

**SYDNEY DISTRICT PLANNING PANEL**  
**Sydney Western City**

Panel Number	<b>PPS-2017SSW029</b>
Council Number	<b>497/2017/DA-SW</b>
Local Government Area	<b>Campbelltown City Council</b>
Proposed Development	<b>Subdivision of land to create 159 Torrens titled residential lots, 1 lot containing an existing community facility, 7 residue lots, roads and associated civil and landscape works being Stage 4 of the Airds-Bradbury Urban Renewal Project</b>
Street Address	<b>Various Lots on Riverside Drive, Ryland Place, Cheviot Place and Deans Road, AIRDS</b>
Applicant/Owner	<b>Applicant: NSW Land and Housing Corporation  Owners: NSW Land and Housing Corporation  Campbelltown City Council</b>
Number of Submissions	<b>One submission – did not object to the proposal and has been resolved in writing</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Development by the Crown with a capital investment value greater than \$5 million</b>
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> <li>• Concept Approval MP 10_0186 Airds Bradbury Urban Renewal</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat</li> <li>• Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment</li> <li>• Campbelltown Local Environmental Plan 2015</li> <li>• Campbelltown Sustainable City Development Control Plan</li> <li>• Airds Bradbury Development Control Guidelines</li> </ul>
Does the DA require Special Infrastructure Contributions conditions?	<b>No – not in a special contributions area</b>
List all documents submitted with this report for the panel's consideration	<b>Officer's assessment report and attachments</b>
Recommendation	<b>Approval subject to agreed conditions</b>
Report by	<b>Andrew MacGee – Campbelltown City Council</b>
Report date	<b>August 2019</b>

## **Purpose of the Report**

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

## **Approval process**

The applicant for the DA is NSW Land and Housing Corporation, although Landcom is acting as the project manager. It has been lodged as a Crown application with a Capital Investment Value (CIV) of \$11.2 million. Therefore, pursuant to Section 4.5(b) of the Act and Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the Sydney Western City Planning Panel (the Panel) is the consent authority for this proposal.

Under the processes established by the Act and procedural guidelines, Campbelltown City Council has undertaken the assessment of the application and now refers the matter to the Panel for determination.

## **Background**

The Airds Bradbury Renewal Project (ABRP) is a significant urban renewal project that has received Concept Plan approval from the Minister for Planning pursuant to Part 3A (transitional arrangements) of the Act.

Campbelltown City Council was delegated the authority to undertake the environmental assessment of the Concept Plan and did so over the period of June–December 2011 culminating in a Council resolution of support for the project at the Council meeting of 13 December 2011.

A concept plan approval was subsequently issued by the Minister on 24 August 2012, followed by a Section 75R(3A) Order on 24 May 2013 that amended the zoning of the project land to be consistent with the approved Concept Approval.

The Airds Bradbury estate was built in the 1970's and early 1980's and at the time of the concept application's approval, comprised of approximately 1,540 dwellings, 94% of which were in public ownership, with only 91 dwellings privately owned.

The ABRP seeks to rejuvenate the locality through a revised street layout, improved parks, public areas, new and upgraded community facilities and importantly, a more diverse socio-economic resident population.

Under the concept plan, poorly performing townhouse areas have been demolished and redeveloped, whilst existing cottages are being selectively upgraded.

In summary, the concept plan, which is proposed to occur over 9 stages, involves:

- Retention of approximately 880 existing dwellings on separate lots and construction of approximately 1200 new dwellings, resulting in an increase from approximately 1,540 to approximately 2,100 dwellings
- A different socio-economic mix within the estate residents, with 70% of housing stock to be privately owned and 30% retained as public housing Reinvigoration of the Airds Town Centre
- New and upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and roads
- Utilities and infrastructure delivery plan through the execution of a Voluntary Planning Agreement that will set out the value, quality and timing of the delivery of infrastructure and public amenities

- Airds Bradbury Development Control Guidelines, street layout and building typologies, street tree and landscaping strategy, which are all aimed at achieving a consistently high level of urban design and amenity

The former Sydney South West Planning Panel has issued consents for three of the four previous stages of the renewal project in November 2013, April 2014 and February 2019 respectively (Panel Secretariat ref. 2012SYW089DA, 2014SYW011DA and 2017SSW044DA). A fourth stage was consented to by Council as its value did not surpass the threshold set by Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

### Panel briefing and site visit

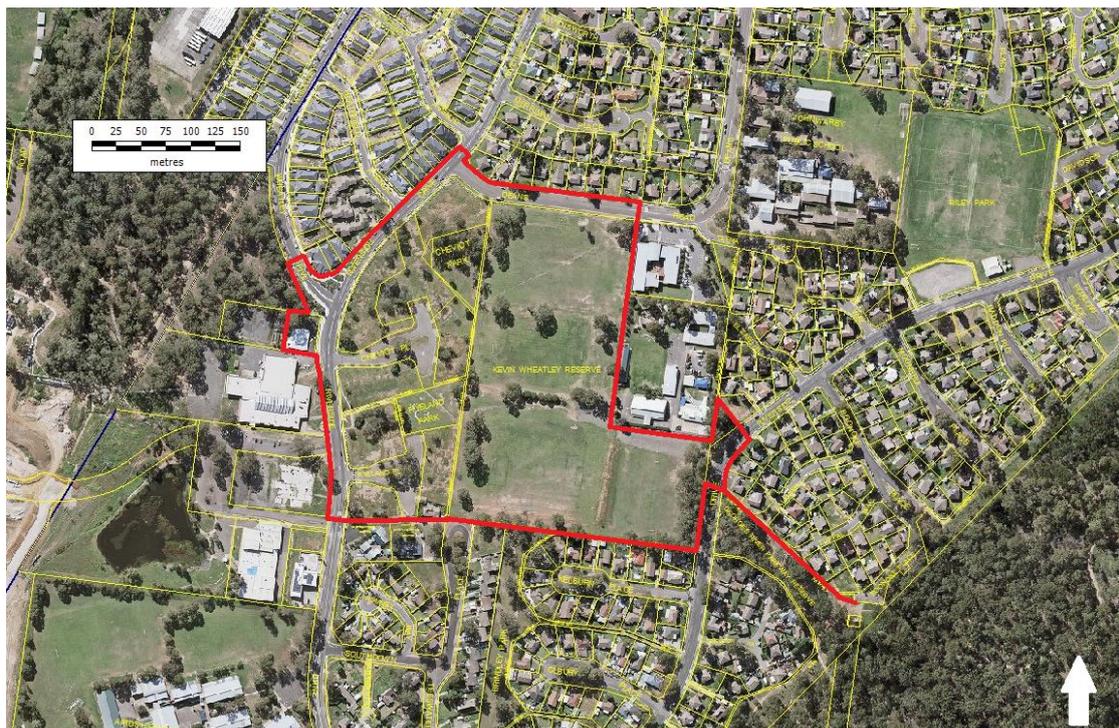
The Panel (as it was made up at the time) was briefed on the proposal and visited the site in September 2017. Matters discussed at the inspection and briefing included:

- Open space reduction
- Pedestrian and cycling access/network
- Road alignments
- Submission from Thawaral Aboriginal Corporation
- Stormwater management
- Koala habitat corridor
- Relationship of subject DA to concept approval

### Proposed development under this Development Application

The proposed development is described as Stage 4 of the ABRP, bounded generally by existing residential development to the west, Briar Road to the south, the Airds town centre and Airds High School to the east and future open space to the north.

An aerial photograph below illustrates the approximate location of the development site, in relation to the existing urban release works being undertaken and surrounding development. A higher resolution copy of this image is available in Attachment 2.



The diagram below illustrates the location of the subject development application in the concept approval's context.

Applications for other development are also ongoing, including nearby playing fields, road works and other infrastructure installations that are consistent with planning agreement and utility provider requirements.



(Image from the 'Statement of Environmental Effects' prepared by BBC Consulting Planners).

The application proposes the following:

- Subdivision in three sub stages (4A, 4B and 4C)
- 159 residential lots
- 7 residue lots
- Associated works including excavation, road grading and benching, construction of new roads, stormwater drainage, utility services and landscaping
- Removal of redundant services, sedimentation control and tree removal Street landscaping
- Reconstruction of the entry driveway and car parking area for the existing Airs Youth Centre.

A copy of the proposed allotment and road layout forms Attachment 3 of this report.

It is important to note that works associated with the intersection of Riverside Drive and Campbellfield Avenue (extension), although contained within the area subject of this application, are being assessed by Council as part of a separate application (Council ref. 3740/2016/DA-CW). Council is satisfied that this approach will ensure adequate and safe public road access in due course.

The application has been submitted as “development by the Crown” pursuant to Part 4, Division 4.6 of the Act. In accordance with Section 4.33(1)(b), the recommended conditions in Attachment 1 have been reviewed by the applicant and deemed to be acceptable.

## **Public Notification**

The application was placed on public exhibition and notified to adjoining property owners within Airds between 2 and 19 May 2017.

One submission was received on the proposal, which is discussed later in this report.

## **Requirements of the Concept Plan approval**

Schedule 6A of the *Environmental Planning and Assessment Act, 1979*, contains provisions that apply with respect to approvals of concept plans. One such provision is Clause 3B(2)(d) that requires a consent authority to be satisfied that development is ‘*generally consistent*’ with the terms of the approval of the concept plan.

The area occupied by the Stage 3 DA, the road layout and the approximate number of lots to be created, while not exactly matching the Concept Approval for reasons outlined later in the report, is considered to be consistent with the Concept Approval.

## **Statement of Commitments**

The Concept Approval also requires the proponent to carry out development in accordance with the Statement of Commitments made as part of the final response to submissions and Preferred Project Report of May 2012. These Commitments form Schedule 5 of the Concept Approval and place responsibility upon the proponent to ensure the standard and methods of construction, as well as development outcomes, are of a quality envisaged by the Environmental Assessment Report.

Matters covered by the Statement of Commitments include demolition, social impacts, access and movement, urban design, water cycle management, biodiversity and vegetation, aboriginal culture, open space and community facilities, construction management and utilities.

There are also a range of general issues such as continued consultation with Council and the community throughout the development process.

The owner and the Council have entered into a ‘planning agreement’ pursuant to Part 7 of the Act. The agreement covers the provision of public benefits and amenities such as open space and playing fields, the dedication of land and land exchanges between the two entities as well as other matters such as road construction.

## **Assessment**

The development application has been assessed in accordance with the heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and in that regard, the following issues have been identified for consideration.

## **1. Applicable planning instruments and controls**

Section 4.15(1)(a) of the Act requires the Panel to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

### **1.1 State Environmental Planning Policy No. 55 - Remediation of Land**

This Policy provides a state-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

A Detailed Contamination Assessment (DCA) of the land was conducted by Geotechnique and was submitted with the application. The DCA provides information on the contamination status of the land and its compatibility with the intended future urban land use.

SEPP 55 provides controls and guidelines for the remediation of contaminated land. In particular, the Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Before determining a development application that changes the use of land or takes place on land that is known to have been occupied by a potentially contaminating use, a planning authority must consider whether the land is contaminated and be satisfied that it is suitable in its current state or will be suitable, after remediation for the proposed development.

A comprehensive network of test pits was prepared across the site. Sampling of the soils therein did not detect levels of heavy metals or organic compounds above expected background levels, however, the assessment noted four sites of potential contamination. Those sites contained bonded asbestos fragments. It is likely these fragments were left on the site during construction of residential development of the Department of Housing estate.

The report makes recommendations regarding the implementation of works to remediate those known sites and then makes the statement should work be undertaken to remediate those sites, that:

*“Based on this assessment, it is our opinion that the site can be made suitable for the proposed residential (with garden/accessible soil) land use, subject to implementation of recommendations prior to site preparation and earthworks.”*

A recommended condition of consent in Attachment 1 (agreed to by the applicant) addresses this issue.

Accordingly, the proposal is considered to be consistent with the requirements of SEPP 55.

### **1.2 State Environmental Planning Policy No.44 (Koala Habitat)**

SEPP 44 aims to conserve and manage areas of native vegetation that provide habitat for koalas. This issue was considered in detail throughout the assessment of the ABRP Concept Approval.

The site is not considered to be core koala habitat and therefore it was determined that development could proceed without the need for a formal plan of management. There are no records of koala sightings in the subject site and targeted surveys for the animals, scats or tree scratches by Cumberland Ecology (ref. 15074RP1, Version 3, dated 16 August 2016 as relevant to the subject site) did not locate the presence of koalas.

The report notes that it is possible that koala may visit the site:

*A small number of records occur close to the study area, within the Georges River*



Such matters as water sensitive urban design, flooding and protection of riparian corridors were all considered as part of the original assessment of the concept plan. A Water Cycle Management Plan was prepared and the improvements envisaged by this Plan will be to the benefit of the downstream receiving waters.

This application is considered to be consistent with the concept plan approval and therefore compliant with the REP.

#### 1.4 Campbelltown (Urban Area) Local Environmental Plan 2002

Following the Section 75R(3A) Order of May 2013, the subject site is now zoned under the provisions of Campbelltown Local Environmental Plan 2015.

As such, the site is now predominantly zoned R2 – Low Density Residential. A small portion of land zoned RE1 is involved with the application where some drainage works are proposed. An extract from the zoning plan is below:



(Image from the 'Statement of Environmental Effects' prepared by BBC Consulting Planners).

The proposed subdivision is a permissible use in this zone with consent.

It is considered to be complementary to the following zone objectives:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To minimise overshadowing and ensure a desired level of solar access to all properties.*
- *To facilitate diverse and sustainable means of access and movement.*

Pursuant to Clause 3B(2) of Schedule 2 of the *Environmental Planning and Assessment*

*(Savings, Transitional and Other Provisions) Regulation 2017* which deals with provisions relating to approved Concept plans, the proposed subdivision is also permissible. Schedule 2 deals with 'transitional Part 3A projects' and was created after the repeal of Part 3A. The Airds Bradbury Renewal Project is a 'transitional Part 3A project' for the purposes of the Act.

Clause 3B of the Schedule requires that Part 4 of the Act becomes relevant to the subject application, but reinforces the fact that the Concept Approval prevails in the event of any inconsistency.

3B(2)(f) states:

*the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan*

In this case, the subdivision is inconsistent with the minimum allotment size specified by Campbelltown LEP 2015.

In order to meet the dwelling target specified by the concept approval, the minimum lot size envisaged in the renewal area is 200 square metres. Council's LEP requires a minimum lot size of 500 square metres. The smallest residential lot that would be created by the subject subdivision is 263 square metres.

Having regard to Schedule 2, Clause 3B(2)(f) outlined above, the concept approval prevails. All proposed allotments in the subject development are greater than 200 square metres.

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

The Campbelltown (Sustainable City) Development Control Plan (the DCP), applies to all land within the Campbelltown Local Government Area except where more specific development controls have been drafted for specific localities. Such situations are generally large coordinated urban release or urban renewal projects, such as the Airds Bradbury Renewal Project.

Development Control Guidelines (DCG) formed part of the concept plan approval in order to provide guidance, in the manner of a DCP, to the detailed design of new development within the ABRP. These guidelines have been incorporated into a 'site specific' chapter within Council's city-wide DCP, known as Volume 2, Part 9 – Urban Renewal Areas.

Within the DCP, there are specific objectives relevant to subdivision and these are set out below:

- *Provide a range of lot sizes with the more intensive development located closer to the town centre, around parks and along bus routes;*
- *Provide lot dimensions capable of accommodating a range of affordable house types*
- *Create efficient layouts that respond to existing site conditions and context; Ensure that subdivision provides safe connections with an extension of existing street patterns, as well as any pedestrian, cycleway and public open space networks;*
- *Promote walking and cycling as the primary mode of travel within a residential neighbourhood;*
- *Provide a network of bus, pedestrian and cycle routes within the public domain which connect open space areas and community facilities and encourage alternative modes of transport.*

The Stage 4 subdivision is considered to be consistent with the objectives for subdivision. The DCP controls, which reflect the concept approval also contain some specific requirements in terms of lot size and design.

1. *Design of residential allotments shall have regard for the impact of orientation, slope and aspect to facilitate solar access to future dwelling development.*
2. *All proposed allotments shall have a street frontage*
3. *Battle axe lots shall only be permitted where a street frontage cannot otherwise be provided because of existing conditions*
4. *All allotments intended for residential housing will have a minimum site area of 200 square metres with a minimum width measured at the building line of 6 metres*
5. *Any allotment with a width to the street frontage of less than 9 metres is to have the garage located to the rear of the property accessed from a rear lane or accessway*
6. *Allotments are to have a minimum depth of 25 metres*

The Stage 4 subdivision has largely adhered to these requirements.

There are no lots less than 200 square metres in area. Lot sizes range from 263sqm to 620sqm. All lots except for two are at least 25 metres deep.

The majority of lots have widths between 10-13 metres, with minimum widths well in excess of 6 metres at the building line. There are no battle axe lots proposed. No lots have a width of less than 9 metres and no laneways are proposed in the subdivision.

Road widths and hierarchy are also complementary to the concept approval and the DCP controls and are not inconsistent with widths proposed and approved in previous stages of the urban renewal project.

Accordingly, the proposal is considered to be complementary to the Development Control Guidelines (now known as a DCP) that have been embodied in the concept approval.

## **2. Impacts of the development**

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider potential impacts arising from the development on the natural and built environments as well as assessing any social or economic impacts.

In terms of social and economic impacts, the development is considered to be overwhelmingly positive. The Airs Bradbury Renewal Project had the aim of providing improved housing in a renewed urban environment. As the stages of development proceed, these aims will be met. This application for Stage 4 will build on the process of delivering positive outcomes for Airs Bradbury commenced with the approval of four previous stages by both the Panel and Council.

The proposed development is not considered to pose adverse impacts on the built environment.

Generally, it will facilitate a variety of future residential development that will contribute to an improved character for the locality. The street patterns and road hierarchy will make a positive contribution to the streetscape through improved amenity, efficiency and safety.

The proposal introduces specific road improvements, including traffic calming. A traffic analysis supported the concept plan application, which concluded that forecast traffic flows for the roads will not exceed the levels appropriate for the respective road classifications and that intersection control, traffic management and road layout are appropriate.

The *Safer by Design Guidelines* which underpin the Crime Prevention Through Environmental Design (CPTED) principles, were a part of the original concept plan

assessment process. Access control, opportunities for surveillance and space management are all intended to minimise crime risks and are all present in the proposed lot layout.

The development poses no unmanageable adverse impacts upon the natural environment.

A comprehensive flora and fauna report was prepared to support the concept plan assessment process which identified the ecological values of the site. There will be some scattered tree loss (up to 0.97Ha) as a result of new roads and building platforms, however this is offset by embellishment within open space areas and new street tree plantings. The applicant's flora and fauna impact assessment acknowledges the loss but states that:

*No significant impact is predicted to occur to threatened species, populations or communities as a result of the proposed development. Therefore, the preparation of a Species Impact Statement (SIS) is not warranted. The Project has been referred to the Commonwealth Department of the Environment, under the EPBC Act and no further assessment is required.*

Council's assessment is consistent with the applicant's, especially having regard to matters considered in the concept approval and subsequent statement of commitments and Commonwealth Government EPBC Act approval.

It is also important to note that the concept approval included the requirement for the offsetting of vegetation loss throughout the approval area. The applicant has moved to establish such, with two locations chosen, one being at Gilead for Cumberland plain woodland vegetation and the other at St Helens Park for shale sandstone transition forest. This offsetting is enshrined in the statement of commitments, which forms part of the concept approval.

The drainage design for Stage 4 is largely consistent with the concept approval and planning agreement. Water would predominantly drain to the west and be captured and treated in the existing pond behind the town centre, which would be embellished and reconstructed in accordance with the requirements of the planning agreement for the renewal area.

Following its treatment for quality, water would ultimately move north through Stage 3 (presently under construction) and then into Smiths Creek. The remaining water would move east and be captured and treated within a swale that would be constructed as part of this application. The quality and quantity of that water is considered by the applicant and Council to be of such that it can be adequately treated in the swale without separate storage, before it enters the bushland area to the site's eastern fringe. This water movement is already occurring, however, would be formalised in a manner that is easier to maintain and monitor.

The applicant has agreed to conditions in Attachment 1 that relate to water management.

Accordingly, the development of Stage 4 as proposed is not considered likely to have a significant and detrimental impact on the natural or built environment.

### **3. Suitability of the site**

Section 4.15(1)(c) of the *Environmental Planning and Assessment Act, 1979*, requires the consent authority to consider the suitability of the site for the proposed development.

The site is part of the Airds Bradbury Renewal Project area and has been zoned and approved for residential development of the type proposed by this application. The suitability of the land for development was thoroughly tested as part of the assessment process for the concept approval, including the issues of soil, flora, fauna, traffic and hydrology.

The concept approval and staging plan of the project provides for the efficient and orderly

development of the land and the site is suitable for the proposed development.

#### **4. Submissions**

Section 4.15(1)(d) of the *Environmental Planning and Assessment Act, 1979*, Requires the consent authority to consider any submissions received as a result of the public notification of the application.

The application was placed on public exhibition and notified to adjoining property owners within Airds between 2 and 19 May 2017. One submission was received.

The submission was not an objection to the proposal. Rather, it addressed the specific requests of an adjoining land owner that had for some time been in communications with the Council and NSW Land and Housing Corporation regarding potential for development of land within the subject application's area.

Upon receipt of the submission, Council forwarded it to the applicant for response.

Following and after negotiations beyond the scope of the development assessment process, it was resolved by parties to amend the development layout. The layout was amended to provide for future development lots (identified as two of the seven residue lots in the application's description).

Council subsequently received correspondence from the submitter acknowledging the amendment. The letter than noted that the matters raised in the submission have been agreeably dealt with.

The letter states:

*"[redacted] supports the amended plan of subdivision for Stage 4 as lodged by BBC Consultants on behalf of LAHC on 15 September 2017. I enclose a copy of this same plan of subdivision for reference."*

The plan of subdivision is that which is detailed in Attachment 1 of this report.

Full copies of the letters are provided to the Panel under separate cover.

#### **5. Public Interest**

Under Section 4.15(1)(e) of the *Environmental Planning and Assessment Act, 1979*, the consent authority is required to consider the public interest when assessing any development application.

It is considered that the application is in the public interest. In fact, the catalyst for the Airds Bradbury Renewal Project was a desire to improve the public amenity of a locality that had been recognised as failing in basic environmental and social amenity.

There is social benefit in the embellishment of community infrastructure and the provision of residential opportunities for a broader cross section of the community than previously catered for.

The proposed development is in accordance with the relevant planning instruments and policies and will not have any negative environmental impacts. The economic benefits may be multiplied throughout the broader economy and public health will benefit through the improved housing standards and improved community services. All of these outcomes are in the public interest.

## **6. Other Matters**

### **6.1 Aboriginal cultural heritage**

An Aboriginal Cultural Heritage Assessment has been prepared by Extent Heritage to support this application. It concluded that the subject application will not cause harm to known items of significance. The report recommends that an unexpected finds protocol be implemented during works.

It further states:

*There is low risk of harm to Aboriginal objects through the proposed development. Works may proceed with caution. No further Aboriginal heritage assessment or community consultation is required for Stage 4 of the Airds Bradbury Renewal Project.*

### **6.2 Proposed conditions of consent**

As a Crown application, Council has worked collaboratively with the applicant to create conditions that are mutually acceptable. The emphasis has been on conditions that are necessary to meet the requirements of the concept approval and that provide some level of certainty in terms of acceptable construction standards.

The conditions are generally consistent with those applied to the four previous stages of the development that have previously received consent, except where site-specific requirements dictate.

The conditions contained in Attachment 1 to this report have been reviewed by and accepted by the applicant.

### **6.3 Rural Fire Service**

The site is identified as being 'bush fire prone' on the Council's bush fire prone land map. Accordingly, and in a manner consistent with the requirements of the Rural Fires Act 1997, the applicant submitted the application as 'integrated development'.

The Rural Fire Service has issued a 'bush fire safety authority' for the development, pursuant to Section 100B of the Rural Fires Act 1997, which is referenced in the agreed conditions of consent in Attachment 1.

## **Conclusion**

The Airds Bradbury Renewal Project Stage 4 residential subdivision application is considered to be consistent with the anticipated development of the site following the Part 3A Concept Approval issued by the Minister for Planning in 2012. Further, it follows on from the approval of Stages 1, 2, 3 and 6 of the renewal area.

Particular issues of potential environmental impact have been addressed by the applicant and assessed as being reasonable.

A range of conditions of consent are proposed to cover the broad spectrum of issues arising from the proposal, including standard matters such as reference to submitted plans and documents.

The development is not considered likely to have a significant or detrimental impact on the natural or built environment, subject to the imposition of conditions by the Panel and the submission of additional information at the construction certificate stage. Several Government

agencies have also provided their terms of approval for the development.

The site is considered to be suitable for the development, noting its consistency with the concept approval and previously approved stages of the renewal area and the site's proximity to transport, education and other amenities.

The development is complementary to the planning agreement that applies to the site.

The application has been submitted as "development by the Crown" pursuant to Part 4, Division 4.6 of the Act. In accordance with Section 4.33(1)(b), the recommended conditions in Attachment 1 have been reviewed by the applicant and deemed to be acceptable.

## **Recommendation**

That development application PPS-2017SSW029 (Council ref. 497/2017/DA-SW) for Subdivision of land to create 159 Torrens titled residential lots, 1 lot containing an existing community facility, 7 residue lots, roads and associated civil and landscape works being Stage 4 of the Airds-Bradbury Urban Renewal Project at Lot 20 DP 1180338, Lot 202 DP 1043192, Lot 302 DP 1000732, Lots 1120 & 1121 DP 1107354, Lots 71 – 73 DP 255809, Lots 201 & 203 – 207 DP 1043192, Lot 84 DP 609357 and Lot 745 DP 255810 on Riverside Drive, Ryland Place, Cheviot Place and Deans Road, AIRDS, be approved subject to the agreed conditions in Attachment 1 to this report.

## Attachment 1 - Recommended Conditions of Consent

### GENERAL CONDITIONS

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

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

#### 1. Approved Development

The development shall be carried out in accordance with the approved plans and recommendations contained in the documents listed in the table below, and all associated documentation supporting this consent, **except as modified by any conditions within.**

Plan/Document No.	Version	Prepared by	Date
<i>Drawings</i>			
Development Layout Plan – Stage 4, Ref. P50392/DA4/LAYOUT_K, Sheets 1 to 5 inclusive	K	YSCO	04/09/17
Preliminary Road and Drainage Design Stage 4, Ref. LC50392, Sheets 1 to 12 inclusive	D	YSCO	06/05/19
Landscape Drawing Set, Ref. 50-15.01 S4 DA, Sheets 1 to 8 inclusive	G	distinctive	14/05/19
<i>Reports</i>			
Statement of Environmental Effects	-	BBC Consulting Planners	02/17
Flora & Fauna Impact Assessment Report No. 15074RP4	2	Cumberland Ecology	14/02/17
Detailed Contamination Assessment Report No. 13793/2-AA	-	Geotechnique Pty Ltd	30/11/16
Bushfire Protection Assessment Report No. A16220	-	Travers Bushfire & Ecology	20/02/17
Preliminary Aboriginal Heritage Assessment	3	Extent Heritage	16/02/17
Arborist Assessment Report No. 2147	1	Anderson Environmental	21/10/16
Geotechnical Investigation Report No 13793/2-AA	-	Geotechnique Pty Ltd	5/12/16

#### 2. Voluntary Planning Agreement

The provision and timing of infrastructure as detailed in the Airs Bradbury Renewal Project Planning Agreement between Campbelltown City Council and New South Wales Land and Housing Corporation, as executed on 19 November 2014, must be undertaken by the Applicant in accordance with that Agreement throughout the Agreement's operation.

#### 3. 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 (as amended)* and *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

#### **4. Existing Easements**

Changes to existing easements and their physical infrastructure shall not occur without the written approval of the authority benefitting from such.

#### **5. Retention of Trees**

Trees are to be retained as outlined in the Arborist Report, by Anderson Environmental, version 1, dated 21/10/2016.

#### **6. Lot 4109**

Lot 4109 shall not be further developed until such time that direct public road access is provided to it in the future.

#### **7. Integrated Development – NSW Rural Fire Service**

The following requirements form a Section 100B Rural Fires Act 1997 approval for the development and shall be met as part of the subdivision's final design and construction (RFS ref. D17/1480):

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

##### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as per the bushfire consultant's (Travers bushfire & ecology) report titled Schedule 1 - Bushfire Protection Measures, dated 20/2/2017 Issue 1, as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

##### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and

(see over for continuation)

electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

#### **General Advice – consent authority to note**

This approval is for the subdivision of the land only. Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' will be subject to the bushfire consultant's (Travers bushfire & ecology) report titled Schedule 1 - Bushfire Protection Measures, dated 20/2/2017 Issue 1. Where a BAL plan shall be created outlining which individual lots require construction to a bush fire attack level.

This is subject to the revegetation of land off site resembling Cumberland Plain Woodland (Grass formation) to the north west and Shale Transition Forest to the south east of the site.

### **8. 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.

#### **9. Geotechnical Report**

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

#### **10. Work on Public Land**

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

#### **11. 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.

**12. Road Construction (New)**

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

Full construction of all new roads to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of Council's *'Engineering Design Guide for Development'*.

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

**13. Intersection Construction**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of all new intersection construction for approval.

The applicant shall carry out design and construction of all the new intersections including all necessary road pavement construction, drainage, thermoplastic line marking and signposting, kerb and gutter, landscaping, and street lighting in accordance with *"Austroads Guide to Traffic Engineering Practice" Part 5, Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the design requirements detailed in the *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

The design of the proposed roundabouts must be in accordance with the 'Guide to Road Design Part 4B: Roundabouts'.

**14. Deleted**

**15. Consistency Between Plans**

The typical cross section of the Campbellfield Avenue extension (Road 401) shall be revised on Sheet 5 of the approved civil engineering drawing to ensure it is consistent with other approved drawings. Sheet 5 must be revised accordingly prior to issue of a construction certificate by Council or an accredited certifier.

Pram ramp and footpath locations are also inconsistent between the civil and landscape plans in some instances and shall be remedied.

**16. Riverside Drive Underpass**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall demonstrate how the existing underpass in Riverside Drive will be decommissioned. The existing natural surface is depressed in the location of the existing footpath through the underpass, however, the earthwork plan proposes cut at the subject location, which is inconsistent and must be revised.

**17. Cut and Fill Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall supply revised cut and fill plans which indicate the depth of proposed cutting/filling.

**18. Off Road Cycleway**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall ensure that the off-road cycleway at the frontage of Youth Centre is designed and subsequently reconstructed to match with the reconfiguration of the intersection of Riverside Drive and Wheatley Drive in order to maintain the continuation of the cycleway along Riverside Drive.

#### **19. Road Safety Audit - Pre Construction**

A road safety audit shall be undertaken for the design of all new roadworks. Prior to issue of a construction certificate the applicant shall submit the audit report to Council's Executive Manager Infrastructure or accredited certifier.

#### **20. Deleted**

#### **21. 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.

#### **22. Stormwater Management Plan (Subdivision)**

Prior to Council or an accredited certifier issuing a construction certificate, plans indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted to Council's Executive Manager Infrastructure or an accredited certifier for written approval. Stormwater shall be conveyed from the site in accordance with that approval.

Following information shall be submitted to Council's Executive Manager Infrastructure or an accredited certifier as a part of the abovementioned approval.

- i. DRAINS model shall be submitted with the stormwater management plan. The stormwater assessment must include the full upstream catchment that drains/will drain through the site and consider the capacity of the downstream system.
- ii. The revised civil works plan and earthworks plan shall be submitted.
- iii. Details regarding the existing stormwater pipe traversing through the site of proposed residue lot 4113. The pipe is catering for the adjoining Tharawal Aboriginal Corporation's property. Suitable treatment to be demonstrated (retain/decommission) shall be detailed. Should the pipe be retained, a suitable easement must be created through Lot 4113 in favour of the upstream property.
- iv. The system draining directly to the Georges River shall include a water quality treatment system as the size of the contributing catchment is more than 10 lots. The water quality treatment system must achieve at a minimum Campbelltown City Council's DCP requirements due to the proximity to the sensitive catchment of the Georges River.

All proposals shall comply with the design requirements detailed in the *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

#### **23. Civil Works under S138 Roads Act**

Prior to Council or an accredited certifier issuing any construction certificate for civil works, a S138 Roads Act application, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for civil and associated works proposed on public

land. The design shall be in accordance with the requirements detailed in *Austroads Guide, Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

Detailed engineering plans for the proposed works in public land shall be submitted to Council for approval. All works shall be carried out in accordance with Roads Act approval including the stamped approved plans and Council specifications. Inspection of this work shall be undertaken by Council at the applicant's expense.

#### **24. Inundation by Flood Waters**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the design requirements detailed in the *Campbelltown City Council Engineering Design Guide for Development (as amended)*, as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance and with the design requirements of the *Campbelltown (Sustainable City) DCP (as amended)* and *Campbelltown City Council Engineering Design Guide for Development (as amended)*.

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements detailed in the *Campbelltown (Sustainable City) DCP (as amended)* and *Campbelltown City Council Engineering Design Guide for Development (as amended)*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended), AS3789 - 'Guidelines for Earthworks for Commercial and Residential Development (as amended)', and the approved construction drawings.

#### **25. Contaminated Site Assessment**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and a remedial action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the Contaminated Land Management Act 1997 and shall be submitted to Council/PCA for approval and in accordance with the recommendations contained in the 'Detailed Contamination Assessment' prepared by Geotechnique Pty Ltd (ref. 13793/2-AA, dated 30 November 2016).

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

#### **26. Temporary Residential Cul-de-sac Heads**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details for approval for the temporary cul-de-sac heads at the southern ends of Roads 408 and 410. The turning areas shall be considerate of service vehicles (including garbage collection trucks) that will access the roads.

The pavement compositions shall be the same as that constructed for the respective roads.

Construction of the roads shall be undertaken in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

All inspections are to be undertaken by Council and the principal certifying authority shall not issue the subdivision certificate until all works have been completed satisfactorily.

## **27. Retaining Walls**

Retaining walls shall be designed by a qualified structural engineer and constructed of concrete or reinforced masonry.

The proposed retaining walls that are interfaced with the existing and/or proposed drainage infrastructure shall be designed by a qualified structural engineer demonstrating that no loadings are being imposed upon the drainage infrastructure. Construction details of retaining wall shall be submitted for approval prior to issue of a construction certificate.

## **28. Soil Management**

The Soil Management Plan set out in the "Geotechnical Investigation Report" shall be implemented on site. The management of saline soils is to be in accordance with protocols set out in the "Western Sydney Salinity Code of Practice".

## **29. Site Filling**

Site filling and other earthworks shall be undertaken in accordance with the recommendations of the Geotechnical Investigation Report (ref. 13793/2-AA) by Geotechnique Pty Ltd dated 5/12/16.

## **30. Vehicle Turning Movements**

Prior to Council or an accredited certifier issuing a construction certificate, vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking and provided to Council or an accredited certifier.

In particular, the following proposed intersections which must demonstrate that they can be negotiated by respective designed vehicles. The intersections are:

- a. Laneways/Adjoining Roads (Garbage truck 10.40m long)
- b. Campbellfield Avenue/Riverside Drive - West intersection (Single unit truck/bus 12.5m long).
- c. Campbellfield Avenue/Riverside Drive - East intersection (Single unit truck/bus 12.5m long).

The Vehicle Tracking files and associated development proposal shall be submitted in .dwg/ .dxf format and the speed environment used in the assessment must be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

## **31. Landscape Requirements**

The following landscaping requirements shall be addressed and detailed in the construction plans. The plans shall be submitted for approval prior to issue of a construction certificate.

- a. The following species listed in the approved landscaping plan are not considered to be suitable for street trees and shall be replaced with the alternative species given below:

Name of unsuitable species	Name of acceptable alternative species
Fraxinus pennsylvanica	<ul style="list-style-type: none"> <li>• Quercus palustris</li> <li>• Lagerstroemia indica</li> <li>• Jacaranda mimosifolia</li> </ul>
Liriodendrum tulipifera	<ul style="list-style-type: none"> <li>• Lophostemon confertus</li> <li>• Waterhousia floribunda</li> <li>• Tristaniopsis laurina</li> </ul>

- b. The applicant shall demonstrate that the proposed trees along the verge of the two Campbellfield Avenue and Riverside Drive roundabouts do not obstruct traffic sight lines.
- c. The applicant shall amend the landscape plan to include additional Eucalypts as Koala Refuge Trees into streets that occur in an east west direction to create a linkage both with those identified in a north south direction within Stage 4 and outside the development to the north, east and west.
- d. In locations where Council maintenance is required, narrow turf strips are not acceptable and they shall be replaced with either planted bed areas or widened to a more substantial area of turf that is usable by the community. The minimum width of the turf strip must be 1000mm and the minimum width of the planted bed must be 500mm. Proposed vegetation beds narrower than 500mm shall be replaced by a suitable concrete strip.
- e. For any planting in the public domain, root boxes or barriers are required for all street trees being placed within 1m of infrastructure. Such infrastructure shall include footpaths, shared paths, roadways, kerb and gutter. The specification of the root barrier shall be submitted to Council's Executive Manager Infrastructure or accredited certifier.
- i. Unless specified otherwise, the minimum size for root control boxes shall be 800mm wide and 500mm deep. Trees are to be installed centrally within the root control box.
  - ii. Alternatively, root barrier is to be placed on the road and footpath side of all street trees for a minimum length of 2m. Vertical ribbed root barrier shall be a minimum of 600mm deep and 0.75mm thick in all instances.
  - iii. Root boxes or barriers must be placed:
    - At a minimum of 300mm behind the back of kerb so that it does not compromise the road pavement (i.e. the trunk of the tree shall be a minimum of 700mm from the back of kerb).
    - Flush with or marginally below the ground surface.
    - Flush with or marginally below the adjoining top of footpath.
    - For a 3m extent along the footpath/shared paths and kerb with the tree centrally placed.
    - Such that it is not a trip hazard.

- g. Street tree locations and species shall be made under consideration of street light location to limit the impact of tree canopies on the effectiveness of street lighting. Best practice shall be observed.
- h. Any turf surface having an interface with a garden bed or walls or any other structure, must have 100Wx200D 25MPa concrete edge strip reinforced with Poly Fibre Forta Ferro (or equivalent) equivalent to SL82 and is to comply with the following:
  - Fibre length – 54mm
  - Material – virgin copolymer/polypropene
  - Specific gravity – 0.91
  - Tensile strength – 658 to758 MPa

This does not apply to street tree pits in verge, a timber edge is standard here.

### **32. Street Lighting**

Prior to issue of a construction certificate, the applicant shall prepare a street lighting plan for the written approval of Council's Executive Manager Infrastructure, which address the following:

- Light distribution drawings shall be provided.
- All street light luminaires are to be LED.
- The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lightings effectiveness.

### **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. Compulsory Acquisition of Land**

The development includes works to Council owned land that is classified as community land under the *Local Government Act 1993*, being Lot 1100 DP 1107354 and Lot 20 DP 1180338.

Pursuant to Clause 22(1) of the Housing Act 2001, New South Wales Land and Housing Corporation intends to acquire the Council owned land by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of residential development.

Prior to the commencement of works on Lot 1100 DP 1107354 and Lot 20 DP 1180338, the notification of compulsory land acquisition must be published in the New South Wales Government Gazette, at which time land ownership passes from Campbelltown City Council to New South Wales Land and Housing Corporation.

### **34. Biodiversity and Land Clearing**

Prior to the commencement of works, Pre-Clearing and Clearing Surveys are to be undertaken in accordance with Section 5.2.3 of the document Airds Bradbury Renewal Project – Stage 4 Subdivision Flora and Fauna Impact Assessment prepared by Cumberland Ecology, Version 2, dated 14 February 2017 (ref. 15074RP4).

In addition to the measures detailed at Section 5.2.3, the following shall also be undertaken:

- Include within the pre-clearance survey the requirement to include searching, removal and translocation of any Cumberland Plain Land Snail located on the site.
- Include a Nest-box Management Strategy that includes the installation of 4 nest boxes suitable for target fauna species and details on nest-box designs, site suitability (within the development footprint and in proximity to the trees being removed), installation protocols, nest-box monitoring /maintenance commitments and the requirement for nest-box installation prior to clearing.
- Include a requirement for WIRES staff to be present for any felling of trees.

### **35. 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.

### **36. Erection of Construction Sign**

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

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

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

### **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. 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.

#### **40. Construction Management Plan**

Prior to the commencement of any works on the land, a site specific Construction Management Plan (CMP) is required to be prepared. The CMP must include the following details:

- Detail any potential impacts on the amenity of nearby existing dwellings and existing lane uses within the locality
- Describe the project in detail, including activities undertaken
- Outline a monitoring regime to check the adequacy of controls and mitigation measures and ensure that they remain in good working order
- Detail the proposed routes for heavy vehicles accessing the site

The recommendations of the CMP must be in place prior to any works commencing.

#### **41. Closure of Roads (pathways)**

Prior to work commencing, the plan prepared to close road portion within the development site shall be registered with NSW Land Registry Services (surveyor's ref. 78157.01.L01).

##### **41A. Koala Investigation**

Prior to works commencing, the applicant shall undertake a koala survey in the approved development area to investigate whether the site is core koala habitat, using standard reportable techniques of koala survey in accordance with Circular B35 - SEPP 44 Koala Habitat Protection Guidelines - Section 2.1 Investigating Potential Koala Habitat for Core Koala Habitat (i)-(iv), such as RG-bSAT technique in a manner consistent with the SAT Koala Survey carried out for Stage 2 of the Airds-Bradbury urban renewal project.

**41B. Construction of Water Management Facility – Airds Town Centre** In a manner that is consistent with the planning agreement for the urban renewal area, the applicant shall ensure that works associated with drainage embellishment at the existing pond behind the Airds town centre have been completed in accordance with a development consent and to the satisfaction of Council before works subject of this consent commence.

### **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 5.00pm
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 \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.**

#### **44. Fill Compaction Requirements**

Any filling operations are to be carried out in accordance with AS3789-Guidelines for Residential and Commercial Developments.

#### **45. 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.

#### **46. 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.

#### **47. Earth Works/Filling Works**

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

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

#### **48. Revegetation**

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

#### **49. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "*Traffic Control at*

*Work Sites" (as amended)*, all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

#### **50. Path Paving**

Concrete path paving shall be constructed in accordance with *Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the design requirements detailed in the *Campbelltown (Sustainable City) DCP(as amended)* & *Campbelltown City Council Engineering Design Guide for Development (as amended)*. The unpaved areas of the road verge shall be regraded, topsoiled and turfed. The verge formation may need to be extended beyond the site boundaries, to provide an acceptable transition to the existing levels.

#### **51. Pavement Thickness Determination**

A road pavement shall be designed by a qualified geotechnical Engineer based on a geotechnical report, prepared by a N.A.T.A. registered laboratory. Pavement design report shall be forwarded to Council and/or the principal certifying authority a minimum of 2 working days prior to the inspection of the exposed sub grade. The pavement design shall be prepared in accordance with *Campbelltown City Council Engineering Design Guide for Development (as amended)* and *Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended)*.

#### **52. Residential Layback Crossing**

The applicant shall provide a layback in the kerb and gutter at the entrance to all residential lots that have a frontage to barrier kerb. Construction shall be in accordance with Council's *Residential Vehicle Crossing Specification* and Council's '*Engineering Design Guide for Development*'.

Generally, the laybacks will be located on the lower side of the lot frontage.

#### **53. Associated Works**

The applicant shall undertake any works within reason 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. Compliance with Council Specification**

All design and construction work shall be in accordance with:

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

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

The following conditions of consent must be complied with prior to the issue of a subdivision

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

**55. Section 73 Certificate – Subdivision Only**

Prior to the principal certifying authority issuing a subdivision 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](http://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 Council prior to the release of the subdivision certificate.

**56. NBN Services**

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

**57. Road Safety Audit - Post Construction**

Prior to dedication of the roads to Council, a Road Safety Audit of the completed works is to be undertaken by a suitably qualified person to identify any potential safety risks for the users of roads and pedestrian facilities (day to day usage and maintenance activities).

The objective of the audit is to identify potential risks to the users of roads and pedestrian facilities and to ensure compliance with the approved plans and that the measures to eliminate or reduce identified risks as suggested in the report have been implemented prior to the dedication of the roads to Council.

**58. Structural Engineer's Certification**

Prior to issue of a subdivision certificate, a structural engineer's certification shall be submitted to Principal Certifying Authority, certifying that all structural elements have been constructed in accordance with the approved design. A copy of the certification shall be provided to Council where Council is not the Principal certifying Authority.

**59. CCTV footage verifying integrity of all new pipes and existing pipes**

Prior to Council or an accredited certifier issuing a Subdivision Certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works prior to Linen release. The footage shall comply with the following requirements:

- the files shall be in MP4 format
- file resolution shall be 640 by 480 pixels, 3Mbps and 25 frames per second
- each pipe reach (i.e. between two pits) shall be provided as a separate file
- the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage
- the speed and panning of the footage shall be sufficient to demonstrate that there are no significant cracks in the pipe and that the joints have been properly constructed
- the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and

- a summary report (\*.pdf) shall accompany the data.

#### **60. 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. Floor Level Control- Lots to be identified
- b. No Alteration to Surface Levels
- c. Lots Filled – Lots to be identified
- d. Access Denied – Lots to be identified
- e. Drainage Floor Level Control Easements - (100yr flow, depressed)
- f. Lots with any other restrictions eg refuse collection, bushfire hazard management
- g. Easement for maintenance purposes (retaining walls and zero lot boundaries)
- h. Easement for support (retaining walls)
- i. Building envelope plans for allotments less than 300sqm
- j. Lots with rear laneways – garages must be at rear

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. 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.

#### **61. Inter-Allotment Drainage Easement**

Prior to the principal certifying authority issuing a subdivision certificate, an inter-allotment drainage easement shall be provided for all residential lots that cannot be directly drained to the street kerb and gutter. Easement width shall be complied with Campbelltown City Council Engineering Design for Development (as amended).

#### **62. Bond (Outstanding Work)**

Prior to the principal certifying authority issuing a subdivision certificate and to facilitate the release of the subdivision certificate, Council may accept bonding for outstanding asphaltic concrete work, footpath paving, vehicle crossings/driveways or other minor works. Following a written request from the applicant, Council will determine the bond requirements.

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

Council may consider accepting a letter of undertaking from Landcom as a substitute to the bond.

#### **63. Maintenance Security Bond**

Prior to the principal certifying authority issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the

subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

Council may consider accepting a letter of undertaking from Landcom as a substitute to the bond.

#### **64. Classification of Residential Lots**

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

#### **65. Contaminated Land**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A.* registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council with an end statement (site validation report completed by a suitably qualified person) that the land is suitable for the proposed end use.

#### **66. Splay Corner (Residential)**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall dedicate splay corners in the property boundaries of all lots located adjacent to road intersections in accordance with Council's Engineering Specifications and at no cost to Council.

#### **67. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing 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 Campbelltown City Council Engineering Design Guide for Development (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 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

##### **Format**

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

#### 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 2012 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.

### 68. Engineering Documentation

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

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

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

### 68. Public Utilities

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

### 69. Service Authorities

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

Written advice from Sydney Water, Endeavour Energy, NBN Co. and where available the relevant gas company, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement shall be forwarded to Council. All construction work shall conform to the relevant authority's specification/s.

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

Council may consider accepting a letter of undertaking from Landcom as a substitute to a bond.

#### **70. Retaining**

Prior to the principal certifying authority issuing a subdivision certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

#### **71. House Numbers**

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

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

#### **72. Line Marking / Sign Posting Documentation**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council, for the Local Traffic Committee's records, two copies of the work as executed plans for the line marking / sign posting in relation to the subdivision. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.

#### **73. Council Fees and Charges**

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full.

#### **74. Local Traffic Committee**

Prior to the release of a subdivision certificate and installation of regulatory/advisory line marking and signage, plans are to be lodged with Campbelltown City Council and approved by the Local Traffic Committee.

Notes:

1. Contact Campbelltown Council's City Delivery Team on telephone 46454000 for advice regarding the application process and applicable fees.
2. Allow for twelve (12) weeks for approval by the Local Traffic Committee.

## 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 4.17 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. 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. SUBSOIL DRAINS – After:
  - i. The trench is excavated.
  - ii. The pipes are laid.
  - iii. The filter material placed.
- d. SUBGRADE – Joint inspection with a NATA Registered Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- e. SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.
- f. CONDUITS – Laid and jointed prior to backfilling.
- g. GULLY PITS & OTHER CONCRETE STRUCTURES – Prior to pouring concrete.
- h. PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- i. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.

- j. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- k. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- l. CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- m. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- n. FINAL INSPECTION – All outstanding work.

**Advice 3. 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 subdivision certificate.

**Advice 4. Principal Certifying Authority – Subdivision**

Council is the principal certifying authority for the construction of the proposed subdivision and issue of the subdivision certificate and Council shall carry out all inspections required by the development consent. Work must not proceed past any inspection point until Council has approved the work inspected.

**Advice 5. Linen Plan and Copies**

An original linen plan, administration sheet and if required 88B Instrument together with thirteen copies, including all service certificates, cover letter and, copy of contents on a USB shall be submitted to Council prior to the release of the subdivision certificate.

Note the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) SSI Regulation 2012.

**Advice 6. Linen Plan Checking Fee**

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

**Advice 7. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's 'Engineering Design Guide for Development'.

**Advice 8. Deleted**

**Advice 9. 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](http://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.

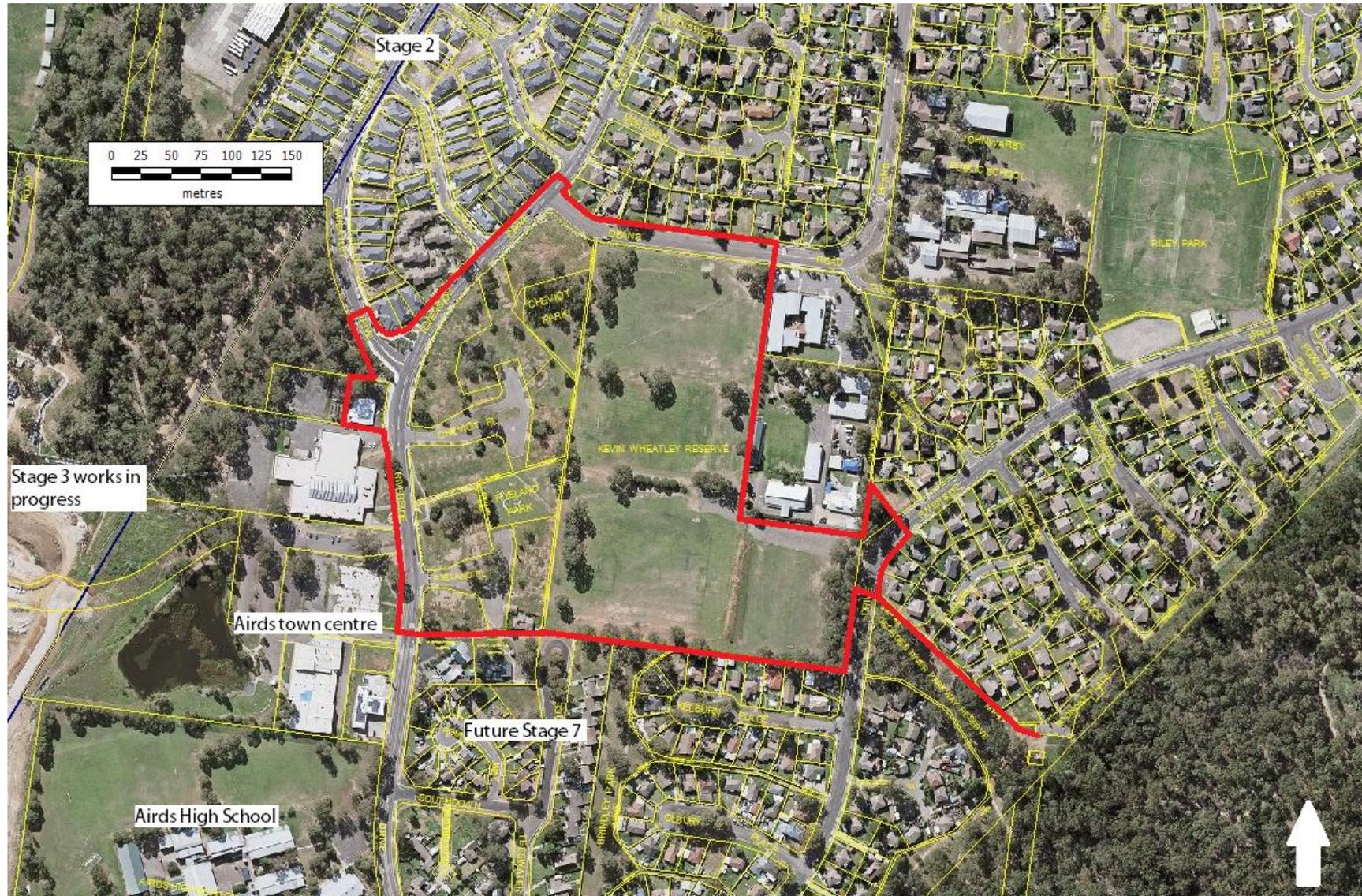
**Advice 10. Telecommunications Act 1997 (Commonwealth)**

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.

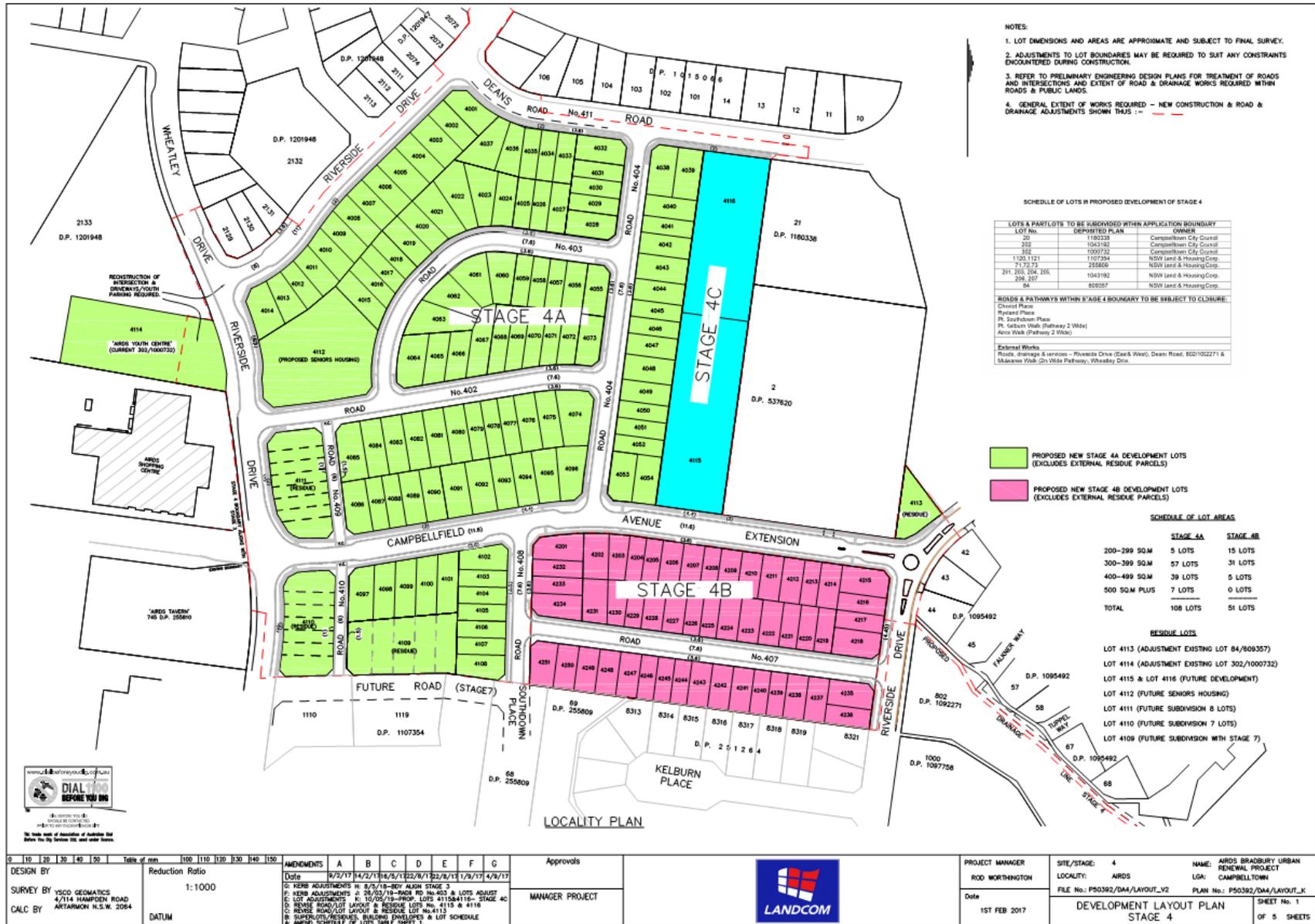
Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity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

**END OF CONDITIONS**

## Attachment 2 – Site location plan



# Attachment 3 – Proposed Lot Layout Plan

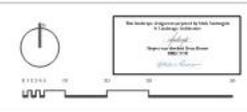


# Attachment 4 – Typical landscape plans



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Rev	Revision/Notes	Date	Drawn By
A	ISSUED FOR AS-COMPLETED	14.05.19	SL, MW, DB
B	AS-COMPLETED	14.05.19	SL, MW, DB
C	ISSUED FOR DA DIALS	14.05.19	SL, MW, DB
D	ISSUED FOR DA DIALS	14.05.19	SL, MW, DB
E	ISSUED FOR DA DIALS	14.05.19	SL, MW, DB
F	ISSUED FOR DA DIALS	14.05.19	SL, MW, DB
G	ISSUED FOR DA DIALS	14.05.19	SL, MW, DB



**Project Title:**  
 ARDS BRADBURY RENEWAL PROJECT  
 STAGE 04 DA  
**Drawing Title:**  
 LANDSCAPE PLAN 02

**Scale:** A1/A3: 1:500/1:1000  
**Client:** Urban Growth NSW  
**Drawing Date:** 14.05.19  
**Drawn/Checked:** SL, MW, DB  
**Project Number:** 50-15  
**Drawing Number:** 50-15.54.11 DA



**END OF REPORT**