

**JOINT REGIONAL PLANNING PANEL  
(Sydney West Region)**

<b>JRPP No</b>	<b>2012SYW092</b>
<b>DA Number</b>	<b>1617/2012/DA-SL</b>
<b>Local Government Area</b>	<b>Campbelltown City Council</b>
<b>Proposed Development</b>	<b>Seniors Housing (infill self-care housing) development comprising of 40X2 bedroom seniors housing units</b>
<b>Capital Investment value</b>	<b>\$9.3M</b>
<b>JRPP Referral Criteria</b>	<b>Crown development exceeding \$5M</b>
<b>Street Address</b>	<b>Cathedral Street and Ben Lomond Road, Minto</b>
<b>Applicant/Owner</b>	<b>NSW Land and Housing Corporation</b>
<b>Number of Submissions</b>	<b>Nil</b>
<b>Recommendation</b>	<b>Approval with Conditions of consent</b>
<b>Report by</b>	<b>Scott Lee, Executive Planner, Government and Special Projects, Campbelltown City Council</b>

## **Assessment Report and Recommendation**

### **Attachments:**

1. Proposed Conditions of Consent
2. Site location Plan
3. Site plan, floor plans, elevations and perspectives
4. Extract from applicants Statement of Environmental Effects demonstrating compliance with Seniors SEPP
5. Extract from applicants Statement of Environmental Effects demonstrating compliance with Minto DCP

### **Statutory Provisions**

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Campbelltown (Urban Area) Local Environmental Plan 2002
- Minto Renewal Development Control Plan 2006

### **Non Statutory Considerations**

- Campbelltown 2025 Looking Forward

### **Purpose of this Report**

The purpose of this report is to assist in the determination of the subject Development Application in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The Development Application proposes a seniors living development consisting of 40x2 bedroom self-care units.

The application has been made by a Crown authority, NSW Land and Housing, with a Capital Investment Value of \$9.3M. As the CIV exceeds \$5M, the application is therefore required to be forwarded to the Sydney West Joint Regional Planning Panel for determination in accordance with the provisions of Section 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979. Under the processes established by the EP&A Act, Campbelltown City Council will undertake the assessment of the application and then refer the matter to the JRPP for determination.

### **The Site**

The subject site is best described as proposed Lot 965 in DP1164989, which results from a subdivision of Lot 26, DP716484. It has frontage to Ben Lomond Road and Cathedral Street, Minto. The subject site is located approximately 30 metres east of the intersection of Ben Lomond Road and Townson Avenue, Minto. It's northern boundary will have a frontage of approximately 65 metres to Ben Lomond Road opposite a driveway access to Minto Mall. Its southern boundary will have frontage to a newly created road to be named Cathedral Street. Adjoining the sites western boundary are a row of nine single allotments, which for the next few years will be developed with display homes. Adjoining the shorter eastern boundary are two single allotments, yet to be developed. The site has a total area of 7,317 square metres. There is a cross fall of approximately 5.5metres from Cathedral Street to the north west corner of the site on Ben Lomond Road. It is vacant, with all previous improvements having

been demolished in order to facilitate the Minto concept plan. The topography is reflected in the design of the proposal but is managed in an appropriate manner to retain appropriate accessibility throughout the development.

See Site location plan at Attachment 2.

## **Background and History**

The subject site is located within the Minto Renewal Project area. This project was determined by the Minister for Planning as a major project under the State Environmental Planning Policy (Major Projects) 2005 and involves the staged redevelopment of approximately 1000 properties in the Minto public housing precinct.

The subject site is within Stage 9 of the redevelopment project, which was approved by Council in April 2011 under DA2672/2010/DA-S.

The approved Minto Renewal Project concept plan did not specifically identify individual allotments for the purposes of seniors living, however as subdivision has proceeded, larger lots capable of accommodating significant development have been created. It has always been the intention to provide such opportunities throughout the redeveloped Minto, as the need and demand for such housing is strong. One of the key elements of the renewal project is a significant reduction in the proportion of social housing within Minto to a maximum of approximately 30% of total dwellings. This senior living development will contribute to the social housing mix.

## **Description of Proposed Development**

The proposed development is seniors housing (in-fill self-care housing) as defined by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. That is, the development proposes self-contained units where meals, cleaning services, personal care or nursing care are not provided on site as part of the development.

The development is divided into three buildings, all of two storey height. Block A addresses Cathedral Street, Block C has frontage to Ben Lomond Road and Block B is positioned in the middle of the site, between the other two.

Block A and Block C both have 14x2 bedroom units (seven on the ground floor and seven on the first floor) while Block B has 12x2 bedroom units (six on the ground floor and six on the first floor).

Pedestrian access to Block A is provided directly off Cathedral Street, while a common lift, located in the foyer area, provides access to the first floor. All ground floor units are disabled accessible from the lobby area or from the car park, which is linked with a disabled accessible path running along the eastern side of the building.

Access to Block B is available from the car parking area. Ground floor units are served by the provision of ramps and landings and the first floor via a common lift located external to the building on the southern side. A covered walkway links the lift to Building B.

Ground floor pedestrian access to Block C is directly off Ben Lomond Road, while access to the first floor is through a common lift located external to the building. A covered walkway links the lift to Building C. Disabled access to the first floor is also provided at a suitable grade directly off Ben Lomond Road via an external covered ramp that runs along the eastern side of the building.

An open car park area, located on the eastern side of the site, is split into two sections to maintain appropriate grades throughout. The two sections are separated by a low retaining wall and landscaping. A total of 20 spaces are provided, including eight disabled spaces. The Ben Lomond Road driveway serves seven car spaces and the Cathedral Street driveway serves 13 spaces.

All units are provided with a private open space area. Ground floor units have a minimum 15sqm courtyard directly accessible from the living area and the first floor units have a minimum 10sqm balcony directly accessible from the living area. Extensive site landscaping is proposed. Site plan, floor plans, elevations and perspectives are Attachment 3.

## **Assessment**

### **1. Statutory Planning Provisions**

Section 79C of the Environmental Planning and Assessment Act 1979 requires that in determining a development application, a consent authority is to take into consideration the provisions of any environmental planning instrument and any development control plan that may be relevant to the application. In this case the following are relevant:

#### **1.1 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Described below are the provisions of the Seniors SEPP that are particularly relevant to this Development Application.

**Clause 2 Aims of Policy** - The aims of the Seniors SEPP are to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, make efficient use of existing infrastructure and services and be of good design. The proposal does this.

**Clause 4 Land to which Policy applies** - The Seniors SEPP applies to land that is zoned primarily for urban purposes, where, amongst other things, dwelling houses and/or residential flats are permissible. The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002 where dwelling houses are permissible and therefore the Seniors SEPP is applicable.

**Clause 5 Relationship to other environmental planning instruments** – The Seniors SEPP is the higher order planning instrument and therefore in the case of any inconsistency with the Council's Local Environmental Plan, the Seniors SEPP will prevail. This is discussed later in the report.

**Clause 10 Seniors housing** – seniors housing is permanent residential accommodation that can include a group of self- contained dwellings. This development proposes permanent accommodation in self-contained dwellings.

**Clause 13 Self-contained dwellings** – the application has been lodged as in-fill self-care housing which under the terms of the Seniors SEPP is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care. The proposal satisfies this definition.

**Clause 26 Location and Access to Facilities** - the consent authority must be satisfied that residents will have access to shops, bank service providers and other retail and commercial

services, community services, recreation facilities and the practice of a general medical practitioner. This clause provides details on what would satisfy a reasonable level of access.

**Clauses 31-39 Design Principles and requirements** – the development must demonstrate consideration of a range of matters that are aimed at ensuring good design outcomes. These matters relate to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access, stormwater, crime prevention, accessibility and waste management.

**Clauses 40 and 41 Development standards** – these clauses impose development standards that relate to minimum area for a development site, minimum frontage of a development site and building height.

**Clause 50 Development standards that cannot be used as a reason for refusal** – this clause outlines standards relating to building height, density and scale, landscaped area, deep soil zones, solar access, private open space and car parking. If the nominated standards are met by the proposed development, then the consent authority cannot refuse that development application on any of these grounds. The proposal does not breach any of these standards.

As part of their Statement of Environmental Effects, the applicant has provided a detailed analysis of the projects response to all of these matters. This is Attachment 4. This information provides an accurate assessment of the projects compliance with the Seniors SEPP. The application demonstrates compliance in all of the critical areas such as site location and access to transport and/or facilities, amenity for residents and suitability in dwelling design, thus ensuring accessibility and useability for the future residents.

## **1.2 Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP2002)**

The subject site is within the 2(b) – Residential B zone of the Campbelltown Local Environmental Plan 2002. The objectives of this zone include the following:

- b) to permit the development of a range of housing types
- c) to encourage a variety of forms of housing that are higher in density than traditional dwelling houses, including accommodation for older people and people with disabilities, in locations which are accessible to public transport, employment, retail, commercial and service facilities

The proposed development is consistent with these zone objectives.

However, by the definitions contained within the CLEP2002, the proposed development would be a residential flat building as it is a building containing two or more dwellings which achieve access from shared foyers, halls or stairways. The land use table for the 2(b) Residential zone prohibits residential flat buildings (while permitting multi-dwelling housing) and therefore the development is reliant upon the Seniors SEPP for its permissibility. This inconsistency between the planning instruments is overcome in favour of the SEPP by virtue of Clause 5 of the SEPP.

## **1.3 Minto Renewal Development Control Plan 2006 (Minto DCP)**

The Minto DCP is a specific plan that applies to the Minto urban renewal area and was adopted by Council in April 2006 to assist with ensuring development outcomes consistent with the vision put forward for the Minto renewal project. However, there are no controls that relate specifically to development for the purposes of seniors housing, nor were any specific sites identified as being future seniors housing sites.

The proposal is consistent with a number of DCP objectives, in particular:

- Encourage the creation of safe, secure and liveable environments
- To provide for a mixture of housing choice and diversity of tenure including an appropriate quantity of quality public housing
- To provide appropriate housing for low income earners, the aged and people with disabilities

Section 2 of the DCP is relevant to all types of proposed development and focuses on design requirements for buildings that are aimed at ensuring appropriate and sustainable outcomes. The applicant has provided a detailed analysis of the projects response to all of these matters as part of their SEE. This is Attachment 5. This information demonstrates the projects compliance with the Minto DCP.

## **2. Non Statutory Provisions**

Campbelltown 2025 Looking Forward is a vision statement of outlining broad planning intent for the longer term future of the City of Campbelltown. The document establishes a set of strategic directions to guide decision making and development outcomes and recognises that the structure of the community is changing with an increasing proportion of older people and household size decreasing. Two key themes for change are housing choice and redeveloping existing NSW Housing areas.

The strategic directions that are relevant to this application are:

- Protecting and enhancing the City's key environmental assets
- Growing the regional city
- Building a distinctive Campbelltown sense of place

This leads to the following desired outcomes and focus areas:

- Development and land use matches environmental capacity and capability
- Minimising car dependency
- Appropriate settlement patterns and structure
- High quality lifestyle opportunities across a framework of liveable neighbourhoods

The proposed development is not inconsistent with the vision for the City as described within Campbelltown 2025 Looking Forward and therefore at the broad strategic planning level, can be supported.

## **3. Planning Assessment**

The Development Application has also been assessed having regard to the following provisions of s79C of the Environmental Planning and Assessment Act 1979.

- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality
- the suitability of the site for the development
- any submissions made in accordance with this Act or the regulations,
- the public interest

### **3.1 Impacts of Development**

The development is proposed to be constructed within an established urban locality. The subject site is part of a recently approved residential subdivision that has been created for the purpose of regenerating a residential environment that had become neglected and was no longer providing an acceptable level of amenity for residents. There are no particular natural environmental qualities of the site or locality that will be impacted upon as a result of this development.

Although the two storey height of the proposed buildings is consistent with other residential development occurring in this locality, the scale of the building is far larger. Notwithstanding the architectural merit of the proposal, the resultant impression is of a residential flat building within a lower density environment.

Fortunately there are no direct impacts arising from this scale, such as overshadowing, loss of views or privacy concerns.

There are positive social impacts in terms of providing additional housing for those in need and fulfilling the broader objectives of the Minto Renewal Project. From an economic perspective, the regeneration of the Minto area will have a positive multiplier effect throughout the local economy.

### **3.2 Suitability of the Site**

The suitability of the site for the intended purpose of housing for seniors or people with a disability has been tested through the analysis of how the proposed development complies with the myriad requirements of the relevant Seniors SEPP. This analysis confirms compliance in all key areas.

This large residential site has been created as part of Stage 9 of the Minto Renewal Project in order to provide the opportunity for housing other than single dwellings. There are no existing natural site features that would act to inhibit the development of the site.

As part of the Minto Renewal Project, relevant stormwater management plans/information was provided. Further catchment specific flood studies have been commissioned but not as yet completed and therefore this Development Application has not been supported by any site specific flood study. However, given the location of the site and the topography of the area, it is unlikely to be an issue of any concern. It would however be reasonable to impose a condition of consent that construction not be commenced until such time as the flood studies currently being undertaken have been completed and it is confirmed to Council's satisfaction that the subject site is developed in accordance with the approved flood study and is not adversely affected by stormwater flows from storm events.

It is in close proximity to Minto Mall but also is well located to public transport which will afford residents access to a greater range of both commercial and community services available in other major centres.

While not flat, the sites topography is such that accessible paths of travel can be maintained. The site is serviced by footpaths on two frontages which allows for individual access to each of the ground floor units and common areas.

Overall, the site is suitable for the proposed development.

### **3.3 Public Interest**

It is considered that the public interest is well served by this proposal by means of its consistency with the Minto Renewal Project that was previously the subject of detailed assessment and was found to be worthy of support. The proposal represents part of the transition of Minto from an under privileged locality with poor urban amenity to a more attractive, egalitarian suburb.

To assist in the assessment of the proposal, comments were provided by Council's Accessibility Advisory Sub-committee, Waste Management Officer and Manager Technical Services. These are discussed below.

### **3.4 Accessibility Sub Committee**

The Sub-Committee were concerned with the car park separation, particularly in how that may affect emergency vehicle access. They recommended that the accessible car parking spaces should be provided with cover, that there be a community meeting room and a community garden with sheltered seating.

The applicant reviewed these comments and has advised that the accessible car parking spaces will be provided with cover and that a garden and covered gazebo were part of the submitted plans.

### **3.5 Waste Management**

In relation to the provision of an ongoing domestic waste collection service, the Waste Management Officer raised no objection to the use of 240 litre bins for garbage and 240 litre bins for recycling at the ratio of one bin for each two units (plus three spare bins), as well as provision of 240 litre bins for garden organics.

The proposed location of the bin storage areas are considered to be logical and acceptable. However, the on street bin collection location needs to be confirmed to ensure it is suitable from both the perspective of the residents and the garbage service provider.

It was suggested that the applicant investigate the plausibility of employing a site manager/caretaker to assist in the management of waste, the moving of bins between storage and collection areas and the cleaning of storage areas. Given that the development is for aged and disabled persons for whom these tasks would be more challenging, this suggestion is a reasonable one and something that the applicant could consider in the context of other Land and Housing seniors living developments within Minto.

The applicant reviewed all of these comments and has provided a waste management plan that commits the applicant to engaging a contractor to place bins on the kerbside and return them to the bin storage area each week as well as keeping the bin storage area clean.

### **3.6 Technical Services**

Concern was raised at the proposed access onto Ben Lomond Road. It was noted that this section of the car park has only seven spaces and therefore this low traffic generation could be easily be accommodated within Cathedral Street, a new local street, rather than place any burden upon Ben Lomond Road, which is a major collector route. This was seen as a preferable outcome as the driveway onto Ben Lomond Road is in close proximity to the intersection with Minto Mall. This issue is acknowledged by the applicant and their traffic consultant through their proposal to construct a non-standard narrow median dividing the short right turn shelter bay in Ben Lomond Road that provides access to Minto Mall. This median will prevent right turning into and out of the subject sites driveway. The Traffic Assessment report believes this will not present any adverse or safety implications.



The applicant considered the issues raised and advised that notwithstanding Council's position, they wished to maintain the proposed access arrangements. Justification for their position was provided and is summarized as follows:

- Obtaining a compliant gradient from Cathedral Street through to Ben Lomond Road could only be achieved by splitting the site into two sections.
- The car park off Ben Lomond Road caters for only seven spaces. This low volume of traffic will not impact the functionality of Ben Lomond Road and will cause negligible impacts. Based on Housing NSW car ownership statistics, car ownership of Housing tenants is very low and hence majority of the time the car park is empty. A sign at the exit stating that "Only Left turn is allowed" onto Ben Lomond Road can be erected if Council wished to remove the proposed median on Ben Lomond.
- A 40 unit complex has inherent issues around tenancy management. Splitting the project into two distinct complexes addresses many of these tenancy issues.
- It is possible in the future Housing NSW will handover Block C to a community group to manage and the other two blocks with access from Cathedral Street will be managed by Housing NSW. Having two separate entrances will provide clarity around tenancy management.
- The current design has a high fence separating the site into two – The distinct separations was implemented to stop nuisance and annoyance from non-residents using the site as a short cut access from Cathedral St to Ben Lomond Rd, the shopping centre and public transport.
- The units on Ben Lomond Road were designed specifically to address the street and without direct off street parking visitors and resident would be forced to drive around to Cathedral Street. Alternatively residents and visitor would park in and along Ben Lomond Road, which is not ideal given that Ben Lomond is a main road. The properties addressing Ben Lomond Road was considered far more visually appealing for the area, than have rear yards and high paling fences.

The reasons offered by the applicant for the car park design are reasonable and while it may be preferable from Council's perspective to force traffic to Cathedral St rather than onto Ben Lomond, the low volume of traffic generation plus the installation of the median (at 300mm width), is considered to be acceptable.

#### **4. Public Participation**

The application was notified in accordance with Council's adopted public notification and public exhibition requirements. No submissions were received.

#### **5. Conclusion**

The application is for 40x2 bedroom infill self-care housing units under the provisions of the Seniors SEPP. The proposal is permissible by virtue of this Plan. The applicant has demonstrated compliance with the key requirements of the Seniors SEPP in both the site location and the design of the units. The key issues of access to transport and services and universal accessibility in the design of units have been addressed in a satisfactory way.

In relation to the CLEP 2002, the provision of housing for the aged and disabled is consistent with the objectives of the 2(b) residential zoning of the site and of the objectives of the Minto Renewal Project and Minto DCP.

The proposal can be supported and approval is recommended subject to conditions of consent, noting that as a Crown application, the applicant must agree to the imposition of the conditions.

### **Officer's Recommendation**

That development consent be granted to Development Application 1618/2012/DA-SL for the construction of seniors housing in-fill self-care housing comprising of 40x2 bedroom units at Proposed Lot 965 in DP1164989, Ben Lomond Road and Cathedral Street, Minto, subject to the conditions detailed in Attachment 1 to this report.

# **ATTACHMENT 1**

## **Recommended Draft Conditions of Consent**

### **GENERAL CONDITIONS**

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

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

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

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

#### **2. Amended Plans and Additional Details**

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the commencement of any works:

- Additional covered walkways and shelter for disabled car parking spaces
- Inclusion of lockable gates at appropriate locations to improve site security
- 5.5 metre wide driveway crossings extending 6.0metres into the site to allow cars to pass, as recommended by the submitted Traffic Report

In addition to the above, prior to the construction of the proposed driveway accessing Ben Lomond Rd, a design plan detailing all works, sign posting and linemarking associated with the median adjustment proposal in Ben Lomond Road is to be provided to Council for submission to and approval of the Local Traffic Committee.

#### **3. 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 building approval is made.

#### **4. 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 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or

- b. To the erection of a temporary building.

## **5. 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
  - 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
  - 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.

## **6. 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 native, low water demand plants consistent with BASIX requirements.

## **7. 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.

## **8. Fencing**

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

## **9. Switchboards/Utilities**

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

## **10. Driveway**

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

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

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

#### **11. 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.

#### **12. 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) DCP 2009 - Volumes 1 and 2.

#### **13. Car Parking Spaces**

Twenty (20) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

#### **14. 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
- 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.

#### **15. Rain Water Tank(s)**

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

#### **16. Construction Certificate**

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

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

## **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.

### **17. Utility Servicing Provisions**

Prior to commencement of any works on the land, 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.

### **18. Sydney Water Stamped Plans**

Prior to commencement of any works on the land, development plans shall be submitted to a Sydney Water Customer Centre or Quick Check Agent, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and or easements, and if further requirements need to be met. The plans, including any amended plans are required to be appropriately stamped.

### **19. Waste Management Plan**

Prior to commencement of any works on the land, the relevant provisions of Council's Waste Management Plan is to be completed to the satisfaction of Council. Agreement must be reached with Council on the appropriate location for on-street garbage bin collection prior to occupation.

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

Prior to the commencement of any works on the land, a detailed soil and water management plan shall be submitted for approval.

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

Prior to the commencement of any works on the land, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Council's nearest drainage system.

All proposals shall be designed and constructed so that the site is not adversely affected by localised flooding.

### **22. Work on Public Land**

Prior to the commencement of any works on the land, 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.

### **23. Work outside the Site Boundary**

Prior to the commencement of any works on the land, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 Volume 2 and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

### **24. Design for Access and Mobility**

Prior to the commencement of any works on the land, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

### **25. Controlled Activity Approval**

Prior to the commencement of any works on the land, a copy of the Controlled Activity Approval, issued by the NSW Office of Water must be provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

### **26. 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.

### **27. 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
- 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.

### **28. Toilet on Construction Site**

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

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

## **29. 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.

## **30. 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.

## **31. 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.

## **32. 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.

## **33. 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.

### **34. Fencing**

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

## **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.

### **35. 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

### **36. 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.

### **37. 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.

### **38. Protection of Existing Trees**

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

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.

### **39. 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.

### **40. 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.

### **41. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

### **42. Medium Density Driveway and Layback Crossing**

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

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

### **43. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

#### **44. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 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".

#### **45. Section 73 Certificate**

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

#### **46. Completion of External Works Onsite**

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 to be completed to the satisfaction of the principal certifying authority.

#### **47. 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.

#### **48. Service Authorities**

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

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

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

## **49. House Numbers**

Prior to the principal certifying authority issuing an occupation/subdivision certificate all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using approved pavement marking grade paint.

## **50. 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 that require a construction certificate. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000
- 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. Tree Preservation Order**

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

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

### **Advice 3. 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 4. 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 5. Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

#### **Advice 6. Covenants**

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

#### **Advice 7. 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 8. Adjustment to Public Utilities**

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

#### **Advice 9. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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

[www.adfa.org.au](http://www.adfa.org.au)

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

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

#### **Advice 10. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

#### **Advice 11. Dial 1100 Before you Dig**

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

#### **Advice 12. Telecommunications Act 1997 (Commonwealth)**

Please note that under the Telecommunications Act 1997 (Commonwealth) Telstra's written authorisation is required before any person can enter land or undertake work on any Telstra's assets. Any person caught interfering with a facility or installation owned or operated by Telstra is committing an offence under the Criminal Code Act 1995 (Commonwealth) and is liable for prosecution. If you are aware of any works or proposed works which may affect or may impact on Telstra's assets in any way please contact Telstra's Network Integrity Team on phone number 1800 810 443.

#### **END OF CONDITIONS**