# JOINT REGIONAL PLANNING PANEL
# SYDNEY WEST REGION

| | |
|---|---|
| **JRPP Number** | **2011SYW122** |
| **DA Number** | **2263/2011/DA-RA** |
| **Local Government Area** | **Campbelltown City Council** |
| **Proposed Development** | **Demolition of existing structures and construction of a multi-storey mixed-use development** |
| **Capital Investment Value** | **$34,600,000** |
| **JRPP Referral Criteria** | **Development exceeds $20 million capital investment value** |
| **Street Address** | **3 - 17 Queen Street, Campbelltown** |
| **Applicant** | **Grado Pty Ltd** |
| **Number of Submissions** | **Three** |
| **Recommendation** | **Approval with conditions** |
| **Report by** | **Andrew MacGee – Senior Development Planner** |

**Attachments**

1. Recommended conditions of consent (RailCorp conditions under separate cover)
2. Locality plan
3. Site analysis plan
4. Floor plans
5. Coloured elevation plan
6. Building section plans
7. Main Southern Railway section plan
8. Shadow diagrams
9. Preliminary landscape plan

**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*.

| | |
|---|---|
| **Development Description** | Demolition of existing structures, construction of multi-storey buildings containing 2 retail tenancies, 167 residential apartments, basement car parking areas, associated site works and landscaping |
| **Property Description** | Lot 1 DP 600103 and Lot 10 DP872091<br>Nos. 3-17 Queen Street, Campbelltown |
| **JRPP Application No.** | 2011SYW122 |
| **Council Application No.** | 2263/2011/DA-RA |
| **Applicant** | Grado Pty Ltd |
| **Owner** | Clintons Investments Pty Ltd |
| **Statutory Provisions** | State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development<br>State Environmental Planning Policy (Infrastructure) 2007<br>State Environmental Planning Policy No. 55 – Remediation of Land<br>Campbelltown (Urban Area) Local Environmental Plan 2002<br>Campbelltown (Sustainable City) Development Control Plan 2009 |
| **Date Received at Council** | 22 November 2011 |

**History**

A briefing on the subject application was presented to the Sydney West Joint Regional Planning Panel (JRPP) on 22 March 2011 at the Council's office. Matters discussed at the briefing included the proposal's relationship with surrounding development, the development site's proximity to the Main Southern Railway and the resultant impacts on amenity and

construction management, traffic management and compliance with State and local planning controls.

**Introduction**

Council has received a development application for the demolition of existing buildings and construction of multi-storey buildings that would contain both retail space and residential apartments. Due to the development's capital investments value, the application is forwarded to the JRPP for determination pursuant to Part 2A of the *Environmental Planning and Assessment Act 1979* and subservient legislation.

The proposed development incorporates 2 commercial tenancies, 167 residential apartments, resident car parking spaces located within two basement levels, on-grade visitor car parking spaces and service vehicle access areas as well as associated landscaping and communal facilities.

**The Site**

The site is located on the north western side of Queen Street and backs onto the Main Southern Railway corridor. The site is irregular in shape as the property aligns itself with changes in the angles of both Queen Street and the railway corridor. The site comprises two allotments. It has an area of approximately 6,841 square metres and a frontage of approximately 188.8 metres to Queen Street. The site is relatively flat with about a 1 metre fall towards its northern pocket.

The site is approximately 800 metres from Campbelltown Railway Station and a similar distance from the Queen Street CBD precinct.

The site presently contains a motor vehicle sales and servicing business. The site also contains a disused underground petroleum storage system.

The immediate environment is characterised by a range of commercial uses, including a service station, mechanical repairs workshop, printing business, a large motel and large scale retail buildings.

The development site is relatively close to two signalised intersections, one being the intersection of Queen and Chamberlain Streets to the site's south east and the other an entrance to the 'Brands On Sale' building, to the site's north east.

**The Proposal**

The proposed retail and residential units are located within two separate buildings which present to Queen Street as a six and seven storey high development. Two levels of car parking, plant rooms and residential storage would be provided below ground level within enclosed basements. The development is serviced by three elevators, which provide direct access from the basement car parking areas to all levels of each building.

Each building contains a retail tenancy at ground level with frontage to Queen Street. A central 'mews' type area is located between the buildings, which provides for vehicular access as well as a separation of the two buildings. Each building has an entry lobby at street level and in addition, several units on the ground floor in Tower 2 (the northern building) have direct access to Queen Street via gates to their private open space.

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

| Floor Level | Units | Car parking spaces | Service Areas | Storage Areas | Recreation Areas |
|---|---|---|---|---|---|
| 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 |
| Level 6<br><br>(Tower 2 only) | 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 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, which is accessible via a central 'mews' style of driveway from Queen Street.

The aforementioned central driveway also serves as the access point for service vehicles, resident's visitors and customers of the proposed commercial tenancies.

The proposed development is finished in painted pre-cast concrete panels, where differing vertical and horizontal elements are painted in contrasting but complementary 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 and other public areas 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 their length to promote added visual interest and character. Other interesting elements include skillion roof features at the edge of the building which would also allow for the dispersion of light into certain units.

Landscaping is provided to the perimeter of the development, both 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, in the site's northern pocket.

Clearly identifiable entry lobbies from Queen Street and the internal 'mews' area would lead pedestrians towards secured access points for the building. The entry lobbies then have close access to elevators which allow for access to all storeys in each building.

The development provides for three distinct communal facilities – being a large community meeting room at ground level, a landscaped outdoor play area also at ground level and an outdoor terrace barbecue and outdoor seating area on level 1.

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 at least two 240-litre bins for recycling collection with general waste disposed of via the chute to a storage rooms on the ground level the basement. The bins would be moved to a central waste store for each building by a caretaker on a rotational basis. Separate garbage store facilities are provided for the commercial tenancy in Tower 1. Waste collection vehicles would enter the site via the central driveway to access collection points at specified intervals. Green waste would be collected and disposed of via the complex's landscaping maintenance contractor.

The development proposal also includes retention of all but one of the large Tallowwood (*Eucalyptus microcorys*) trees that are located in Council's nature strip along the site's frontage to Queen Street. One of the trees would be removed to provide for the proposed entry/exit driveway.

For more information regarding the building's appearance and functionality, plans are attached to this report.

**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.

### 1.1 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 large-scale retail buildings as well as other commercial uses, such as mechanical repair outlets and a large motel. The desired future character of the precinct as expressed in Campbelltown (Sustainable City) DCP should also 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 Queen Street and nearby Chamberlain Street). The buildings address the Queen Street frontage (as well as the buildings' shared boundary with the Main Southern Railway) and present an array of articulation measures to create visual interest and reduce appearance of their 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 (SC DCP) in this precinct. The development is also similar to a recently completed commercial building near to the site, in terms of height and scale.

Notwithstanding, measures have been undertaken to reduce the development's perceived scale, principally by dividing the building into two above-ground towers, which reduces the bulk and massing of the development and provides for additional amenity for residents. Further, the subject site is larger in area than the minimum sought by the SC DCP, 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 and achieve State government set residential in-fill development targets.

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

The proposed building achieves an acceptable level of energy efficiency. Most 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 prepared for the development 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 10 metres.

The applicant has also stated that it is intended to protect all but one of the existing large Tallowwood trees that are located along the site's frontage to Queen Street, which are significant trees in terms of their contribution to the neighbourhood's streetscape.

**Principle 7 – Amenity**

The design of the proposed residential units provides relatively 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 – or removed from the building ins some places to facilitate greater influx of natural light to living areas. SEPP 65 also recommends a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Solar access to some units is low, having regard to their orientation and/or the length of time during the day in which sunlight would penetrate living areas. This outcome occurs because of the site's relatively shallow depth and its northerly orientation.

Where sunlight access is lower than that recommended by the SEPP's accompanying flat design code (discussed in more detail later), the applicant has provided glazed balustrades and other architectural treatments to allow for as much light as possible to enter the units. Each apartment has at least one balcony accessing a living area and in some of the units, a second balcony is provided to a bedroom.

**Principle 8 – Safety and Security**

The building presents an active façade to Queen Street, with good views for residents to and from their particular lobby or unit as they access their dwelling from street level. The retail tenancies are located on corners of the buildings at ground level to 'activate' the development's street presence.

Basement car parking contains security shutters at strategic locations to ensure that only residents or accepted visitors with the appropriate electronic 'key' can access the car parking area. Lighting and landscaping throughout the site would also encourage passive surveillance.

**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. Eight 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 'liveability' objectives and standards.

An assessment of the application against the principles and objectives contained in the SEPP's accompanying *Residential Flat Design Code* (RFDC) concludes that the development is consistent with design and liveability elements that would ensure a satisfactory level of comfort and amenity for residents and the public.

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

*Primary development controls*

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Building height<br><br>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.<br><br>To allow daylight access to development and the public domain | Proposal in part exceeds Council's maximum 6 storey height limit, however, majority complies. |

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Building depth<br><br>Generally 18 metres although buildings may be deeper if adequate light and ventilation is supplied to units. | To ensure the bulk of development is compatible with desired future development.<br>To allow for solar access and natural ventilation.<br><br>To provide for dual aspect apartments. | 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 buildings are considered satisfactory in that regard, as detailed later in the report. Most apartments are provided with adequate light and ventilation |
| Building separation<br><br>Rises with building height – 12 metres up to 4 storeys and 18 metres for up to eight storeys. | To provide for deep soil zones and stormwater management<br>To control overshadowing of adjacent properties.<br><br>To provide visual and acoustic privacy. | Building is 6 metres from side boundaries in accordance with Council's SC DCP. The building does not 'step in' above 5 storeys. Complies with Council's SC DCP setback requirements. Discussed in more detail later in the report. |
| Side and rear setbacks<br><br>No numeric requirement stipulated. Design practice notes provided. | To provide for deep soil planting areas.<br><br>To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings.<br><br>To maximise building separation to provide visual and acoustic privacy. | Council's SC DCP requires a 6 metre setback to side and rear boundary. The proposal complies. |
| Street setback<br><br>No numeric requirement stipulated. Design practice notes provided. | To create a clear transition between public and private space.<br><br>To allow an outlook and surveillance of the street.<br>To allow for streetscape character. | Council's SC DCP allows for a 0 metre metre setback. The building is setback a minimum of 1.5 metres and therefore complies. |

*Site design*

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

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Fences and walls<br><br>No numeric requirements stipulated. Design practice notes provided. | To define the boundaries between areas having different functions or owners.<br><br>To provide privacy and security.<br>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. Walls at the rear of the building are also designed to assist with acoustic protection |
| Landscape design<br><br>No numeric requirements stipulated. Design practice notes provided. | To improve stormwater quality.<br><br>To improve urban air quality.<br><br>To add value to residents' quality of life within the development.<br><br>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<br><br>No numeric requirements stipulated. Design practice notes provided. | To optimise solar access to residential apartments and adjacent buildings.<br><br>To improve the thermal efficiency of new buildings.<br><br>To contribute positively to the desired streetscape. | The building is orientated as best as possible having regard to the existing street and railway line. 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<br><br>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. | Stormwater capture and management complies with Council's Sustainable City DCP Vol. 2. |
| Safety<br><br>No numeric requirement stipulated. Design practice notes provided. | To ensure that residential flat developments are safe and secure for residents and visitors.<br><br>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<br><br>No numeric requirement stipulated. Design practice notes provided. | To provide reasonable levels of visual privacy.<br><br>To maximise views and outlook from principal rooms and private open space, without compromising visual privacy. | Balconies have been aligned to reduce overlooking.<br><br>Fixtures to balconies such as louvres and sliding screens are sometimes used to reduce overlooking potential. |

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Building entry<br><br>No numeric requirement stipulated. Design practice notes provided. | To create entrances that provide a desirable residential identity for the development.<br><br>To orient visitors.<br><br>To contribute positively to the streetscape. | Separate entries provided for vehicles and pedestrians to increase safety.<br><br>Visitor and entry from street clearly defined and easily accessible. |
| Car parking<br><br>No numeric requirement stipulated. Design practice notes provided. | To minimise car dependency for commuting and to promote alternative means of transport.<br><br>To provide adequate car parking.<br><br>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, as well as at grade spaces for visitors and commercial tenants.<br><br>Car parking provided complies with the Council's SC DCP requirements. |

*Building design*

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Apartment layout<br><br>"Rules of thumb" provided for depth, width and area. | To ensure that the spatial arrangement of apartments if functional and well organised.<br><br>To ensure that apartment layout provides a high standard of residential amenity.<br><br>To accommodate a variety of household activities and needs. | Single aspect apartments are generally located on the eastern and western facing sides of the buildings to maximise solar penetration of units. Some units facing south due to site shape and orientation however, numbers still comply with RFDC and SC DCP 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<br><br>Design practice notes provided. | To provide a diversity of apartment types, which cater for different household requirements now and in the future.<br><br>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 SC DCP. |

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Balconies<br><br>Design practice notes provided. "Rules of thumb" provided. | To provide all apartments with open space.<br><br>To ensure that balconies are integrated into the overall architectural form and detail of the building.<br><br>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".<br><br>Balconies are all directly accessible from living areas.<br><br>Balconies would provide casual surveillance of the street. |
| Ceiling heights<br><br>"Rules of thumb" provided | To increase the sense of space in apartments.<br><br>To promote the penetration of light into the depths of apartments.<br><br>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<br><br>No numeric requirements stipulated. Design practice notes provided. | To contribute to the desired streetscape of an area and to create active safe streets.<br><br>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<br><br>“Rule of thumb” provided. Design practice notes provided. | To create safe and pleasant spaces for the circulation of people and their personal possessions.<br><br>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.<br>Corridors are wide and would allow for the movement of furniture. |
| Mixed use<br><br>No numeric requirements stipulated. Design practice notes provided. | To support integration of appropriate commercial uses with housing.<br><br>To create more active and lively streets. | Separation ensures minimal impact on future residents.<br>Commercial tenancies are provided on the ground floor, where they can interact with street traffic and pedestrians. |
| Storage<br><br>Numeric "rules of thumb" provided. Design practice notes provided | To provide adequate storage for everyday household items within easy access of the apartment.<br><br>To provide storage for sporting, leisure, fitness and hobby equipment. | "Rules of thumb" in the Code are mirrored in Council’s SC DCP. The building complies with the requirements. |

*Building amenity*

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Acoustic privacy<br><br>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. |
| Daylight access<br><br>Design practice notes provided and rules of thumb. | To ensure that daylight access is provided to all habitable rooms.<br><br>To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day.<br><br>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.<br><br>Most number of units are provided with the minimum 3 hours of direct sunlight throughout the day. Some easterly and southerly units beneath minimum, discussed in detail later in report |
| Natural ventilation<br><br>Rules of thumb provided.<br>Design practice notes provided. | To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air.<br><br>To provide natural ventilation to non-habitable rooms where possible.<br><br>To reduce energy consumption. | Due to the development's proximity to the Main Southern Railway, some apartments are not cross ventilated as windows would be sealed to minimise noise intrusion. Discussed further in the report.<br><br>Where acoustically viable the apartments are cross-ventilated in accordance with the RFDC. |
| Facades<br><br>Design practice notes provided. No numerical requirements stipulated. | To promote high architectural quality in residential flat buildings.<br><br>To ensure that new developments have facades which define and enhance the public domain and desired street character.<br><br>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 and desired large-scale retail and residential apartment buildings that would be located within the same street and nearby on Chamberlain Street. |

*Building performance*

| Numeric requirement | Objectives | Comment |
|---|---|---|
| Energy efficiency<br><br>No numeric requirement stipulated. Design practice notes provided. | To reduce the necessity for mechanical heating and cooling.<br><br>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. |
| Waste management<br><br>No numeric requirement stipulated. Design practice notes provided. | To avoid the generation of waste through design, material selection and building practices.<br><br>To plan for the types and amount of waste to be generated during demolition and construction.<br><br>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<br><br>Design practice notes provided. Rules of thumb provided. | To reduce mains consumption of potable water.<br><br>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. |

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 south western facade 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.

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 south west at this time. Given its ongoing use as a commercial site with limited development potential (unless consolidated with other adjoining lands), 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.

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.

*Building amenity*

The proposal does not meet the RFDC's solar access criteria for some of the units. This is due to the fact that they have a south/south westerly aspect, which reduces the amount of direct sunlight entering the apartment, or they do not receive at least 3 hours of direct sunlight during the day (which is the case for some units along the easterly aspect of Tower 2).

With respect to south facing apartments, the RFDC recommends that no more than 10% of apartments have that particular aspect. The development proposes 11% (or 18 apartments). Note that the apartments are not directly south facing and would receive some afternoon sun. The orientation and dimensions of the property itself (approximately northerly and relatively narrow) does not enable an ideal alignment of the buildings. The number of units that face south is very close to complying with the RFDC's recommendation. The affected units are all provided with balconies and corner windows are also included where possible

In regard to the minimum hours of sunlight reaching internal areas of some apartments, the RFDC's "rule of thumb" states that living rooms and private open spaces for at least 70% of apartments should receive a minimum of three hours direct sunlight between 9am and 3pm in winter. In dense urban areas, this may be decreased to 2 hours.

The area is not considered to be particularly 'dense', however, owing to the site's shallow depth and northerly orientation, only 64% of units achieve the 3 hour daily requirement. Most units that do not achieve the 3 hours are located on the eastern side of the building and according to submitted shadow plans, would receive approximately 2 hours of sunlight in the morning. To assist with solar penetration into the building on that side (and in the development's southerly portion) the applicant has brought balconies forward and also provided glazed balustrading. Noting the above, the development is considered to be adequate in terms of its amenity, despite minor numerical non-compliances with the RFDC.

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

### 1.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (the 'Infrastructure SEPP) applies to the development. The SEPP's relevance to the development is twofold. Firstly, due its proximity to the rail corridor, Clauses 85, 86 and 87 apply. Secondly, due to the site's proximity to signalised intersections and the number of units proposed, Clauses 101 and 102 apply.

Clauses 85 and 86 require that the consent authority must provide the application to, and consider any requirements of RailCorp prior to determination of a development application. RailCorp was to consider the proposal's potential to impact on its assets near to the development site form impacts such as excavation and protection of the proposed buildings and their occupants in the events of a derailment nearby. Further, in this particular case, Clause 86 also requires that the consent authority receive RailCorp's concurrence prior to granting development consent due to the proximity of the rail corridor and proposed excavation.

Accordingly, the application was forwarded in December 2011. Following a request for additional information shortly thereafter, RailCorp reconsidered the proposal in May and June 2012.

At the time of finalisation of this report, the concurrence had not been issued. However, it is anticipated that this will be provided prior to the Panel's determination meeting. It is also expected that certain conditions of development consent would be imposed by RailCorp, in particular relation to engineering design, construction management, noise intrusion and ongoing maintenance of a common wall that would be located on the rail corridor boundary. These conditions would be added to those tabled in Attachment 1 to the report in due course.

Clause 87 of the Infrastructure SEPP requires the consent authority to ensure that certain noise and vibration transfer criteria are met when considering a residential development near a rail corridor.

In response to the Clause, the applicant has prepared a detailed acoustic and vibration assessment, which addresses the SEPP's requirements as well as other referenced Government publications such as Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guideline and NSW Environmental Protection Authority's Criteria for Road Traffic Noise (Sleep Disturbance).

The acoustic and vibration assessment's most relevant outcomes are summarised below:

- The building will be significantly affected by rail noise;
- Noise will enter the buildings along the north western façade via doors, windows and the roof;
- Apartments on the eastern façade would be subject to some road noise, however would not be affected by rail noise;
- Apartments on the north western façade will need to be acoustically sealed and mechanically ventilated in order to meet the noise intrusion criteria set by the Infrastructure SEPP;
- Vibration issues can be overcome by undertaking either one of two construction options proposed in the assessment; and
- If the recommendations of the report regarding building construction are instituted, the buildings will comply with the Infrastructure SEPP's requirements, as well as the EPA's criteria.

Clauses 101 and 102 relate to development adjacent to 'classified roads'. In the subject development's case, it does not have direct frontage to a classified road, however, due to its proximity to signalised intersections, the application was forwarded to NSW Transport Roads

and Maritime Services (RMS) for comment. The RMS Sydney Region Development Advisory Committee considered the proposal at its meeting held on 19 January 2012. Discussions at the meeting primarily focussed on:

- The proximity of the proposed entry driveway to the Queen and Chamberlain Streets signalised intersection; and

- Potential traffic flow impacts resulting from vehicles waiting to turn right into the development from Queen Street in a southbound direction.

It was agreed that the driveway as proposed was the 'best solution', considering that it was at the furthest point of the site as possible away from the intersection and it reduced the number of driveways that would be utilised at the site (noting that at present, there are two driveways in use).

In regard to the right turn issue, Council and the RMS sought additional comment from the applicant's traffic consultant, who undertook an assessment of the best methods of ensuring the development would not cause a significant impact to traffic in the vicinity.

The applicant's consultant determined that during peak periods, a queue of up to 6 vehicles would be created by a car waiting to turn right into the development. The applicant suggested the placement of a small concrete median in Queen Street to prevent right turns into the site. It is noted that concrete medians are not without precedent on Queen Street (a median constructed for the same purpose is located approximately 230 metres to the north) and this would be taken under consideration. An alternate means of access to vehicles approaching the development from the north is available via nearby Moore-Oxley Street and Chamberlain Streets. Other alternative strategies, including leaving the situation "as is" and the placement of 'No Right Turn' signage within the adjacent nature strip was also considered during internal assessment.

Should the Panel grant development consent to the proposal, a recommended condition requires the applicant to gain approval from Council's Local Traffic Committee prior to a construction certificate being issued so that the Committee may consider options for the treatment to Queen Street. The Local Traffic Committee includes members of Council's Technical Services Branch (including traffic and road design engineers), local Highway Patrol Police, RMS staff, Councillors and other interested parties such as local bus companies. This approval procedure has effectively been used to ensure that a satisfactory solution to traffic issues is in place prior to construction commencing on the site. It should be noted that the median strip shown on the applicant's plans would not be approved and would be removed in red ink from approved plans should consent be granted.

Notwithstanding the above comment, the vehicle queuing is not considered by the RMS to be excessive, with road safety and road efficiency not significantly compromised. The RMS via its Advisory Committee does not object to the proposal.

Other recommendations made by the RMS's Advisory Committee on matters such as driveway width, internal movement of vehicles and signage have either been incorporated into the design by the applicant or are included as recommended conditions of consent in Attachment 1 to this report.

Having regard to the above assessment, the development is considered to comply with relevant requirements of State Environmental Planning Policy (Infrastructure) 2007.

### 1.3 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the development. Clause 7 requires a consent authority to consider whether the land is contaminated, and if so, if that contamination can be remediated to allow for the proposed future use of the land.

In this case, the applicant has undertaken a preliminary environmental site assessment. The assessment has identified potential contamination of the site, predominantly as a result of the installation of underground petroleum storage tanks at some time. The underground tanks were abandoned in 2004 but have not been decommissioned or removed from the site.

The assessment concludes that potential for contamination is high having regard to the age and unknown status of the underground tanks, but does also note that "*based on the scope of work undertaken for this assessment . . . . the site can be made suitable for the proposed mixed-use development, provided that the site is suitably investigated, remediated and validated*".

Recommended conditions of consent require that further investigation work be undertaken (including the preparation of a remediation action plan) in accordance with the recommendations of the assessment.

The remediation work (should it be required) would be considered as Category 2 under the SEPP and can be treated as ancillary to the subject development pursuant to Clause 15.

The proposal and the submitted information are therefore considered to satisfy the relevant requirements of SEPP 55.

### 1.4 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 mixed use commercial and residential apartment building 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.

Clause 41 of the Plan applies to the development. The Clause requires that a development application be submitted to demolish a building. The application seeks consent for the

demolition and removal of existing buildings on the land, and thus satisfies the LEP's requirement.

Clause 49 of the Plan relates to development in the vicinity of a heritage item. No. 39 Queen Street (across from the development site) is listed as an item of local environmental heritage. Specifically, the Gold Wheel Restaurant, which is located in a building that was constructed in the 1860s and was first used as a manse as part of a church complex. The church itself has since been demolished. The Gold Wheel Restaurant is located within a modern motel development.

The Clause requires the consent authority to consider a development's potential impact on a heritage item. In this instance, the former manse is located some 110 metres from the development site and as mentioned, is ensconced within an established motel. The subject development is not likely to affect the significance of the item, by way of "setting, views or overshadowing".

Having regard to the above discussion, the proposal is considered to be complementary to Council's environmental planning instrument and is therefore permissible with consent at the site.

### 1.5 Campbelltown (Sustainable City) Development Control Plan

Campbelltown (Sustainable City) Development Control Plan (SC DCP) applies to the land and the proposed development. The SC DCP 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.

Pursuant to Figure 4.3.4 and Schedule 1 of the SC DCP, a six-storey mixed-use commercial and residential development is recommended for the site subject to meeting relevant design criteria.

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

| | | **Campbelltown (Sustainable City) Development Control Plan Mixed-Use Commercial and Residential Apartment developments** | |
|---|---|---|---|
| **CONTROL** | **PROPOSAL** | **REQUIREMENT** | **COMPLIES** |
| Lot Size | 6,841 sqm. | No minimum | Yes |
| Lot Width | Min. approx. 188.8m | Minimum 30m | Yes |
| Height | 6 and part 7 storeys above ground level, additional two levels basement parking | Maximum 6 storeys | Partial non-compliance |
| Front Setback | 0 metres | 1.5 metres | Yes |
| Side & Rear Setback | Minimum 6m above ground level to side boundaries | 6m from the side and rear boundaries above ground level | Yes |
| Apartments serviced by lobby | Maximum 10 units serviced by one lobby | Maximum 10 units per lobby | Yes |

| | | Campbelltown (Sustainable City) Development Control Plan Mixed-Use Commercial and Residential Apartment developments | |
|---|---|---|---|
| **CONTROL** | **PROPOSAL** | **REQUIREMENT** | **COMPLIES** |
| Bedroom configuration | 16 x 1 bedroom/studio apartments (9%) | Minimum 5% units are 1 bedroom or studio apartments | Yes |
| Lifts | Three central lifts | Lifts provided for buildings of 3 or more storeys | Yes |
| Apartment size | 1 bedroom – min. 51 sq.m<br>2 bedroom – min. 72 sq.m<br>3 bedrooms – min. 110 sq.m | Studio – min. 40 $m^2$<br>1 bedroom – min. 55$m^2$<br>2 bedroom – min. 80$m^2$<br>3 or more bedrooms – min. 100$m^2$ | Partial non-compliance |
| Apartment internal storage | Internal and basement storage areas provided. | 1 bedroom – 8 cubic metres<br>2 bedroom – 10 cubic metres<br>3 or more bedrooms – 12 cubic metres | Yes |
| Ceiling height | Minimum 2.7m | Minimum 2.7m | Yes |
| Landscaped Open Space | Deep soil opportunities for approximately 21% of site<br><br>Landscape plan provided | Minimum 15% of total site area must be provided for deep soil planting<br><br>Detailed landscape design and landscape plan provided | Yes<br><br>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 9.6 sq.m | Area not less than 8 sq.m with a depth of 2 metres | Yes |
| Communal private open space | Large terrace barbecue and outdoor seating area provided at Level 1, open gardens also provided in two locations on ground level. Seating provided externally. Large internal common/recreation room provided in Tower 2 | Recreation room, bbq/outdoor area, swimming pool, gymnasium<br><br>Provision of supplementary facilities including seating, recreational facilities (eg barbecue area) and landscaping | Yes<br><br>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<br><br>40 sq.m of adjoining properties to be in full sun throughout the day<br><br>BASIX certificate supplied | Minimum 3 hours unobstructed solar access to 50% of private and communal open spaces<br><br>Minimum of 40 sq.m on adjoining properties to receive min. 4 hours sunlight<br><br>Compliance with BASIX requirements | Yes<br><br>Yes<br><br>Yes |

| | | Campbelltown (Sustainable City) Development Control Plan Mixed-Use Commercial and Residential Apartment developments | |
|---|---|---|---|
| **CONTROL** | **PROPOSAL** | **REQUIREMENT** | **COMPLIES** |
| Car Parking | 245 car parking spaces over two basement levels and on-grade parking for commercial and residential visitors | 1 underground space per unit, plus 1 space for every 4 dwellings, plus 1 visitor space for every 10 dwellings, plus 1 space per 25 sq.m floor area of commercial tenancies<br><br>Total required = 219 | Yes |
| Streetscape | All units presenting to Queen Street have defined entrances or windows<br><br>All walls articulated, no section exceeds 10 metres in length without articulation<br><br>Variety of adequate architectural features contribute to streetscape | All units facing street must provide front façade presentation<br><br>No section of wall built within 8 metres of side or rear boundary should be longer than 10 metres<br><br>Articulation in walls, variety of roof pitch, architectural features on front façade | Yes |
| Site Services | On-site waste disposal rooms on each floor<br><br>Separate waste storage provided for commercial and residential components<br><br>No details of fire hydrants (to be confirmed prior to issue of construction certificate)<br><br>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 and commercial tenants<br><br>Fire hydrants within 90 metres of the development<br><br>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 -** A portion of Tower 1 (at its northernmost end) exceeds the six-storey height limit imposed by the map in Schedule 1 of the SC DCP. The applicant provides the following justifications for the relatively minor variation:

- The increased height in the northern part of Tower 1 enhances the visual presentation of the development to the public domain as the gateway to the Campbelltown CBD by accentuating the presence of the built form on its most visible edge;

- Configuring additional floor space, and hence height at the northern end of the development allows for a "stepping down" of the buildings' height as the development progresses along Queen Street and also establishes a transition between the two towers of the development; and

- Introducing articulation in roof form and variety enhance aspect and solar access.

The site's prominent location on the CBD's edge and its wide visibility from nearby roads, such as the Campbelltown Road rail overbridge (Morgans Gate Bridge) is recognised. The increased height of the building in this portion, coupled with architecturally designed skillion roofing and a large amount of glazing do assist in creating a visually appealing and dominant response to the site and its location.

The variation is considered to be relatively minor in context of the site and the wider CBD and is supported.

**Apartment size -** some of the one bedroom units in the complex are 4 square metres beneath Council's minimum 55 square metre floor area (at 51 square metres internal floor area). This minor variation is supported on two grounds. Firstly, the smaller apartments are located in favourable positions within the building in terms of access to sunlight and secondly, the apartment size despite its non-compliance with Council's control, exceeds the minimum recommended by SEPP 65's RFDC.

**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 10,000 litre 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 (as required by a recommended condition of development consent).

**Landscaping -** The site is to be landscaped in accordance with the requirements of the SC DCP. The application provides for 21% 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 areas are is in the northernmost pocket of the site and along its southern boundary. The 'mews' area between the two towers would also form an open space that would provide aesthetic relief for residents and commercial visitors. 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 at least 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 ground level and placed in a storage area. Waste and recycling collection would be arranged either with Council's contractor or an independent

collector. Storage bins would be collected within the site, meaning that no on-street collection (and its resultant conflict with on-street parking) results.

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 Queen 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. Commercial tenancies would increase interactivity with the street, particularly at night.

**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 SC DCP 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.

## 2. 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.

### 2.1 Flooding

The site is prone to flooding due to overland flow from the local catchment during a 1% AEP event. Relevant conditions are recommended to ensure that the recommendations provided by the flood study report that was prepared for the application, including setting a minimum floor height for potentially affected parts of the building (predominantly at Tower 1's northern end). Councils Technical Services Branch have reviewed the submitted documentation and support the proposal, subject to some conditions which are included in Attachment 1 to this report.

### 2.2 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.

### 2.3 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.

### 2.4 Building Code of Australia

Council's officers have undertaken preliminary 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.

### 2.5 Traffic impacts

The development site is located within Campbelltown's busy CBD precinct, along its main spine road.

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

*Construction impacts*

Having regard to the busy nature of Queen Street, managing the impacts of construction traffic is considered to be important, having particular regard to the development's footprint, which somewhat limits on-site unloading of materials.

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 manouevring 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;
- 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 proposed heavy vehicle access times (preferably outside peak traffic periods);
- Details of consultations made with potentially affected businesses 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, RMS 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 road network. As mentioned earlier in the report, the main potential impact of the development would be the queuing of up to 6 vehicles in Queen Street during peak periods while a car waits to turn right into the site (facing southbound). A recommended condition of development consent requires the applicant to liaise with Council's Local Traffic Committee prior to construction certification of the development such that an agreement on a solution to the issue may be organised.

### 2.6 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/retail services.

## 3. 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. As mentioned previously, the site enjoys good access to public transport, retail and other services. Further, the proposal responds favourably to Council's desired future character for the area and would provide for an increased choice in housing opportunities for residents of the City.

Matters for further discussion are below:

### 3.1 'Land locking'

Construction of the subject buildings does not create potentially 'land locked' properties. A small parcel of land to the north of the site is in Council's ownership and is used as the site of some green space and contains drainage easements. Properties to the south would remain available for future consolidation and redevelopment.

### 3.2 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.

## 4. 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 13 December 2011 and 3 February 2012. The application was notified directly to nearby and adjoining owners and via public notice in local print media.

During the exhibition period, one submission was received from Campbelltown City Council. It should also be noted that two public submissions were received outside the exhibition period. Copies of the submissions have been provided to the Panel Secretariat.

The Council subsequently revisited its position (in objection to the proposal) after the applicant made some changes to the proposal following a review of the original submission. The objections noted in the original submission were withdrawn. Changes made by the applicant include the provision of waste chutes in the towers, increasing the number of dual aspect apartments, reducing the length of internal corridors and increasing the amount of glazing provided the buildings' facades. A communal recreation room was added, as were additional windows and skylights and a reorientation of some apartments to increase their solar amenity was also undertaken.

Matters raised in late public submissions included:

- Increased traffic as a result of the development;
- Compatibility of the proposal with "the Macarthur region's historic past";
- A perceived lack of car parking;
- Proximity of the development to the railway corridor;
- The environmental sustainability of the development;
- The suitability of a residential development within an existing commercial area; and
- The potential health impacts of the development on existing and future residents.

In response, the development has provided a high level of compliance with relevant State and local planning controls, be it in relation to building amenity, energy efficiency and car parking provision as examples.

Further, the development is located in an area that the Council's planning controls encourage, noting its proximity to services and public transport. Traffic impacts of the development are expected to be minimal, noting the good serviceability of Queen Street and nearby intersections and car parking is supplied at well over the minimum required by the Council's controls.

## 5. 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 existing buildings and construction of multi-storey buildings that would contain both retail space and residential apartments, as well as associated landscaping, site works and communal facilities.

The development would be located in an existing commercial area.

The proposed development exhibits relatively close conformity to the requirements of SEPP 65, LEP 2002 and Council's Sustainable City Development Control Plan. It is considered the proposal results in acceptable planning outcomes for the site, given the desired character outcomes contained in the aforementioned SC DCP.

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.

Submissions were received regarding the development's potential impact on traffic and its compatibility with the desired nature of Campbelltown's town centre. The development responds favourably to relevant State and local planning controls and is permissible at the site. It is not considered likely to have a significant or detrimental impact on the natural or built environment.

The development as proposed is considered to be a sound response to relevant planning controls and objectives, including the State's desire to increase housing opportunity and density in existing well-serviced town centres.

### Officer's Recommendation

That development application 2263/2011/DA-RA (JRPP ref. 2011SYW122) for the demolition of existing buildings, construction of a multi-storey mixed-use commercial and residential apartment building, associated site works and landscaping at Lot 1 DP 600103 and Lot 10 DP872091, 3 – 17 Queen Street, Campbelltown be approved, subject to the conditions detailed in Attachment 1.

**ATTACHMENT 1**

**Recommended Conditions of Consent**

**Note: RailCorp construction conditions to be provided under separate cover**

**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 or red ink.

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

**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 premises or road and rail traffic.

**10. Flood Level Controls**

This site is located within an area that has been identified as being at the risk of being affecting 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 paul davis rajalingam (ref. C0110190-R1.01, Issue 1, dated 1 November 2011) or as otherwise amended by conditions of this consent.

**11. Driveway entry**

The entry to the basement car park driveways 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 basements shall be provided with electronic access controls to ensure the safety of residents and to also ensure the availability of off-street parking in accordance with Council's controls.

Two-hundred and forty-five (245) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standard 2890 (as amended).

The ceiling of basement car parking levels is to be finished in white paint along manouevring paths 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. Acoustic Protection**

The applicant shall undertake the construction works recommended in the Traffic and Rail Noise and Vibration Assessment, prepared by Acoustic Logic (ref. 20110763.1/0808A/R2/JZ, dated 8 August 2011).

**15. 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).

**16. 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.

**17. 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.

**18. Shoring and Adequacy of Adjoining Property**

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

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.

**19. 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. A recommended species list is available in Council's 'Native Gardening Guide' publication.

**20. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

a. All vehicular entries and exits shall be made in a forward direction.

b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

c. All deliveries to the premises shall be made to the loading bay/s provided.

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

**21. Use of Commercial Tenancies - Separate Consent Required**

Separate development consent is required for the use and fit out of the retail tenancies premises prior to their occupation.

**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.

**20. 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.

**21. 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.

**22. Contamination Assessment/Treatment**

Prior to Council or an accredited certifier issuing a construction certificate for the development, the applicant shall undertake a Stage 2 Environmental Site Assessment to detect the extent and severity of underground contamination and/or saline groundwater conditions. The Assessment shall be prepared in accordance with the recommendations made in the Stage 1 Environmental Site Assessment, prepared by EIS (ref. E25103KPrpt, dated September 2011).

Should the Stage 2 Assessment detect contamination, the applicant shall prepare a Remediation Action Plan and notify Council in accordance with Clause 16 of State Environmental Planning Policy No. 55 – Remediation of Land prior to the commencement of remediation works.

**23. 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 manouevring 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.
- 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 peak periods;
- Consultations made with potentially affected businesses 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.

**24. 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 *RMS 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 *WorkCover Authority* requirements. A copy shall be submitted to Council for its records.

**25. 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:

- 'No Stopping' signs along the site's frontage as requested by the RMS Sydney Region Development Advisory Committee; and
- 'Right turn in' restrictions (or otherwise) to minimise interruption to southbound traffic on Queen Street.

**26. 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).

**27. 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 any 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.

**28. 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.

**29. 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.

**30. 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) 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.

**31. Utility Servicing Provisions**

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

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

**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(s) 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.

**46. Site Remediation and Validation**

Underground petroleum storage tanks shall be decommissioned and removed from the site in accordance with relevant EPA, WorkCover and Australian Standards requirements.

The work undertaken as part of the Remediation Action Plan shall be completed on site prior to construction works for the new residential building commencing.

A Notice of Completion of Work is to be provided to the Council in accordance with Clauses 18 and 17(2) of State Environmental Planning Policy No. 55 – Remediation of Land. The site shall be validated in accordance with the recommendations made in the Stage 1 Environmental Site Assessment, prepared by EIS (ref. E25103KPrpt, dated September 2011) as amended by subsequent investigation(s) and subsequent reports/plans.

**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.

**47. 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. |

**48. 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.***

**49. 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.

**50. Protection of Existing Trees**

During construction, no additional 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. Council's consent is provided for the removal of one *Eucaluptys* microcorys

located on the adjacent nature strip (identified as Tree 9 in the Aboricultural Assessment and Technical Sepcifications report, prepared by Horticultural Management Services, dated 1 September 2011).

The *Eucaluptys microcorys* within Council's nature strip shall be protected at all times throughout the construction phase of the development in accordance with the requirements specified in the Aboricultural Assessment and Technical Sepcifications report, prepared by Horticultural Management Services, dated 1 September 2011).

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.

**51. 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.

**52. 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.

**53. 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.

**54. 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.

**55. 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.

**56. Excavation and Backfilling**

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

a. Must preserve and protect the building from damage; and

b. If necessary, must underpin and support the building in an approved manner, and

c. Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**57. Footpath**

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

**58. Industrial / Commercial Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial/Commercial Vehicle Crossing Specification* and *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

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.

**59. 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.

**60. 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).*

**61. 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.

**62. 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".

**63. Section 73 Certificate**

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

**64. 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.

**65. Acoustic Amenity**

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall supply certification from a suitably qualified person which confirms that the construction material requirements of the Traffic and Rail Noise and Vibration Assessment, prepared by Acoustic Logic (ref. 20110763.1/0808A/R2/JZ, dated 8 August 2011) have been installed within the building.

**66. Communal Facility**

Prior to Council or an accredited certifier issuing an occupation certificate, at least one communal area (the indoor room in Tower 2 or the open terrace in Tower 1) shall be available for use of residents.

**67. 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.

**68. 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)

**69. 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.

**70. 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 any line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

**71. Waste Management**

Prior to Council or an accredited certifier issuing an occupation 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.

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

**72. 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.*

**73. 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 and a certificate issued by a suitably qualified person confirming such.

**74. 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.

**75. 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.

**76. 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
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

**Advice 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

**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.

**Advice 9. Tenancy Fit Out**

A separate development application is required to be submitted for the fit out of individual commercial tenancies.

**Advice 10. Adjustment to Public Utilities**

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

**END OF CONDITIONS**