.  To integrate the location and design of car parking with the building and its location.	Car parking would be provided in a two level basement, with minimal impact on the street.  Car parking provided complies with the Council's SCDCP requirements.

### *Building design*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Apartment layout  "Rules of thumb" provided for depth, width and area.	To ensure that the spatial arrangement of apartments is functional and well organised.  To ensure that apartment layout provides a high standard of residential amenity.  To accommodate a variety of household activities and needs.	Single aspect apartments are generally located on the northern facing side of the building to maximise solar penetration of units. Some units facing south however, numbers still comply with RFDC and SCDCP minimums. Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes exceed "rule of thumb" requirements. Depth of apartments complies with "rule of thumb".
Apartment mix  Design practice notes provided.	To provide a diversity of apartment types, which cater for different household requirements now and in the future.  To maintain equitable access to new housing by cultural and socio-economic groups.	Building contains a mix of 1, 2 and 3 bedroom units. Complies with Council's SCDCP.
Balconies  Design practice notes provided. "Rules of thumb" provided.	To provide all apartments with open space.  To ensure that balconies are integrated into the overall architectural form and detail of the building.  To ensure that balconies are functional.  To contribute to the safety and liveliness of the street by allowing for casual overlooking.	Balconies meet minimum depth requirement in the "rules of thumb".  Balconies are all directly accessible from living areas.  Balconies would provide casual surveillance of the street.

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Ceiling heights  "Rules of thumb" provided	To increase the sense of space in apartments.  To promote the penetration of light into the depths of apartments.  To achieve quality interior spaces while considering the external building form requirements.	The building complies with the "rules of thumb". A minimum of 2.7 metres would be provided to each unit.
Ground floor apartments  No numeric requirements stipulated. Design practice notes provided.	To contribute to the desired streetscape of an area and to create active safe streets.  To increase the housing and lifestyle choices available in apartment buildings.	Ground floor units provided with terraces and screened from the street by landscaping. Landscaping would provide views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.
Circulation  "Rule of thumb" provided. Design practice notes provided.	To create safe and pleasant spaces for the circulation of people and their personal possessions.  To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	The number of units accessed from each corridor complies with the Code's "rule of thumb" ie. less than 8 units accessed from each corridor. Corridors are wide and would allow for the movement of furniture.
Storage  Numeric "rules of thumb" provided. Design practice notes provided	To provide adequate storage for everyday household items within easy access of the apartment.  To provide storage for sporting, leisure, fitness and hobby equipment.	"Rules of thumb" in Code are mirrored in Council's SCDP. The building complies with the requirements.

#### *Building amenity*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Acoustic privacy  No numeric requirement stipulated. Design practice notes provided.	To ensure a high level of amenity by protecting the privacy of residents.	Busy, noisy areas have been located adjacent to each other within units. Bedrooms kept away from mechanical plant. Party walls between units minimised as much as possible.

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Daylight access  Design practice notes provided and rules of thumb.	To ensure that daylight access is provided to all habitable rooms.  To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day.  To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.	All living areas provided with windows. Awnings provided to some windows at balconies to provide for shading during summer.  Compliant number of units are provided with the minimum 3 hours of direct sunlight throughout the day.
Natural ventilation  Rules of thumb provided. Design practice notes provided.	To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air.  To provide natural ventilation to non-habitable rooms where possible.  To reduce energy consumption.	Majority of units provide cross ventilation opportunities.
Facades  Design practice notes provided. No numerical requirements stipulated.	To promote high architectural quality in residential flat buildings.  To ensure that new developments have facades which define and enhance the public domain and desired street character.  To ensure that building elements are integrated into the façade design.	The building has been provided with an array of architectural treatments to enhance its appearance from the street and surrounding properties. Design elements such as varying colours, projecting fin walls, varying materials and balconies have been provided to break up the building mass, along with the separation of the two towers. The buildings are also sized in a complementary manner to that of existing multi-storey apartment buildings that would be located within the same street and nearby on Chamberlain Street.

### *Building performance*

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Energy efficiency  No numeric requirement stipulated. Design practice notes provided.	To reduce the necessity for mechanical heating and cooling.  To minimise greenhouse gas emissions.	Passive solar design initiatives incorporated into the building. It meets BASIX requirements for water, energy and thermal comfort requirements, which were not in place at the time the Flat Design Code was prepared.

<b>Numeric requirement</b>	<b>Objectives</b>	<b>Comment</b>
Waste management  No numeric requirement stipulated. Design practice notes provided.	To avoid the generation of waste through design, material selection and building practices.  To plan for the types and amount of waste to be generated during demolition and construction.  To encourage waste minimisation, including source separation, reuse and recycling.	A waste management plan has been submitted with the application. The plan details that collection and disposal of recyclables will be provided in the building. Separation of general waste and recyclables will also be provided to reduce potential contamination of recycling collection.
Water conservation  Design practice notes provided. Rules of thumb provided.	To reduce mains consumption of potable water.  To reduce the quantity of urban stormwater runoff.	Energy efficient appliances and taps/showerheads to be provided throughout the building. BASIX water reduction targets satisfied.  On-site stormwater detention system supplied.

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

#### *Building separation*

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

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

Notwithstanding the above, it is considered that despite the numerical differences, the proposal is not necessarily inconsistent with the Code. The Code considers future development on the adjoining site, as it does provide for differing recommended separations, having regard to the use of rooms in each building.

There is no application to redevelop the adjoining land to the north east at this time. Given its ongoing use as a school site and housing for people with a disability, its redevelopment in the near future is considered unlikely. In any case, should the site be redeveloped, that application would be required to address the Code and respect the subject development should it be constructed at the time.

Internally, the two towers are separated by a maximum of 12.8 metres, which does not comply with the recommendations of the RFDC. However, it should be noted that windows and balconies have been off set or obscured by wall projections where possible to minimise potential overlooking

With this in mind, the impact of the building's technical 'non-compliance' with a recommendation in the Code is considered to be minimal and not likely to significantly impact on the amenity of residents of the proposed building and future development in the immediate vicinity.

It is noted that the setback to the boundaries of 6 metres does comply with Council's Sustainable City Development Control Plan, which is discussed in more detail in Part 3 of this report.

Having regard to the above and the previous assessment contained in the tables, the proposal is considered to be generally compliant with the objectives and design guidelines contained in the Residential Flat Design Code and SEPP 65 in general.

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

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

The proposal is consistent with several zone objectives, particularly:

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

A further objective of the zone is;

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

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

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

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

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

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

		<b>Campbelltown (Sustainable City) Development Control Plan Residential Apartment developments</b>	
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
Lot Size	2,977 sqm.	Minimum 2500m <sup>2</sup>	Yes
Lot Width	Min. approx. 83m	Minimum 30m	Yes
Height	6 storeys above ground level, additional two levels basement parking	Maximum 6 storeys	Yes
Front Setback	Minimum 5.5 metres	5.5 metres	Yes
Side & Rear Setback	Minimum 6m above ground level	6m from the side and rear boundaries above ground level	Yes
Apartments serviced by lobby	Maximum 6 units serviced by one lobby	Maximum 10 units per lobby	Yes
Bedroom configuration	7 x 1 bedroom/studio apartments (10%)	Minimum 5% units are 1 bedroom or studio apartments	Yes
Lifts	Two central lifts	Lifts provided for buildings of 3 or more storeys	Yes
Apartment size	1 bedroom – min. 66.8 sq.m 2 bedroom – min. 76.0 sq.m 3 bedrooms – min. 103.5 sq.m	Studio – min. 40 m <sup>2</sup> 1 bedroom – min. 55m <sup>2</sup> 2 bedroom – min. 80m <sup>2</sup> 3 or more bedrooms – min. 100m <sup>2</sup>	Yes
Apartment internal storage	Internal and basement storage areas provided.	1 bedroom – 8 cubic metres 2 bedroom – 10 cubic metres 3 or more bedrooms – 12 cubic metres	Yes
Ceiling height	Minimum 2.7m	Minimum 2.7m	Yes
Landscaped Open Space	Deep soil opportunities for 22% of site or 676 sq.m of site area  Landscape plan provided	Minimum 15% of total site area must be provided for deep soil planting	Yes
		Detailed landscape design and landscape plan provided	Yes
Private Open Space	All apartments have at least one balcony	All apartments shall have “some form of outdoor living area, such as private open space, balconies or roof terraces”	Yes
Balconies	Minimum depth 2 metres minimum area of 9.2 sq.m	Area not less than 8 sq.m with a depth of 2 metres	Yes



		<b>Campbelltown (Sustainable City) Development Control Plan Residential Apartment developments</b>	
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
Communal private open space	Seating provided externally. Large internal common or function room provided	Recreation room, bbq/outdoor area, swimming pool, gymnasium  Provision of supplementary facilities including seating, recreational facilities (eg barbecue area) and landscaping	Yes  Yes
Solar Access & Energy Efficiency	Communal open space not shaded provided with adequate light. Minimum 3 hours sunlight to more than 50% of private open space  40 sq.m of adjoining properties to be in full sun throughout the day  BASIX certificate supplied	Minimum 3 hours unobstructed solar access to 50% of private and communal open spaces  Minimum of 40 sq.m on adjoining properties to receive min. 4 hours sunlight  Compliance with BASIX requirements	Yes
Car Parking	98 car parking spaces over two basement levels	1 underground space per unit, plus 1 space for every 4 dwellings, plus 1 visitor space for every 10 dwellings  Total required = 95.85	Yes
Streetscape	All units presenting to Tyler Street have defined entrances or windows  All walls articulated, no section exceeds 10 metres in length without articulation  Variety of adequate architectural features contribute to streetscape	All units facing street must provide front façade presentation  No section of wall built within 8 metres of side or rear boundary should be longer than 10 metres  Articulation in walls, variety of roof pitch, architectural features on front façade	Yes
Site Services	On-site waste disposal rooms on each floor  No details of fire hydrants (to be confirmed prior to issue of construction certificate)  Adequate balance of security for residents and access to communal recreation spaces and waste disposal areas.	Service facilities suitably sized and designed for convenience of residents  Fire hydrants within 90 metres of the development  Access through the site simple and direct – building materials, layout of buildings, driveway/loading areas, garbage collection areas sensitively designed.	Yes

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

**Setbacks** - The proposed setbacks respond to existing and desired future development in the locality and minimise impacts upon neighbouring properties as best as possible while allowing adequate sunlight into new dwellings.

**Height** - The proposed six-storey building height reflects the status of Council's 10(a) – Regional Comprehensive Centre Zone and maximises solar access to buildings and public spaces. The proposal is comparable in height and scale to existing Council and JRPP issued development consents for residential apartment buildings within Tyler Street.

**Ecologically Sustainable Development** - The proposal achieves an acceptable level of energy efficiency. External shadow impacts do not unreasonably impact upon adjoining premises. Each unit would be fitted with energy efficient appliances, water saving fittings and insulation. A rain water collection tank would be installed and utilised to irrigate landscaping areas, in accordance with Section 2.4.1(a) of the Sustainable City DCP.

**Landscaping** – The site is to be landscaped in accordance with the requirements of the SCDCP. The application provides for 22% of site area of deep root planting. A recommended condition of development consent requires the use of a large proportion of locally indigenous species that are low water tolerant and provide effective shade to reduce building energy use.

The landscaping forms a 'green' barrier between the development and its boundaries, where deep rooted planting can occur to provide for long term tree growth and beautification of the site. A detailed landscape plan, identifying species and tree locations has been included with the application. The principal open space area is between the two above-ground towers and around the site's eastern, northern and southern boundaries. The landscaping areas incorporate paved spaces, garden beds and seating. These areas have been designed to retain good solar access and to provide a high degree of amenity. Low height planting and hedging has been provided to ground floor units to improve privacy, while maintaining some relationship to street activity.

**Waste Storage Areas** - The building contains a garbage chute room and recycling bin storage room on each floor of each tower adjacent to the elevators. The garbage bin rooms would contain two recycling bins, sized at 240 litres each. The applicant proposes that a caretaker be charged with removing the bins from each floor on a rotational basis, where they can be taken to the basement and placed in a storage area. The recycling and general waste bins would also be sent through a compaction device, which enables the capacity of each bin to be amplified significantly. Bins may also be stored and cleaned in the waste storage rooms located in the basement.

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

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

A Waste Management Plan was submitted with the application in accordance with Council's SC DCP. The plan details the estimated volume of waste and recycling materials that would be generated by residents and commercial tenants in the building and provides information on the methods by which this waste would be collected. A caretaker would be appointed who would be responsible for maintaining the waste area including the cleaning of empty bins and loading and unloading of bins to the waste collection vehicles. A recommended condition of development consent requires further detailed liaison between the building owner and Council's Senior Waste Officer to further detail waste and recycling collection details prior to occupation of the building.

**Public Domain** - It is considered that the site satisfactorily integrates with the public domain, providing good access between the building and its interface with Tyler Street having regard to variation in ground and floor height. The buildings provide an interesting and architecturally sound appearance to the road, with an array of articulation and material variance devices utilised to reduce the buildings' apparent mass.

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

The application complies with the objectives and standards contained within the SCDCP and is considered to be a good example of the type and scale of buildings that are envisaged by the DCP as likely future and desired development within the Campbelltown regional comprehensive centre.

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

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

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

#### **Flooding**

Relevant conditions are recommended to ensure that the recommendations provided by the flood study report that was prepared for the application, including the raising of the driveway to protect the basement car parking from inundation during a 1 in 100 year flood. Flooding is evident across the front and rear of the property during a 1 in 100 year event due to the profile of Tyler Street. The car park can be protected from this inundation with minimal impact on down-stream properties or water movement.

A request was made via Council's Technical Services Branch to raise the height of some ground floor parts of the building in order to ensure that there was no potential for inundation. The applicant amended the plans and Council staff are now confident that the building is protected from inundation and creates minimal downstream impacts. On-site stormwater detention system would be provided to minimise the impact of water flows to downstream properties.

## **Salinity**

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

## **Demolition safety**

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

## **Building Code of Australia**

Council's officers have undertaken an initial review of the proposal. As a result, the building is considered to be satisfactory in its compliance with the Code and meets particular provisions in relation to access for the disabled, sound transmission, fire safety and construction materials. More detailed assessment of the building and its compliance with the Building Code of Australia would be undertaken as part of construction certificate issue should development consent be granted.

## **Street drainage**

Tyler Street does not presently contain any 'in street' stormwater capture and drainage system. The nearest Council-owned below ground system is located in Chamberlain Street to the north west of the subject site. Council's Technical Services Branch have undertaken an assessment of the proposal, and while concurring that the proposed on-site stormwater disposal system is a relatively sound option for ensuring post development water flows mimic the existing situation, a longer term solution to the street drainage issue is sought. This solution would become quite important should other parts of Tyler Street and Beverley Road be developed at the density permitted by local planning controls.

A recommended condition of development consent has been developed, which requires the applicant to construct a 375mm concrete stormwater pipe under the road in the Tyler Street frontage of their development to provide for future connections of surrounding development and a longer term drainage solution, whereby other developers and/or Council connect the Tyler Street system to the existing reticulation network in Chamberlain Street. The condition and pipe system would match that which was contained in the recent approval for a residential apartment building at 2-10 Tyler Street.

## **Traffic impacts**

The development site is located within a mixed commercial and residential area. Primary generators of traffic in the locality are the small businesses (usually professional offices) and importantly, Campbelltown Performing Arts High School (the high school). The high school presently has approximately 1,100 enrolments, with specialist 'Beverley Park' and 'Lomandra' Schools to the immediate east of the development site having approximately 100 enrolments between them. The traffic situation during peak school use times (0800-0930hrs and 1400-1600hrs) can be described as potentially significant in terms of causing delays at crucial intersections near the development site. These intersections are Beverley Road and

Tyler Street and Beverley Road and Chamberlain Street, through which all traffic to the schools generally flows.

The potential traffic impacts of the development are divided into two parts for discussion below:

#### *Construction impacts*

Having regard to the width of nearby streets and the high demand for on street car parking during busy school peaks, construction traffic impacts of the development are considered to be high. The intersections of Beverley Road and Tyler Street and Beverley Road and Chamberlain Street are relatively narrow, with limited access for heavy vehicles, particularly 19 metre semi-trailers. It is likely that some car parking restrictions will be required to be instituted to provide for heavy vehicle manoeuvring (particularly at the Tyler Street and Beverley Road intersection) as well as for a loading/works zone where concrete agitators, pumpers and the like would operate from.

A recommended condition of development consent requires that the applicant submit a detailed 'Construction Traffic Management Plan', which addresses matters such as:

- Required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development;
- Detailed discussions regarding 'staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading;
- Detailed information relating to traffic management and intersection control near to the development site (including the intersections of Beverley Road and Tyler Street as well as Chamberlain Street and Beverley Road).
- Details regarding the proposed access routes for heavy vehicles loading/unloading at the site;
- Details of the hours of truck movements – the Plan shall detail the means by which heavy vehicle access times will be minimised during the school peak pick up and drop off periods;
- Details of consultations made with potentially affected residents, businesses and schools in preparation of the Plan.

The Plan would ultimately be reviewed and adopted for the site by Council's Local Traffic Committee, which contains representatives of the Police, Roads and Traffic Authority and Council officers.

#### *Operation impacts*

Traffic impact assessment reporting and supplementary information submitted with the application suggests that the development is not likely to significantly or detrimentally impact on the existing traffic situation. Granted, given the number of vehicles entering the traffic stream during peaks nearby, the addition of 71 additional units is unlikely to significantly impact on the amount of traffic presently engaged within the immediate locality. The reporting notes the development's compliance with Council's DCP car parking controls, provision of bicycle storage areas and the site's relatively good proximity to public transport.

Following the JRPP briefing meeting in late May 2011, Council requested additional clarification from the applicant on the following matters:

- the cumulative impact of three multi-storey residential apartment buildings in the street; and
- justification of intersection performance figures included within the original traffic impact assessment report.

The applicant provided an updated report (provided to the JRPP under separate cover) which contained more information regarding the above matters.

Briefly, the applicant has revisited the traffic impact assessment and intersection modelling to take account of the previously approved residential apartment buildings in Tyler Street (totalling 222 units plus existing dwellings). The SIDRA analysis reveals that intersection performance – notably at the critical Chamberlain/Beverley intersection – remains Service Level 'A', meaning that the intersection is performing well, with minimal delays to traffic.

When questioned about the nominated peak hour still achieving the highest service level (Council's letter requested information about the 'normalisation' of intersection performance over the hour), the applicant did note that there was a 'spike' in traffic between 0830 and 0845 hrs. The performance of the intersection during that 'spike' was remodelled and the cumulative unit number utilised for assessment. The SIDRA model again returned a service level of 'A' for the intersection.

A recommended condition of development consent requires the applicant to consult with the Local Traffic Committee and Council's Waste Management Unit to coordinate on-street car parking restriction signage in order to allow for kerbside collection of garbage bins. A similar arrangement has been made with an existing approved residential apartment building at the southern end of Tyler Street.

However, Council must consider the cumulative impacts of higher density development in this busy area. To this end, Council is presently undertaking significant traffic modeling for the eastern end of its Campbelltown CBD area. This modelling will be used to detect and plan for future upgrades to certain roads and intersections that would be required.

With specific regard to the development site and its surrounds, Council is presently investigating an upgrade to the Chamberlain Street and Beverley Road intersection to account for existing traffic as well as a proposed connecting road to the west. Preliminary preparatory work is also being undertaken to assess the viability of a new connection one-way from Beverley Road to Moore Oxley Street in order to relieve pressure on the abovementioned intersection during school time peaks.

Overall, it is acknowledged that the development itself is not likely to significantly or detrimentally impact on the existing road network in the area. It should be noted that construction of the development is likely to have significant (albeit relatively short-term) impact on the immediate vicinity, which must be carefully planned and monitored in order to minimise its effect on neighbours and surrounding land uses.

## **5. Social and Economic Impacts**

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

## **6. Site Suitability**

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

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

### **'Land locking'**

The subject application creates a 'land locked' parcel of land, where land locking is taken to mean the loss of land for future high density housing under the Council's present planning controls. In this instance, an allotment to the east of the development site at No. 22 Tyler Street, between the subject application and a previously approved residential apartment building has not been included as part of the development site. The allotment has an area of 1,176 square metres and a narrow frontage, noting its position on a bend in the Tyler Street cul-de-sac, meaning it would be unsuitable for higher density residential development under present planning controls.

Council's officers noted the situation at a pre-application meeting with the applicant, where it was stated that attempts had been made to purchase the site for inclusion in the development. To this end, the applicant included letters forwarded to the owner of the property in order to engage in discussion regarding purchase of No. 22. Council's officers have confirmed with the owner of that land that the offers were made as detailed in the supporting documentation, however, despite the engaging of a real estate agent, no amicable solution could be met. Subsequently, the applicant continued with the present development proposal.

The Council does not presently have a formal 'land locking policy' on which to draw in making decisions in these circumstances. Notwithstanding the above, it is noted that Section 4.4.1 of the SC DCP requires the applicant to demonstrate how the adjoining property can be developed in an orderly manner should it become isolated between residential apartment development. Noting the zoning of No. 22, it is not unfeasible that it could be redeveloped for some kind of professional suites or other enterprise in the future. A 3D elevation provided at Attachment 8 to this report illustrates a possible future building envelope for No. 22 Tyler Street (although this envelope has not been assessed for compliance with relevant State and local planning controls).

However, there can be no doubt the economic viability of any future development of the land would be affected by its size and the proximity of residential apartments on each of its non-road boundaries.

That the adjoining site at No. 22 Tyler Street has not been included is an undesirable outcome, however, officers are of the opinion that adequate attempts at inclusion have been made by the applicant and while future development of the 'land locked' parcel may be limited, they are not entirely quashed.

### **Safer by Design**

A matter for consideration is the safety of residents, tenants and visitors to the site. High levels of property maintenance and effective lighting establish a safe and accessible ground floor. The building design and features promote territorial reinforcement of the private space

within the complex. Entrapment areas are minimal throughout the development and passive surveillance from dwellings and open spaces is considered to be adequate.

Recommended conditions of consent require that basement car parking security for residents would be provided by the use of security shutters with electronic 'key' activation so that parking areas could only be accessed by residents or authorised visitors. Elevators would also be key controlled so that residents would access only their floor and visitors to the site would require a resident to allow them access. Car parking areas are to be finished with white paint as appropriate to increase the effectiveness of lighting and to create the impression of a more 'open' space.

Approval of the development is considered to be in the public interest as the proposal has demonstrated compliance with Council's development standards and objectives and is considered to be a suitable development in that location given its proximity to transport and retail opportunities.

## **7. Submissions**

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

The application was notified and publicly exhibited between 17 March and 22 April 2011. The application was notified directly to nearby and adjoining owners and via public notice in local print media.

During the exhibition period, four submissions were received, including one from Campbelltown City Council. A discussion of the matters raised is below.

### *Compatibility with surrounding development:*

Concerns were raised in submissions regarding the compatibility of the development with its surrounds and the appropriateness of higher density housing in the City of Campbelltown.

It is acknowledged that this type of development is larger in scale than surrounding residential and commercial developments. The site is within an emerging higher density residential area. Near to the site, Council and the Sydney West Joint Regional Planning Panel has previously granted development consent to no less than four six storey buildings. The development as proposed minimises its impact on the local environment as far as possible while providing acceptable amenity outcomes for future residents.

The housing type provides a level of choice for households of varying sizes and space requirements, while also providing for a range of affordability criteria.

### *Traffic impacts:*

Submissions noted the existing traffic situation at the site, having particular regard to its proximity to a large school with finite peak road capacity demands and the development's potential to exacerbate perceived problems in the neighbourhood. Concern was also raised regarding the development's potential impacts during construction.

As mentioned earlier in the report, traffic in the area is known to be an issue, particularly during school operating days. Council is presently investigating long-term solutions to ameliorating traffic delays in the eastern portion of its CBD. The applicant's submitted



information and review of that report details that the development is not likely to significantly and detrimentally alter the existing intersection performance in its vicinity.

Construction traffic is a major concern and will be addressed by a detailed Construction Traffic Management Plan to be endorsed by Council's Local Traffic Committee in consultation with nearby land owners prior to issue of any construction certificate for the site's development should consent be granted.

*Waste management:*

A submission raised issue with the proposal's preliminary waste management plan and the building's design in terms of waste collection and disposal.

Following receipt of the submission, Council wrote to the applicant detailing issues with the placement of bins throughout the building and a lack of compaction device(s) to reduce the building's reliance on a large number of bins (and thus a greater impact on the street during collection day(s)). The applicant has since amended the original design and catered for a compaction system which would allow for a significant reduction in the number of bins used in the building and presented to the street for kerbside pick up. The amendments are considered to satisfactorily address Council's requirements.

*Owner's consent:*

A submission raised issue with the provision of owner's consent in the application, specifically, the consent of the owners of one property was not immediately obvious at the outset of the application and one of the properties was consented to being included by a person acting under 'power of attorney'.

These issues have since been resolved to Council's satisfaction and it is acknowledged that owners of the five properties concerned have consented to the application being made.

*'Land locking' of No. 22 Tyler Street:*

Two submissions raised concern with the 'land locked' allotment located between the subject application and a six storey residential apartment building approved by the Council in 2009. One submission further stated that the offer price was considered to be 'too little' and an alternate figure provided. It is noted that the submission was not made by the owner of the allotment in question.

As mentioned earlier in the report, Council staff contacted the owner of the land locked allotment to determine whether or not the offers were made as detailed in the applicant's supporting information. The owner confirmed such and detailed that the process had gone as far as a real estate agent being appointed to handle negotiations, which ultimately stalled and the applicant moved on with the proposal in its present form. It is acknowledged that the exclusion of this parcel is not ideal in terms of orderly and best practice economic development of the land.

As detailed previously, it is undesirable that the site has not been included in the development area, however, officers are of the opinion that adequate attempts at inclusion have been made by the applicant and while future development of the 'land locked' parcel may be limited, it is not entirely sterilised for the future.

Having regard to the submissions and assessment of the application, it is considered that the proposed development forms an acceptable outcome having regard to the existing

surrounding development and land uses and Council's desired likely future character and development density reflected in recent planning controls for the locality.

## **8. The Public Interest**

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

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

The application is considered to have satisfactorily addressed Council's relevant objectives and controls required for development in this area.

## **Conclusion**

Council has received an application for the demolition of several existing residential dwellings and the construction of a six storey residential apartment building. The proposed development incorporates 71 residential units (7 x 1 bedroom, 47 x 2 bedroom, 17 x 3 bedroom) and 98 car parking spaces located within two basement levels as well as associated landscaping, site works, communal facilities and strata subdivision.

The development would be located in an existing residential and in-fill commercial area.

The proposed development generally conforms to the requirements of SEPP 65, LEP 2002 and Council's Sustainable City DCP. It is considered the proposal results in acceptable planning outcomes for the site, given the desired character outcomes contained in the Campbelltown (Sustainable City) Development Control Plan.

The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably at the site. Adequate measures relating to garbage collection and traffic management are proposed in order to ensure that the development does not significantly and detrimentally impact on traffic safety and convenience within the neighbourhood.

The Council has moved to undertake significant work in relation to future traffic planning for the area and is presently engaged in investigating ways in which traffic flows near the site may be improved, considering not only the area's present density, but also its future density as detailed in local planning controls.

Submissions were received regarding the development's potential impact on traffic and amenity in the area. It is considered that the development proposed forms a reasonable compromise between the existing surrounding development and land uses and Council's desired likely future character and development density for that part of the northern Campbelltown business centre.

## **Officer's Recommendation**

That development application 348/2011/DA-RA (JRPP ref. 2011SYW030) for the demolition of existing dwellings, construction of a six-storey residential apartment building containing 71 units, basement car parking area, associated site works and landscaping and strata

subdivision at 12-20 Tyler Street, Campbelltown be approved, subject to the conditions detailed in Attachment 1.

## **ATTACHMENT 1**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

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

#### **2. Building Code of Australia**

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

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

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

This clause does not apply:

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

#### **4. Notification of Home Building Act 1989 Requirements**

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

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor, and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

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

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

## **5. 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.

## **6. Garbage Room**

The garbage storage rooms identified on the approved plans shall:

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

## **7. Fencing**

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

## **8. Switchboards/Utilities**

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

## **9. 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.

**10. Flood Level Controls**

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The site and building shall be designed and finished in accordance with the report, plans and documentation prepared by designcorp Australia Pty Ltd (ref. 2010-167 J03, dated 10.6.2011) or as otherwise amended by conditions of this consent.

**11. Driveway entry**

The entry to the basement car park driveway shall be designed in accordance with the submitted plans and Section 4.13.8 and Appendix C of Campbelltown (Sustainable City) Development Control Plan Volume 2 – Engineering Design Guide for Development (as amended).

**12. Basement Operation and Car Parking Spaces**

The basement shall be provided with electronic access control to ensure the safety of residents and their visitors and to also ensure the availability of off-street parking in accordance with Council's controls.

Ninety-eight (98) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

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

**13. Rubbish/Recycling Bin Storage**

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

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

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

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) Development Control Plan Volume 2 – Engineering Design Guide for Development (as amended).

**15. 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.

## **16. Rainwater Collection Tank**

A rainwater collection tank shall be installed and utilised in accordance with the requirements detailed in Section 2.4.1 of Campbelltown (Sustainable City) Development Control Plan.

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

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

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

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

## **18. Landscaping**

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

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

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

## **19. Geotechnical Report**

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

## **20. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval. The soil management plan shall consider and make recommendations regarding the appropriate treatment of basement walls should saline ground water be encountered during construction.

## **21. Construction Traffic Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and receive Council's written approval (via its Local Traffic Committee) for a 'Construction Traffic Management Plan', which shall contain details of the following as a minimum:

- Required loading zones and parking restriction areas near the development site to allow for manoeuvring and loading/unloading of heavy vehicles associated with the development;
- 'Staging' locations, where heavy vehicles wait until such time that adequate space is available adjacent to the development site for loading/unloading;
- Traffic management and intersection control near to the development site (including the intersections of Beverley Road and Tyler Street as well as Chamberlain Street and Beverley Road).
- Proposed access routes for heavy vehicles loading/unloading at the site;
- Hours of truck movements – the Plan shall detail the means by which heavy vehicle access times will be minimised during the school peak pick up and drop off periods;
- Consultations made with potentially affected residents, businesses and schools in preparation of the Plan.
- The applicant may also be required to liaise with adjoining or nearby land owners presently undertaking works of a similar scale in the vicinity.

## **22. Traffic Control Plans**

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

## **23. Traffic Committee**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

This includes the requirements for:

- sign posting timed 'No Parking' signs along the frontage of the development to Tyler Street to restrict vehicle parking during garbage and recycling collection times on a weekly basis. The restrictions shall not allow for vehicle parking along the kerbside along the front property boundary between 12am and 10am on the day of bin collection;

## **24. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels. All proposals shall comply



with the Campbelltown (Sustainable City) Development Control Plan Volume 2 – Engineering Design Guide for Development (as amended).

**25. On-site Stormwater Detention**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to, and receive Council's written approval for a plan detailing the management and maintenance of the proposed OSD system for the site. The Plan shall also detail the person(s) responsible for the maintenance and provide contact information of those persons to Council.

**26. Work on Public Land**

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

**27. Existing Drainage**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Tyler Street, where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the increased flows.

The applicant shall also liaise with Council's Technical Services Branch regarding the provision of a subterranean 375mm concrete pipe within Tyler Street along the site's frontage to accommodate future drainage requirements within the catchment.

**28. Consolidation of Allotments**

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

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

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000 - a cost summary report by a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report (Cost Summary Report Template 1), or

- where the value of the proposed development is \$500,000 or more - a detailed cost report by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Cost Summary Report Template 2).

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

All cost estimates will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment.

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

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

### **30. Waste Management**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council for its written approval details of the collection and disposal of internal waste generated by the occupants. The Waste Management Plan shall detail the appointment of a caretaker to move and rotate bins throughout the building and through the approved bin compactors. The Plan shall state that the caretaker would remove bins from the kerbside no later than 10am on the day of their collection.

The Plan shall be prepared in consultation with Council's Waste Management Officer and garbage and recyclables collection contractor.

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

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

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

### **32. Telecommunications Utility Services**

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

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

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

### **33. Erosion and Sediment Control**

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

### **34. Erection of Construction Sign**

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

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

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

### **35. Toilet on Construction Site**

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

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

### **36. Construction Vehicle Control**

Prior to the commencement of any works on the land, the application shall meet with Council's Traffic Officers and Compliance Officers to discuss the management of the

various stages of the development and the management of construction and workers vehicles in and around the site.

No works shall commence until Council have issued written approval to the Construction Traffic Management Plan.

**37. Trade Waste**

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

**38. Vehicular Access during Construction**

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

**39. Public Property**

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

**40. Footpath and Vehicular Crossing Levels**

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

**41. Demolition Works**

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

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

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

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

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

#### **43. Geotechnical Reference**

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

#### **44. Structural Engineer Details**

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

#### **45. Public Property**

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

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

#### **46. Construction Work Hours**

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

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

#### **47. Erosion and Sediment Control**

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

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

#### **48. Unreasonable Noise and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise 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 or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

#### **49. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three (3) metres of the footprint of a building that has been approved by Council.

The *Melaleuca quinquenervia* within Council's nature strip shall be protected at all times throughout the construction phase of the development and shall not be removed as illustrated on the submitted plans.

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

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

## **50. Work Zones**

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

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

## **51. Dust Nuisance**

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

## **52. Excess Material**

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

## **53. Public Safety**

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

## **54. Compliance with Council Specification**

All design and construction work shall be in accordance with Council's requirements as follows:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Engineering Design Guide for Development (as amended);
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

**55. Footpath**

The nature strip in Tyler Street adjoining the subject land shall be regraded in accordance with levels to be obtained from Council, and concrete foot paving 1.2 metres wide in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)* shall be constructed to the satisfaction of Council. Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundary to provide an acceptable transition to existing footpath levels.

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

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

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

**57. Associated Works**

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

**58. Redundant Laybacks**

All redundant laybacks, vehicle crossings and damaged kerb and gutter shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

**59. 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 certifying authority prior to the issue of an occupation certificate.

**60. Completion of Construction Works**

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

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



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

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

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

### **61. Section 73 Certificate**

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

### **62. Structural Engineering Certificate**

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

### **63. Completion of External Works**

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

### **64. Registration of Levels**

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

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
2. DXF and/or MID/MIF file format(s), and
3. Datum to be AHD (Australian Height Datum)

### **65. Cooling Tower Registration**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall make application and obtain approval from Council for registration of the cooling tower/s should they be proposed.

### **66. Line Marking / Sign Posting Documentation (Development)**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic

Committee for the development. The plans shall show all works undertaken and the date of installation.

**67. Termite Protection**

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

**68. BASIX**

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

**69. Restoration of Public Roads**

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

**70. Public Utilities**

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

**71. Council Fees and Charges**

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

**ADVISORY NOTES**

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

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

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.

- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

#### **Advice 2. Provision of Equitable Access**

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

Where a construction certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

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

#### **Advice 3. Smoke Alarms**

From 1 May 2006 all NSW residents must have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

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

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

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

#### **Advice 5. 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 Council's (Sustainable) City DCP 2007 Volume 2.

#### **Advice 6. 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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

**Advice 7. Dial 1100 Before you Dig**

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

**Advice 8. Bonds and Bank Guarantees**

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

**END OF CONDITIONS**