JRPP No	**2015SYW031**
DA Number	**2706/2014/DA-RA**
Local Government Area	**Campbelltown City Council**
Proposed Development	**Construction of a 6 to 8 storey residential apartment building containing 101 apartments, 1 commercial unit and basement car parking**
Capital Investment Value	**$31,054,100**
JRPP Referral Criteria	**Development exceeds $20 million capital investment value**
Street Address	**49 Stowe Avenue, Campbelltown**
Applicant	**Blue CHP Limited**
Number of Submissions	**Nil**
Recommendation	**Approval**
Report by	**Rad Blagojevic – Senior Development Planner**

Attachments

1. Recommended Conditions of Consent
2. Site Analysis
3. Basement - Levels 1 and 2
4. Floor Plans - Ground to Level 8
5. Unit Layouts
6. Elevations, Sections, Materials and Colour Schedule
7. Perspectives
8. Shadow Diagrams
9. Landscape Plan
10. Hydraulic 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.*

Property Description	Lot 3004 DP 1152287, No. 49 Stowe Avenue, Campbelltown
Application No	2706/2014/DA-RA
Applicant	Blue CHP Limited
Owner	Blue CHP Limited
Statutory Provisions	Greater Regional Environmental Plan No.2 - Georges River Catchment (deemed SEPP)
	State Environmental Planning Policy No. 55 – Remediation of Land
	State Environmental Planning Policy No.65 - Design Quality Residential Flat Development
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
	State Environmental Planning Policy (Affordable Rental Housing) 2009
	Campbelltown (Urban Area) Local Environmental Plan 2002
	Draft Campbelltown Local Environmental Plan 2014
Other Provisions	Macarthur Regional Centre Master Plan
	Campbelltown (Sustainable City) Development Control Plan 2014
Date Received	7 November 2014

Report

1. Introduction

Council has received a development application for the construction of a mixed use commercial and residential apartment building development at 49 Stowe Avenue, Campbelltown. The land is legally known as Lot 3004 DP 1152287.

The development comprises of three buildings with one commercial tenancy located at ground level of Building A and 101 residential apartments located at ground and upper floors.

The land is zoned 10(a) Regional Comprehensive Centre Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). An assessment of the proposed development against CLEP 2002 is contained later within this report.

The capital value of the project has been estimated by the applicant as $31.06 million and as such exceeds the $20 million threshold to qualify as a regional significant development and hence the development application will be determined by the Sydney West Joint Regional Planning Panel.

2. The Site and Surrounds

The site is located at the intersection of Tailby Street, Stowe Avenue and Kellicar Road, Campbelltown. The land is an irregular shape with an area of 3728 square metres and is currently undeveloped.

The length of street frontages is as follows:

- 18.02 metres to Tailby Street;
- 72.36 metres (arc) to Stowe Avenue; and
- 40.77 metres to Kellicar Road.

The land to the north-west of the subject site on both sides of Tailby Street has been developed by the NSW Transport Infrastructure Development Corporation (TIDIC) for the purpose of commuter car parking comprising of two 'at grade' car parking lots. Land adjoining the subject site to the north, north-east, east, south-east and west of the subject allotment is currently undeveloped and available for future urban development.

Land to the south-west of the site on the curve of Stowe Avenue is a public reserve and will form part of an open space corridor.

The subject site is centrally located being 260 metres from Macarthur Square shopping centre and 580 metres from the Macarthur Rail Station.

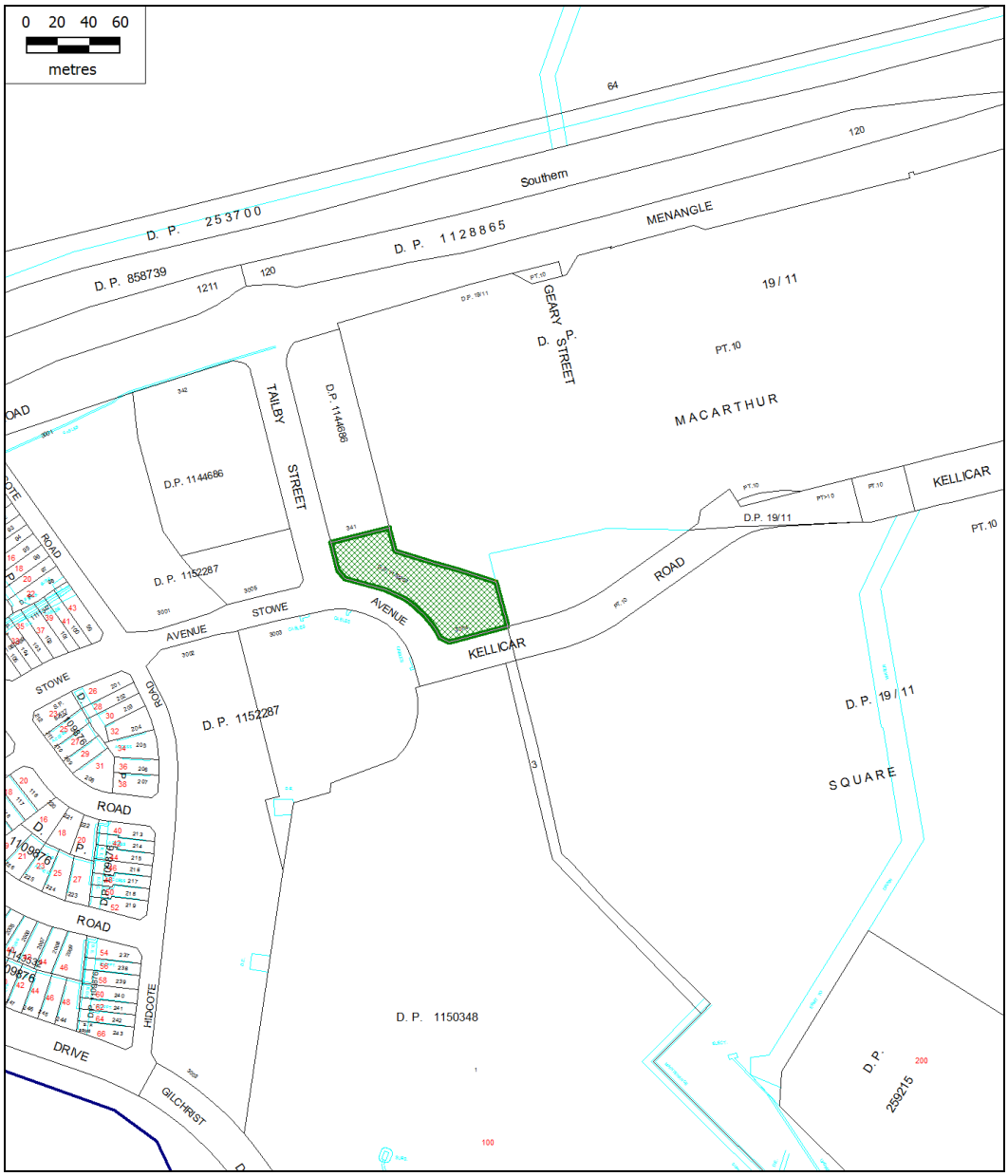

Figure 1: Locality Map

Figure 2: Aerial Photograph of Site and Surrounds

3. The Proposal

Development consent is being sought for the following:

- Excavation of the site and site works;
- Construction of three buildings (A, B and C) comprising of:

  Building A -

  6 storey mixed residential and retail/commercial building located within the northern most portion of the site presenting to both Tailby Street and Stowe Avenue;

  Building B -

7 storey residential building and presenting to Stowe Avenue;

Building C -

8 storey residential building located within the southern-most portion of the site presenting to both Stowe Avenue and Kellicar Road.

- 101 residential apartments in the following breakdown (56 affordable housing apartments in buildings A and B (or 55% of the number of units)):

  Building A - 29 apartments
  Building B - 27 apartments
  Building C - 45 apartments

  The affordable housing units would be contained within Buildings A and B of the development which comprises 56 of the 101 units proposed.

  The proposed apartments are in the following configuration:

  43 x 1 bedroom
  54 x 2 bedrooms
  4 x 3 bedrooms

- Residential floor area of 11,008 square metres (gross floor area);
- Commercial/retail tenancy comprising of 46 square metres leasable floor area;
- Community/common room comprising of 92 square metres;
- Vehicular access from Stowe Avenue;
- Car parking for 109 (including 9 disabled) spaces including:

  60 spaces on Basement 1
  49 spaces on Basement 2 (lower basement)

- Landscaping works.

4. 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.

4.1 Greater Regional Environmental Plan No.2 - Georges River Catchment (deemed SEPP)

Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment applies to the land. The Plan aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Part 3 Clause 11 of the Regional Plan provides a list of matters for consideration having regard to housing development. These matters include:

- *Whether the proposal for development accords with the Metropolitan Strategy and satisfies the strategy's goals and key principles.*

- *Whether the land is adequately serviced.*

- *Whether adequate provision has been made to meet the requirements of any council stormwater management plans and erosion and sediment control plans or policies.*

- *Whether provision has been made for sediment and/or erosion control during construction in accordance with best practice.*

- *Whether adequate provision has been made to prevent untreated urban runoff including nutrients, oils and greases, animal wastes, detergents and other pollutants from car washing and general litter entering into the Georges River or its tributaries.*

The proposed development has been assessed in accordance with the matters, and is considered to satisfy all the relevant requirements of the Regional Plan.

4.2 State Environmental Planning Policy No. 55 – Remediation of Land

The application has been assessed in accordance with State Environmental Planning Policy No.55 - Remediation of Land. This policy is a state-wide planning control for the remediation of contaminated land, and states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

If the land is unsuitable, remediation must take place before the land is developed, in accordance with *'Managing Land Contamination: Planning Guidelines'*, prepared in conjunction with the Environment Protection Authority (Department of Environment and Conservation 1998). The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with appropriate standards, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals.

The subject land is yet to be developed and an historic review of past land uses suggests that previous agricultural and residential uses were unlikely to have caused contamination. It can therefore be reasonably assumed that the land can be safely used for residential purposes without the need for a detailed investigation into possible land contamination.

Accordingly, the application is considered to satisfy the requirements of SEPP 55 and no further investigation of this matter is considered necessary.

4.3 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 never established a Design Review Panel, and therefore for the purpose of this application, the JRPP is only required to consider the design quality principles and the Residential Flat 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 and an assessment against the *'Residential Flat Design Code'*.

Principle 1 – Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Comment

As detailed in this report, the existing development context comprises of land forming part of the Macarthur Gardens precinct. Much of that land is yet to be developed for urban purposes with the remainder being used for commuter car parking or preserved for future open space.

The proposal before the JRPP is a design response to the desired future density within the area as currently a development control plan does not apply to the land. The Macarthur Regional Centre Master Plan is discussed in detail later in this report.

Principle 2 – Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment

The scale of the proposed development is higher (in part) than the height and density envisaged by the Macarthur Regional Centre Master Plan. The Master Plan recommended a maximum height level of three storeys for the northern portion of the land and a minimum three storeys and maximum 8 storeys (or up to 27 metres) for the southern portion of the site.

The building mass and scale has been designed in a manner to reduce its perceived bulk and scale by design incorporating the three detached towers.

Principle 3 – Built Form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment

Despite the inconsistencies with the Macarthur Regional Centre Master Plan it is considered that the built form of the proposal is generally satisfactory given the context and scale of the building, the location of the subject site and its relationship with nearby future development. The façade of the building has architectural merit and would provide an interesting architectural addition to the precinct.

Principle 4 – Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Comment

Noting that the site does not have any specific development control plan applying to it, the development is generally consistent with the principles of the land's zoning being 10(a) Regional Comprehensive Centre Zone and the planning convention of higher residential densities within close proximity of commercial centres and major transport nodes.

Principle 5 – Resource, Energy and Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials,

adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Comment

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

Principle 6 – Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

Comment

A range of deep soil plantings have been catered for across the site, utilising trees with mature heights of up to 20 metres. Planting zones vary across the site based on soil depth dictated by the location of basement beneath parts of the ground floor common areas.

Communal and pedestrian areas are provided with an aesthetic mixture of all-weather hard surfaces, communal lawn, ground covers, shrubs and trees.

Principle 7 – Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment

The design of the proposed residential units generally provides good internal and external amenity by their siting and placement of windows and sliding doors. Balcony areas connect to living areas and are considered satisfactory, providing privacy and solar control by way of being recessed into the main building. SEPP 65 also requires a minimum floor to ceiling height of 2.7m, which is standard in all apartments. Solar access has been provided to each

of the apartments via balconies accessed via living areas and in some of the units a second balcony is proposed adjacent to a bedroom.

Principle 8 – Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment

The building presents an active façade to Tailby Street, Stowe Avenue and Kellicar Road, with good views for residents to and from their particular lobby or unit as they access their building from street level.

Basement car parking will be a secure location. Details in relation to the security arrangement will be confirmed prior to issue of a construction certificate.

Principle 9 – Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

Comment

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.

The proposed development comprises of approximately 55% of *affordable housing* apartments with the remainder being intended to be used for private occupiers or investors.

To qualify for affordable housing, prospective residents must have a gross household income of less than 120% of the median income for the Sydney statistical division, using data from the Australian Bureau of Statistics. In 2009/2010, 120% of the median income was $76,500.

Principle 10 – Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Comment

From a street presentation perspective, the proposed development comprises a pleasing mix of building elements, textures, materials and colours that would integrate and contribute positively to the Tailby Street, Stowe Avenue and Kellicar Road streetscape. Similarly, the internal design and structure of the development would establish a desirable built form and environment. The proposed development therefore satisfies the required aesthetic design quality principle.

Provisions of Residential Flat Design Code

The proposed development has been evaluated against the various provisions of the Residential Flat Design Code (RFDC) in accordance with Clause 30(2)(c) of SEPP 65.

An assessment summary against relevant portions of the Code is provided below. It is noted that due to the absence of a specific Development Control Plan for the subject land, it is considered that the use of Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP) best serves to provide a relevant basis for assessment of the development.

Primary development controls

Numeric requirement	Objectives	Comment
Building height No numeric requirement stipulated – use Council's DCP height standard. Design practice notes provided.	To ensure development responds to the desired scale of the area. To allow daylight access to development and the public domain.	No DCP applies to the subject land.
Building depth 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. To allow for solar access and natural ventilation. To provide for dual aspect apartments.	The buildings' maximum depth is 18 metres and therefore complies. However, the Code states that "freestanding buildings may have a greater depth if they achieve satisfactory ventilation and daylight penetration". The building is considered satisfactory in that regard. Apartments are provided with adequate light and ventilation, with most having a north-south orientation.

Numeric requirement	Objectives	Comment
Building separation 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. To control overshadowing of adjacent properties. To provide visual and acoustic privacy.	Building is C is located 4 metres from the eastern boundary and adjacent to a vacant parcel of land. Buildings B and C have a minimum separation of approximately 9.8m. Buildings A and B have a minimum separation of 9.4 metres. Given the orientation and design of the dwellings, particularly the placement of balconies, it is considered acceptable having regard to visual and acoustic privacy for dwellings within the subject buildings. The siting of Buildings B and C may however be restrictive to any future residential flat building development on adjoining the lot.
Side and rear setbacks No numeric requirement stipulated. Design practice notes provided.	To provide for deep soil planting areas. To minimise the impact of the development on light, air, sun, privacy, views and outlook for neighbouring properties, including future buildings. To maximise building separation to provide visual and acoustic privacy.	The proposed development is located a minimum of 4 metres from the north-western boundary adjacent to the commuter car park. The proposal is also located a minimum 4 metres from the eastern boundary adjacent to land which is yet to be developed. No DCP is applicable to the subject land. Council's Sustainable City Development Control Plan requires a 6 metre setback to side and rear boundary. The proposal does not comply with the Plan.
Street setback No numeric requirement stipulated. Design practice notes provided.	To create a clear transition between public and private space. To allow an outlook and surveillance of the street. To allow for streetscape character.	No DCP is applicable to the subject land. However, Council's SCDCP allows zero boundary alignment. The proposal complies with this requirement.

Site design

Numeric requirement	Objectives	Comment
Deep soil zones No requirement stipulated. Design practice notes provided.	To assist in the management of the water table. 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.
Fences and walls No numeric requirements stipulated. Design practice notes provided.	To define the boundaries between areas having different functions or owners. To provide privacy and security. To contribute positively to the public domain.	The development proposes a 1.8 metre high colorbond on the side and rear boundaries. The fencing and walls are considered appropriate to define the boundaries of the development.
Landscape design No numeric requirements stipulated. Design practice notes provided.	To improve stormwater quality. To improve urban air quality. To add value to residents' quality of life within the development. To improve the solar performance of the development.	A comprehensive landscaping plan has been prepared for the development. The plan maximises areas provided for deep soil planting and would introduce several large trees at the site, which will ultimately assist in improving solar conditions and provide habitat for birds.
Orientation No numeric requirements stipulated. Design practice notes provided.	To optimise solar access to residential apartments and adjacent buildings. To improve the thermal efficiency of new buildings. To contribute positively to the desired streetscape.	The building is orientated as best as possible having regard to the existing street. A BASIX certificate has been submitted with the application which demonstrates satisfactory energy and thermal comfort savings have been made. Apartments have been provided with balconies and windows to gain access to natural light.
Stormwater management No numeric requirements stipulated. Design practice notes provided.	To minimise the impact of residential flat development and associated infrastructure on the health and amenity of natural waterways.	An area of deep soil planting is provided in the development. Stormwater capture and management complies with Council's Sustainable City DCP Vol. 3.
Safety No numeric requirement stipulated. Design practice notes provided.	To ensure that residential flat developments are safe and secure for residents and visitors. To contribute to the safety of the public domain.	Crime Prevention Through Environmental Design (CPTED) principles used throughout the development, including lighting, territorial reinforcement of entry and street areas, safe basement car parking area.

Numeric requirement	Objectives	Comment
Visual privacy No numeric requirement stipulated. Design practice notes provided.	To provide reasonable levels of visual privacy. To maximise views and outlook from principal rooms and private open space, without compromising visual privacy.	Balconies have been aligned to reduce overlooking. Fixtures to balconies such as screens are sometimes used to reduce overlooking potential.
Building entry No numeric requirement stipulated. Design practice notes provided.	To create entrances that provide a desirable residential identity for the development. To orient visitors. To contribute positively to the streetscape.	Separate entries provided for vehicles and pedestrians to increase safety. Visitor entry from street clearly defined and easily accessible.
Car parking No numeric requirement stipulated. Design practice notes provided.	To minimise car dependency for commuting and to promote alternative means of transport. To provide adequate car parking. To integrate the location and design of car parking with the building and its location.	Car parking would be provided in a two level basement, with minimal impact on the street. Whilst no DCP is applicable to the land, SCDCP contains the most appropriate controls for parking rates across Campbelltown LGA. Under the SCDCP (in concert with the ARH SEPP), the development is required to provide 108 car parking spaces. The development provides 109 spaces which is considered acceptable in this instance.

Building design

Numeric requirement	Objectives	Comment
Apartment layout “Rules of thumb” provided for depth, width and area.	To ensure that the spatial arrangement of apartments if functional and well organised. To ensure that apartment layout provides a high standard of residential amenity. To accommodate a variety of household activities and needs.	Single aspect apartments are generally located on the northern facing side of the building to maximise solar penetration. Window location and size maximise solar penetration. Apartments comply with BASIX requirements for energy efficiency and thermal comfort. Apartment sizes generally comply “rule of thumb” requirements. Depth of apartments complies with “rule of thumb”.

Numeric requirement	Objectives	Comment
Apartment mix Design practice notes provided.	To provide a diversity of apartment types, which cater for different household requirements now and in the future. To maintain equitable access to new housing by cultural and socio-economic groups.	Building contains a mix of 1, 2 and 3 bedroom units. Complies with Council's SCDCP.
Balconies Design practice notes provided. "Rules of thumb" provided.	To provide all apartments with open space. To ensure that balconies are integrated into the overall architectural form and detail of the building. To ensure that balconies are functional. To contribute to the safety and liveliness of the street by allowing for casual overlooking.	Balconies meet minimum depth requirement in the "rules of thumb". Balconies are all directly accessible from living areas. Balconies would provide casual surveillance of the street.
Ceiling heights "Rules of thumb" provided	To increase the sense of space in apartments. To promote the penetration of light into the depths of apartments. To achieve quality interior spaces while considering the external building form requirements.	The building complies with the "rules of thumb". A minimum ceiling height of 2.7 metres would be provided to each unit.
Ground floor apartments No numeric requirements stipulated. Design practice notes provided.	To contribute to the desired streetscape of an area and to create active safe streets. To increase the housing and lifestyle choices available in apartment buildings.	Ground floor units provided with terraces and screened from the street by landscaping. Landscaping would provide views to and from the apartment building at street level. Variations in ground height increase privacy and allow for casual surveillance.

Numeric requirement	Objectives	Comment
Mixed Use No numeric requirements stipulated. Design practice notes provided	Mix of uses that complement and reinforce the character and function of the area. Flexible layouts to promote variable tenancies or uses. Legible circulation systems by isolating commercial service requirements, demarcated residential entries, distinguishing commercial and residential entries for safety reinforcement.	No specific commercial or retail uses proposed. Commercial, retail or restaurant/café type uses would be acceptable and the design could grease arrestors. One tenancy proposed Commercial and residential uses are clearly separated and readily distinguishable. Development does not provide for appropriate loading and unloading area for larger vehicles. Small incidental deliveries could be provided on the site.
Circulation “Rule of thumb” provided. Design practice notes provided.	To create safe and pleasant spaces for the circulation of people and their personal possessions. To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.	The number of units accessed from each corridor complies with the Code’s “rule of thumb” ie. less than 8 units accessed from each corridor. Corridors are wide and would allow for the movement of furniture.
Storage Numeric "rules of thumb" provided. Design practice notes provided.	To provide adequate storage for everyday household items within easy access of the apartment. To provide storage for sporting, leisure, fitness and hobby equipment.	"Rules of thumb" in Code are mirrored in Council’s SCDCP. The building complies with the requirements.

Building amenity

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

Numeric requirement	Objectives	Comment
Daylight access Design practice notes provided and rules of thumb.	To ensure that daylight access is provided to all habitable rooms. To provide adequate levels of ambient lighting and minimise the need for artificial lighting during the day. To provide residents with an opportunity to adjust the quantity of daylight to suit their needs.	All living areas provided with windows. Awnings provided to some windows at balconies to provide for shading during summer.
Natural ventilation Rules of thumb provided. Design practice notes provided.	To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air. To provide natural ventilation to non-habitable rooms where possible. To reduce energy consumption.	Majority of units provide cross ventilation opportunities.
Facades Design practice notes provided. No numerical requirements stipulated.	To promote high architectural quality in residential flat buildings. To ensure that new developments have facades which define and enhance the public domain and desired street character. To ensure that building elements are integrated into the façade design.	The buildings have 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 three towers.

Building performance

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

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

The building is considered to be generally compliant with the objectives and controls within the SEPP and its accompanying Design Code.

However, the development does exhibit a number of inconsistencies with the Code which are discussed below.

Building Separation/Side and Rear Setbacks

The RFDC considers that the spatial relationships of buildings is an important determinant of urban form. The intent of the objectives is to promote appropriate massing and spacing, consideration to visual and acoustic privacy and allow for open space that can perform different functions.

The Code recommends a separation distances for development of various heights. For development of between five and eight stories (up to 25 metres) the following building separation distances are recommended:

- 18 metres between habitable rooms/balconies;
- 13 metres between habitable rooms/balconies and non-habitable rooms; and
- 9 metres between non habitable rooms

The three buildings within the development site may physically be located within the separation distances recommended, however, given the north-south orientation of the apartments, location of balconies, it is considered that the impact on the visual and acoustic amenity is acceptable.

An alternative design solution for the subject site could have been one building mass that would not have had to consider building separation within the development site. The three building concept is considered a more acceptable urban form as well as minimise impacts relating to overall bulk and scale.

Notwithstanding the above, the Code does consider future development on adjoining land. It is not unreasonable to consider that similar residential apartment building development can

occur on land adjoining the site to the east and north-east given the land's zoning, intent of the zone, Master Plan and strategies for the locality.

Building C observes a 4 metre side setback to the eastern boundary. Building B, and its north facing balconies, observe a varying rear setback of between 5 metres and 7 metres to the north-eastern boundary.

Future development on the adjoining lot may have to be designed in a manner to satisfy the Code's building separation guidelines and given the subject development's non compliance with the recommendation, adjoining development would be encumbered by having a reduced building footprint area. It is considered that the smaller than recommended setbacks will have a detrimental impact on the future orderly development on adjoining land, with particular concerns relating to visual and acoustic amenity, urban form and overshadowing.

Car Parking

The RFDC does not provide specific rates for the number of car parking spaces required to be provided for a mixed use development comprising of commercial/retail and residential occupancies.

Given the recent urban renewal on nearby land, the subject site has an approved master plan applicable, although no current development control plan applies to the site.

Notwithstanding this, it is considered appropriate and reasonable that for the purpose of calculating car parking spaces to required for this development, that the Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP) be used as a basis for assessment.

Part 5 of SCDCP relates to development of residential apartment buildings and mixed use development. The rates used for the provision of car parking numbers within the document are applicable to the rest of Campbelltown LGA and those rates have been applied consistently for residential and mixed use apartment development in and around centres such as Ingleburn and Campbelltown.

Hence it considered appropriate and reasonable that the car parking rates applicable to similar development throughout Campbelltown LGA be utilised for this proposal notwithstanding the absence of an applicable DCP for the land.

Part 5.4.4(h) of SCDCP stipulates the rate for the provision of car parking spaces within residential apartments and mixed use buildings. They are:

- Each dwelling shall be provided with a minimum of 1 car parking space; and
- An additional car parking space for every 4 dwellings (or part thereof); and
- An additional car parking space for every 10 dwellings (or part thereof);
- 1 car parking space per 25 square metres of leasable floor area at ground level for commercial/retail part of the building; and
- 1 car parking space per 35 square metres of leasable floor area at upper levels for all commercial/retail parts of the building.

The following table provides and assessment against the SCDCP for car parking:

Campbelltown SCDCP Parking Requirement		
Rate	**Units/Leasable Floor Area**	**Requirement**
1 space per unit	101	101
1 space per 4	101	25.3 (say 26)
1 space per 10	101	10.1 (say 11)
1 space per 25m²	45m²	1.8 (say 2)
1 space per 35m²	nil	nil
Total		140

However, the applicant has nominated that 56 apartments are to be affordable housing units and 45 units for private residential. The ARH SEPP contains parking rates that shall be used for the provision of parking for 56 apartments. The balance shall be determined by SCDCP.

The below table provides and assessment against ARH SEPP and SCDCP:

Campbelltown SCDCP Requirement			
Non Affordable Rental Housing	45 units	1 space per unit	45
		1 space per 4	11.3 (say 12)
		1 space per 10	4.5 (say 6)
ARH SEPP Requirement			
Affordable Rental Housing (56 units)	28 x 1 bedroom units	0.5 spaces per 1 bedroom unit	14
	26 x 2 bedroom units	1 space per 2 bedroom unit	26
	2 x 3 bedroom units	1.5 spaces per 3 bedroom unit	3
Commercial/Retail			
One tenancy	45m² leasable floor area	1 space per 25m² LFA	1.8 (say 2)

		Loading bay/parking	1
Total Required			108
Total Provided			109

It is considered that the proposed development satisfies the number of vehicle parking spaces under the provisions of ARH SEPP in concert with SCDCP.

Loading Zones for Mixed Use Component

The RFDC provides design notes for the development of mixed use buildings. Another significant design concern relates to the lack of a legible circulation system to permit the separation of commercial service delivery requirements (such as loading docks) from residential access, servicing needs and primary outlook.

The development provides for loading and unloading area to service the commercial/retail component of the development. Whilst vans and other small vehicles can enter the basement for deliveries and such, the application fails to demonstrate that a small rigid vehicle can enter and manoeuvre within the basement.

Small trucks would be required to load/unload goods out of the basement area. The development's failure to provide appropriate and suitable loading areas is considered acceptable in this instance given the minor nature of the development's commercial component and the likely need for deliveries on an infrequent basis.

4.4 State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been made pursuant to the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the 'ARH SEPP').

Relevant aims of the Policy are:

(a) to provide a consistent planning regime for the provision of affordable rental housing,

(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,

(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,

(f) to support local business centres by providing affordable rental housing for workers lose to places of work,

(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

Clauses 10 and 13 - 18 of the ARH SEPP (clauses 11 and 12 have been repealed) provide for the construction of infill affordable housing, including residential flat buildings, within in

various zones. The subject site is zoned accordingly and therefore the proposal is permissible with development consent pursuant to the ARH SEPP.

Having regard to the above clauses and the assessment of the proposal's compliance with the ARH SEPP's aims and standards, the development is considered to be a suitable response to the State Government's relevant environmental planning instrument.

4.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) requires residential development to nominate and incorporate sustainability commitments to reduce water and energy consumption.

In accordance with the BASIX SEPP mandatory sustainability commitments required in the accompanying BASIX Certificate have been included in the architectural plans. The proposed development will therefore satisfy the BASIX SEPP.

4.6 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. "*Residential flat buildings*" are permissible with Council's consent in the 10(a) zone.

The proposal is consistent with several zone objectives, particularly:

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

A further objective of the zone is:

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

In this regard, the application is for a permissible residential flat development located in a locality undergoing transition within the regional centre.

4.7 Draft Campbelltown Local Environmental Plan 2014

Council's Draft Campbelltown Local Environmental Plan 2014 has been considered in the assessment of the proposed development. The draft planning instrument was placed on public exhibition between 12 June 2014 and 8 August 2014. The draft instrument is yet to be gazetted.

Under the draft planning instrument the site is zoned B4 Mixed Use. Residential flat building are permitted with consent in the zone.

The development is complementary to several zone objectives, including:

- *To provide a mixture of compatible land uses*

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling*

- *To provide a focal point for commercial investment, employment opportunities and centre-based living*

- *To encourage the development of mixed-use buildings that accommodate a range of uses, including residential, and that have high residential amenity and active street frontages*

- *To facilitate diverse and vibrant centres and neighbourhoods*.

Accordingly the proposal is considered to be consistent with the draft planning instrument's zone objectives.

Clause 4.3 Heights of Buildings intends to nominate building heights to reflect the intended scale of development appropriate to the locality and the proximity within and to business centres and transport facilities.

The draft instrument nominates maximum building height of 19 metres in the zone. The maximum building height of Building C is approximately 25 metres.

The applicant has sought a variation to this draft instrument with the following justification:

- A valid and current development consent exists on the land for a 6, 7 and 8 storey building in similar scale to that proposed;

- The current development application is seeking to 'amend' the existing development consent;

- The massing of the building has been designed in a manner to reduce the perceived bulk and scale of the development;

- The proposed development is consistent with the current planning instrument applicable to the land;

- The proposed development is consistent, in terms of height, bulk and scale, is consistent with the future context of the immediate area;

- The application of the development standard is considered by the applicant to the unreasonable and unnecessary in this instance.

It is considered that based on the advice above, a non-compliance with the draft planning instrument having regard to the height of the development, in particular Buildings B and C, would not have an unacceptable impact on the locality and is satisfactory in this instance.

4.8 Macarthur Regional Centre Master Plan

In 2003, Council approved a Master Plan for the locality as a vision for the future redevelopment of 50 hectares of land at the Macarthur Regional Centre. The Master Plan would provide the planning framework for the development of a major new urban development comprising residential, commercial, open space and community infrastructure.

The purpose of the Master Plan document was to:

- Provide a clearly articulated vision for the site that incorporates that community, Council, stakeholders and the applicant's aspirations for the site;

- Coordinate and guide the development of the site in an ordered manner to achieve the vision;

- Provide an explanation or rationale behind the development of the master plan;

- Provide certainty to the community and future residents in relation to the layout and level of amenity to be provided; and

- Assist those responsible for the preparation of detailed designs and documentation for the public and private domain.

The Master Plan provides design controls that include height controls. The subject site is identified in the master plan as having being suitable for two building heights that are:

- Northern part of the site up to 3 storeys; and

- Southern part of the site a minimum 3 storeys and a maximum of 8 storeys (or 27 metres).

The proposal partially complies with the Master Plan in this regard.

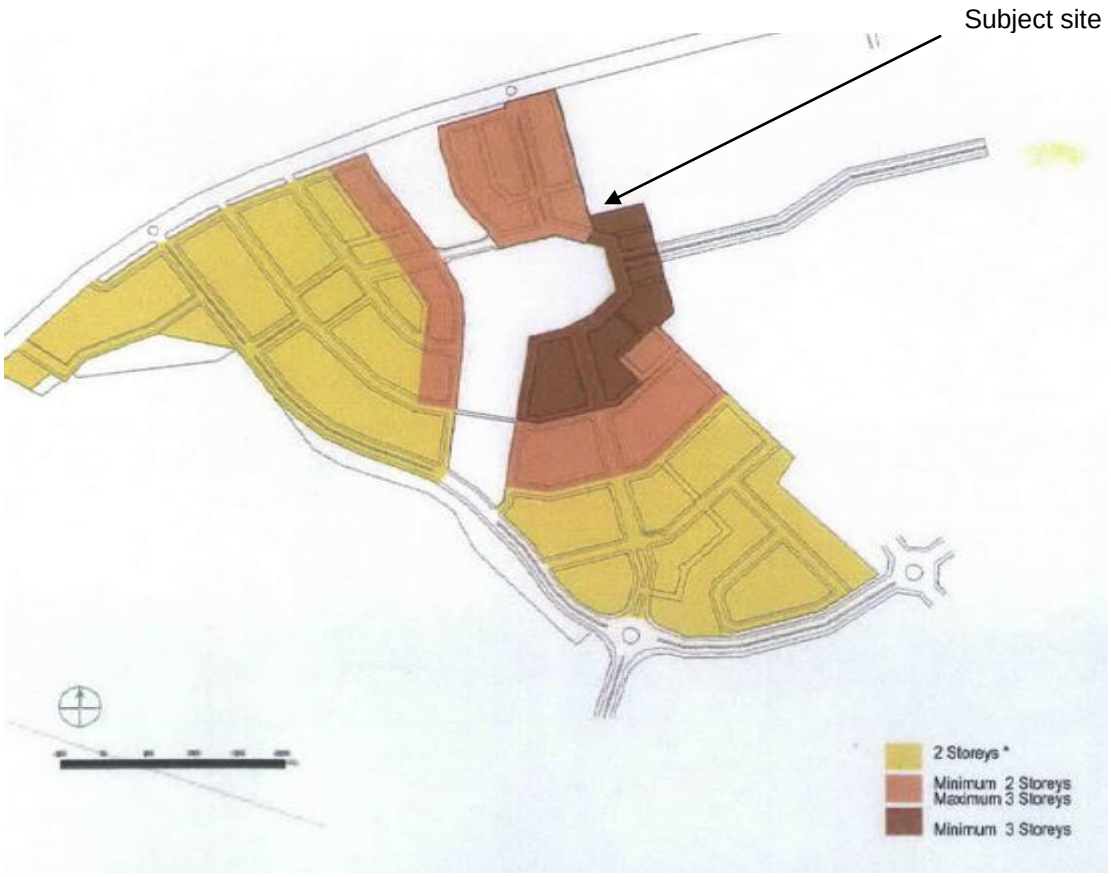

Figure 3: Height Controls within Macarthur Regional Centre Master Plan

4.9 Campbelltown (Sustainable City) Development Control Plan 2014 (SCDCP)

Campbelltown SCDCP does not apply to the land, although it is not unreasonable to use the controls for residential apartment and mixed use buildings as a basis for planning assessment in the absence of a specific development control plan.

The below table illustrates the proposal's assessment against the relevant provisions of SCDCP having regard to residential apartment buildings and mixed use development:

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	**CONTROL**	**PROPOSAL**	**REQUIREMENT**	**COMPLIES**
5.4.1(a)	Lot Size	3728m²	Minimum 12500m^2	Yes
5.4.1(b)	Lot Width	130m	Minimum 30m	Yes
Schedules of SCDCP	Height	6,7,8 storey	SCDCP height controls not applicable to site	NA
5.5.2(b)(ii)	Front Setback	Minimum zero front setback	Zero	Yes
5.5.3(b)(ii)	Side & Rear Setback	Minimum 4 metres	6m from the side and rear boundaries for any residential component	No
5.5.1(b)	Mixed Use Buildings	Commercial and retail uses on lower floors	Mixed use development shall incorporate retail and/or commercial uses at least at ground levels	Yes
5.4.3(a)	Bedroom configuration	1 bedroom units - 43 (42.6%) 2 bedroom units - 54 (53.4%) 3 bedroom units - 4 (4%)	Minimum 5% units are 1 bedroom or studio apartments	Yes
5.4.3(b)	Adaptable Dwellings	11 adaptable apartments - 10.9%	Minimum of 10% units shall be adaptable	Yes
5.4.3(c)	Apartment size	Sudio/1 bedroom - 54m² 2 bedroom - min 81m² 3 bedroom - min 98m²	Studio - min 40m² 1 bedroom – min 60m^2 2 bedroom - min 90m² 3 bedroom – min 125m^2	Yes No No
5.4.3(d)	Apartments serviced by lobby	Lobbies service no more than 8 apartments	Maximum 8 units per lobby	Yes
5.4.3(e)	Lifts	Lifts provided	Lifts provided for buildings of 3 or more storeys	Yes
5.4.3 (f) 5.4.3(g)	Lift Access	No lift services more than 50 apartments Access to lifts considered appropriate	No more than 50 dwellings be accessible to a single lift Access to lifts shall be direct and illuminated	Yes Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	**CONTROL**	**PROPOSAL**	**REQUIREMENT**	**COMPLIES**
5.4.3(h)	Landscaped Open Space Endemic Species	285m² available for deep soil planting which is 16.3% of site Landscape plan provided	Minimum 15% of total site area must be provided for deep soil planting, or minimum of 25% of required open space area (whichever is greater) Detailed landscape design and landscape plan provided	Yes Yes
5.4.3(i)	Incidentals Storage	Storage areas have been located within the basement	Each apartment shall be provided with storage facility within basement or the unit with a minimum capacity of: 6m³ - studio 8m³ - 1 bed unit 10m³ - 2 bed unit 12m³ - 3 bed unit 15m³ - 4 bed unit	Yes
5.4.4(b)	Car Parking Dimensions	Minimum car parking dimensions 2.5m x 5.5m	Minimum of 2.5m x 5.5m	Yes
5.4.4(c)	Driveways	Location of driveway acceptable	Shall be not located within 6m of any unsignalled intersection	Yes
5.4.4(d)	Traffic Impact Assessment Report	Traffic impact assessment report provided	For development incorporating 20 or more dwellings, a traffic impact assessment report shall be provided	Yes
5.4.4(f)	Basement Car Parking	All car parking is provided at basement level	Development containing 3 or more storeys shall provide all car parking at basement level	Yes
5.4.4(h) 5.5.4(a)	Car Parking - Residential Car Parking - Retail/Commercial	Proposal contains: 60 spaces on basement 1 49 spaces on basement 2 109 total	1 underground space per unit, plus 1 space for every 4 dwellings, plus 1 visitor space for every 10 dwellings In addition, the development shall provide 1 car parking space per 25m² of leasable at ground level and 35m² at upper levels for all retail and/or commercial parts of the building Total required = 140	No* (*has not considered ARH SEPP) Yes, when considered in concert with ARH SEPP
5.4.4(i)	Stacked Parking	No stacked car parking spaces proposed	No required car parking shall be in a stacked configuration	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	**CONTROL**	**PROPOSAL**	**REQUIREMENT**	**COMPLIES**
5.4.4(j)	Bicycle Storage	Appropriate bicycle storage proposed	Bicycle storage at a rate of 1 space per 5 dwellings.	Yes
5.5.3(c)	On-Site Service Parking	On site parking, loading and unloading possible for vans only. Servicing not possible for small rigid vehicles	The development shall provide adequate on-site parking, loading and unloading of all delivery/service vehicles (small rigid)	No
5.5.3(b)	Pedestrian Access	Pedestrian access to commercial/retail areas and entry to residential apartments separated	Pedestrian access shall be separated from the commercial/retail uses	Yes
5.4.5(a)	Orientation	Buildings and apartments orientated in a northerly	Buildings shall be orientated and sited to maximise northern sunlight to internal living and open spaces	Yes
5.4.5(b)	Solar Access	Adjoining land comprises of a car park and land yet to be developed	A minimum of 20m² of the required private open space on adjoining land shall receive 3 hours of continuous solar access between 9am and 3pm on 21 June	NA
5.4.6(a)	Private Open Space	All apartments have a private courtyard or balcony	Apartments shall be provided with a private courtyard and/or balcony	Yes
5.4.6(b)	Balconies	Apartment balconies have areas of more than 8m²	Area not less than 8m² with a depth of 2m	Yes
5.4.7(a)	Ground Level Apartments	Ground level apartments have appropriate level of privacy	Ground level apartments shall be provided with a privacy screen	Yes
5.4.7(b) 5.4.7(c)	Habitable Room	Habitable rooms and their windows are considered to be appropriately sited given the orientation of all apartments	No window of a habitable room or balcony shall directly face a window of another habitable room, balcony or private courtyard of another dwelling located within 9m of the proposed window Notwithstanding 5.4.7(b) a window may be permitted only where it is • Offset by 2m • Has a sill height of 1.7m • Is splayed • Contains translucent glazing • Is screened	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	**CONTROL**	**PROPOSAL**	**REQUIREMENT**	**COMPLIES**
5.4.7(d)	Balcony Design	It is anticipated that balconies have an appropriate outlook having regard to privacy	Notwithstanding 4.4.7(d), a balcony will be considered where the private open space is screened from view	Yes
5.4.8(a) 5.4.8(b)	Communal recreation facilities	A recreation room is provided for residents of the development A communal recreation area of approximately 92m² is provided and is not located within primary setback No outdoor bbq area proposed	Recreation room and, bbq/outdoor area minimum 50 square metres per 50 dwellings or part thereof. Communal recreation facilities shall not be located within primary of secondary setback	Yes No (8m² short)
5.4.9.1(a) 5.4.9.1(b)	Waste Management	Development provides for general waste bins and bins for recyclable waste Compactors also included in waste management system	All buildings shall be provided with household garbage bins at the following rates: 240L bins/3 dwellings or 1000L bulk bin/12 dwellings All buildings shall be provided with dry recyclable bins at a rate of: 240L bin/3 dwellings	Yes
5.4.9.2(a) 5.4.9.2(b) 5.4.9.2(c) 5.4.9.2(d)	Garbage Chutes	Proposal includes garbage chutes to bin storage rooms in basement. Garbage chutes and their design considered satisfactory	All buildings with a rise of more than 4 storeys shall make provision for a household garbage chute on each level which is accessible for all occupants All garbage chutes shall have input points located within waste service rooms Garbage chutes should not located adjacent to habitable rooms in each apartment Garbage chutes shall feed into a garbage container or mechanical compaction located within bin storage room	Yes

			Campbelltown (Sustainable City) Development Control Plan Residential Flat Developments	
SECTION	**CONTROL**	**PROPOSAL**	**REQUIREMENT**	**COMPLIES**
5.4.9.3(a)	Bin Storage Room	Waste bin storage rooms have been provided within basement level of development.	The development shall make provision for an appropriately sized communal bin storage room	Yes
5.4.9.3(b)		Contains ventilation mechanism	The bin storage room/s shall be appropriately ventilated	Yes
5.5.5(a)	Mixed Use Waste Management	A separate commercial/retail and residential waste room provided	Self contained and lockable areas shall be provided for commercial and residential waste	Yes

The proposed development generally complies with the provision of SCDCP. The proposal fails to comply with prescribed side and rear setbacks, number of car parking spaces and on-site parking for small rigid service vehicles as well as provision of an outdoor BBQ or recreation area.

Further discussion on these matters is outlined below:

Side and Rear Setbacks

The proposed development fails to comply with SCDCP side and rear setback of 6 metres. The proposal buildings are located 4 metres from the eastern boundary and 5 metres from the northern boundary.

Whilst a non compliance is evident, the adjoining lot is yet to be development and hence there will be no direct impact on the lot at this time.

Communal Recreation Room

The SCDCP requires that each residential apartment building be provided with communal recreation facilities for the use of all occupants of the development. The communal recreation facilities shall comprise:

- A recreation room with a minimum area of 50 square metres per 50 dwellings (or part thereof); and

- BBQ/outdoor area with a minimum 50 square metres per 50 dwellings (or part thereof).

The development provides a communal recreation room 92 square metres and fails to provide a BBQ/outdoor area. A condition of consent could be included for the inclusion of an outdoor BBQ area.

Car Parking

The development provides 109 car parking spaces being 31 spaces short of the SCDCP requirement of 140 car parking spaces.

The car parking has been provided in accordance with the following development controls:

Buildings A and B – 56 affordable rental housing apartments
Building C – 45 standard residential apartments
Commercial – 1 retail premises of 45 square metres

Buildings A and B contains 56 affordable rental housing apartments and is required to provide 43 car parking spaces for this component of the development.

Building C will contain 45 standard residential apartments and is required to provide 63 car parking spaces.

The commercial tenancy has a leasable floor area of 45 square metres and is required to provide 2 car parking space plus a loading space.

The development is required to provide 108 vehicle parking spaces. 109 spaces are provided by the development.

The provision of car parking is considered satisfactory in this instance.

On-site Service Parking

The proposed development fails to provide an adequate area for the parking, loading/unloading, and goods delivery for vehicles. Whilst a van, or ute, is able to enter the basement for servicing, loading or unloading, the application fails to demonstrate that a small rigid vehicle is able to enter and manoeuvre in the basement.

Given the scale and total floor area of the tenancy, it is considered that a small rigid vehicle may not be required to service the development.

4.10 Impacts on 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.

The scale, density and built form is considered generally satisfactory with respect to the context of the site and the desired future character of the area however an inconsistency with the relevant Master Plan maximum height for part of the site is noted. The development is considered to be of high architectural quality that will not have any adverse impacts to the existing built environment.

It is considered that the scale and bulk of the development would not result in significant and unreasonable amenity impacts to the locality taking into account existing and future development.

4.11 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, commercial, retail, educational and other support services.

4.12 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. It is considered that the site is suitable for the development of a mixed use residential and commercial/retail development given the land's zone and locality.

5. 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 19 January 2015 and 3 February 2015. The application was notified directly to nearby and adjoining owners and via public notice in local print and electronic media.

During this period Council did not receive any submissions objecting to the development.

6. The Public Interest

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

The public interest is a comprehensive requirement that requires consent authorities 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 generally satisfactorily addressed relevant design standard and controls required for such development.

7. Conclusion

Council has received an application for the construction of a mixed use commercial and residential apartment building development at Lot 3004 DP 1152287, Stowe Avenue, Campbelltown. The proposed development's design incorporates 101 residential apartments in three buildings having heights of 6, 7 and 8 storeys, 45 square metres of commercial/retail floor space, two levels of basement car parking for 109 car parking spaces and associated landscaping.

The development would be located in an area currently undergoing transition. Adjoining land is yet to be developed fur urban purposes, with the exception of a commuter car park on nearby land owned by TIDIC.

The proposed development generally conforms to the requirements of SEPP 65, ARH SEPP 2009, LEP 2002, draft LEP 2014 and Council's Sustainable City DCP.

It is considered the proposal results in generally acceptable planning outcomes for the site, given the desired character outcomes contained in the Macarthur Regional Centre Master

Plan noting some inconsistency with building height controls affecting part of the subject land. The building incorporates design features in various facades to promote visual interest and has sufficient architectural merit to be considered favourably at the site.

Officer's Recommendation

That development application 2706/2014/DA-RA (JRPP reference 2015SYW031) for the construction of a mixed use commercial and residential apartment building development incorporating 101 residential apartments in three buildings having heights of 6, 7 and 8 storeys, 45 square metres of commercial/retail floor space, two levels of basement car parking for 109 car parking spaces and associated landscaping be approved subject to the reasons outlined below:

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 be carried out in accordance with the approved plans prepared by Prescott Architects, listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plans prepared by Prescott Architects (project number 2_13_16):

Drawing Number A0000, Issue A, dated 22.10.14
Drawing Number A0001, Issue A, dated 22.10.14
Drawing Number A0002, Issue A, dated 22.10.14
Drawing Number A0100, Issue A, dated 22.10.14
Drawing Number A0101, Issue A, dated 22.10.14
Drawing Number A0102, Issue A, dated 22.10.14
Drawing Number A1000, Issue A, dated 22.10.14
Drawing Number A1001, Issue A, dated 22.10.14
Drawing Number A1002, Issue A, dated 22.10.14
Drawing Number A1003, Issue A, dated 22.10.14
Drawing Number A1004, Issue A, dated 22.10.14
Drawing Number A1005, Issue A, dated 22.10.14
Drawing Number A1006, Issue A, dated 22.10.14
Drawing Number A1007, Issue A, dated 22.10.14
Drawing Number A1008, Issue A, dated 22.10.14
Drawing Number A1009, Issue A, dated 22.10.14
Drawing Number A1010, Issue A, dated 22.10.14
Drawing Number A1100, Issue A, dated 22.10.14
Drawing Number A1101, Issue A, dated 22.10.14
Drawing Number A1102, Issue A, dated 22.10.14
Drawing Number A1103, Issue A, dated 22.10.14
Drawing Number A2000, Issue A, dated 22.10.14

Drawing Number A2001, Issue A, dated 22.10.14
Drawing Number A2002, Issue A, dated 22.10.14
Drawing Number A2003, Issue A, dated 22.10.14
Drawing Number A3000, Issue A, dated 22.10.14
Drawing Number A3001, Issue A, dated 22.10.14
Drawing Number A4000, Issue A, dated 22.10.14
Drawing Number A4001, Issue A, dated 22.10.14
Drawing Number A4002, Issue A, dated 22.10.14
Drawing Number A7000, Issue A, dated 22.10.14
Drawing Number A7001, Issue A, dated 22.10.14
Drawing Number A7002, Issue A, dated 22.10.14
Drawing Number A7003, Issue A, dated 22.10.14
Drawing Number A7004, Issue A, dated 22.10.14
Drawing Number A7005, Issue A, dated 22.10.14

Plans prepared by John Lock and Associates (landscape architect):

Drawing Number 2115LP-01, Issue B, dated 25.10.14

Plans prepared by C&M Consulting Engineers (draft engineering plans):

Drawing Number 01284_100, Revision 2, dated 27.03.15
Drawing Number 01284_201, Revision 2, dated 27.03.15
Drawing Number 01284_202, Revision 2, dated 27.03.15
Drawing Number 01284_203, Revision 2, dated 27.03.15
Drawing Number 01284_204, Revision 2, dated 27.03.15
Drawing Number 01284_701, Revision 2, dated 27.03.15

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 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.

4. 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.

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 room/s 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 floor 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 room.

d. Garbage rooms shall be vented to the external air by natural or artificial means.

7. 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.

8. Driveway

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

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, 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.

9. 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.

d. Entry to the basement shall be designed to allow access for small rigid vehicles into the loading space.

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.

10. Lighting

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

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. Unreasonable Noise, Dust and Vibration

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

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

13. 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 2014 - Volumes 1 and 3.*

14. Car Parking Spaces

109 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). One car parking space shall accommodate a small rigid vehicle.

15. Basement Car Parking Security

The basement car parking area shall be fitted with secure roller shutter device and associated security keys to restrict access to the car park for residents, their visitors and visitors to the commercial tenancies.

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

16. Common Area

The recreation room shall be made available for the use of residents and their visitors at all times. A common outdoor area shall be provided within the development for use of residents and their visitors.

The applicant shall install at least one permanent barbeque within the outdoor area for use by residents. The barbeque shall be kept clean and maintained by the managing body of the building.

17. Air Conditioning Units

Air conditioning units shall not be affixed to external walls of the building or placed on balconies in such a manner they are visible from a public place.

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. Construction Certificate

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

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

20. 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.

21. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

22. Geotechnical Report

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

23. 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.

24. 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.

25. 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 State Roads Authority manual *"Traffic Control at Work Sites"* and *Australian Standard AS 1742.3 (as amended)*. A copy of the approved TCP shall be kept on site for the duration of the works in accordance with *Work Cover Authority* requirements. A copy shall be submitted to Council for its records.

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 and stormwater shall be conveyed from the site to the nearest system under Council's control. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2014 - Volumes 1 and 3.*

27. Dilapidation Report

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

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 applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

29. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, 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 2014 Volume 3* 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.

30. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Construction 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 total development cost exceeds $100,000, the applicant is required to include with the application for the respective certificate, a report 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, provide 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). All Cost Summaries 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; or

- where the value of the proposed development is $500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 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.

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.

Note: This condition is only applicable where the total development value exceeds $100,000.

31. Design for Access and Mobility

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

32. Telecommunications Infrastructure

a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

33. Erosion and Sediment Control

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

34. Erection of Construction Sign

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

a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;

b. Stating that unauthorised entry to the work site is prohibited; and

c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);

d. Stating the approved construction hours in which all works can occur.

e. Showing the name, address and telephone number of the principal certifying authority for the work.

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

35. Toilet on Construction Site

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

a. A public sewer, or

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

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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 *Work Cover* requirements.

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

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

41. Sydney Water

Prior to the commencement of any works on the land, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

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.

42. 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.

43. 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.

44. 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.

45. 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.

46. Fill Compaction Requirements

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

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m^2 (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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: Under this subheading, for the purpose of issuing an occupation certificate, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

55. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

56. 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/s have been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

57. 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.

58. Restriction on the Use of Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

a. Apartments within Buildings A and B (56 units) shall not be subdivided and shall be made available to a Community Housing Provider for a minimum period of 10 years from the date of issue of an occupation certificate in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols.

The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown.

The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

59. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation / a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended).*

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

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

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts
		Include textures from materials
		Include files from data links
		Include photometric web files
		Bind external references
		The drawing is **not** to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

60. 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.

61. 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.*

62. 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.

63. 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 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. 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. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

Advice 5. 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 6. Tenancy Fit Out

A separate development application is required to be submitted for the fit out of the commercial/retail tenancy.

Advice 7. Inspections – Civil Works

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

a. EROSION AND SEDIMENT CONTROL –

i. Direction/confirmation of required measures.
ii. After installation and prior to commencement of earthworks.
iii. As necessary until completion of work.

b. STORMWATER PIPES – Laid, jointed and prior to backfill.

c VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.

d FINAL INSPECTION – All outstanding work.

Advice 8. 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 9. 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 10. 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 11. 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 12. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 13. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS