

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	430/2011/DA-S - Subdivision
DA Number	430/2011
Local Government Area	Campbelltown City Council
Proposed Development	Stage 10 subdivision of Minto urban renewal project creating 160 residential allotments and one public park
Capital Investment Value	\$13,166,770
JRPP Referral Criteria	Crown authority development exceeding \$5 million
Street Address	Townsend Avenue, , Minto
Applicant/Owner	Landcom/Housing NSW
Number of Submissions	None
Recommendation	Approval with conditions of consent
Report by	Adam Coburn

Attachments

1. Conditions of consent
2. Indicative urban design treatments to existing dwellings
3. Site plans (L01_Stage 10_Street Trees_A, L02_Stage 10_Street Trees_A and L03_Stage 10_Street Trees_A)

Statutory Provisions: Campbelltown Local Environmental Plan (Urban Area) 2002
Minto Renewal Development Control Plan

Non-Statutory: Campbelltown 2025 Looking Forward

The Purpose

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

The development has a capital investment value of \$13,166,770 and is required to be referred to the Joint Regional Planning Panel (JRPP) for determination.

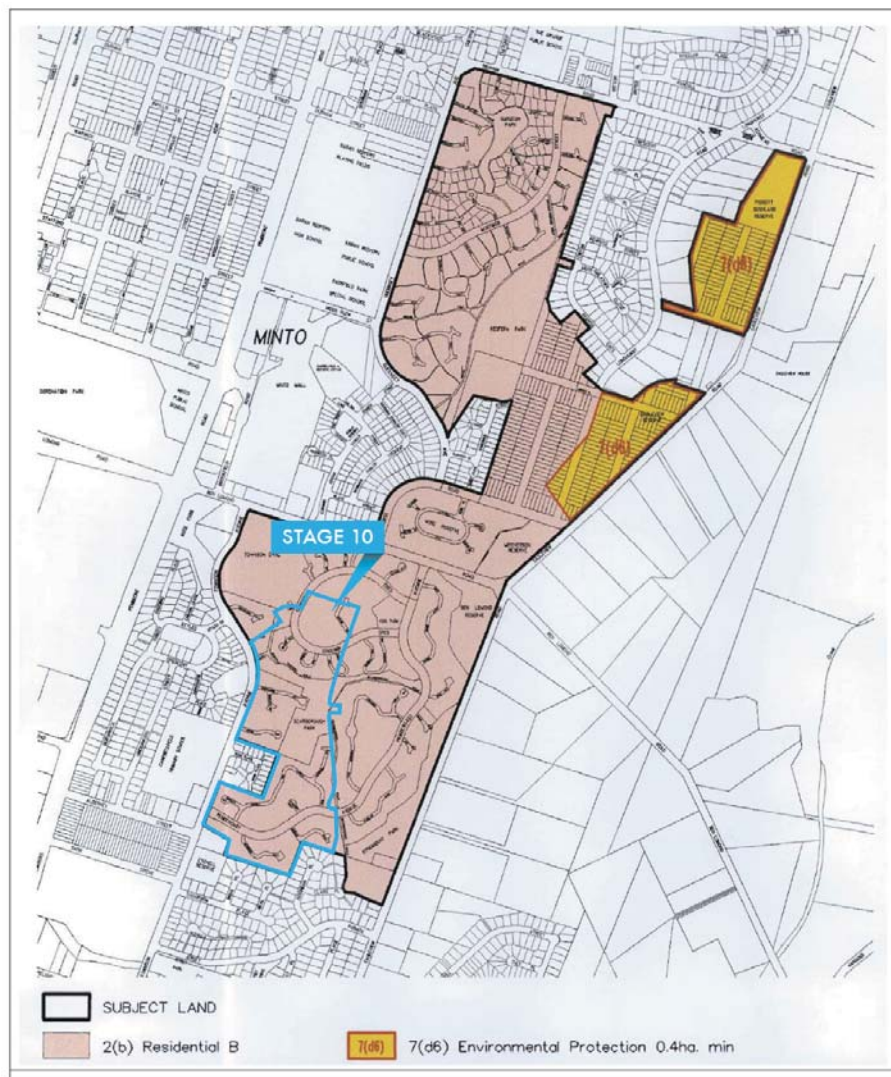
Background and History

Council is in receipt of a development application from Landcom for a 160 lot residential subdivision as part of stage 10 of the Minto renewal project. A concept plan was approved for the Minto urban renewal project in 2006, which approved in principal the creation of 1,100 residential allotments and associated works over 13 stages.

The Minto estate was initially developed as a public housing estate during the 1970's, with approximately 1000 dwellings being built on the site. This comprised some 800 townhouses and 200 detached dwellings, with many dwellings built on 'Radburn' planning principles. The Radburn principle involved the design of dwellings facing open space areas and walkways, with rear laneways providing access to carports. The 'Radburn' planning principles have been proven to be unsuitable for public housing communities because of the poor vehicle access, unsafe rear lanes and inadequate surveillance of open space.

The locality plan of the stage 10 in respect to the overall masterplan approval for the Minto Urban renewal project is contained below, with the thick black edged line indicating the urban renewal area, with stage 10 located towards the southern precinct:

Figure 1 – locality plan



Source: BBC Consulting Planners 2011

The State government with the support of Campbelltown City Council have committed to undertaking a series of urban renewal projects within the public housing estates of Campbelltown. The estates will be transformed into contemporary urban areas, with a government mandate to increase the percentage of private housing within these estates to 70%, with the remaining housing stock of 30% comprising public housing dwellings.

The Site

Stage 10 is bounded by stage 9 to the north, stages 11 and 12 to the east, with the eastern boundary being the alignment of proposed Elizabeth McRae Avenue and the existing Townson Avenue to the west. It extends to the southern boundary of the renewal site. The site includes parts of Goodwin Crescent, Pendergast Avenue, Friendship Way, and Minorca Way as well as several cul-de-sacs. It also includes significant areas of public open space and a pedestrian network linking these spaces.

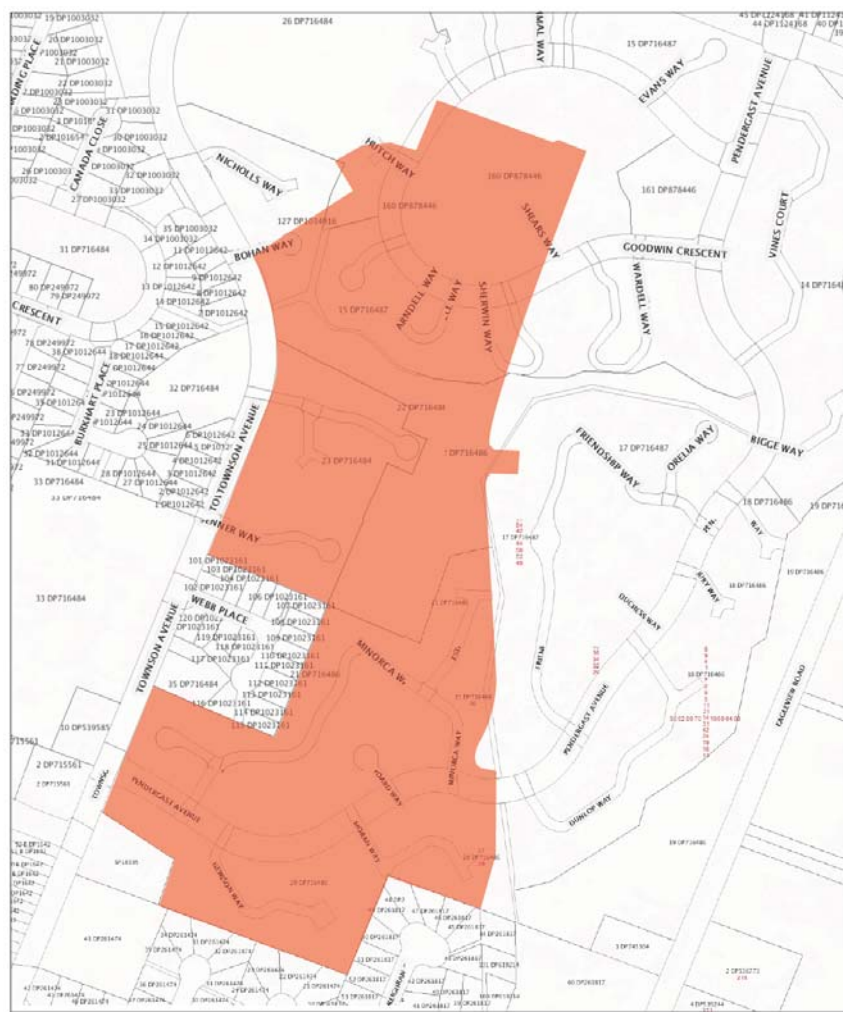
The property description for the Stage 10 of the Minto Renewal Area project includes:-

Pt. Lot 20 in DP 716486;

Pt. Lot 21 in DP 716486;
 Pt. Lot 17 in DP716486;
 Pt. Lot 22 in DP716486;
 Lot 23 in DP 716484;
 Pt. Lot 127 in DP 1034916;
 Pt. Lot 15 in DP716487;
 Pt. Lot 160 in DP878446;
 Pt. Lot 26 in DP716484;
 Pt. Goodwin Crescent (shown in DP716487);
 Pt. Scarborough Walk (shown in DP716486); and
 Minto Walk and Joseph Redfern Walk (shown in DP716486).

A cadastral plan of the affected development area is contained below

Figure 2 – cadastral plan of the subject site



Source: BBC Consulting Planners 2011

Included within the subject site is a number of existing dwellings, comprising both attached and detached dwelling types. The predominant built form is single storey brick veneer dwellings with tile roofs. A number of the townhouse dwellings have already been demolished within this precinct.

The site, including roads and open space areas are currently owned by Housing NSW. After completion of the development roads and public open space areas will be dedicated to Council.

Figure 3 Concept plan approved for Minto Renewal Project



Source: Minto Renewal DCP 2005

The Proposal

The stage 10 application involves the following:

- Re-subdivision of 160 lots for housing and 1 lot for a public park

- Associated subdivision work including the construction of roads and roadworks, associated drainage, site re-grading & retaining works, utility services and landscaping,
- Minor associated works such as the removal of redundant services, sedimentation control and tree removal,
- Excavation works associated with road grading, site benching and the construction of Scarborough Park, which is to contain a detention basin, and
- Retention and upgrading of 61 dwellings. Upgrading works include dwelling façade works, carports/garages and front fencing (see attachment two).

The proposal does not include an application for dwelling construction. This will be subject to further individual applications for development and construction approval.

Scarborough Park will comprise a passive open space area of 1.2 hectares, which will be appropriately landscaped with native and locally indigenous species. The park has been designed to cater for a combination of younger children (aged 0-5 years) and senior persons.

Assessment

The development has been assessed in accordance with the heads of 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.

1. Applicable planning instrument and controls

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

a) State Environmental Planning Policies (SEPP) & Regional Environmental Plans (REP)

State Environmental Planning Policy 19 – Urban Bushland

SEPP 19 – Bushland is applicable. The general aims of the policy are to protect and preserve bushland within urban areas. The proposed development will not remove significant vegetation and will not impact on the aesthetic, environmental, historical or scientific value of bushland within the Campbelltown area.

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

The REP applies to the land as the site falls within the Georges River Catchment. The REP aims to maintain and improve water quality within the catchment area and to protect and enhance the environmental quality of the catchment.

The development is located within an established urban area. Measures are proposed to manage stormwater quality and quantity during construction and operation as outlined in the Water Cycle Management Plan which accompanied the concept plan application. This includes improvements in stormwater treatment and management on the site. This will be to the benefit of downstream receiving waters and will comply with the aims, objectives and provisions of the REP.

b) Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 2(b) Residential under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a residential subdivision and is permissible with consent in the zone.

The proposal is consistent with the 2(b) zone objectives, particularly objective (a) and (e) of the zone:

- (a) to make general provision for land to be used for housing and associated purposes, and*
- (e) to allow development which:*
 - (i) is compatible with residential use, and*
 - (ii) is capable of visual integration with the surrounding buildings, and*
 - (iii) serves the needs of the surrounding population without conflicting with the residential intent of the zone,*
 - (iii) is capable of visual integration with the surrounding buildings, and*
 - (iv) does not place demands on services beyond the level reasonable required for residential use.*

The proposed residential subdivision is consistent with the zone objectives and provides a range of lot types and configurations for future dwellings. The development also incorporates the creation of a new public park with associated recreational facilities for the benefit and enjoyment of the community.

The existing dwellings will be integrated into the development through a range of public domain works, such as street trees and through embellishment of existing dwellings. Dwelling embellishment through façade treatment includes; front awnings, a range of new and upgraded building finishes, new windows and provision of carports or similar. A copy of an example of the method dwelling embellishment is attached as attachment two.

Relevant Provisions

Clause 32 deals with subdivision generally. It states:

“32 Subdivision generally

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

Clause 32(1) of the LEP permits subdivision with consent. The proposed development complies with Clause 32(2) of the LEP in that the proposed subdivision corresponds generally with the zoning boundaries. The road layout and subdivision pattern is consistent with the approved concept plan, which identified road hierarchy and networks throughout the estate. The development therefore complies with Clause 32(3) of the LEP.

Clause 39 – earthworks and preservation of trees; applies to the development application as it proposes some cut and fill, removal of trees and excavation. The excavation & cut and fill has been designed to be sympathetic to topography of the site and will not cause an adverse impact upon the local drainage catchment or flood conditions. See table below, specifically section 2.9 relating to maximum cut and fill.

c) Development Control Plans

Campbelltown (Minto renewal) Development Control Plan 2006

Minto Renewal DCP is a site specific DCP that applies to the site, and was adopted by Council in April 2006. It provides guidance in relation to the detailed design of new development within the Minto urban renewal area. Whilst the majority of the controls contained within the DCP relate to dwelling construction, the DCP includes relevant provisions relating to lot size and configuration, which have been assessed as part of the this application.

The Minto DCP identifies three main dwelling types within the project area, namely;

Integrated housing; containing a predominant character of a strong built edge opposite parks and open space areas. Part of stage 10 directly adjoins public open and shall have a higher density to the rest of the site.

Detached housing; These areas will be a transition between the dense areas surrounding the park to the large ridge top allotments. Allotment sizes should vary based on topography with larger lots located on higher and steeper slopes and smaller lots on the lower gentler slopes.

Rural residential; This area is zoned 7(d6) Environmental Protection and is most prominent from the suburbs surrounding Minto. Stage 10 does not include any rural residential allotments.

The relevant provisions of the DCP applicable to the subdivision application are found in the following compliance table:

Table 1 – Compliance with Minto Renewal DCP 2005

		Minto Renewal Development Control Plan	
Control	Requirement	Proposed	Complies
2.6 Car parking and access	<ul style="list-style-type: none"> To ensure that the location of driveways, parking and service areas are adequately provided. Driveways to be located at least 6m from tangent point of kerb and gutter. 	<ul style="list-style-type: none"> New driveways have been located appropriately and allow for the safe passage of vehicles entering and leaving properties. The subdivision layout is suitable and new dwellings are capable of locating driveways 6m from tangent point of the kerb & gutter. The development also provides parking bays adjoining Scarborough Park. 	YES
2.7 Landscaping	<ul style="list-style-type: none"> Detailed landscape plans will be required as part of each DA. Landscaping shall use native species, with at least 50% locally indigenous. 	<ul style="list-style-type: none"> A concept landscape plan incorporating street trees and public parks accompanied the DA. Detailed landscape plans will be required for each application for dwellings. 	YES
2.8 Erosion and sediment control	<ul style="list-style-type: none"> A soil and water management plan is required for sites greater than 2,500 sq m. 	<ul style="list-style-type: none"> A detailed soil and water management plan has been prepared and is satisfactory. 	YES
2.9 Cut, fill & flooring levels	<ul style="list-style-type: none"> Balanced cut and fill operations, with a Max 1m cut and fill for new dwellings. Earthworks shall have regard to council's specifications for construction and drainage works and AS 3798 – guidelines for earthworks for commercial and residential development. Dilapidation report may be required of adjoining infrastructure 	<ul style="list-style-type: none"> Balanced cut and fill operations will occur across the site and respond to the topography and natural landscape of the project area. Bulk earthworks associated with the proposal will limit the requirement for extensive excavation as part of individual dwelling development. Where required retaining walls are generally less than 900mm. Where they exceed 900mm they are stepped. A dilapidation report will be required as part of the consent. 	YES

Minto Renewal Development Control Plan			
Control	Requirement	Proposed	Complies
2.11 Water cycle management	<ul style="list-style-type: none"> Development shall not impact upon adjoining properties by way of overland flow. Overland flow shall be maintained at pre development levels. Development shall comply with Council's engineering design guide for development. Easements shall be created where development cannot (under gravity) connect to the street or directly to Council's truck drainage system. 	<ul style="list-style-type: none"> Appropriate methods of drainage have been prepared and are detailed in the drainage concept plan. Council's development engineers have raised no objection to the drainage plan. Easements will be required on downstream properties, and will be shown further as part of detailed engineering and construction plans. Council will not release the linen plans until easements are detailed. 	YES
2.12 fencing and retaining walls	<ul style="list-style-type: none"> Fencing and retaining walls are to be shown where they are required as part of a development. Fencing shall not obstruct utilities and other infrastructure services. Retaining walls shall not be greater than 900mm. 	<ul style="list-style-type: none"> A fencing strategy has been prepared and approved previously as part of the concept plan. It guides the introduction of fencing across the estate. Fencing and retaining walls will be conditioned to be located clear of utilities and other services. Generally retaining walls are less than 900mm, however where greater they will be required to be stepped and engineering details provided. 	YES
2.13 Safety & security	<ul style="list-style-type: none"> Maximize opportunities for passive surveillance and avoid entrapment locations. Dwelling design should articulate entrances. Clearly differentiate between public and private areas. 	<ul style="list-style-type: none"> All allotments compromise direct road access with majority fronting roads. Whilst there are some battle-axe allotments, they are adjoined by allotments facing streets and service existing dwellings. A fencing strategy is prepared that clearly identifies private areas, i.e. dwellings. 	YES
2.17 Bushfire	<ul style="list-style-type: none"> Manage the risk of bushfire within the project area. 	<ul style="list-style-type: none"> Bushfire issues were considered as part of the concept plan approval, and stage 10 is not bushfire prone. 	YES

Minto Renewal Development Control Plan			
Control	Requirement	Proposed	Complies
2.18 Waste management	<ul style="list-style-type: none"> Construction shall maintain healthy and safe practices towards waste management and minimization. 	<ul style="list-style-type: none"> A construction waste management plan will be prepared prior to construction and is included as a condition of consent. 	YES
3.1 Dwelling	<ul style="list-style-type: none"> Dwellings are to be consistent with the development criteria in part 2 of DCP. New housing and redevelopment of existing dwellings are to be integrated in the design character of the project area. 	<ul style="list-style-type: none"> The configuration and size of proposed allotments are consistent with the DCP dwelling types. In this regard integrated dwellings can be provided opposite the park and a range of detached and attached dwellings can be built within the remaining areas of the project area Existing dwellings to be retained will be embellished as part of the development, with further public domain works proposed, such as street tree planting and fencing. Indicative details of existing dwelling embellishment are provided in attachment two. 	YES
3.1 Lot size	<ul style="list-style-type: none"> Minimum 300 sq m 	<ul style="list-style-type: none"> Minimum lot size is complied with. Lots facing the park are generally smaller in size, down to 330m, which is consistent with the concept plan approval for integrated housing within this precinct. Other allotments vary in size with most lots being within the range of 400-500 sq m. 	YES
3.1 Lot width	<ul style="list-style-type: none"> 10m lot width required at the building line, i.e. 4-4.5m into the property. Access handles for battle-axe allotments to be a minimum 3.5m in width or 5m for shared handles. 	<ul style="list-style-type: none"> All proposed lots have been checked for compliance with this provision and are satisfactory. 	YES

Minto Renewal Development Control Plan			
Control	Requirement	Proposed	Complies
4.1.1 Neighbourhood subdivision	<ul style="list-style-type: none"> The neighborhood subdivision shall be consistent with the concept plan The design of the allotment shall have regard to orientation, slope and aspect for future residential development. Subdivisions shall promote through street access and minimize culdesacs. 	<ul style="list-style-type: none"> The proposed street layout and configuration is consistent with the concept plan. The lots have been appropriately designed to maximize solar orientation and topography of the site. The development incorporates a number of new street penetrations through the precinct that encourage through access and avoid or remove culdesacs. Culdesacs which are retained are on the edge of the development and are short culdesacs, with a maximum length of 30m. 	YES
4.2 Streets	<ul style="list-style-type: none"> Streets shall be constructed in accordance with the road hierarchy plan. Roads shall comply with Council's specification for construction of subdivision of roads and drainage. Traffic calming shall be incorporated where required and upright kerbing is to be installed. Where an allotment adjoins an intersecting road, a 4m x 4m splay is required. 	<ul style="list-style-type: none"> As previously indicated the road layout and hierarchy is consistent with the concept masterplan. The design of the road incorporates traffic calming measures, with all kerbs being upright and no rollover kerbs. All adjacent to intersection include appropriate splays. 	YES
4.3 Access	<ul style="list-style-type: none"> A network of footpaths and cycleways are to be provided in accordance appendix K of the DCP. A palette of Street lighting and street furniture shall be provided. 	<ul style="list-style-type: none"> Footpaths and shared paths are provided within the precinct. A Street tree planting strategy is included in the application incorporating appropriate tree planting which improves the streetscape. Further details of street lighting and furniture will be provided at the detailed engineering and construction certificate stage. 	YES

Minto Renewal Development Control Plan			
Control	Requirement	Proposed	Complies
4.4 Stormwater	<ul style="list-style-type: none"> Stormwater systems and drainage to comply with Council specifications for the construction of subdivision road and drainage. All stormwater systems to design for 100 year ARI event and be designed by a qualified professional. Suitable drainage easements to be created where required and to benefit Council. 	<ul style="list-style-type: none"> Concept drainage plans have been submitted with the application and have been reviewed by Council's development engineers. Further detailed drainage design and calculations will be required at detailed construction stage. Drainage systems have been designed to 100 year ARI event. Easements will be provided and reviewed further at detailed design stage. 	YES
5.1 Public open space	<ul style="list-style-type: none"> Parks to be located in accordance with concept plan. Retain existing vegetation where possible and new trees to incorporate native and locally indigenous species Lighting, safety and security shall be considered and addressed as part of the proposal. 	<ul style="list-style-type: none"> The park is located in accordance with the approved concept plan. Existing trees have been retained where possible and street species are native and indigenous and conform with the DCP species list. The Lighting for the park will conform to the current Australian Standards. 	YES

d) Other planning policies

Section 94A Development Contributions Plan

As part of the approval and redevelopment of the Minto project area a Planning Agreement was entered into between Campbelltown City Council, Landcom and Housing NSW. The Planning Agreement dealt with and required the proponent to deliver public infrastructure improvements, such as roads, drainage and other public domain works such as the provision and embellishment of public parks.

Accordingly as part of the Planning Agreement the proponent is not required to provide a monetary contribution to Council for public works and they are exempt from the provisions of Campbelltown City Council's Section 94A Contributions Plan.

Campbelltown 2025 Looking Forward

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*

- *Recognises likely future government policies and social and economic trends; and*
- *Sets down the foundations for a new town plan that will help achieve that future.*

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City,*
- *Building a distinctive Campbelltown sense of place, and*
- *Creating employment and entrepreneurial opportunities.*

The proposed development is generally consistent with these directions. The development contributes to the growth of the regional city of Campbelltown and a distinct neighborhood within Minto.

Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way; and*
- *Development and land use that matches environmental capacity and capability.*

The proposed subdivision has been assessed having regard to Campbelltown 2025 *Looking Forward*. It is considered that the development application is generally consistent with the Vision's desired outcomes and provides a contemporary residential subdivision with improvements to the public domain. The public park will make a significant contribution to the community and provides sufficient leisure and recreation opportunities for a range of users.

2. Impact of the development

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

The proposed development poses no adverse impacts on the built form of the locality. The proposed subdivision is appropriate and has been designed to accommodate a range of dwelling types that will contribute towards the character of the locality. The street patterns and road hierarchy that form part of the development will make a positive contribution to the streetscape and the safety and efficiency of the local road network.

The development poses no adverse environmental impact. No threatened or endangered species or habitat will be adversely affected by the proposed development. A

comprehensive flora and fauna report was undertaken as part of the approval of the concept plan. This report established that no significant flora or fauna species were present within the project area and consequently the current proposal has no adverse impact upon the ecological values on flora and fauna.

3. Suitability of the site

Section 79C(1)(c) of the Act requires Council to consider the suitability of the site to accommodate the development.

The site forms part of the Minto Renewal Area and has been zoned and approved for residential development. In conjunction with the masterplan and staging plan of the project, the proposed subdivision provides for the efficient and orderly development of land.

Extensive investigations have been undertaken in respect to soil, flora & fauna, hydrology and traffic, which found that the site is suitable for development.

4. Submissions

Section 79C(1)(d) of the Act requires Council to consider submissions made in respect to the proposal.

The application was not required to be notified or advertised in accordance with the provisions of Campbelltown Public Exhibition and Notification DCP, nor any other provisions of the Environmental Planning Assessment Act or Regulations. No submissions were therefore received in respect to the proposed development.

It should be further noted that extensive community and public authority consultation was undertaken as part of the concept approval and such comments were incorporated into the final project approval.

5. The public interest

Section 79C(1)(e) of the Act requires Council to consider the public interest when determining an application.

The proposed development is considered to be in the public interest, particularly in regard to the social benefit that the embellishment of community infrastructure and the provision of residential land to meet the housing needs of the community. The proposal is in accordance with the requirements of the relevant planning instruments and policies and will not have a negative impact upon the environment, property values or public health. For the reasons identified above the proposal is considered to be in the public interest.

Conclusion

The proposed development is for the subdivision of stage 10 of the Minto renewal project. The proposal is consistent with the concept plan approved for the site. The subdivision provides a range of allotment sizes that can cater for detached & attached dwellings, integrated housing and the retention of existing public housing dwelling.

The proposed development is permissible with consent and is consistent with relevant planning controls and has a strong public benefit. The development poses no adverse environmental impact and is sympathetic and compatible with the character of the locality.

This report has assessed the proposal in accordance with the provisions of the Section 79C of the Environmental Planning and Assessment Act, 1979, and the development has been found to be satisfactory and worthy of support.

Officer's Recommendation

That the development application be approved subject to conditions of consent contained in attachment one.

ATTACHMENT ONE

DRAFT CONDITIONS OF CONSENT FOR DA 430/2011

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 marked 77419.10M01 to 77419.10M25 (dated Oct 2010, amendment A), LD-1, LD-2 & LD-3 (dated 23/2/11) & L01-L02 (dated 19/1/11 issue D) and all associated documentation submitted with the application, except as modified by any conditions of this consent.

2. Embellishment of existing dwellings

All existing dwellings to be retained are to be suitably upgraded with a range of façade and other site improvements. Prior to the commencement of civil works for each relevant stage, a dwelling embellishment plan is to be submitted to and approved by Council. The plan shall include:

- Concept architectural details for each dwelling or dwelling types illustrating façade improvements,
- A schedule of external finishes and colours or suitable palette of a range of material/colours,
- A streetscape elevation of affected streets illustrating pre and post embellishment works and compatibility with the future urban character of the area, and
- A site analysis plan.

Separate development consent may be required for some works and the proponent shall check with Council to determine required development approvals.

3. Public Playground Equipment

All public playground equipment shall meet the following Australian Standards (as amended):

- AS 4685-2004
- AS/NZ 4486.1-1997
- AS/NZ 4422-1996
- AS 2155-1982

Rubberised wet pour soft fall is to be provided to all playground areas, including under play equipment. Bark mulch is not acceptable as a playground soft fall surface. Furthermore there should be at least 2 additional bench seats provided within the park area, adjoining the play equipment.

Prior to Council or an accredited certifier issuing a construction certificate, the design and layout of all playground equipment shall be submitted to Council for written approval and all playground equipment shall be inspected and certified by Council.

4. Shoring and Adequacy of Adjoining Property

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

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

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

5. Construction Certificate

Prior to the commencement of any works that require a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two (2) days prior to the commencement of any works

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.

6. Geotechnical Report

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab 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.

7. Landscaping details

Detailed landscape plan for parks and other areas will be required at the construction certificate stage. Native grasses within parks should be replaced with mowable lawns, unless in a designated riparian zone.

All garden areas need to have mowing strips to delineate from lawns for ease of mowing, these would be in concrete mowing strips or 38mm x 100mm treated pine timber as a minimum.

8. Street trees

Corymbia maculata and *Corymbia citriodora* are unacceptable to Council in parks and streets as they are identified as known branch dropping species. *Eucalyptus crebra* or equivalent is to be utilised, providing there is enough space for roots to grow and the trunk is at least a metre from concrete structures and an appropriate root barrier is used. Final tree species for street and park trees is to be approved by Council.

9. 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.

10. Easement Over Community Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for an appropriate easement over any pipe/conduit traversing Council community land.

11. Pollution Control

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of a suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of the Office of Environment and Heritage (OEH) and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2* for the stormwater drainage system prior to discharge from the site.

12. Road Construction (New)

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of the required road construction described below:

Full construction of all new roads to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2*.

All inspections are to be undertaken by Council and principal certifying authority shall not issue a subdivision certificate until Council has issued a compliance certificate for the road construction.

13. 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.

14. 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.

15. Stormwater Management Plan (Green Field Subdivision)

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of a formal drainage system designed to conform and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*, including the creation of appropriate drainage reserves and/or easements. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

16. 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 Townson Avenue, 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.

17. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

18. Work on Public Land

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

19. Contaminated Site Assessment

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and a remedial action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage and in accordance with the requirements of the Contaminated Land Management Act 1997 and shall be submitted to Council/PCA for approval.

Upon completion of the approved remediation works, a site validation report completed by a suitably qualified person shall be submitted to Council/PCA indicating that the soil on the site complies with the requirements for the use of the site as proposed.

20. Controlled Activity Approval

A construction certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the Office of Environment and Heritage (OEH) has been provided to Council, or a letter from OEH stating that a Controlled Activity Approval is not required for the subject site has been provided to Council.

21. Water/Electricity/telecommunication Services

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

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

22. 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.

23. 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.

24. 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.

25. 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.

26. Fencing

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

27. 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.

28. Construction Work Hours

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

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

29. Erosion and Sediment Control

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

30. Fill Compaction Requirements

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

31. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

32. 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.

33. 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.

34. Earth Works/Filling Works

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

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

35. Revegetation

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

36. 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.

37. Public Reserve Treatment

A barrier fence as per Council's specifications shall be erected on the boundaries of all proposed public reserve areas where they adjoin public roads. A lockable access point for Council maintenance vehicles shall be provided where required by Council.

38. Compliance with Council Specification

All design and construction work, shall be in accordance with:

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

39. Footpath Kerb and Gutter

The applicant shall re-construct any damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Townson Avenue. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

40. Pavement Thickness Determination

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

41. 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.

42. Redundant Laybacks

Any redundant laybacks shall be reinstated to the requirements of Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

43. Public Reserve Improvements

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall obtain written approval from Council for all works carried within the proposed reserve.

44. Restriction on the Use of Land

Prior to the principal certifying authority issuing a subdivision certificate the applicant shall burden any lots identified during the subdivision process as requiring them with restrictions on the use of land under Section 88B of the Conveyancing Act. Typical restrictions may be as follows:

- Floor Level Control
- No Alteration To Surface Levels
- Lots Filled
- Access Denied
- Drainage Floor Level Control Easements - (100yr flow, depressed)
- No Cut Or Fill - (Existing Geotech Report from N.A.T.A. reg. Laboratory)
- No Cut Or Fill - (Geotech Report Required)
- Reciprocal Rights of Way

The applicant shall liaise with Council to determine which lots are affected, the required restriction(s) to be applied and wording. Design plans and work as executed plans shall show affected lots marked with Council approved symbols.

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

45. Classification of Residential Lots (Development without dwelling construction)

Prior to the principal certifying authority issuing a subdivision certificate, all proposed residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - AS2870.1996 (*as amended*).

46. Contaminated Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A.* registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

47. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council the following documents:

- a. Two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* and one additional separate fully marked up copy of the plan sheet(s) and the line marking/signposting plan(s).

- b. Two copies of lot classification reports, geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
- c. Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, **and be collated and suitably bound.**

CD Rom(s) containing electronic copies of all plans and documents in approved format shall also be submitted

Works as Executed information shall be submitted in accordance with the following requirements:

Survey Information

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

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)
- Either Autocad or Mapinfo as follows:
 - **AutoCAD** -The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:
 - Package Type - zip
 - File Format - AutoCAD 2004 Drawing Format or later
 - Transmittal Options - Include fonts

- Include textures from materials
- Include files from data links
- Include photometric web files
- Bind external references
- The drawing is **not** to be password protected.
- **MapInfo - Either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.**
- All surveyed points must also be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

48. Restoration of Public Roads

Prior to the principal certifying authority issuing a subdivision 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.

49. Public Utilities

Prior to the principal certifying authority issuing an subdivision 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.

50. Service Authorities

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

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

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

51. Line Marking / Sign Posting Documentation (subdivision)

Prior to the principal certifying authority issuing a subdivision 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.

52. Residential Inter-Allotment Drainage

Prior to the principal certifying authority issuing a subdivision certificate, a work as executed plan for the drainage works shall be submitted to Council demonstrating that inter-allotment drainage and associated easements, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* have been provided for residential lots where all or part of the lots do not drain to a public road.

53. Council Fees and Charges

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

54. Completion of dwelling embellishment works

Dwellings are to be upgraded and embellished as per the approved dwelling embellishment plan prior to linen release. A schedule of works undertaken is to be attached to the request for linen plan release.

ADVISORY NOTES

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

Advice 1. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 2. Filling on Site

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

Advice 3. Inspections – Civil Works

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

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

Advice 4. Inspection Within Public Areas

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

Advice 5. Linen Plan and Copies

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

Advice 6. Linen Plan Checking Fee

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

Advice 7. Salinity

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

Advice 8. 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

END OF CONDITIONS