

PLANNING ASSESSMENT REPORT

Stage 5 - Subdivision of land to create 86 residential lots, 1 residue lot, 1 lot for future park (Dimeny Park) and including land remedial works, associated site, civil and street tree landscape works, including the removal of two hundred (200) trees.

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Applicant

This development application is lodged pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") and is a Crown development application. The applicant is the NSW Land and Housing Corporation ("LAHC").

LAHC is a public authority for the purposes of the Environmental Planning and Assessment Act 1979.

Referral Criteria

The consent authority for the subject development application is the South Western City Regional Planning Panel, as the development has a capital investment value of over \$5 million as outlined in Schedule 7 of the State Environmental Planning Policy ((State and Regional Development) 2011.

"Schedule 7 Regionally Significant Development

4 Crown development over \$5 million

Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million."

Executive Summary

- Redevelopment of the Claymore public housing estate is being undertaken by NSW Land and Housing Corporation in accordance with the Claymore Urban Renewal Concept Plan granted by the Minister for Planning and Infrastructure on 24 May 2013.
- The development application proposes subdivision of land to create 86 residential lots 1 residue lot, 1 lot for future park (Dimeny Park) and including land remedial works, associated site, civil and street tree landscape works, including the removal of two hundred (200) trees, identified as Stage 5 of the Claymore public housing estate in accordance with the Claymore Urban Renewal Concept Plan.

- Stage 5 of the Claymore Urban Renewal Concept Plan is located within the centre portion of the renewal site, south of Dobell Road. The area of land affected by Stage 5 works is approximately 5.3 hectares.
- The subject area is zoned part R2 Low Density Residential and part RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015). The proposed development will involve subdivision and civil works both of which are considered to be "*Permitted with consent*" in accordance with CLEP 2015. The proposed development is also consistent with the identified zone objectives of R2 Low Density Residential and RE1 Public Recreation zones.
- The proposal is generally in accordance with the terms and intent of the Claymore Urban Renewal Concept Plan, and associated Claymore Urban Renewal Development Control Guidelines.
- An Order pursuant to Clause 34A(3) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 was issued by the Department of Planning and Environment in December 2021 for the Claymore Urban Renewal Project Area. As such, no further biodiversity matters are required to be assessed unless the proposed works extend beyond the Clause 34A certification boundary, or the impacts are increased because of the proposed works causing further biodiversity impacts.
- Anderson Environment and Planning was engaged to carry out a review of consistency with the Section 34A Certification of Claymore Masterplan Approval and submitted documentation. It was concluded that the application has adequately demonstrated that it is generally consistent with the biodiversity offset package as approved by the Director General.
- Referred to Office of Environment and Heritage for review. Referral response not received.
- The application was publicly notified and exhibited from the 29 January 2021 to the 23 February 2021. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received in response to the proposal.
- In accordance with Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the application shall be determined by the South Western regional planning panel on Council's behalf.
- The Sydney Western City Planning Panel were briefed regarding the proposal on Monday 12 April 2021. (Record of Meeting at Attachment 3)
- The conditions of consent have been endorsed by the Crown pursuant to Division 4.6 of the *Environmental Planning and Assessment Act 1979* (EPA Act), concurrence received by email 18 November 2022.
- An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval subject to the recommended conditions of consent as detailed in Attachment 1.

DA Number	4604/2020/DA-SW
Property Description	Lot 25 DP 258940, Lot 26 DP 258940, Lot 512 DP 1210126, Lot 513 DP 1210126, Lot 980 DP 1203266, Lot 990 DP 1203266, Lot 991 DP 1203266, Lot 992 DP 1203266, Lot 993 DP 1203266, Lot 1999 DP 1203428, Lot 35 DP 258939, Norman Crescent, Dobell Road and Arkley Avenue, Claymore
Applicant	NSW Land & Housing Corporation
Owner	Department of Housing
Date of Lodgement	29 January 2021 and as amended 03 August 2022 (updated Flora & Fauna report & Consistency Statement), 17 October 2022 (Arborist Report), 18 October 2022 (Acoustic Report), 28 October 2022 (Ecological Peer Review & Statement of Compliance - Stormwater) , 14 November 2022 and updated 17 November 2022 (RAP).
Cost of Works	\$14,290,245
Number of Submissions	Nil
List of all Relevant Section 4.15 matters of the Environmental Planning and Assessment Act, 1979	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 11 Georges River Catchment • State Environmental Planning Policy (Planning Systems) 2021 • <i>Claymore Urban Renewal Concept Plan approval</i> • <i>Campbelltown 2025 – Looking Forward</i> • Campbelltown Local Environmental Plan 2015 • Campbelltown Sustainable City DCP 2015 • Part 9 – Urban Renewal Areas Airs Claymore DCP
Office of Environment & Heritage	Referral response not received
Environmental Peer Review	28 October 2022
Concurrence	18 November 2022
Recommendations	Approval subject to conditions

1.0 Background/Site History

The Claymore public housing estate is one of five public housing areas in Campbelltown built in the 1970s and early 1980s. The housing estate was previously one of the largest public housing estates in South Western Sydney, containing 1,123 public housing dwellings. Significant parts of the Claymore public housing area utilised the Radburn urban design principles, which are now considered unsuitable in a public housing context.

Redevelopment of the Claymore public housing estate is being undertaken by the NSW Land and Housing Corporation in accordance with the Claymore Urban Renewal Concept Plan (Concept Plan) granted by the Minister for Planning and Infrastructure on 24 May 2013. The subject development application is identified as Stage 4 within the Concept Plan.

The redevelopment of the Claymore public housing estate is facilitated by the Concept Plan. The Concept Plan increases dwelling numbers from 1,123 to approximately 1,490 dwellings, including 100 seniors housing units. Further, the Concept Plan increases social mix within the estate with 70 per cent of housing stock to be privately owned and 30 per cent to be retained as public housing. The Concept Plan also includes the creation of a new Claymore town centre and new and upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a new road network.

The Concept Plan was modified on 22 October 2013 to allow a planning agreement to be provided prior to the lodgement of any development application for subdivision relating to Stage 3 of the Concept Plan.

On 9 October 2014, the Sydney West Joint Regional Planning Panel approved Stages 1 and 2 of the Concept Plan (development application 1141/2014/DA-SW) which created 247 Torrens title residential allotments, two allotments for future medium density development, four residue allotments and associated subdivision works including construction of new roads, drainage, site retaining and retaining, utility services and landscaping. Stages 1 and 2 subdivision works have been completed.

On 19 December 2018, approval was granted for application 1700/2017/DA-SW for the subdivision of land creating 113 Torrens title residential allotments, 17 residue lots, including one lot that would contain the future proposed retail centre, community facilities and three lots comprising roads, and associated civil works in Stages 3A and 3B of the Claymore Urban Renewal Concept Plan, subject to conditions.

On 21 November 2019, application 1700/2017/DA-SW/B was modified to update property and development descriptions, provide a turning head to road 09, and connect Bryant Way to Ruby Way subject to amending Condition No.1.

On 20 August 2020, application 1700/2017/DA-SW/C was modified to remove four (4) trees, prune three (3) trees and amend condition 19 regarding footpath width, involving modification of Condition 1 and 19.

Stage 11

On 30 June 2021, the Sydney Western City Planning Panel approved Stage 11 (development application 11/2021/DA-SW) for the subdivision of land comprising 92 torrens title residential allotments, 1 residue allotment and associated site, civil and landscape works, including the removal of 190 trees.

Stage 4

The application was approved by the Sydney Western City Planning Panel September 2022 to create 181 torrens title allotments being 180 residential allotments, and one (1) residual lot (future Davis Park), and including land remedial works, associated site, civil and street tree landscape works, including the removal of 312 trees.

1.1 Panel Briefing

Sydney Western City Planning Panel were briefed regarding the proposal on Monday 12 April 2021. The issues that were raised are noted as follows:

- The proposed subdivision is currently delayed by the need for a Water Cycle Management Plan being finalised by the Applicant's engineers, Northrop. This is expected to take until the end of May or the beginning of June.
- The Council informed the Panel that it cannot resolve the planning assessment until the flood assessment is completed, but is generally otherwise satisfied with the provision of infrastructure
- The Panel will be interested to see the ultimate pedestrian and cycle routes, which presumably will encourage non-car travel.
- Aboriginal heritage and contamination are to be considered according to the applicable SEPP and statutory regulations (noting advice that Aboriginal heritage detected to date has been identified as being of low significance, but Council is reviewing further).
- The allotment size mix appears appropriate.
- Subject to resolution of the stormwater management matters and other outstanding matters for assessment, the matter appears to be one appropriate for an electronic determination.

(Record of Meeting at Attachment 2)

2.0 The Site and Locality

Claymore redevelopment area is an irregularly shaped 125 hectare site bound by Badgally Road to the southwest, the Hume Highway to the southeast, and the western and northern boundaries adjoin the existing Eagle Vale residential area. The site is approximately 2 kilometres north of Campbelltown CBD and is accessed from Badgally Road to the south, Dobell to the south and west and Gould Road to the north.

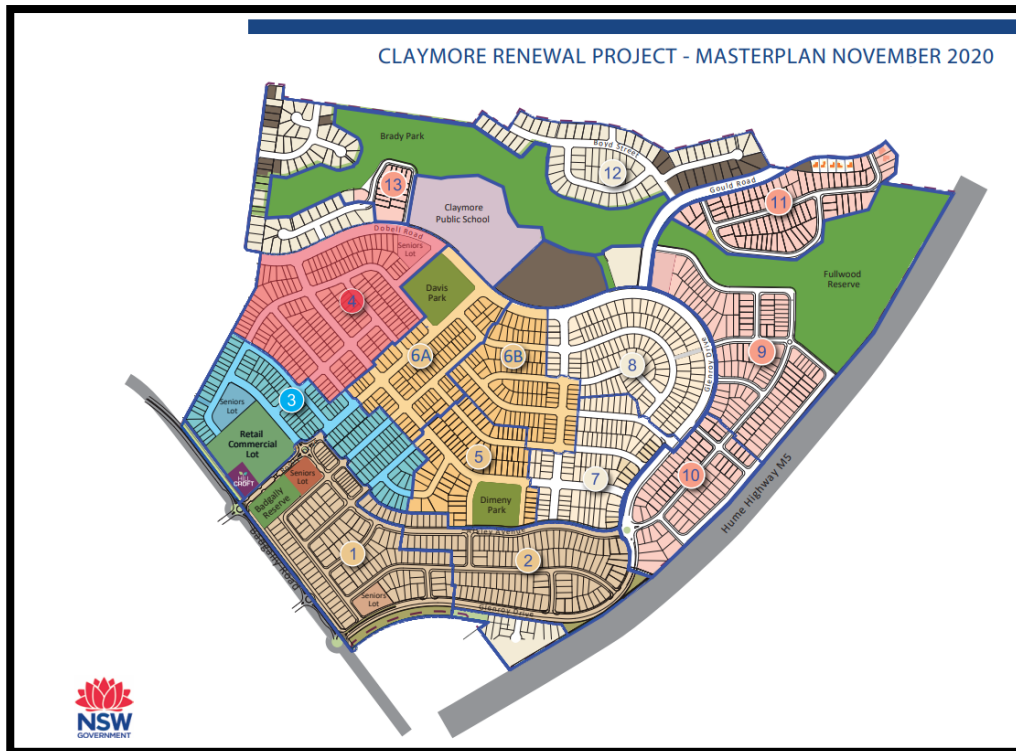


Figure 1: Claymore Urban Renewal Concept Plan area.

The Concept Plan prescribes that Stage 5 extends from the Norman Crescent to the north, Meldrum Way to east, Hester Avenue (not yet built) to the west, and Arkley Avenue to the south. The area of land affected by Stage 5 works is approximately 5.3 hectares.



Figure 2 – Stage 5 Locality Plan

2.1 Surrounding Land Uses

Stage 5 is generally bound by residential properties forming part of the Claymore renewal area and existing residences.

The surrounding land uses are as noted follows:

- North: Immediately to the North is Stage 6. Stage 6 is bound by Dobell Road. Across Dobell Road is Claymore Public School and residential properties as part of the Claymore site. Dobell Road poses no noise impact upon Stage 5.
- East: Immediately to the East is Stage 7 of the Claymore site.
- South: Immediately to the South is Stage 1 and 2 of the Claymore site.
- West: Immediately to the West is Stage 3 of the Claymore Site.

3.0 The Proposal

The proposed works comprising Stage 5 of the Concept Plan are noted as follows:

- the subdivision of land into 86 residential lots, one lot for a park and one residual lot and road dedications;
- subdivision works including the construction of roads and roadworks, site regrading and retaining works, associated drainage, utility services (including services relocation) and street landscaping;
- minor associated works such as the removal of redundant services,
- sedimentation control;
- removal of two hundred trees;
- civil works associated with road grading and site benching;
- temporary detention basin; and
- site remediation works.

In facilitating the subdivision, the following works are included as a component of the proposal:

- earthworks/erosion and sediment control;
- land remediation;
- temporary detention basin;
- physical infrastructure roads, stormwater drainage and utility services/connections;
- tree/vegetation removal/street tree landscaping of the road reserves.

The following mix of torrens title allotment sizes are proposed as a component of the subdivision works:

Lot Size (m2)	Stage 5
247sq - 299	3
300 - 349	29
350 - 399	25
400 - 449	11
450 - 499	8
500 - 599	7
600 - 699	2
700+	1
Total	86
Residue (future development)	PT 5087 being Stages 6, 7, 8.
Dimeny Park (8,944sqm)	1

The mix of residential allotment sizes provides choice in the development of future housing form. All allotments have been provided with a street frontage.



Figure 3 – Proposed Subdivision

Watercycle Management Plan

The applicant provided a statement of consistency highlighting compliance with the approved Water Cycle Management Plan as prepared by Northrop.

“SMEC prepared Stage 5 - Claymore civil engineering documentation for the Development Application (DA). The proposed stormwater management and catchments in Stage 5 are consistent with the ultimate strategy documented in the Water Cycle Management Plan (WCMP) for Claymore Urban Renewal Project (rev D) prepared by Northrop. The WCMP documents the ultimate stormwater management strategy for Claymore Precinct. It is noted, an interim detention basin is proposed for the development of Stage 5.”

Acoustic

The proposed subdivision was supported by a Noise and Vibration Impact Assessment prepared by JHA Services dated 11 December 2020.

The report concluded as follows:

“This report establishes relevant noise level criteria, details the acoustic assessment and provides comments and recommendations for the proposed development.

Ambient and background noise surveys have been undertaken at the existing site to establish the appropriate noise criteria in accordance with the relevant guidelines.

A noise assessment of future traffic noise along Glenroy Road has been conducted due to the Stage 5 development. The noise emissions have been predicted within the Stage 5 site.

An assessment of traffic noise generation has been carried out for the future local road network including Norman Crescent, Arkley Avenue and Glenroy Drive. Based on the assessment, additional traffic movements will not result in any noticeable change in traffic noise levels and is expected to meet the NSW Road Noise Policy criteria."

The report was forward to Council's Specialist Officer for review who raised concerns with regard to the residential properties facing Dimeny Park. An additional Acoustic Assessment was sought to consider the impacts of the Park and its facilities upon these dwellings. The updated report Revision C dated 17 October 2022 concluded as follows:

"An assessment of traffic noise generation has been carried for the future local road network including Norman Crescent, Arkley Avenue and Glenroy Drive. Based on the assessment, additional traffic movements will not result in any noticeable change in traffic noise levels and is expected to meet the NSW Road Noise Policy recommendations in regards to the 2dB increase limit. High level glazing recommendations for the new residences within Stage 5 have been provided to meet AS2107:2016 internal noise goals, based on the predicted future traffic noise levels. Scenarios have been modelled to determine the impacts of potential bus movements on the proposed Stage 5 development in two scenarios based on retaining and re-routing local bus services. Glazing recommendations have been required for both scenarios.

The use of the Dimeny Park playground and basketball court have been predicted and assessed to the nearest proposed residential receivers. As per the noise impact assessments results, use of the playground will comply with the AAAC recommended noise level criteria for the unrestricted use of outdoor playground. There is a 1dB(A) exceedance which is considered negligible as the average listener cannot discern a difference ≤ 2 dB. The use of the basketball court will also comply with the intrusiveness noise level criteria.

Based on the information presented in this report, relevant objectives will be satisfied and therefore approval is recommended to be granted."

Site Contamination

In the support of the application a site specific Contamination Assessment for Stage 5 and 6 was provided, undertaken by Douglas Partners Pty Ltd.

The findings and recommendations of the assessment were as follows:

"Based on the findings of the current investigation, DP recommends the following:

- The footprints of the remaining structures and roadways across the whole site are inspected by a suitably qualified Environmental Consultant post-demolition and, if fill and/or residual demolition material is present, the residual building material should be removed and a targeted investigation of the fill and/or surface soils should be undertaken before bulk earthworks commences. This includes the residual building material observed during the detailed site walkover undertaken as part of this DSI. Any asbestos clearance to be undertaken as part of remediation works is to be supplemented with soil samples to be analysed for AF/FA. It is also noted that building footprints should be cleared by an NSW licenced asbestos assessor prior to undertaking earthworks. Taking into consideration the heterogenous nature of fill observed in the current investigation, and the adopted sampling density, some sampling and analysis of fill within select building footprints will be required;*

- ACM is present in places either on the surface or in near-surface fill in portions of the site that have recently been disturbed during demolition works. ACM was also observed on the surface of nature strips in several locations. There is the potential for asbestos impact to be present above guidelines on or in fill in between test pits. As previously discussed fill observed in test pits was fairly heterogenous and a relatively high percentage of test pits where fill included non-soil anthropogenic material was encountered. DP therefore recommends a delineation investigation is undertaken to better define where asbestos impact is present, to inform the most appropriate remediation design. The delineation exercise should be undertaken once all demolition works have been completed and with reference to NEPC (2013) guidelines and asbestos guidelines referenced in NEPC (2013), which require that a higher density analysis is undertaken for sites with known or suspected asbestos impact;
- The condition of ACM in one location and AF/FA elsewhere indicates that the asbestos was present at these locations in fibre and friable form which will require appropriate consideration and advice with reference to NSW EPA endorsed guidelines as part of the Stage 5 and 6 Remediation Action Plan (RAP) which will be prepared by DP;
- An observed exceedance of copper in the groundwater sample collected from BH1/GW1 (within Davis Park in Stage 6A) may be indicative of regional copper trends and may also be sourced from copper impact in fill in Davis Park. Whilst fill from Davis Park that was assessed as part of this DSI did not exhibit elevated copper, given the nature of fill here (uncontrolled landfilling of heterogenous materials) it is likely that fill conditions across Davis Park will vary widely. Given the observations made in this DSI including anecdotal evidence Davis Park was utilised as a landfill for demolition waste generated during the construction of the Claymore housing development, it is likely that some form of remediation will be required here to resolve asbestos impact. Some form of delineation exercise would benefit the RAP for Davis Park; the delineation exercise should also include further assessment of copper in fill in Davis Park as well as to characterise the nature, extent and contamination status of filling across Davis Park. Depending on the findings of the delineation exercise, further groundwater assessment may be warranted. Given copper concentrations across the site are below the SAC it is unlikely that other significant copper sources are present at the site; and
- Asbestos service trenches and redundant electrical crossings containing asbestos should also be removed and validated prior to bulk earthworks – the party responsible for undertaking such works has not been confirmed at the time of reporting (i.e. the service provider or Landcom). A RAP will be prepared for Stages 5 and 6 by DP which will document the remediation and validation requirements, where required and as identified in this DSI report. The RAP also provides necessary procedures should buried ACM pipes (such as Telstra conduits) be encountered during earthworks.
- Based on the findings of the DSI, it will be necessary to undertake further assessment and/or remediation of asbestos at the site to render the site compatible with the proposed development. Construction, demolition and domestic refuse on the site surface will also require management to ensure that identified aesthetic risks are appropriately managed. As previously mentioned, the RAP will be prepared by DP to document the remediation and validation requirements for the identified impact at the site.

The Advice provides recommendations for addressing contamination issues during the subdivision work. It is concluded that Stage 5 site can be made suitable for the development and will be subject to further investigations and a Remediation Action Plan”.

The submitted report and recommendations were noted and a Remediation Action Plan was sought and subsequently provided (dated November 2022). The RAP concluded as follows:

"Based on the findings of the previous investigations (Section 4) and subject to the limitations of these investigations, the anticipated extent of the proposed remedial works for currently identified impacts is shown in Figure 7. The vertical extent of the remediation is limited to the surface (0 – 0.2 m bgs) for soils impacted with bonded ACM and surface/subsurface (0 – 2.3 m bgs) for soils impacted with AF/FA."

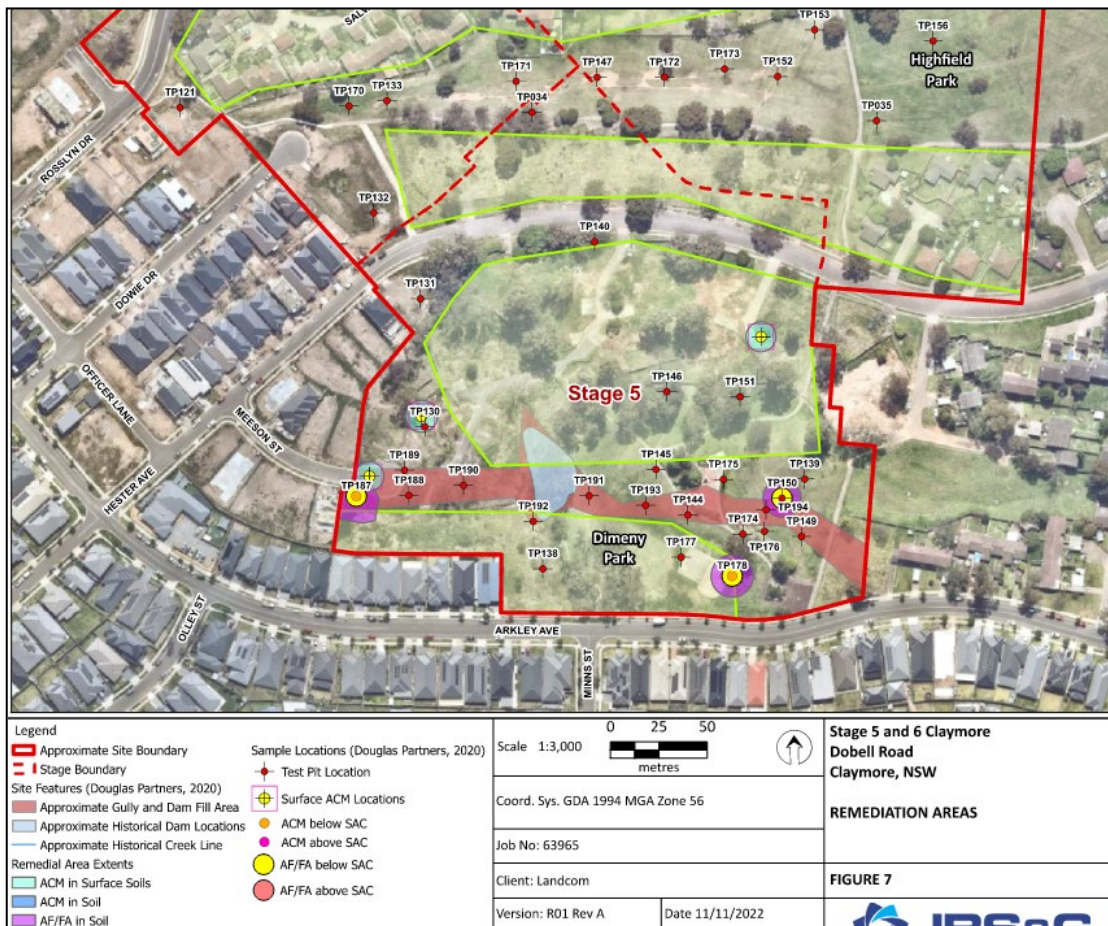


Figure 4 - Remediation Areas

Remediation is required to address the following contamination risks to ensure the suitability of the site for residential land use with areas of public open space, infrastructure and community facilities:

- Bonded ACM fragments were identified on site surfaces at TP130 (Stage 5), TP143, TP148 and TP155 (Stage 6A), TP157 and TP158 (Stage 6B) and three unlabelled locations (Stages 6A and 6B).
- Bonded ACM fragments were identified in surface fill (0 to 0.2 m bgs) at TP126, TP143, TP148, TP166 (Stage 6A), TP178 and TP187 (Stage 5).
- Bonded ACM and AF/FA was identified in fill at depth (1.0 to 2.3 m bgs) at TP137 (Davis Park Stage 6A), including multiple ACM fragments (34) identified between 1.0 – 1.2 m bgs.
- AF/FA was identified below the adopted site criteria in surface fill (0 to 0.2 m bgs) at TP143 (Stage 6A) and TP150 and TP187 (Stage 5). Additionally, ACM in poor condition was identified in surface fill (0 to 0.2 m bgs) at TP178 (Stage 5), this does not present an unacceptable risk

to current and future users at the site, however, needs to be considered during the earthworks from an OH&S perspective.

- Asbestos service trenches and redundant electrical crossings containing asbestos should be removed and validated prior to bulk earthworks.
- Construction, demolition and domestic refuse on the site surface will also require management to ensure that identified aesthetic risks are appropriately managed. Pending demolition of existing building structures, there is the potential for impacts within building footprints where hazardous materials including asbestos may have been used. Data gap assessment requirements are addressed in Section 7.3 and the potential for unexpected contamination finds is addressed in the Contingency Plan in Section 9.

6.3 Remedial Options Assessment

EPA (2017) adopts the NEPC (2013) ASC NEPM preferred remediation hierarchy as follows:

- on-site treatment of the contamination so that it is destroyed or the associated risk is reduced to an acceptable level; and
- off-site treatment of excavated soil, so that the contamination is destroyed or the associated risk is reduced to an acceptable level, after which soil is returned to the site;

or, if the above are not practicable,

- consolidation and isolation of the soil on site by containment with a properly designed barrier; and
- removal of contaminated material to an approved site or facility, followed, where necessary, by replacement with appropriate material; or,
- where the assessment indicates remediation would have no net environmental benefit or would have a net adverse environmental effect, implementation of an appropriate management strategy."

Containment Cells

The applicant has provided a typical detail of the proposed containment cells to be located under Roads 04, 09, 11, 14 and Minns Street, refer to indicative plan figure below:



Figure 5 – Indicative Location of Containment Cells

Containment Cell Agreement

Council received a request from NSW Land and Housing Corporation to support the remediation of lands within the Claymore Renewal Project via the future establishment of containment cells under some roadways.

This would involve:

- Easements registered over parts of new roadways to be dedicated
- Easements to reference an Environmental Management Plan for the containments cells

The request referenced the existing adopted Claymore Voluntary Planning Agreement (VPA) and associated Infrastructure Services Delivery Plan (ISDP) that address the remediation of land.

Council's Coordinator Infrastructure Services reviewed Clause 13.2 of the VPA and advised that the request is consistent with the terms of the VPA and IDSP. The request would also be capable of satisfying *State Environmental Planning Policy (Resilience and Hazards) 2021* upon future determination of a development application and associated conditions.

Aboriginal Cultural Heritage

Extent Heritage Advisors prepared an addendum Aboriginal Cultural and Heritage Assessment in support of the proposed works.

Extent Heritage advised as follows:

"The development of heritage management recommendations in the context of a proposed development is based on the significance or heritage values of the site concerned, the relevant legislative protection, and the feasibility of the overall development.

In general, the avoidance of impact must be recommended as the first or best option for the management of the heritage values of a particular study area. However, the following management strategy has been developed on the assumption that it is not possible to redesign the proposed development in order to completely avoid Aboriginal heritage impact.

Stage 5 of the proposed development is likely to destroy or require the relocation of one identified Aboriginal site, AHIMS #52-2-4196. Unidentified Aboriginal objects may also be found in other parts of the study area during works. If found, these would most likely include low concentrations of artefacts. Under the National Parks and Wildlife Act 1974, any harm or destruction of Aboriginal objects is not permitted without obtaining approval from Heritage NSW, DPC. Given that the development is highly likely to harm and/or destroy AHIMS #52-2-4196 and any potential unidentified Aboriginal objects across the site, it is considered that such an approval must be sought before the works proceed. To obtain an AHIP, this report and other relevant material (e.g. an approved Development Application, an AHIP application form) must be provided to Heritage NSW, DPC for consideration. To avoid delays during development, it is recommended that an AHIP encompassing the entire study area and all associated access and construction requirements be sought."

The assessment provides recommendations for addressing and mitigating any impacts on Aboriginal Archaeological sites within the Stage 5 area:

- *"The potential impacts to AHIMS site #52-2-4196 require an AHIP to be sought from Heritage NSW, DPC. Given the presence of AHIMS site #52-2-4196, it is recommended that an area-wide AHIP for the entire development be sought. This AHIP should consider the relocation of site #52-2-4196. Note that Heritage NSW, DPC will only issue an AHIP once the relevant DA has been granted; depending on the staging of the proposed development, it may be necessary to apply for more than one AHIP.*
- *Work should not commence until the relevant AHIP has been issued and should then be undertaken in accordance with the conditions of the AHIP. Landcom should apply for one AHIP to cover the entire study area. The AHIP will apply to all Aboriginal objects, with the exception of skeletal remains, within the study area. Once the AHIP is issued, development within the study area as well as any impact to AHIMS site #52-2-4196 should be overseen by a suitably experienced and qualified archaeologist as well as RAP representatives.*
- *The present addendum report should be submitted to the RAPs for their records, supported by the initial ACHAR and ATR.*
- *Consultation with the RAPs should continue throughout the planning and development. This will allow stakeholders to remain involved in the management of the Aboriginal cultural heritage issues of the project and will ensure that the present ACHAR remains valid if required to support future AHIP applications.*
- *If the boundaries of the proposed development are revised to include areas not investigated as part of this ACHAR, assessment of these additional areas should be undertaken in order to identify and appropriately manage Aboriginal objects, sites and/or places that may exist in these areas.*
- *The Aboriginal heritage significance of the study area should be recognised in the planning and execution of the proposed development, with due consideration given to the incorporation of heritage interpretation.*
- *All relevant personnel and contractors involved in the design, construction and operation of the proposed development should be advised by Landcom of the relevant heritage issues, legislative requirements and recommendations identified in the ACHAR. This may take the form of a heritage induction.*
- *Aboriginal burials (older than one hundred years) are protected under the National Parks and Wildlife Act 1974 (NSW). If such remains are found or suspected, all works should cease and an appropriate specialist should be contacted. Should the skeletal material prove to be Aboriginal remains, notification to Heritage NSW, DPC and the RAPs will be required. The Commonwealth Minister for the Environment should also be notified under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984."*

Comment

The above recommendations are noted, furthermore the application was forwarded to the Office of Environment and Heritage for review. No response was received however, a condition has been imposed requiring an AHIP application be lodged accordingly.

European Heritage

It is noted that the Stage 5 site does not contain any individually listed items of local heritage significance as listed by Schedule 1 of the Campbelltown Local Environmental Plan 2015.

Utility Services

Utilities such as water, electricity, gas and NBN, are available and can be readily augmented to meet the needs of the proposal.

Bulk Earthworks

The applicant has advised that the proposed development will require bulk earthworks across the site. Overall there is a requirement for fill to be applied within Stage 5 works. The applicant has noted that suitable material will be reused on the site as fill, and unsuitable materials will be removed in accordance with the Waste Management Plan. Additional material will be excavated for road layout and trenching etc.

Fill will be required to achieve the future development levels and will be sourced from within the CURP area where available or transported from off site.

A temporary sediment basin will be constructed and maintained during the construction works.

Waste Management

The applicant has noted that adequate area has been allocated on the verge for each housing allotment to be able to place garbage bins at the kerbside.

Construction Management

The proposed subdivision has the potential for noise and dust emissions during construction. It is anticipated that conditions will be imposed to ensure construction activity will take place in accordance with accepted criteria for construction activity.

Construction will be managed to minimise disturbance to neighboring properties. Construction techniques will seek to avoid the generation of wastes and to achieve a reduction in building wastes to landfill by reusing and recycling construction material wastes where possible.

A Construction Management Plan will be required to be prepared for the site prior to the commencement of construction works. This is to include construction traffic management and construction noise and vibration management measures and is to be conditioned accordingly.

Clause 34A Certification

The Project was approved under former NSW biodiversity legislation, which has since been replaced by the NSW Biodiversity Conservation Act 2016 (BC Act). An application was made by LAHC for certification of the development under Clause 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017. Certification under Clause 34A allows for recognition of past offsetting agreements for Part 3A concept plan approvals under the NSW Environmental Planning and Assessment Act 1979 and does not require further biodiversity assessment or approval under Part 7 of the BC Act.

Clause 34 A certification was approved for the Claymore Urban Renewal Project Area in December 2021. As such, no further biodiversity matters are required to be assessed unless the proposed works extend beyond the Clause 34A certification boundary, or the impacts are increased because of the proposed works causing further biodiversity impacts.

Consistency Assessment – Flora and Fauna Assessment

Cumberland Ecology concluded:

"The proposed development will require the clearing of 0.1 ha of Cumberland Plain Woodland, 0.25 ha of Locally Native Trees (all likely to be planted), 1.2 ha of Planted Non-indigenous Native Trees, 0.12 ha of Exotic Woody Vegetation, and 3.89 ha of a suburban vegetation matrix including parkland areas and areas of maintained and unmaintained exotic dominated grassland. These areas of vegetation all occur in areas where there were proposed impacts under the approved Concept Plan, and the removal is therefore consistent with the Concept Plan approval.

Some marginal potential foraging habitat for threatened fauna species will be removed for the proposed development, however none of the known and potentially occurring threatened fauna species are likely to be dependent on habitat within the Subject Site for their survival. These are all highly mobile species, including threatened bats and birds that access resources from a wider area, including higher quality vegetation within the locality. Some potential roosting/breeding habitat will also be removed, however will be compensated for by the retention and revegetation of native vegetation under the Project's VMP.

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 it was determined not to be a controlled action."

Arboricultural Impact

On 14 October 2022, an Arboricultural Impact Assessment report was prepared by CIVICA that made the following conclusions:

- *"The following Arboricultural Impact Assessment regarding two hundred seventeen (217) trees located within the boundary area of the Claymore Renewal project – Stage 5.*
- *Based on the current sign proposal the majority of trees situated across the site would require removal to facilitate the development, with the exception of seventeen (17) trees situated within the existing, and largely retained Dimeny Park. The primary cause of the negative tree impact is the large scale earthworks involved in levelling/preparing the site which will directly impact the trees root systems by compaction or direct severance during the cut/fill operation, compounded by the targeted trenching and excavation involved in the layout and installation of the extensive road and underground civil infrastructure. Additional impacts during the residential house construction, boundary fencing and service installation was also considered.*
- *The site trees were considered common species in the local area and as such hold limited botanical significance.*
- *The subject site was shown to be within a specific Area of Regional Koala Significance which extended out from the Blue Mountains, however had no BioNet Koala sightings listed.*

- One (1) tree, numbered 106 a *Eucalyptus punctate* (grey Gum) was considered to have existing habitat potential due to observed cavities within its crown. The tree also had a reduced useful life expectancy of less than 10 – 15 years due to poor structure.
- The anticipated root and soil loss that would ensue, due to either direct footprint conflict with new infrastructure or via major Tree Protection Zone (TPZ) encroachment, would render the majority of trees unviable into the future.
- A major rethink and redesign of the site layout would be required to retain existing trees, focusing on retaining existing soil levels in large enough areas, such as pocket parks, to commercially warrant the changes. Large scale plantings, in the form of street tree plantings would be undertaken as part of the proposal to replace the scattered existing canopy cover and increase local amenity.
- The majority of the trees are considered to be planted stock, or possibly self sown from local provenance seed with no significant remnant trees identified. The tree scape is relatively young with 118 (56%) of the existing surveyed trees rated as semi mature and a further 31 trees (14%) rated as juvenile or young specimens. 67 trees (30%) were in the mature category with 1 tree classed as senescent (gradual deterioration of functional characteristics).
- More than 25 species were identified across the site, with the most prevalent being *Eucalyptus microcorys* (Tallowwood), *eucalyptus albens* (White Box), *eucalyptus tereticornis* (Forest red Gum) and *Eucalyptus crebra* (narrow leaved ironbark)



Figure 6 – Site map showing subject trees

- The proposed development site has no trees identified as being of national, state or local heritage significance.

- The site has a mapped fragment of the Critically Endangered Ecological Community (CEEC) Cumberland Plain Woodland in the Sydney Basin within the Stage 5 area. All trees in this area would be removed due to the development impacts.

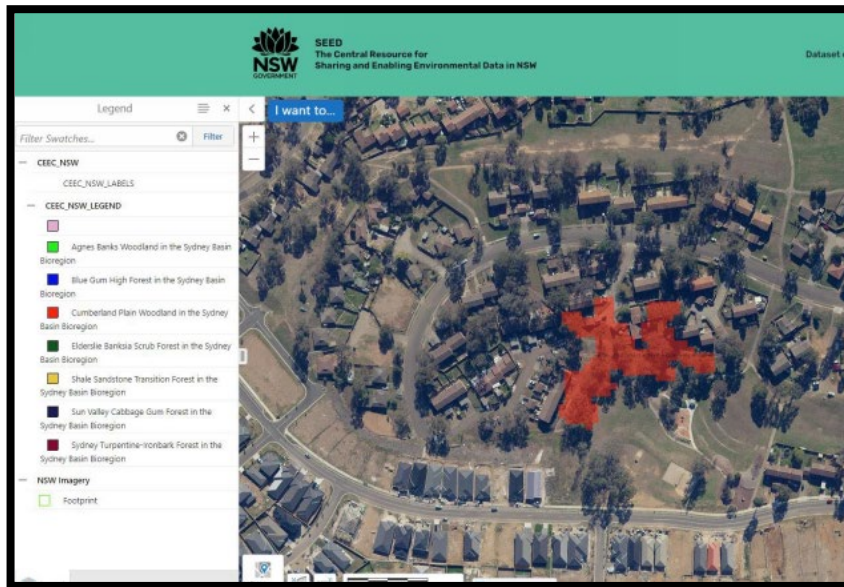


Figure 7 – Fragmented mapped CEEC (Cumberland Plain Woodland)

Street Tree Landscape Master Plan

A street tree landscape master plan was provided as a component of the proposal prepared by JMD design.



Figure 8 – Proposed Street Tree Landscaping Works

The key components of the hard and soft landscaping treatment elements include:-

- continuous concrete footpaths of minimum 1.2m width;
- a 2.5m wide shared pathway linking the rest of the development along the collector and minor collector roads;

- kerb blisters at some intersections to reduce vehicle speeds and increase pedestrian amenity; and
- tree planting to all streets to provide shade, local distinctiveness, seasonal variation and habitat opportunities when mature.

The public domain treatment strategy continues the streetscape established within Stages 1 to 4.

Building Envelope Plans

Building envelope plans have been prepared for lots less than 300 square metres in size (refer to the volume of drawings accompanying the development application). These lots are generally orientated north-south or east-west. This is consistent with Control 8.5 of the Urban Renewal Areas Development Control Plan - Part 9 of Volume 2 Part of Campbelltown (Sustainable City) Development Control Plan 2015.

The building envelope plans show the configuration and orientation of dwellings on each of these smaller lots. The plans also indicate the maximum permissible building envelope (setbacks, storeys, and articulation zones), the location of garages, zero lot line boundaries, and area of private open space.

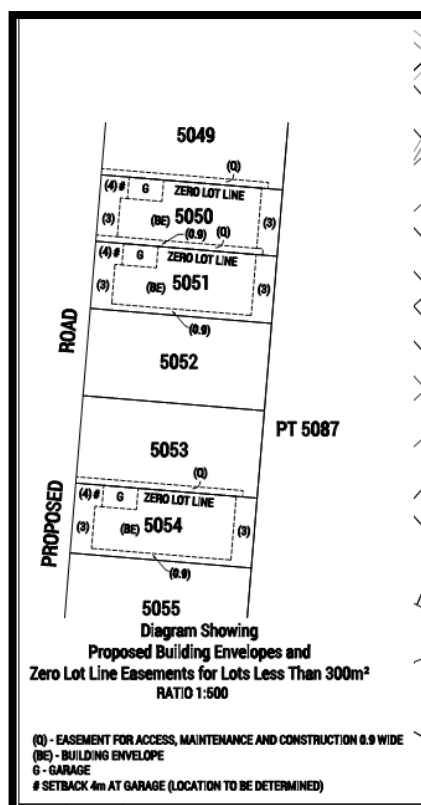


Figure 9 - Building Envelope Plan

Assessment

4. Strategic Context

4.1 Greater Sydney Regional Plan

The Greater Sydney Region Plan (GSRP), is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. In the transformation of Greater Sydney, the needs of a growing and changing population have been broken into three metropolis cities:

- Western Parkland City
- Central River City
- Eastern Harbour City

The GSRP identifies the need for an additional 725,000 dwellings across Greater Sydney between 2016-2036. Approximately 25 percent of this growth will come from the Western Parkland City, which the Campbelltown LGA is a part.

The proposal is consistent with the GSRP in that it seeks to deliver some 86 residential allotments that will help contribute to the GSRP's projected needs by 2036.

4.2 Western City District Plan

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western City over the next 20 years.

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release areas and urban renewal of existing areas close to existing centres. The redevelopment of Claymore will assist in achieving the 0-5 year housing target of 6,800 for Campbelltown as future subdivision and dwelling house applications are lodged.

4.3 Greater Macarthur 2040 (Draft) An interim Plan for the Greater Macarthur Growth Area

Greater Macarthur 2040 is a draft land use and infrastructure implementation plan that, when finalised, will guide precinct planning within the Growth Area. The Plan is supported by strategies for major items of State and local infrastructure and includes an updated structure plan for the land release areas of South Campbelltown.

The Growth Area within the Campbelltown Local Government Area (LGA) would provide for approximately 39,000 dwellings in the land release precincts. Approximately 19,000 of these new dwellings is expected to be delivered in new land releases within the Campbelltown LGA, including Claymore.

The proposal is consistent with the draft Plan as noted. The proposal forms Stage 5 of Land and Housing's land holdings for the Claymore Urban Renewal Project with the provision of creating 86 residential lots, 1 residue lot, 1 lot for future park and associated road and drainage works.

4.4 Local Strategic Planning Statement

On 31 March 2020, the Campbelltown Local Strategic Planning Statement (LSPS) came into force when it was published on the NSW Department of Planning, Industry and Environment's e-planning portal.

The LSPS responds to a number of key strategic documents produced by the Federal and NSW State Governments, as well as by Council, to provide a 20 year land use vision for the Campbelltown LGA. The LSPS delivers four key themes, which are consistent with the Council's Community Strategic Plan. The themes that are most relevant to the proposed development are:

1. A vibrant, liveable city, and
2. A respected and protected natural environment.

The planning priorities, within these themes, that are applicable to the proposed development are:

- Planning Priority 2 - Creating high quality, diverse housing
- Planning Priority 6 - Respecting and protecting our natural assets

The application is consistent with the above strategic directions as the proposal would continue to facilitate the redevelopment of Claymore public housing estate, which would significantly improve the existing public infrastructure.

4.5 Campbelltown 2017-2027 Community Strategic Plan

Campbelltown 2032 is the 10 year Community Strategic Plan for the City of Campbelltown. The Strategic Plan addresses five key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: Community and belonging
- Outcome 2: Places for people
- Outcome 3: Enriched natural environment
- Outcome 4: Economic prosperity
- Outcome 5: Strong leadership

The key outcome most relevant to the proposed development is Outcome 2: Places for people. .

The strategy most relevant to this application is:

- 2.3.1 – Ensure all people in Campbelltown have access to safe, secure, and affordable housing.

The proposed development would facilitate the renewal of aging social housing to revitalise and provide a new supply of social housing in a more inclusive and safe environment.

5. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A 1979, and having regard to those matters, the following have been identified for further consideration.

5.1 Determination of Crown Development Applications

Pursuant to Clause 4.33 of the *Environmental Planning and Assessment Act 1979*, a consent authority must not impose a condition on its consent to a Crown development application, except with the approval of the applicant.

The draft conditions of consent were provided to Landcom for review and concurred with, accordingly.

5.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* sets out provisions relating to the impacts of road noise or vibration on non-road development. The proposed land use is not identified in Clause 2.119.

Clause 2.121 of the SEPP sets out provisions relating to traffic generating development. Referral to the Roads and Maritime Services is not required, as the proposal is not traffic-generating development. The proposed development does not trigger the threshold for traffic generating development as the subdivision is less than 200 allotments and the connection to the site is not within 90m of a connection with a classified road.

A Traffic Impact Assessment prepared by ARUP, Issue 1, dated 11 December 2020, supported the proposal and concluded as follows:

- “• The development application proposes 86 residential dwellings replacing the 63 existing dwellings within the DA boundary;
- All dwellings will be provided with a parking space within their plot reducing the impact of parking on residential streets. Capacity for 30 vehicles to park on street will also be provided;
- The proposed development on the site will generate an additional 25 vehicle trips in the AM peak and an additional 23 vehicle trips in the PM peak.
- Traffic modelling of the Arkley Crescent / Glenroy Drive and Badgally Road / Glenroy Drive intersections indicates they will be able to accommodate the traffic generated by Stage 5 of the Concept Plan adequately and without any major delays;
- Swept path analysis concluded the garbage truck used by Campbelltown City Council can be accommodated within the proposed road network;
- Bus services provide connections to Campbelltown which is the key urban centre in the region and is where the nearest railway station is situated;
- Shared paths within the overall Concept Plan will be complimented by on-road cycle ways on surrounding roads and a regional cycle connection which crosses the Hume Highway; and
- Footpaths are provided throughout the Concept Plan accommodating a range of walking routes which enable access to surrounding schools and in the future the Town Centre uses.”

The assessment was considered by Council's Traffic Engineer who did not raise concern subject to inclusion of conditions as incorporated within the recommended conditions. This includes a condition requiring a Construction Management Plan prior to works commencing.

5.3 State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of Land

Clause 4.1 Object of this Chapter:

- (1) The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.
- (2) In particular, this 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:
 - a. by specifying when consent is required, and when it is not required, for a remediation work, and
 - b. by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
 - c. by requiring that remediation work meet certain standards and notification requirements.

The SEPP introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The proposal is supported by a detailed Contamination Site Assessment for Stage 5 and 6, prepared by Douglas Partners Pty Ltd dated December 2020 and a RAP prepared by JBS&G dated November 2022.

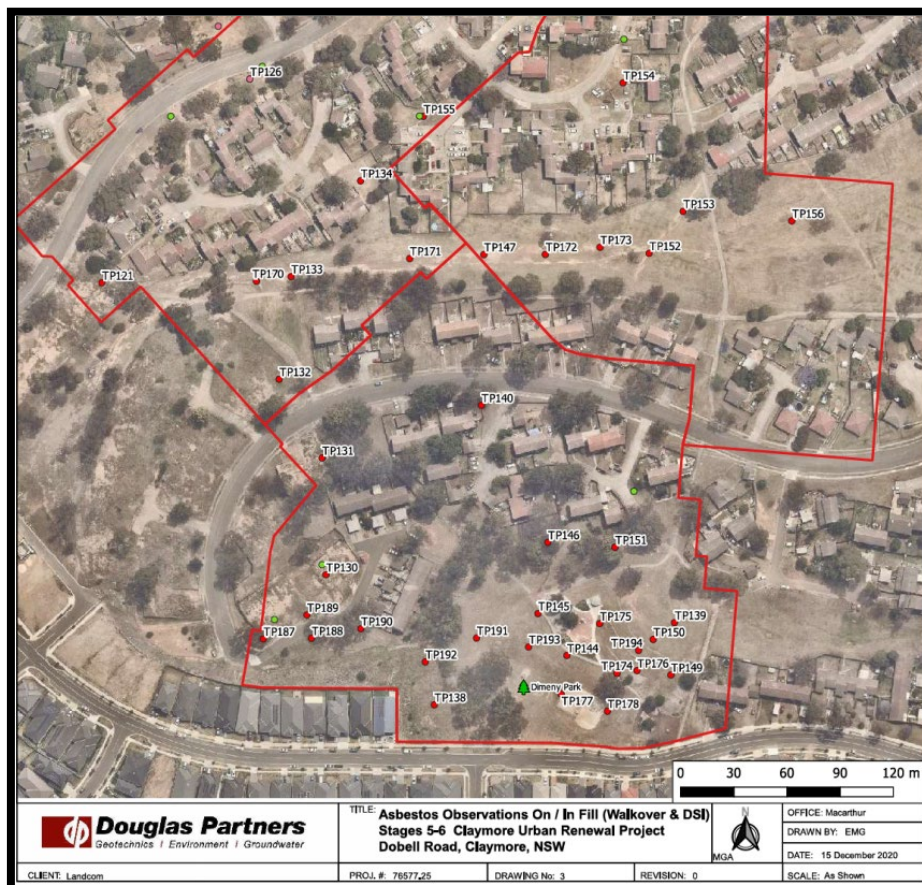


Figure 10 – Asbestos Observations

“Based on the findings of the DSI, it will be necessary to undertake further assessment and/or remediation of asbestos at the site to render the site compatible with the proposed development.

Construction, demolition and domestic refuse on the site surface will also require management to ensure that identified aesthetic risks are appropriately managed. As previously mentioned, the RAP will be prepared by DP to document the remediation and validation requirements for the identified impact at the site.”

It is concluded that Stage 5 site can be made suitable for the development and will be subject to further investigations.

5.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 11 Georges River Catchment

The proposal falls within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

Clause 11.4 Aims and Objectives:

- a. *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- b. *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- c. *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- d. *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
- e. *to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package.*

The proposal does not conflict with any of the relevant provisions and is therefore considered acceptable.

5.5 National Parks and Wildlife Act 1974

Section 90 of the *National Parks and Wildlife Act 1974* requires an Aboriginal Heritage Impact Permit (AHIP) issued by the Chief Executive for any development:

- in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons

Archaeological and Heritage Management Solutions (AHMS) conducted an Aboriginal Cultural Heritage Assessment for the Concept Plan approval and reports on further investigations required by the Concept Plan approval.

These reports included:

- Claymore Urban Redevelopment Project: Aboriginal Cultural Heritage Assessment prepared by AHMS for Landcom May 2012;
- Claymore Urban Renewal Project: Aboriginal Cultural Heritage Assessment prepared by AHMS for UrbanGrowth April 2015;
- Claymore Urban Renewal Project: Archaeological Technical Report prepared by AHMS for UrbanGrowth NSW April 2015.

The site includes an Aboriginal archaeological site, known as Claymore 1, which consists of both surface and subsurface Aboriginal objects (stone artefacts). The objects are distributed in a low density across a highly disturbed area of open space on either side of Dobell Road.

Extent Heritage Advisors prepared an addendum Aboriginal Cultural and Heritage Assessment for Stage 5 of the CURP. The assessment provides a number of recommendations to be implemented prior and during the development phase. The key findings of the assessment are as follows:

Stage 5 of the proposed development is likely to destroy or require the relocation of one identified Aboriginal site, AHIMS #52-2-4196. Unidentified Aboriginal objects may also be found in other parts of the study area during works. If found, these would most likely include low concentrations of artefacts. Under the National Parks and Wildlife Act 1974, any harm or destruction of Aboriginal objects is not permitted without obtaining approval from Heritage NSW, DPC. Given that the development is highly likely to harm and/or destroy AHIMS #52-2-4196 and any potential unidentified Aboriginal objects across the site, it is considered that such an approval must be sought before the works proceed. To obtain an AHIP, this report and other relevant material (e.g. an approved Development Application, an AHIP application form) must be provided to Heritage NSW, DPC for consideration

The application was referred to DPIE in accordance with Division 4.8 of the EP&A Act 1979. No response has been received **as yet** however, a condition has been imposed within the recommended conditions of consent acknowledging the requirement of an AHIP in line with the recommendations of the submitted report.

5.6 Claymore Urban Renewal Concept Plan

Pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (repealed), the Concept Plan was approved by the Minister for Planning and Infrastructure on 24 May 2013.

Clause 3B(2)(d) of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017, requires consent authorities to be satisfied that development is 'generally consistent' with the terms of the approval of the Concept Plan.

The table below provides an assessment of the proposed Stage 11 subdivision against the terms of the Concept Plan.

Schedule of Concept Plan	Requirement	Comment on Consistency
Schedule 3		
Part A – Terms of the Approval 1(a)	<p>Approval of the Claymore concept plan, except as otherwise modified by this approval, including but not limited to:</p> <p>A Masterplan for the long term urban rejuvenation of the estate involving:</p> <ul style="list-style-type: none"> (i) The increase in dwellings from 1,123 to approximately 1,490 (ii) Retention of approximately 140 existing dwellings on separate lots (iii) An increased social mix within the estate of 70 per cent private and 30 per cent public housing (iv) Creation of a new Claymore town centre 	The proposed development is considered generally consistent with the Concept Plan.

	(v) New or upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a series of new interconnecting public roads.	
1(b)	Utilities and infrastructure delivery plan	Consistent
1(c)	Staging Plan	The proposed location of Stage 5 and the revised road layout does not inhibit the delivery of the Concept Plan and is considered to be generally consistent with the terms of the Concept Plan.
1(d)	Claymore Development Control Guidelines	Refer below for an assessment of the proposed development against the Claymore Urban Renewal Development Guidelines.
1(e)	Street Layout and building typologies	All new roads to be created are generally consistent with the CURP, providing a consistent road layout with additional minor collector roads being realigned to provide greater permeability and better lot layout.
1(f)	Street tree and landscaping strategy	A Street Tree hierarchy Masterplan was provided in support of the proposal.
2(a)	The proponent shall carry out the concept plan generally in accordance with the: Claymore Renewal Project Environmental Assessment Report, prepared by BBC Consulting Planners dated September 2011, as amended by Claymore Renewal Project Final Response to Submissions and Preferred Project Report and Appendices, prepared by BBC Consulting Planners dated May 2012	The proposed development is generally consistent with the Environmental Assessment Report prepared by BBC Consulting Planners.
2(b)	Claymore Urban Renewal Development Control Guidelines (May 2012).	Refer below for an assessment of the proposed development against the Claymore Urban Renewal Development Guidelines.
2(c)	Statement of Commitments, dated May 2013	The proposed development is generally consistent with the Statement of Commitments. Further, the Statement of Commitments states that the

		<p>proponent would need to enter into a planning agreement and is to include the items of works in accordance with the Development Contributions Schedule at Annexure 1 of the amended Statement of Commitments.</p> <p>Accordingly, a condition of development consent has been recommended for the development to be consistent with the Statement of Commitments.</p>
2(d)	The terms of this approval	The proposal is considered to be consistent with the terms of the Concept Plan.
3.	<p>Inconsistency between plans and documentation.</p> <p>If there is an inconsistency between the plans and the documentation referred to above, the most recent document shall prevail to the extent of the inconsistency.</p> <p>However the modifications of this concept plan approval prevail to the extent of any inconsistency.</p>	Noted.
4.	<p>Limits on approval</p> <p>This approval does not allow any components of the concept plan to be carried out or construction to occur without further approval or consent being obtained, except for demolition works prescribed in schedule 6. This approval will lapse five years from the date of this approval unless works the subject of any related application are physically commenced, or before that lapse date.</p>	Demolition Plan submitted as a component of the works package.
5.	<p>Determination of future applications.</p> <p>Separate development application for each stage of development of the project shall be lodged other than for demolition works within the project area prescribed in Schedule 6, which is covered by the Ministerial Determinations pursuant to Section 75P.</p> <p>The determination of future applications for development on the site is to be</p>	The subject development application lodged for Stage 5 is generally consistent with Condition No. 5.

	generally consistent with the terms of the approval.	
Part B – Modifications to the Concept Plan		
1. Concept Plan Layout	An amended Concept Plan Layout is to be submitted to the Department of Planning and Infrastructure that identifies the existing Claymore shopping centre site land use as mixed use.	The amended Concept Plan has been accepted by the Department of Planning and Infrastructure.
2. Badgally Road Town Centre	To ensure that a viable town centre is established as part of the Claymore urban renewal project, the following restrictions shall apply to the approved town centre: a) the town centre site area shall be restricted to an area of no greater than two hectares. b) the maximum gross floor area of a supermarket anchor tenant shall be restricted to between 2,500sqm and 3,000sqm and the maximum gross floor area of speciality retail stores shall be restricted to between 1,000sqm and 1,500sqm.	The proposed development does not impact the future town centre site.
3. Entry Statements	Landscape entry statements are to be provided at the key entry points to the estate from Badgally Road. Details of the proposed treatments and works are to be provided and approved by Campbelltown City Council prior to the determination of the development application to which these works apply.	Not Applicable
4. Traffic and Transport	All roads that form part of the final bus route, identified within Appendix 6 of the Preferred Project Report and Appendices, prepared by BBC Consulting Planners dated May 2012, shall be of least minor collector road standard.	Noted.
5.	No development (excluding new roads) shall be permitted to have direct access onto Badgally Road.	The proposed subdivision does not propose direct access from Badgally Road.
6. Special Uses	In recognition of the strong community desire for the continuation of the Baptist Church and the Guardian Angles Child Care Centre, the concept plan is to either show these uses, or the functions and services they provide, continuing at their current locations or at suitable alternative sites identified within the Claymore renewal project site.	The proposed subdivision does not impact the continuation of the Baptist Church or the Guardian Angles Child Care Centre.

Schedule 4 – Further Environmental Assessment Requirements for Applications Under Part 4		
1.General Requirements	The proponent shall ensure that any future applications shall include: a) a detailed description of the layout and design of the proposed development, and b) a demonstration that the project is consistent with the requirements of this approval.	Required details provided with the subject development application documentation.
2.Built Form and Urban Design	Each subsequent subdivision application is to demonstrate consistency with Claymore Urban Renewal Development Control Guidelines.	Refer below for an assessment of the proposed development against the Claymore Urban Renewal Development Control Guidelines.
3.Built Form and Urban Design	To ensure appropriate land use relationships between the retail and community uses are achieved, the proposed land use layout for the new town centre is to demonstrate consistency with the land use layout contained within Appendix 1 of the Preferred Project Report and Appendices, prepared by BBC Consulting Planners dated May 2012, as amended by modification 2, Part B Schedule 3, within the relevant development application under the concept plan.	The development application proposes one (1) residue and one (1) park allotment (Dimeny Park) that would be the subject of a separate development application.
4.	Any future development application for the creation of residential allotments or seniors living development fronting Badgally Road must refer to the document entitled Environmental Criteria for Road Noise to enable Council to properly consider potential impacts on that residential development that may arise from the developments proximity to potential road noise and to determine if there are any particular conditions of consent that should be imposed upon that development.	Not applicable
5.	To ensure that the natural character of Badgally Road streetscape is retained and integrated into the Claymore urban renewal project, the Badgally Road vegetation buffer is to be planted in accordance with the Entry Road and Hill Tops planting schedule within the Claymore Urban Renewal - Urban and Landscape Master Plan, prepared by AECOM, dated 12 May 2012, in development applications lodged	Not applicable

	involving landscaping along the Badgally Road streetscape.	
6.Traffic Transport	All roads that form part of the final bus route, identified within Appendix 6 of the Preferred Project Report and Appendices, prepared by BBC Consulting Planners dated May 2012, shall be of least minor collector road standard.	Noted.
7.Development Contributions	Each development application for subdivision for each of the stages must be consistent with the Statement of Commitments or an executed planning agreement and identify how any relevant contributions of works in kind required for that stage will be delivered.	<p>Council has received a letter of offer, dated 19 January 2018, from NSW Land and Housing Corporation to enter into a Voluntary Planning Agreement (VPA).</p> <p>The terms of the VPA and associated Infrastructure Services Delivery Plan (ISDP) are currently under consideration.</p> <p>A condition of consent has been recommended for the VPA to be executed prior to the issue of a subdivision certificate.</p>
8.Biodiversity Offset Package	Prior to the determination of any future development application for development under the concept plan, the proponent must satisfy Campbelltown City Council that the biodiversity offset package has been approved by the Director-General and consistency is demonstrated within the proposed development.	Concurrence was received from the Department by letter October 2013.
9.Vegetation Management	The draft Vegetation Management plan is to be finalised and approved by Campbelltown City Council prior to determination of development applications of stages to which these works relate under the approved concept plan.	The Vegetation Management Plan, prepared by Cumberland Ecology, dated September 2014, was approved by Council on 9 October 2014.
10.Heritage	Consistent with the Statement of Commitments made by the proponent, prior to the determination of development applications of stages to which these works relate under the approved concept plan, the proponent must demonstrate that the recommendations of the Aboriginal Cultural Heritage Assessment have been finalised.	Not Applicable

11.	Any future development application for development under the concept plan on land immediately adjoining Glenroy and Hillcrest shall demonstrate compliance with the recommendations of the View Corridor and Visual Curtilage Study of Glenroy and Hillcrest attached to the Preferred Project Report.	The proposed development is not considered to impact either Glenroy or Hillcrest.
12.Site filling and disposal	Any future applications are to provide details of the nature and extent of any cut and fill that is required to be undertaken. Compliance with the relevant Campbelltown City Council's requirements (as relevant to cut and fill) should also be demonstrated.	The proposed development is considered satisfactory in terms of the extent of cut and fill required in order to facilitate the Concept Plan.
13.Uilities	The provision of utilities and services are to be carried out generally in accordance with the Infrastructure Servicing Report prepared by Mott McDonald Hughes Truman (dated June 2011). Each future application for residential subdivision and commercial/retail development shall demonstrate consistency with the Infrastructure Servicing Report.	The supporting SEE concluded that the proposal is consistent with the Concept Plan and the associated Infrastructure Servicing Report.
14.Contamination	Prior to any future application for subdivision and if required by the Phase 1 Contamination Assessment approved with the concept plan, a detailed Phase 2 contamination assessment must be carried out in accordance with the requirements of State Environmental Planning Policy No 55 - Remediation of Land.	Capable of compliance, condition to be imposed.
15.Flooding	Any future application for subdivision are to demonstrate compliance with the flood management measures outlined in the Part 3A Concept Plan, Water Cycle Management Study and Flooding Analysis prepared by Mott McDonald Hughes Truman, attached to the Preferred Project Report.	The site is not subject to any significant flood risk being outside of local flood fringe waters and is considered a low hazard zone for site flooding.
16.Water Quality and Riparian Corridors	Any future applications for subdivision are to provide details on the proposed water sensitive urban design infrastructure, to the satisfaction of the consent authority.	The applicant has confirmed that the proposed stormwater quantity / quality management and adopted detailed design criteria will ensure that the development of Stage 5 will meet the required levels of onsite water quantity and quality discharge.

17.Future Development		
17(a)	Include an assessment of construction impacts, including noise, traffic, soil and erosion (including acid sulphate soils where relevant), waste, and dust, and identify the mitigation and management measures that would be implemented to address these impacts	Adequate information provided.
17.(b)	Demonstrate compliance with the Water Sensitive Urban Design principles established in the concept plan	Adequate information provided in support of the application.
17.(c)	Where applicable, demonstrate compliance with the commitments and management procedures detailed in the Vegetation Management Plan, including the strategy for retention of trees on site	Condition to be imposed to comply with the requirements of the Vegetation Management Plan.
17.(d)	Demonstrate that habitable floor levels are located above the 100 year ARI flood level plus 500mm freeboard, and that appropriate flood evacuation can be provided for dwellings located below the probable maximum flood level	Not Applicable
17.(e)	Provide details on noise attenuation measures for residential land affected by the Hume Highway (M5) in accordance with the approved concept plan	Stage 5 will not be affected by noise emanating from the Hume Highway.
17.(f)	Demonstrate compliance with the Planning for Bushfire Protection 2006	The subject site is not mapped as bush fire prone lands.
17.(g)	Demonstrate that ESD measures have been incorporated into the design of the buildings to reduce water and energy consumption in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Residential development does not form part of the proposed development. Residential development would be the subject of future development applications.
17.(h)	Subdivision plans in accordance with Council's requirements and illustrate the following: i. dimensions of the proposed allotments ii. location of all structures proposed and retained on the site iii. access points iv. a detailed survey showing existing and proposed levels and quantities of fill, and v. any easements, rights of way, covenants or other restrictions either existing or required as part of the development.	Provided.

18.Future Development	In addition to the requirements of 17.e) above, any future development applications for subdivision for future residential purposes within Stage 2 that may be affected by noise emanating from the Hume Highway (M5) shall be accompanied by noise assessments demonstrating satisfactory environmental and residential amenity is achieved.	The development application is not within Stage 2 of the Concept Plan.
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It is considered that the proposed subdivision is generally consistent with the terms of the Concept Plan.

5.7 Claymore Urban Renewal Development Control Guidelines

The terms of the Concept Plan require all subdivision applications to demonstrate consistency with the Claymore Urban Renewal Development Control Guidelines (DCG). The DCG apply to all land within the Claymore Urban Renewal area.

The DCG were prepared to guide the design of subdivision and construction of housing in the Claymore Urban Renewal area. The provisions of the DCG are site-specific and reflect the planning and design objectives of the Concept Plan.

The aims of the DCG are to:

- Ensure that the intentions of the Airds Bradbury and Claymore concept plan approvals are met;
- Ensure that controls and guidelines are in place for dwellings on lots created by subdivision of land within the urban renewal areas;
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
- Facilitate innovative development of high quality design and construction in the urban renewal areas;
- Encourage the creation of safe, secure and liveable environments; and
- Provide for a variety of high quality housing choices within the City of Campbelltown.

It is considered that the proposed development is generally consistent with the above aims of the DCG.

Part 2 Subdivision Guidelines

The objectives of the subdivision guidelines within the DCG are as follows:

- 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.

Part 4 Desired Future Character for Urban Renewal Areas

The desired future character of the urban renewal areas is noted as follows:

- Provides a range of dwelling types in response to market demands;
- Provides new dwellings that address and reinforce the street through appropriate building siting and orientation;
- Provides buildings that can be constructed to enhance safety through design, by providing casual surveillance over areas of public open space, including streets and paths;
- Provides medium density housing types, such as attached dwellings and manor homes in appropriate locations such as near shopping centres and parks;
- Encourages more active and inviting streetscapes by designing car parking structures and hardstand areas to complement the built form of dwellings and to avoid dominating the streetscape.

The proposed subdivision is generally in accordance with the intent of the desired future character as noted.

Part 8 Neighbourhood Subdivision

The objectives of the subdivision guidelines within the DCG are as follows:

- *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 proposed development satisfies the above objectives as a range of residential allotment sizes are proposed ranging between 247sqm and 751.4sqm, and a public reserve of 8,944sqm. The proposed allotments are capable of accommodating a range of housing types and are able to efficiently respond to the existing site conditions. In addition, the proposal is capable of providing safe connections to the existing pedestrian and vehicular access points as proposed.

Part 8.2 Neighbourhood Subdivision

The urban design intent for subdivision in the renewal areas is to create an urban structure based on:

- a more inter-connective street system focussing movement onto streets;
- reconfigured open spaces responding to community needs and providing safe and accessible spaces linked to the pedestrian and cycle network;
- improved community safety by introducing street edges to open spaces and fronting housing towards open spaces;
- establishing new roads to create new blocks of a size suitable for a variety of lot sizes and to improve vehicle and pedestrian accessibility and safety.

The proposed allotments range in size from 247 m² and 8,944 m².

Comment

The proposed subdivision creates a permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles. The layout will encourage a range of dwelling types, whilst promoting pedestrian movement throughout.

An assessment of the proposed development against the relevant subdivision provisions of the DCG is summarised below:

Claymore Urban Renewal Development Control Guidelines			
Control	Guideline	Proposed	Compliance
2. Subdivision Guidelines			
2.3 Development Guidelines: Allotment Size and Design			
1.Residential Allotment Design	Design of residential allotments shall have regard for the impact of orientation, slope, and aspect to facilitate solar access to future dwelling development.	The proposed subdivision design has given appropriate regard to orientation, slope, and aspect to future dwelling development.	Complies
2.Street Frontage	All proposed allotments shall have a street frontage.	All proposed allotments have a street frontage.	Complies
3.Battle Axe Allotments	Battle axe lots shall only be permitted where a street frontage cannot otherwise be provided because of existing conditions.	Battle axe allotments are not proposed.	Not Applicable

4.Minimum Site Area	All allotments intended for residential housing will have a minimum site area of 200sqm with a minimum width measured at the building line of 6 metres.	The proposed allotments range in area from 247sqm - 8,944sqm.	Complies
5.Allotment Width	Any allotments 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 access way.	Not Applicable	Not Applicable
6.Minimum Depth	Allotments are to have a minimum depth of 25 metres.	A minimum of 25m is provided.	Complies

For proposed allotments less than 300 m², building envelope plans are proposed (as identified above) which prescribe the maximum permissible building envelopes in accordance with the Claymore

Urban Renewal Development Control Guidelines (DCG).

An assessment of the proposed building envelope plan for allotments less than 300 m² is provided in accordance with Part 3 Dwelling Controls of the DCG:

Claymore Urban Renewal Development Control Guidelines			
Control	Guideline	Proposed	Compliance
3. Dwelling Controls			
3.1 Dwelling Guidelines			
1.Maximum Site Coverage	65%	Future Development is capable of complying with this requirement	Capable of Compliance
2.Primary Street Setback	3m	3m	Complies
3.Secondary Street Setback	1m	Not Applicable	Not Applicable
4.Rear Boundary Setback	1m for rear garage or 3 m where no garage	3m	Complies
5.Side Setbacks	Lot width 6 – 8 m: 0 Lot width 8 – 10 m: one side zero and 0.9 m the other	0.9m	Complies
6.Built to Boundary (Zero lot line walls)	Lot width 6 – 7 m: 0.9m both sides Lot width 8 – 10 m: one side and 0.9 m the other	0m – 0.9m	Complies
7.Maximum length of zero lot line walls	66% of total depth	To be verified with lodgement of dwelling application	Capable of compliance

8.Garage setbacks	1 m for rear access garage or 4.0 m to primary street	4m to primary street identified	Complies
9.Garage dominance	Rear access garage (6 m max door width) or single garage only to primary street	Single garage proposed to primary street	Complies
10. Principal Private Open Space area	16sqm (provision of 4m x 4m square)	To be verified with lodgement of dwelling application	Capable of Compliance
11.Maximum building height	9.5 m	To be verified with lodgement of dwelling application	Capable of compliance
12.Maximum floor area for detached studio on laneway	45 m ² (not to be separately titled)	No laneways proposed.	Not applicable

5.8 Development Contributions

Schedule 4 of the Concept Plan lists the following condition in relation to development contributions:

"Prior to the determination of any development application for subdivision and consistent with the proponent's Statement of Commitments, a voluntary planning agreement (VPA) to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions, and the nature of any dedications or works in kind, is to be negotiated and executed with Campbelltown City Council."

The Concept Plan was modified on 22 October 2013 to allow a planning agreement to be provided prior to the lodgement of any development application for subdivision relating to Stage 3 of the Concept Plan:

"Prior to the lodgement of any development application for subdivision relating to Stage 3, a planning agreement to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions, and the nature of any land dedications or works in kind, is to be negotiated and executed with Campbelltown City Council and must be consistent with the proponent's Statement of Commitments."

Each development application for subdivision for each of the stages must be consistent with the Statement of Commitments or an executed planning agreement and identify how any relevant contributions of works in kind required for that stage will be delivered.

Pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, Council received a letter of offer, dated 19 January 2018, from NSW Land and Housing Corporation to enter into a Voluntary Planning Agreement (VPA). The VPA was executed 02 September 2019.

5.9 Campbelltown Local Environmental Plan 2015

The subject site is zoned part R2 Low Density Residential and part RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015.

The proposed development is permitted with consent under the provisions of Clause 2.6 of CLEP 2015.

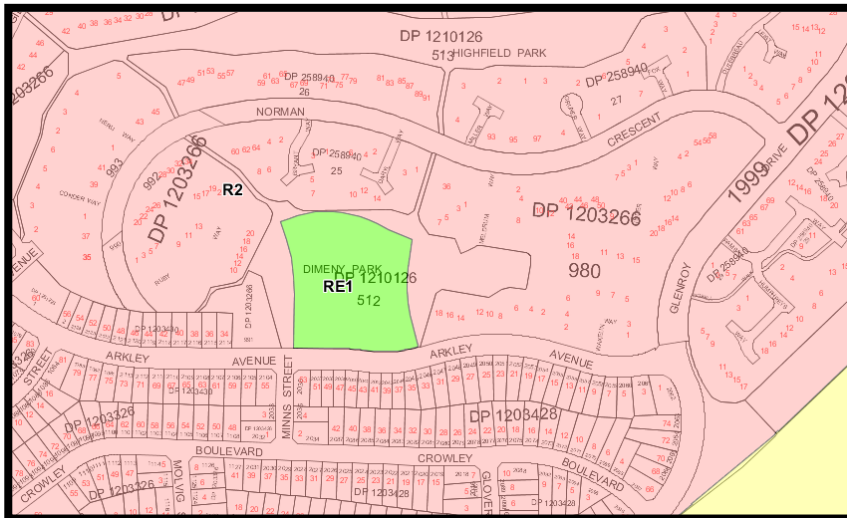


Figure 10 – Zoning Extract

The objectives of the R2 Low Density zone are as follows:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale
- To minimise overshadowing and ensure a desired level of solar access to all properties
- To facilitate diverse and sustainable means of access and movement.

And, the Objectives of the RE1 Public Recreation zone are noted as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for land uses compatible with the ecological, scientific, cultural or aesthetic values of land in the zone.
- To facilitate the multiple use of certain open space areas.
- To facilitate development that is ancillary or incidental to the special land uses provided for in this zone.
- To provide for the sufficient and equitable distribution of public open space to meet the needs of the local community.

- *To preserve and rehabilitate bushland, wildlife corridors and natural habitat, including waterways and riparian lands, and facilitate public enjoyment of these areas.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance areas of scenic value and the visual amenity of prominent ridgelines.*
- *To preserve land that is required for public open space or recreational purposes.*

The proposal is generally in accordance with the nominated objectives.

Applicable LEP Clauses as relevant to the proposal are noted as follows:

Clause 2.6 Subdivision – Consent Requirements

Clause 2.6 of CLEP states that land to which CLEP 2015 applies may be subdivided, but only with development consent.

Torrens title subdivision is sought as a component of this development application.

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1(3) states that the size of any lot resulting from subdivision of land must not be less than the minimum shown on the Lot Size Map. The Lot Size Map identifies a minimum lot size of 500sqm for the area zoned R2 Low Density Residential.

The development application proposes the following allotments:

Lot No.	Lot Size	Frontage	Depth
5000 Dimeny Park (Public Reserve)	8,944 m ²	86m to Arkley Avenue	82.9m
5001	375.5 m ²	12.5m	30m
5002	412.7 m ²	12.5m plus splay corner 5.7m	21.5m
5003	344.2 m ²	13.5m	25.5m
5004	551.3 m ²	12.5m	42.5m
5005	505.5 m ²	12.5m	38.5m
5006	462.5 m ²	10.7m	35m
5007	463 m ²	10.2m	32.2m
5008	434.6 m ²	11.3m	30.4m
5009	403.5 m ²	10.8m plus splay corner 9m	23.5m
5010	499.6 m ²	18.1m plus splay corner 5.3m	29.8m
5011	376.2 m ²	12.5m	29.8m
5012	378.2 m ²	12.5m	30.3m
5013	364 m ²	12.5m	30.5m
5014	447.8 m ²	12.5m	31.5m
5015	637 m ²	9m	34.2m
5016	751.4 m ²	9m	31.6m

5017	389.7 m ²	13.1m	29.7m
5018	410.2 m ²	13.4m	29.7m
5019	458 m ²	11.8m	31.2m
5020	695.9 m ²	11.8m plus splay corner 10.9m	30m – 39.4m
5021	503.7 m ²	12.5m	39.4m
5022	555.6 m ²	12.6m	36.8m
5023	500 m ²	11.9m	34.2m
5024	430.9 m ²	7.2m plus splay corner 6m	28.1m
5025	394.2 m ²	12.5m	31.6m
5026	316.5 m ²	10m	31.6m
5027	317.6 m ²	10m	31.7m
5028	425.9 m ²	9.6m plus splay corner 5.7m	27.9m
5029	375 m ²	12.5m	30m
5030	375 m ²	12.5m	30m
5031	378 m ²	12.6m	30m
5032	303.6 m ²	10.1m	30m
5033	300 m ²	10m	30m
5034	375 m ²	12.5m	30m
5035	375 m ²	12.5m	30m
5036	300 m ²	10m	30m
5037	340.4 m ²	11.9m	30m
5038	598.7 m ²	25m	32.6m
5039	536.3 m ²	20.9m	31.7m
5040	319.6 m ²	10.2m	31.7m
5041	317 m ²	10m	31.7m
5042	317 m ²	10m	31.7m
5043	317 m ²	10m	31.7m
5044	317 m ²	10m	31.7m
5045	317 m ²	10m	31.7m
5046	317 m ²	10m	31.7m
5047	396.3 m ²	10m	31.7m
5048	396.3 m ²	12.5m	31.7m
5049	345.6 m ²	9.6m plus splay corner 5.7m	Varying 22m – 26m
5050	247 m ²	9.5m	26m
5051	249.6 m ²	9.6m	26m
5052	325 m ²	12.5m	26m
5053	325 m ²	12.5m	26m
5054	260 m ²	10m	26m
5055	372.7 m ²	15.2m	26m
5056	376.2 m ²	12.5m	30.1m
5057	376.2 m ²	12.5m	30.1m
5058	301 m ²	10m	30.1m
5059	301 m ²	10m	30.1m
5060	376.3 m ²	12.5m	30.1m
5061	380 m ²	12.6m	30.1m
5062	412.2 m ²	9.1m	31.1m
5063	439.2 m ²	9.1m	32.2m

5064	388.1 m ²	10.2m	31.7m
5065	407.8 m ²	11.3m	30.1m
5066	300.1 m ²	10m	30m
5067	450 m ²	15m	30m
5068	450 m ²	15m	30m
5069	375 m ²	12.5m	30m
5070	300 m ²	10m	30m
5071	300 m ²	10m	30m
5072	300 m ²	10m	30m
5073	375 m ²	12.5m	30m
5074	375 m ²	12.5m	30m
5075	301.7 m ²	10m	30m
5076	450 m ²	15m	30m
5077	376.3 m ²	12.5m	30m
5078	300.2 m ²	10m	30m
5079	343.6 m ²	13.1m	30m
5080	455.7 m ²	21.1m	30.4m
5081	403.9 m ²	16.7m	30.5m
5082	302.6 m ²	10m	30m
5083	375 m ²	12.5m	30m
5084	375 m ²	12.5m	30m
5085	300 m ²	10m	30m
5086	300 m ²	10m	30m

A number of allotments are inconsistent with the minimum allotment size as specified by CLEP 2015. However, the proposed allotment sizes are generally consistent with the minimum allotment sizes as identified in the Concept Approval.

Clause 3B(2)(f) of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 states that the provisions of any environmental planning instrument do not have effect to the extent to which they are inconsistent with the terms of the Concept Plan.

The lot size and number of allotments proposed are consistent with the Concept Plan approval in that:

- The Concept Plan approval established an overall minimum lot size of 200 m²;
- The subdivision is consistent with the estimated lot yield requirements;
- The proposal will enhance housing diversity in the locality;
- The proposal is consistent with the approved Design Guidelines.

In this regard, the proposed lot sizes are consistent with the Concept Plan approval. The Concept Plan approval prevails in relation to the inconsistency with the minimum lot size mapping as specified under CLEP 2015. The minimum proposed lot size is noted as 247 m².

Therefore, the minimum lot size guidelines within the Concept Plan prevail to the extent of any inconsistency with the CLEP.

Clause 5.10 Heritage Conservation

Pursuant to Clause 5.10 require the consent authority to consider the impacts of the proposal on Aboriginal and European heritage within Campbelltown.

Comment:

A Stage 5 Addendum Aboriginal Cultural Heritage Assessment Report was submitted in support of the proposal and concluded as follows:

"The current Stage 5 design plans will result in impacts to AHIMS 52-2-4196. Therefore, recommendations have been made for the mitigation of this potential heritage impact in the form of relocation of AHIMS 52-2-4196 within the proposed smaller curtilage of Dimeny Park. This was given support by Goobah Cultural Heritage Technical Services."

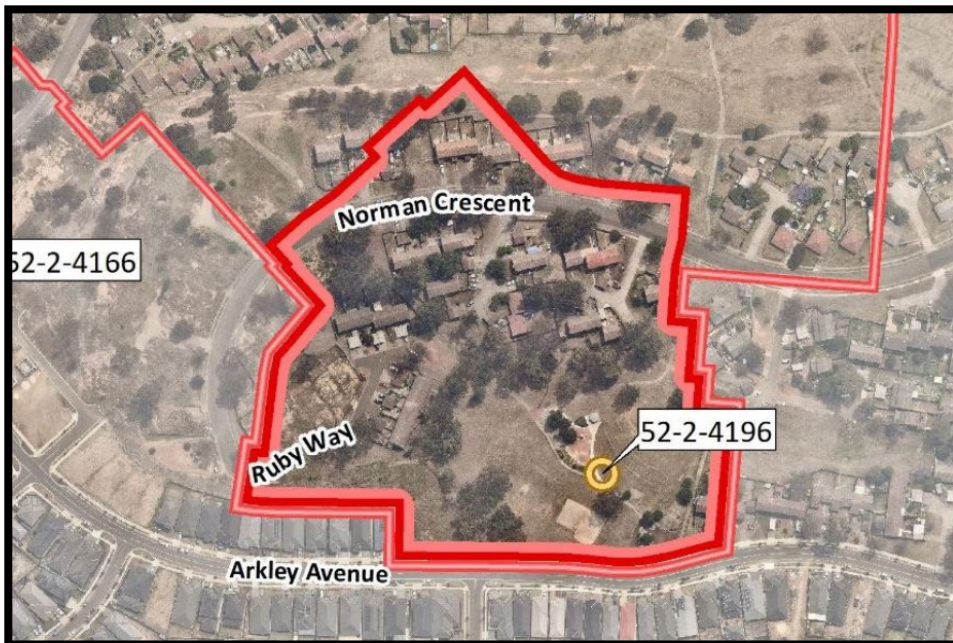


Figure 11- AHIMS 52-2-4196

In addition recommendations have been identified as follows:

- " The potential impacts to AHIMS site #52-2-4196 require an AHIP to be sought from Heritage NSW, DPC. Given the presence of AHIMS site #52-2-4196, it is recommended that an area-wide AHIP for the entire development be sought. This AHIP should be directed at the relocation of site #52-2-4196. Note that Heritage NSW, DPC will only issue an AHIP once the relevant DA has been granted; depending on the staging of the proposed development, it may be necessary to apply for more than one AHIP.*
- Work should not commence until the relevant AHIP has been issued and should then be undertaken in accordance with the conditions of the AHIP. Landcom will apply for one or more AHIPs covering the whole study area. The AHIP or AHIPs will apply to all Aboriginal objects, with the exception of skeletal remains, within the study area.*
- Once the AHIP is issued any impact to AHIMS site #52-2-4196 should be overseen by a suitably experienced and qualified archaeologist. The RAPs would also appreciate the opportunity to oversee impacts to this site.*

- *The present addendum report should be submitted to the RAPs for their records, supported by the initial ACHAR and ATR.*
- *Consultation with the RAPs should continue throughout the planning and development. This will allow stakeholders to remain involved in the management of the Aboriginal cultural heritage issues of the project and will ensure that the present ACHAR remains valid if required to support future AHIP applications.*
- *If the boundaries of the proposed development are revised to include areas not investigated as part of this ACHAR, assessment of these additional areas should be undertaken in order to identify and appropriately manage Aboriginal objects, sites and/or places that may exist in these areas.*
- *The Aboriginal heritage significance of the study area should be recognised in the planning and execution of the proposed development, with due consideration given to the incorporation of heritage interpretation.*
- *All relevant personnel and contractors involved in the design, construction and operation of the proposed development should be advised by Landcom of the relevant heritage issues, legislative requirements and recommendations identified in the ACHAR. This may take the form of a heritage induction. Traditional Aboriginal burials (older than one hundred years) are protected under the National Parks and Wildlife Act 1974 (NSW). If such material is found or suspected, all works should cease and an appropriate specialist should be contacted. Should the skeletal material prove to be Aboriginal remains, notification to Heritage NSW, DPC and the RAPs will be required. The Commonwealth Minister for the Environment should also be notified under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.*

Comment

The application was referred to NSW Office of Environment and Heritage for their review. No response was received.

However, conditions have been imposed to minimise impact upon the known artefacts and in addition, a condition is also recommended should there be any unexpected finds, works are to cease and Council and appropriate experts are to be consulted prior to works commencing again.

Clause 6.1 Arrangements for designated State public infrastructure

Pursuant to Clause 6.1 of the CLEP 2015, development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.

Comment

Urban release area means the area of land identified as "Urban Release Area" on the Urban Release Area Map.

The Urban Release Area maps do not identify Claymore as an urban release area. As a result, no satisfactory arrangement certificate is required to be provided for Claymore.

Clause 6.2 Public Utility Infrastructure

Pursuant to Clause 6.2 of the CLEP 2015, development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Comment

Clause 6.2 does not apply as Claymore is not an identified urban release area, however, it is noted that the proposed development is capable of being appropriately serviced by reticulated sewer, potable mains water, electricity and telecommunications.

Clause 6.3 Development Control Plan

Pursuant to Clause 6.3 of the LEP 2015, development consent must not be granted for development on land in an urban release area unless a Development Control Plan (DCP) has been prepared for the land. The DCP must include details of staging, transport movement, landscaping, recreation areas, water management, environmental hazards, urban design, higher density living, commercial uses and public facilities.

Comment

Clause 6.3 does not apply as Claymore is not an identified urban release area, however, it is noted that a site specific Development Control Plan and the Campbelltown (Sustainable City) Development Control Plan 2015 apply to the subject land.

Part 7 Additional Local Provisions

Clause 7.1 Earthworks

Pursuant to Clause 7.1 of the CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The proposed works would involve the re-contouring of the site to facilitate appropriate gradients for infrastructure delivery and residential development.

- (b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The proposal would facilitate the release of residential allotments.

- (c) the quality of the fill or the soil to be excavated, or both,

Comment: A condition is recommended that ensures quality of all soils is of a residential standard.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposal would likely impact on the amenity of adjoining properties. Such impacts are not unreasonable and conditions are recommended to ensure the amenity of adjoining properties is maintained.

- (e) the source of any fill material and the destination of any excavated material,

Comment: The applicant has advised that there is a requirement for fill to be applied to the site. Suitable material will be reused on the site and unsuitable materials will be removed in accordance with the Waste Management plan as submitted. Fill will be required to achieve the future development levels.

- (f) the likelihood of disturbing relics,

Comment: Potentially as it is noted that the site is of archaeological potential as concluded within the Aboriginal Cultural Assessment.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment: The proposal includes provisions for erosion and sediment control measures to mitigate any adverse impacts, additionally, conditions have been recommended that ensure appropriate erosion and sediment controls measures are maintained for the life of the development.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: The proposal seeks to utilise existing levels, where possible, throughout the site to avoid the requirement for earthworks.

A condition is recommended that ensures appropriate erosions and sediment control measures are in place for the life of the development.

Clause 7.10 Essential services

Pursuant to Clause 7.5 of the CLEP 2015, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road and vehicular access,
- (f) telecommunication services,
- (g) the supply of natural gas.

Comment: The proposal includes provisions for the future connections to all essential services.

It is recommended that conditions form part of the determination that ensures adequate arrangements for essential services are made before the release of a subdivision certificate.

5.10 Campbelltown (Sustainable City) Development Control Plan 2015

All development is required to conform to all relevant requirements contained in Part 2 of Campbelltown (Sustainable City) Development Control Plan 2015 (DCP 2015). The below table details the assessment of the proposal in accordance with the relevant requirements of DCP 2015.

The following considerations from the SCDCP are relevant:

Part 2- Requirements Applying to All Types of Development

Control	Requirement	Proposed	Compliance
2.2(a) Site Analysis	A Site Analysis Plan shall be lodged with the development application	A site analysis plan was provided with the development application.	Complies
2.5(a) Landscaping	Landscape design shall enhance the visual character of the development and complement the design / use of spaces within and adjacent to the site.	The proposed street tree landscaping treatment is satisfactory.	Complies
2.5(e)	The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	Street tree landscape plan was provided in support of the application.	Complies
2.7(a) Erosion and Sediment Control	An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application	Recommended condition of consent.	Capable of Compliance
2.8.1(a) Cut and Fill	A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	The proposed cut and fill levels are considered satisfactory.	Complies
2.10 Water Cycle Management		The submitted report concludes the proposal's stormwater quality and quantity are feasible and achieve compliance with the regulatory requirements. The civil works results in a design that collects and	Complies. Conditions to be imposed

		discharges stormwater in a controlled manner that is similar to pre-development levels. Council's Development Engineer has reviewed the design and believes that it is capable of containing the stormwater and disposing of it appropriately.	
2.10.2(a) Stormwater	All stormwater systems shall be sized to accommodate the 100-year ARI event (refer to Section 4 of Council's Engineering Design Guide for Development.	Recommended condition of development consent to comply with Council's Engineering Design Guide for Development.	Complies
2.10.2(l)	Where applicable, the development shall incorporate the creation of an appropriate easement to manage stormwater in accordance with Council's Engineering Design Guide for Development	The submitted report concludes the proposal's stormwater quality and quantity are feasible and achieve compliance with the regulatory requirements.	Conditions recommended
2.11 Heritage	<p>Ensure that new development takes appropriate account of the significance of heritage items, heritage conservation areas, relics and their settings.</p> <ul style="list-style-type: none"> ■ Respect the City's heritage resource. ■ Promote the protection or conservation of those resources wherever possible. ■ To conserve the environmental and cultural heritage of the City in accordance with the principles contained within the Burra Charter 	Application was referred to NSW Office of Environment and Heritage in accordance with the Heritage Act 1977 and Section 4.46 (formally Section 91A) of the Environmental Planning and Assessment Act 1979, as the proposal requires an Aboriginal Heritage Impact Permit.	<p>Capable of Compliance</p> <p>AHIP to be obtained.</p>

2.12(a) Retaining Wall	Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.	Council's standard condition to be imposed.	Capable of Compliance
2.15 Waste Management	a) A detailed Waste Management Plan (WMP), prepared by an appropriately qualified waste management professional, shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.	A waste management plan has been provided in support of the application and a condition is recommended that ensures appropriate waste provisions are provided throughout the lifecycle of the development.	Capable of Compliance
2.16 Provision of Services	Objectives: <ul style="list-style-type: none"> ■ Ensure that development is provided with adequate water and power supply. ■ Ensure that the operations, installation and maintenance of on-site sewage systems do not: <ul style="list-style-type: none"> • impose risks on public health; • result in any potential contamination to groundwater, and natural and artificial watercourses. • result in degradation of soil structure. 	The proposal would facilitate provisions to extend services so that the works integrate seamlessly into the existing service network. It is recommended that a condition be included in the determination that ensures that the appropriate service authorities are involved throughout the development to ensure that the services are not disrupted.	Capable of Compliance

The proposed development is generally in accordance with the relevant requirements of Part 2 of DCP 2015.

Part 3.8 Residential Subdivision

Part 3.8 of SCDCP 2015 contains requirements that apply to residential subdivision. Compliance with the relevant controls is outlined in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
3.8.1(a) Residential Subdivision	Subdivision shall have appropriate regard to orientation, slope, aspect and solar access.	Subdivision has appropriate regard to orientation, slope, aspect and solar access.	Complies
3.8.1(b) Residential Subdivision	Subdivision design shall comply with the requirements specified in Council's Engineering Design Guide for Development	Conditions of consent are recommended to ensure compliance.	Capable of Compliance
3.8.1(c) Residential Subdivision	Where relevant, roads shall be designed to provide satisfactory level of services for the evacuation of occupants in the event of emergency.	Road design allows evacuation in the event of emergency.	Capable of Compliance
3.8.1(d) Residential Subdivision	Subdivision shall promote through street access and minimise the number of cul-de-sacs.	Subdivision pattern promotes through street access. Temporary turning heads provided, that will be removed once future subdivisions are delivered.	Complies
3.8.1(e) Residential Subdivision	Roads/access handles shall be provided to separate allotments from any park, reserve, waterway and the like.	Roads provided to separate allotments from riparian corridors and parks.	Complies
3.8.1(f) Residential Subdivision	All allotments within a subdivision that are located adjacent to the intersection of local public roads (existing or proposed) shall provide a splay in accordance with Council's Engineering Design Guide for Development to ensure adequate	All residential allotments within the subdivision that are located adjacent to an intersection are provided with a splay.	Complies

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	sight distances and maintain footpath widths.		
3.8.1(g) Residential Subdivision	Residential subdivision shall be designed to address the public domain.	Residential subdivision designed to address the public domain.	Complies
3.8.1(h) Residential Subdivision	Wherever possible, subdivision design shall avoid the creation of allotments that have rear boundaries (and fencing) that adjoin the public domain.	The subdivision design has provided an appropriate regard to the adjoining public domain.	Complies
3.8.1(i) Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is part of an environmental corridor as specified by the Office of Environment and Heritage or any other government agency shall not be included within the calculated area of land unless the relevant public agency is satisfied that that part of the allotment is capable of being developed.	All residential lots satisfy the minimum lot size and are capable of being developed.	Complies
3.8.1(j) Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is subject to bushfire, flooding or other risk (excluding mine subsidence) shall not be included within the calculated area of land unless it is demonstrated to Council's satisfaction that the site can be appropriately	The subject site is not identified as bushfire prone land.	Not Applicable

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	managed in a manner that retains the ability to be developed for the purpose to which it is intended under the zone.		
3.8.1(k) Residential Subdivision	Access to residential subdivisions shall not be permitted to any classified road where alternative access can be made available via the non-classified road network.	Access to subdivision is via a non-classified road.	Complies
3.8.1(l) Residential Subdivision	Extensive use of battle-axe configuration in the subdivision of new areas shall be avoided, where possible.	No battle-axe lots.	Complies
3.8.2 (a) Torrens Title Subdivision	Any residential allotment created by Torrens Title subdivision for the purpose of a dwelling house development in areas zoned R2 and R3 shall satisfy the following standards: i) a minimum width of 15 metres measured along the side boundaries at a distance of 5.5 metres from the front property boundary; ii) a minimum width of 7 metres measured between the extended property side boundaries where they intersect with the kerb line; and iii) a minimum depth of 25 metres.	The proposal includes allotments less than 15m. All lots have a minimum width of 7m measured between the side boundaries at the kerb line. All lots have a minimum depth of 25m (excluding corner splays)	Does Not Comply**, (refer below for justification) Complies Complies

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
3.8.9 (a) Subdivision and Waste Management	Subdivision shall be designed and constructed so that upon completion:		
	i) kerbside waste collection vehicles are able to access bins from the kerbside at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin;	Waste collection vehicles capable of accessing bins from the kerb-side.	Complies
	ii) adequate space behind the kerb is provided for the occupant of each premises to present 1 x 140 litre bin and 1 x 240 litre bin side-by-side, a minimum 300mm apart;	Adequate space available for presentation of bins to kerb.	Capable of compliance
	iii) where it is not possible to provide bin collection points immediately in front of each allotment, a concrete pad shall be constructed at the closest practical location to the allotment for garbage collection;	Collection points available in front of each lot.	Complies
	iv) the location for kerbside presentation provides a minimum 4 metres overhead clearance for the operation of the collection vehicle (eg. no trees or transmission lines overhanging the bins).	Adequate overhead clearance space for collection vehicle.	Complies

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	v) waste collection vehicles are not required to make a reverse movement to service bins.	Reverse movement not required to service bins.	Complies

Justification - Minimum Allotment Width

Part 3.8.2 (a) i) of the SCDP requires that residential subdivision facilitate allotments that have a minimum lot width of 15m, measured at the building line. The proposed development includes numerous allotments that are less than the prescribed 15m.

Airds/Claymore/Bradbury Development Control Plan stipulates a minimum lot frontage of 9m. The allotments as presented within Stage 5 subdivision comply with the nominated control.

It is noted that the minimum allotment frontage widths within the Concept Plan prevail to the extent of any inconsistency with CLEP.

5.11 Volume 2 Campbelltown (Sustainable City) Development Control Plan 2015

Part 9 - Urban Renewal Areas - Airds, Bradbury and Claymore

The following considerations from the Urban Renewal Areas DCP are considered relevant:

Section 1.8 Aims and Objectives of the URADCP

The aims of this URADCP are to:

- Ensure that the intentions of the Airds Bradbury and Claymore concept plan approvals are met;
- Ensure that controls and guidelines are in place for dwellings on lots created by subdivision of land within the urban renewal areas;
- Ensure that the principles of ecological sustainability are incorporated into the design, construction and ongoing operation of development;
- Facilitate innovative development of high quality design and construction in the urban renewal areas;
- Encourage the creation of safe, secure and liveable environments; and Provide for a variety of high quality housing choices within the City of Campbelltown.

The objectives of the URADCP are:

Social:

1. Provide for a mixture of housing types;
2. Provide housing that responds to the network of open spaces, focal points and community facilities;
3. Ensure safety and security through passive surveillance of streets and open space areas by following the principles of 'safety by design'.

Environmental:

1. Establish quality streetscapes which add to the visual and environmental amenity of the site;
2. Encourage environmentally responsible building practices including solar passive design solutions for all housing;
3. Encourage built form consistent with the Desired Future Character.

Economic

1. Ensure that the future development enhances the surrounding suburbs and positively impacts upon market values in the area;
2. Create variety in housing types and tenure mix which is marketable and feasible;
3. Provide appropriate housing for low income earners, the aged and people with disabilities.

The proposal is generally consistent with the nominated aims and objectives as identified.

Part 2 Requirements Applying to All Types of Development

Control	Guide	Proposed	Compliance
Clause 2.2 Additional Controls Regarding Noise	Under Section 3.4.3 Acoustic and Visual Privacy of the SCDCP 2015 any future development application for residential lots or seniors living development fronting Badgally Road must refer to the document entitled Environmental Criteria for Road Noise (EPA 2010), to enable Council to properly consider potential impacts on that residential development that may arise from the developments proximity to potential road noise and to determine if there are any particular conditions of consent that should be imposed upon that development.	Not Applicable	Not Applicable
Clause 3.3 Additional Controls Regarding Retaining Walls	Section 2.12 of the SCDCP 2015 does not apply to neighbourhood subdivision.	Noted.	Not applicable
Clause 2.4 Future Applications	Pursuant to the terms of the concept plan approvals for Airds Bradbury and Claymore, any future applications for dwellings (that are not defined as exempt or complying development) within the sites shall: 1. include an assessment of construction impacts, including noise, traffic, soil and erosion (including acid sulphate soils where relevant), waste, and dust, and identify the mitigation and management measures that would be implemented to address these impacts;	Noted.	Not applicable, application relates to subdivision works.

	2. demonstrate that habitable floor levels are located above the 100 year ARI flood level plus 500mm freeboard, and that appropriate flood evacuation can be provided for dwellings located below the probable maximum flood level;	Noted.	Not applicable
	3. demonstrate compliance with the Planning for Bushfire Protection 2006; and	Noted.	Not applicable subject site is not identified as Bushfire Prone Land.
	4. demonstrate that ESD measures have been incorporated into the design of the buildings to reduce water and energy consumption in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.	No dwelling construction proposed.	Not applicable

6. Planning Assessment

6.1 EP&A Act 4.15 (1)(b) – Likely Impacts

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority must consider the development's potential impacts on the natural and built environment, as well as, potential social and economic impacts of the development.

The key matters for consideration when considering the potential impacts on the natural and built environment are as follows:

- Aboriginal Cultural Heritage
- Stormwater impacts
- Dimeny Park
- Social and Economic Impacts
- Construction Impacts

Heritage

The Stage 5 design will impact AHIMS site #52-2-4196 and will require an AHIP to be sought from Heritage NSW. It is noted that recommendations have been made for the mitigation of this impact in the form of surface collection prior to development. Where feedback was received, the majority of registered Aboriginal parties (RAPs) agree with the proposed mitigation measure.

Development consent condition has been recommended and incorporated within the notice of determination.

Stormwater Impacts

Council's Development Engineer reviewed the stormwater assessment response from Council's Technical Services section and has recommended conditions of development consent.

Dimeny Park

Proposed Lot 5000 – future Dimeny Park.



Part 6 – Dimeny Park of the VPA describes the future works as follows:

“Dimeny Park will retain as much existing vegetation as possible, embellished with low planting relocate playground equipment centrally and retain cultural items within the park. Refer to Figure 6.1 for Dimeny Park Concept Plan.”

Figure 6.1 – Dimeny Park



Figure 12 – VPA Requirements

A future application (if required) is to be lodged for the embellishment works to Dimeny Park.

Social and Economic Impacts

The proposed subdivision will facilitate the future residential development of the land to provide for the housing needs of the community, which will provide tangible social and economic benefits.

Socially, the proposal will deliver vacant residential allotments that will facilitate an increase of housing supply to help improve housing choice and affordability. The proposed development will also facilitate active and passive recreation areas that will promote social interactions and passive surveillance.

Economically, the proposal will be beneficial to the overall local economy with workers being employed during the construction phase of the development and future residents spending in the local economy once the allotments contain dwelling houses.

Construction Impacts

The applicant has advised that a Construction Management Plan (CMP) would be prepared for Stage 5 prior to construction commencing to mitigate any potential impacts on the amenity of nearby existing dwellings and existing land uses within the locality. A condition of development consent has been recommended for a CMP to be prepared prior to the commencement of any works.

The proposal includes several erosion and sediment control measures that will seek to alleviate any nuisance to any residents as well as the surrounding road network.

7.0 Referrals

7.1 External

Department of Environment and Heritage

The application was referred to the Department of Environment and Heritage for their review.

No response was received.

7.2 Internal

Development Contributions Officer

Development contributions do not apply to this application (if it corresponds with the VPA proposed lots).

Contributions for this development have already been met.

Development Engineer

Council's Development engineer reviewed the submitted proposal and noted that no objections were raised subject to inclusion of attached conditions.

Environment (Contamination & Acoustic)

Council's Environment Officer reviewed the submitted Contamination report and noted that no objections were raised subject to validation of the soils.

Conditions are to be imposed within Notice of Determination, accordingly.

Council's Officer reviewed the Acoustic Assessment and raised no objections.

Environment (Flora and Fauna) Peer Review Anderson Environmental Planning

Anderson Environmental Planning Consultancy was engaged by Council to carry out a peer review (Attachment 3) of the submitted ecological and arboriculture documentation.

The report concluded as follows:

1. *Overall there is a lack of consistency through the project documents to clearly identify the area subject to the DA.*
 - a. *For example the cover page on the Landscape Plans identifying the Stage do not reflect subsequent figures within the package;*
 - b. *The only figure within the SEE is outdated;*
 - c. *The Stage boundary used in the report has minor discrepancies to the final subject site but detail is sufficient for the purposes of the report;*
 - d. *Figure 1 in the Civico Arborist report is difficult to follow in the context of the development. Rightly it has included the temporary basin to be constructed, however the northern and western boundaries of the figure do not otherwise align with the stage boundary.*
2. *The DA has demonstrated that the project and impacts are commensurate with the previous State and Commonwealth Approvals including agreed offsets.*
3. *A copy of the Civil Plans are requested for review.*
4. *Further review of potential tree retention based on cut/fill and subdivision layout.*
5. *Further consideration for the use of trees commensurate with Cumberland Plain Woodland within the Landscape Street Trees.*
6. *The SEE be updated to reflect the conclusions within the various reports that it references and an updated figure be included to clearly identify the subject site.*

The review was forwarded to Landcom for comment.

Their response is noted as follows:

"we have overlayed the trees and civil plans including cut and fill and are attached for your reference..... the extent of cut and fill works will make it very difficult to retain trees as TPZ and SRZ's will be impacted. Further, the TPZ and SRZ of trees will sit across multiple proposed lots which will also potentially cause issues for the future purchasers. If the zones were to be considered in the lot layout design, the targeted yield as per the concept plan would not be able to be met.

Additionally, other works required for developments such as services reticulations (sewer, water, electrical, gas and NBN etc.), the relocation of existing services, drainage and footpaths also make it difficult to retain the existing trees due to the large TPZ and SRZ's.

Our team had explored several options to retain existing trees. However, to accommodate the no of lots and services the current design proposed was considered the best outcome."



Figure 13 – Cut & Fill Overlay

Comment

The response is noted and as highlighted every endeavour will be made to ensure best possible outcomes for the site and overall ecological retention and replacement will be made.

8.0 EP&A Act 4.15 (1)(c) – Suitability of the Site

Section 4.15 (1)(c) of the EP&A Act requires that the consent authority must consider the suitability of the site when determining a development application. The site is considered suitable for the proposed residential subdivision. The land is mapped as an urban release area and has been zoned to provide for future residential development.

The proposed dimensions, areas and orientation of the allotments are considered adequate to facilitate the siting, design and construction of future residential development.

The land once subdivided will contribute positively to the desired future character of the locality by enabling the construction of future dwellings within the residential zone.

9.0 Public Participation

Section 4.15 (1)(d) of the EP&A Act requires that the consent authority must consider any submissions made in relation to a development proposal.

The application was publicly notified and exhibited from the 29 January 2021 to the 23 February 2021. The exhibition was in line with the statutory requirements and the Council's notification policies.

No submissions were received, in response.

10.0 Conclusion

Stage 5 of the Claymore Urban Renewal Concept Plan proposes the subdivision of land creating 86 residential lots, 1 residue lot, 1 lot for future park and associated road and drainage works as identified. The proposed development is generally consistent with the terms of the Claymore Urban Renewal Concept Plan.

The continued redevelopment of the Claymore public housing estate is anticipated to have positive social and economic impacts for the immediate locality and the wider community due to the provision of improved housing in a renewed urban environment.

Overall, having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant matters discussed within this report, it is considered that the development be approved, subject to the recommended conditions of consent in Attachment 1.

Attachment 1 – Draft Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan Detail	Revision Number	Prepared by	Date
Project No. 300178162.05.D001 Site Survey Sheet 1 Cover Sheet & Locality Plan	2	SMEC	10 December 2020
Project No. 300178162.05.D002 Site Survey Sheet 2 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D003 Site Survey Sheet 3 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D004 Site Survey Sheet 4 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D005 Site Survey Sheet 5 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D006 Site Survey Sheet 6 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D007 Site Survey Sheet 7 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D008 Site Survey Sheet 8 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D009 Site Survey Sheet 9 Detail Survey	2	SMEC	10 December 2020

Project No. 300178162.05.D010 Site Survey Sheet 10 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D011 Site Survey Sheet 1 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D012 Site Survey Sheet 12 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D013 Tree Detail Survey Sheet 13 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D014 Tree Detail Survey Sheet 14 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D015 Tree Detail Survey Sheet 15 Detail Survey	2	SMEC	10 December 2020
Project No. 300178162.05.D016 Tree Detail Survey Sheet 16 Detail Survey	2	SMEC	10 December 2020
Plan of Proposed Subdivision Claymore Stage 5 Ref:19100(5)DA Sheet 01 of 04	B	JMD Development Consultants	17 December 2020
Plan of Proposed Subdivision Claymore Stage 5 Ref:19100(5)DA Sheet 02 of 04	B	JMD Development Consultants	17 December 2020
Plan of Proposed Subdivision Claymore Stage 5 Ref:19100(5)DA Sheet 03 of 04	B	JMD Development Consultants	17 December 2020
Plan of Proposed Subdivision Claymore Stage 5 Ref:19100(5)DA Sheet 04 of 04	B	JMD Development Consultants	17 December 2020
Civil Plan Package Cover Sheet Proposed Works Ref:300178164.05.DA001	02	SMEC	17 December 2020
Civil Plan Package Sheet Schedule & Notes Ref:300178164.05.DA002	02	SMEC	17 December 2020
Civil Plan Package Demolition Plan	02	SMEC	17 December 2020

Ref:300178164.05.DA011			
Civil Plan Package Existing Services Removal Plan Ref:300178164.05.DA021	02	SMEC	17 December 2020
Civil Plan Package General Arrangement Plan Ref:300178164.05.DA031	02	SMEC	17 December 2020
Civil Plan Package Set Out Plan Ref:300178164.05.DA036	02	SMEC	17 December 2020
Civil Plan Package Typical Road Cross Sections Sheet 01 Ref:300178164.05.DA041	02	SMEC	17 December 2020
Civil Plan Package Typical Road Cross Sections Sheet 02 Ref:300178164.05.DA042	02	SMEC	17 December 2020
Civil Plan Package Cut & Fill Plan Ref:300178164.05.DA051	02	SMEC	17 December 2020
Civil Plan Package Civil Works Plan Sheet 01 Ref:300178164.05.DA101	02	SMEC	17 December 2020
Civil Plan Package Civil Works Plan Sheet 02 Ref:300178164.05.DA102	02	SMEC	17 December 2020
Civil Plan Package Road Longitudinal Section Road 04 Ref:300178164.05.DA201	02	SMEC	17 December 2020
Civil Plan Package Road Longitudinal Section Road 11 Ref:300178164.05.DA202	02	SMEC	17 December 2020
Civil Plan Package Road Longitudinal Section Road 09 & Road 14 Ref:300178164.05.DA203	02	SMEC	17 December 2020
Civil Plan Package Road Longitudinal Sections Hester Avenue & Minns Street Ref:300178164.05.DA203	02	SMEC	17 December 2020
Civil Plan Package Existing Catchment Plan Ref:300178164.05.DA501	02	SMEC	17 December 2020

Civil Plan Package Proposed Catchment Plan Ref:300178164.05.DA502	02	SMEC	17 December 2020
Civil Plan Package Temporary Detention Basin Plan & Section Ref:300178164.05.DA551	02	SMEC	17 December 2020
Civil Plan Package Retaining Wall Plan Ref:300178164.05.DA601	02	SMEC	17 December 2020
Civil Plan Package Linemarking & Sign Posting Plan Ref:300178164.05.DA801	02	SMEC	17 December 2020
Civil Plan Package Linemarking & Sign Posting Plan Ref:300178164.05.DA811	01	SMEC	17 December 2020
Civil Plan Package Soil & Water Management Plan Ref:300178164.05.DA851	01	SMEC	17 December 2020
Civil Plan Package Soil & Water Management Details Sheet 01 Ref:300178164.05.DA861	01	SMEC	17 December 2020
Civil Plan Package Soil & Water Management Details Sheet 02 Ref:300178164.05.DA862	01	SMEC	17 December 2020
Landscape Plan Package Cover Sheet Drawing No.L01	A	JMD Design	17 December 2020
Landscape Plan Package Path Hierachy Master Plan Drawing No.L02	A	JMD Design	17 December 2020
Landscape Plan Package Street Tree Hierachy Master Plan Drawing No.L03	A	JMD Design	17 December 2020
Landscape Plan Package Streetscape Plan No. 01 Drawing No.L04	A	JMD Design	17 December 2020
Landscape Plan Package Streetscape Plan No. 02 Drawing No.L05	A	JMD Design	17 December 2020
Landscape Plan Package Streetscape Sections No. 01 Drawing No.L06	A	JMD Design	17 December 2020

Landscape Plan Package Streetscape Sections No. 02 Drawing No.L07	A	JMD Design	17 December 2020
Landscape Plan Package Material & Plant Palette Drawing No.L08	A	JMD Design	17 December 2020

Supporting Documentation

Report on Detailed Site Investigation Claymore Urban Renewal Project Stages 5, 6A and 6B, Dobell Road, Claymore, NSW Project 76577.25 Revision 04	Douglas Partners	December 2020
Remediation Action Plan Stage 5 and 6 Claymore Renewal Project Project 63956/148.389 Revision B	JBS & G Australia Pty Ltd	November 2022
Claymore Urban Renewal Project Aboriginal Cultural heritage Assessment Stage 5 Addendum Revision 02	Extent heritage Advisors	November 2020
Construction Waste Management Plan Stage 5	SMEC	undated
Engineering Design Report Claymore Stage 05 Job No. 300178164 Revision 00	SMEC	December 2020
Arboricultural Impact Assessment Stage 5 - Claymore	Civica	14 October 2022
Noise and Vibration Impact Assessment Claymore Urban Renewal Project, Stage 5 Project No. 190469 Revision C	JHA Services	17 October 2022
Transport Impact Assessment Stage 5 Job No. 272742 Issue 01	ARUP	December 2020

2. Concept Plan Approval

The development is to be generally consistent with the Terms of the Ministers Concept Plan Approval dated 24 May 2013, that applies to the subject land.

3. Vegetation Management Plan

The development must be carried out in accordance with the Vegetation Management Plan, prepared by Cumberland Ecology, dated September 2014 and as finalised July 2015.

Should there be any inconsistency with the approved plan, the Vegetation Management Plan is to be updated accounting for any work incursions within the open space areas demonstrating consistency with the approved Vegetation management Plan 2015 and the approved Biodiversity Offset Strategy. This may include an addendum for the purposes of future open space embellishment works and must demonstrate overall consistency with the Claymore Masterplan approval and the biodiversity offset ratios as approved in the Biodiversity Offset Strategy.

4. Claymore Water Cycle Management Plan

The development is to be generally in accordance with the requirements of the final Water Cycle Management Plan for Claymore prepared by Northrop (07 October 2021, Revision D).

5. Voluntary Planning Agreement

The development must be consistent with the requirements of the Claymore Renewal Project Planning Agreement that applies to the land. The provision and timing of infrastructure as detailed in the Claymore Renewal Project Planning Agreement between New South Wales Land and Housing Corporation (NSW LAHC) and Campbelltown City Council (CCC) dated July 2019, or as amended or otherwise agreed by the parties, must be undertaken by the Applicant in accordance with that Agreement throughout the Agreement's operation.

6. Statement of Commitments

The development is to be carried out generally in accordance with the Statement of Commitments contained within the Claymore Urban Renewal Concept Plan, approved by the Minister for Planning and Infrastructure on 24 May 2013.

7. Remediation of Land

The site shall be remediated as part of the subdivision works.

Remediation shall be undertaken generally in accordance with the Remediation Action Plan, Document No. 63956/148,389 (Rev B), prepared by JBS&G Australia Pty Ltd, dated 17 November 2022.

8. Separate Planning Approval - Future Embellishment Works

All works to be completed in accordance with the VPA for Dimeny Park.

Separate planning approval may be required for the future landscape embellishment works of the new Dimeny Park.

9. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

10. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works.

11. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

12. Unreasonable Noise, Dust and Vibration

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

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

13. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan.

14. Shoring and Adequacy of Adjoining Property

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

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

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

15. Boundary of Works

No works are permitted to occur outside of the limit of works shown on the approved plans.

Prior to the commencement of works, the boundary of the limit of works must be appropriately demarcated via appropriate fencing and signage.

16. Lighting

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

17. Obligation to Minimise Harm to the Environment

The Applicant shall implement, in accordance and consistent with this consent all reasonable and practicable measures to prevent or minimise any harm to the environment that may result from the development.

18. Statutory Requirements

The Applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

19. Statutory Requirements – Waste Management

The Applicant shall obtain any necessary approvals for the management and disposal of waste that may be required under the Protection of the Environment Operations Act 1997 and the Waste Avoidance and Recovery Act 2001.

20. Staging/Timing of Works

- a) The Applicant shall not commence remediation works on the site until it has:
- complied with the relevant conditions of this consent applicable prior to the commencement of remediation works; and
 - received and complied with the relevant conditions that may be specified by the EPA through any requirements, licences or approvals under the Protection of the Environment Operations Act 1997, the Environmentally Hazardous Chemicals Act 1985 and the Contaminated Land Management Act 1997.
- a) The Applicant shall not commence civil works for the relevant development components until it has:
- complied with the relevant conditions of this consent applicable prior to commencement of civil works;
 - removed all contaminated materials from the site, for disposal and/ or treatment; and
 - received certification from an EPA-accredited Site Auditor that the site has been remediated and validated as being appropriate for its intended use.

21. Subdivision Works Certificate

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

- a. the applicant shall appoint a Principal Certifier;
- b. the applicant shall obtain a subdivision works certificate for the particular works; and

- c. when Council is not the Principal Certifier, the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision works certificate by either Campbelltown City Council or the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision works certificate.

22. Containment Cell Agreement

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, an agreement between Council and Land and Housing (LAHC) must be executed to comply with the general terms of agreement in support of the remediation of lands within the Claymore Renewal project via the establishment of containment cells under a number of roadways within Stage 5 (as denoted upon the submitted plan), and which involves:

- Easements registered over parts of new roadways to be dedicated;
- Easements to reference an Environmental Management Plan for the containments cells.

23. Utility Servicing Provisions

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

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

24. Geotechnical Report

Prior to the appointed Principal Certifier issuing a subdivision works certificate, comprehensive geotechnical site inspection and testing shall be undertaken, and an accompanying engineering report prepared and submitted to the Certifying Authority for approval. The report must include but not be limited to the following:

- a. Be signed, dated, and certified as fit for purpose by a suitably qualified and experienced professional engineer registered on the NER (or equivalent);
- b. Geotechnical assessment details of; overall site development, architectural and engineering plans, suitability in relation to the site's geotechnical characteristics, and, compliance with any geotechnical requirements outlined in the BCA, Campbelltown City Council's (Sustainable City) Development Control Plan, Engineering Design for Development, and any other current best practice guidelines;
- c. Identification of land that will be subject to subsidence, slip, slope failure or erosion, where; excavation and/or filling exceeds 900mm in depth, or is identifiable as filled land;
- d. Required demolition, excavation, retention, and stabilisation techniques;

- e. Suitability of excavated materials for use on-site;
- f. Construction methods to avoid problem areas associated with loose, weak foundation materials and groundwater seepage;
- g. Requirements for surface and subsurface drainage lines including proposed method of collection and discharge in accordance with Council's requirements;
- h. Analysis and assessment of the level of risk to all existing adjacent structures/buildings, caused by use of vibratory rock breakers and other earthworks machines used anywhere within the site the subject of these works. In the event that the proposed development, its construction, and use of vibratory rock breakers or other machinery could affect adjacent structures/buildings, high risk areas and method of mitigation must be identified on a plan and discussed in the report. This analysis shall include outlining the potential for possible damage to adjoining premises from excavation on the site, and specifying safe method(s) of underpinning the adjoining premises to prevent such damage. a detailed dilapidation survey shall be prepared and annexed to the report, determining condition of surrounding buildings and property, presence and type of underground/basement levels, foundation and footings, and zone of influence, for all neighbouring properties that may be adversely impacted by construction;
- i. Requirements for minimizing construction noise and vibration during all phases of construction;
- j. Recommended treatment of unstable areas within the site subject of these works, and surrounding privately owned allotments;
- k. Extent and stability of any existing and proposed embankments;
- l. Impact of the installation of services on overall site stability and specify recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
- m. Specification of foundation conditions and footing requirements of the site, such as bearing pressures, pile design parameters, special techniques for expansive clays, saline soil conditions, ground water management and drainage etc, and provide solutions for consideration of structural and civil engineers;
- n. All required geotechnical testing requirements; prior, during and post construction, which shall be completed by a NATA registered geotechnical laboratory; and
- o. Level of geotechnical supervision required for each part of the works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments.

25. Soil and Water Management Plan

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, a detailed soil and water management plan shall be submitted for approval.

26. Road Construction (New)

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

The categories and traffic loadings to be adopted for the design of the road pavements shall be as follows;

Road No.	Category	Traffic Loading
Road 04	E(i)	1×10^6
Road 09	D	3×10^5
Road 11	D	3×10^5
Road 14	D	3×10^5
Hester Ave	D	3×10^5
Minns Street	D	3×10^5

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 for Development (as amended)* guide.

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

27. Traffic Committee

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

28. Traffic Control Plans

Prior to Council or an accredited certifier issuing a subdivision works certificate, the applicant shall prepare a Traffic Control Plan (TCP) in accordance with the RMS manual *"Traffic Control at Work Sites"* and Australian Standard AS 1742.3 *(as amended)* and obtain approval from an accredited person.

A copy of the approved TCP shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and a copy shall be submitted to Council for its records.

29. Signage and Line Marking Concept Plan

Prior to Council or the appointed Principal Certifier issuing a Subdivision Works Certificate, the applicant shall submit a Concept Plan detailing the installation of regulatory/advisory sign posting and line marking for Council records

30. Street Lighting

Prior to Council or an accredited certifier issuing a construction certificate, street lighting plans shall be prepared by an appropriate qualified engineer, certified by a Level 2 ASP and submitted to Council's Executive Manager Infrastructure (or equivalent) for endorsement and shall comply with the following:

- All street lighting is to be LED “Smart” lighting to Council’s specification. The lighting of residential roads and public places must comply with AS/NZS1158 Residential Street Lighting Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements 2005, using the appropriate categories.
- The design and installation of the street lighting is to be such that Council can take ownership of the street lighting in this subdivision (ie. separate circuit to residential supply).
- The power supply to the street lighting shall meet the load requirements of Campbelltown City Council.
- The location of meters to service the street lighting network.
- The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- The street lighting and associated infrastructure in this subdivision is to be dedicated to Council and not be handed over to the energy supplier.

31. Stormwater Management Plan

Prior to Council or the appointed Principal Certifier issuing a Subdivision Works Certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site and adjacent catchments, shall be submitted for approval. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

All proposals shall comply with the requirements detailed in Council’s *Engineering Design for Development (as amended)* guide, *Australian Rainfall and Runoff (current version)*, *NSW Floodplain Development Manual* and the *Water Cycle Management Plan for Claymore Urban Renewal Project* dated 7 Oct 2021/Rev D.

32. Dilapidation Report

Prior to Council or an accredited certifier issuing a subdivision works certificate, the applicant shall submit a dilapidation report for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

33. Work on Public Land

Prior to Council or an accredited certifier issuing a subdivision works 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 a practical completion certificate.

34. Works Outside the Site Boundary

Prior to Council or an accredited certifier issuing a subdivision works certificate, engineering plans for any work outside the site boundary shall be submitted to Council for approval. All works shall comply with the requirements detailed in Council’s *Specification for Construction of*

Subdivisional Road and Drainage Works (as amended), Engineering Design Guide for Development (as amended) and Campbelltown (Sustainable City) DCP (as amended), and shall be inspected by Council at all stages of construction.

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

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

35. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

36. Sydney Water

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the appointed Principal Certifier prior to issue of a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

37. Vehicle turning movements

Vehicle turning movements (for the appropriate vehicle types as agreed with Council) are to be assessed using Autodesk Vehicle Tracking and provided to Council for review prior to the issue of a Subdivision works certificate.

Vehicle Tracking files and associated development proposal are to be submitted to Council in .dwg/ .dxf format for assessment.

The speed environment used in the assessment is to be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

38. Civil Works under S138 Roads Act

Prior to Council or the appointed Principal Certifier issuing a Subdivision Works Certificate, the applicant shall lodge a S138 Roads Act application for any proposed civil works proposed on public land.

The application shall be accompanied with detailed engineering plans designed in accordance with the requirements detailed in *Austroads Guides* and Council's *Specification for Construction*

of Subdivisional Road and Drainage Works (as amended) and Engineering Design for Development (as amended) guide.

The application shall include payment for plan assessment and inspection fees.

All works shall be carried out in accordance with the Roads Act approval, the approved stamped plans and Council specifications.

Inspection of this work shall be undertaken by Council at the applicant's expense.

39. Retaining Structures

Prior to Council or the appointed principal certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified civil/structural engineer to design all proposed retaining structures exceeding 800mm in height.

All retaining structures shall be constructed of structurally appropriate materials and shall be constructed wholly within the property boundary, including footings and agricultural drainage lines.

40. Landscape Requirements

Prior to Council or an appointed Principal Certifier issuing a subdivision works certificate for civil works, the applicant shall submit detailed landscape plans for approval by the appointed Principal Certifier.

Landscaping of the development site shall be undertaken in accordance with the approved plans incorporating the following requirements where necessary:

- a. All planting (trees, understorey, groundcover and grasses) in parks and public places shall maximise the use of locally indigenous species ie, use of tree species commensurate with Cumberland Plain Woodland;
- b. Street tree installation shall comply with the following requirements:
 - i. Root boxes or barriers are required for all street trees which are being placed within 1m of infrastructure. Such infrastructure shall include footpaths, share ways road ways, kerb and gutter, underground pipes.
 - ii. Unless specified otherwise the minimum size for root control boxes shall be 800mm x 800mm by 500mm deep. Trees are to be installed centrally within the root control box.
 - iii. Alternatively, root barrier is to be placed on the road and footpath side of all street trees. Vertical ribbed root barrier a minimum of 600mm deep and 0.75mm thick is to be used in all instances.
 - iv. Root boxes or barriers must be placed:
 - 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/share way and kerb with the tree centrally placed
 - such that it extends a minimum of 100mm below the adjoining road pavement
 - such that is not a trip hazard.

41. Tree Protection Plan

Prior to Council or the appointed Principal Certifier issuing a Subdivision Works Certificate, a Tree Protection Plan (TPP) is to be submitted to Council for approval. The Plan must be prepared by a qualified Arborist (AQF 5), providing details of Tree Protection Zones and Tree Protection, and measures to be employed during construction.

The Plan is to include protection of the trees shown for retention in the approved AIA and is to nominate other suitable trees for retention based on detailed design.

Identify trees to be retained on all the final engineering and landscaping plans. Trees and vegetation are to be retained in accordance with AIA and TPP. All trees and vegetation outside the disturbance area for approved earthworks are to be retained.

42. Wildlife Management Strategy

Prior to the release of a subdivision works certificate a Wildlife Management Strategy (WMS) is to be prepared and submitted to Council for its written approval. The WMS must provide details of how mitigation against native animal welfare issues will be achieved. Reference is to be made to the provisions identified within Section 5.1.3 of the submitted Cumberland Ecology (July 2022) report.

The WMS must also:

- Identify fauna guilds likely to occur on-site and advise management actions to avoid and/or mitigate the risk of harm to the welfare of native animals;
- Identify on a plan and require the physical marking of habitat trees;
- Detail the timing and effort required for pre-clearance surveys;
- Provide timeframe/schedules and protocols for clearing of non-habitat trees, and then habitat trees. The protocols for clearing of habitat trees are to identify the most benign method of dislodging fauna and felling trees and are to include visual inspection, measures to encourage fauna to leave prior to felling, relocation of fauna/tree felling while the fauna remains in-situ, and treatment of captured fauna. Where safe to do so, all habitat features should be sectionally dismantled and lowered by a climbing arborist.
- The Project Ecologist must supervise all tree clearing and construction works to mitigate any native animal welfare issues. Clearing works shall follow the specific tree and vegetation clearing protocols outlined in Wildlife Management Strategy approved under this consent.
- Identify nearby release areas for animals requiring immediate relocation (this may include a recommendation to install nest boxes in adjacent habitat prior to clearing as temporary refuge for displaced animals). Contact details for the nearest vet are to be included. Ensure appropriate permissions have been granted to enter third party properties if the animals are to be released offsite.

The Project Ecologist is to provide certification to Council within 10 working days following completion of:

- The pre-clearing surveys, marking of all habitat trees, marking of trees and vegetation to be retained;
- The erection of required tree protection fencing;
- Removal of habitat trees.

43. Weed Management

Priority weed species occurring within the subject site should be managed in order to prevent further spread. Prior to the release of a subdivision works certificate and any vegetation clearance, weeds in the canopy and shrub layers should be demarcated in order for these to be disposed of separately from native material. All groundcover species should be disposed of as exotic as the majority is exotic grass.

Certification shall be provided by a suitably qualified professional and submitted to Council's Executive Manager Urban Release & Engagement (or equivalent) for approval.

44. Water Quality

Prior to Council or the appointed Principal Certifier issuing a Subdivision Works Certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to the water quality treatment of stormwater from the site and adjacent catchment shall be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval.

Maintenance details for the water quality devices in the form of an Operation and Maintenance Manual and Maintenance Schedule must be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval prior to the issue of a construction certificate. The Manual and Schedule are to be updated and discussed with Infrastructure Section prior to handover of these assets to Council.

All proposals shall comply with the requirements detailed in Council's Engineering Design for Development (as amended) guide and the applicable Development Control Plan.

45. Contamination Assessment – RAP Approval

Prior to Council or the appointed principal certifier issuing a subdivision works certificate and or commencement of remediation works whichever occurs first, the Remediation Action Plan (RAP) as prepared by JBS& G Australia Pty Ltd (Project 63956/148.389 (Rev B) dated November 2022) shall be reviewed, updated and accordingly approved by a suitably qualified site auditor accredited by the EPA, and all remediation works shall be undertaken in accordance with the approved RAP.

A copy of the approved RAP shall be forwarded to Council for its records.

46. Remediation Specification

Prior to Council and/or the appointed principal certifier issuing a subdivision works certificate, a Remediation Specification for all remediation works, shall be submitted and approved by a Site Auditor and which includes, but is not limited to the following;

- the remediation works, as per the Remediation Action Plan approved and amended;
- details of capping material over the contaminated fill;
- the design and construction of the proposed containment cell; and
- requirements for period inspections and recordings.

47. Containment Cell

Prior to Council or the appointed principal certifier issuing a subdivision works certificate, and should the option of consolidation and isolation of the soil on site by containment be required, the detail design and specifications for the proposed containment cells shall be submitted to Council's Executive Manager Urban Release & Engagement (or equivalent) and the Principal Certifier for approval and shall include the following provisions:

- location of the containment cells;
- consideration of utility services;
- details of barrier systems;
- leak detection systems;
- leachate management;
- capping layer design including seal bearing system;
- groundwater impact review.

48. Voluntary Planning Agreement

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the development must be consistent with the requirements of the Claymore Renewal Project Planning Agreement that applies to the land. The provision and timing of infrastructure as detailed in the Claymore Renewal Project Planning Agreement between New South Wales Land and Housing Corporation (NSW LAHC) and Campbelltown City Council (CCC) dated July 2019, or as amended or otherwise agreed by the parties, must be undertaken by the Applicant in accordance with that Agreement throughout the Agreement's operation.

49. Permit/Approvals

Prior to commencement of any remediation works, all approvals and permits from relevant authorities (EPA and SafeWork NSW) shall be forwarded to Council.

50. Containment Cells

Prior to commencement of any remediation works that proposes onsite storage of asbestos containing material within containment cells within Council's road, details of scope of works, construction methodology and a long term environmental management plan (LTEMP) shall be submitted to Council's Executive Manager Urban Release (or equivalent) for approval.

The LTEMP must be approved in writing by Council's Executive Manager Urban Release and Engagement and shall include but not limited to:

- Details of installed Containment Cells and Design System
- Management and mitigation measures of environmental contamination
- Details of monitoring requirements and frequencies
- Groundwater monitoring
- Risk assessment

PRIOR TO THE COMMENCEMENT OF REMEDIATION WORKS

The following conditions of consent must be complied with prior to the commencement of remediation works. All necessary information to comply with the following conditions of consent must be submitted prior to commencement of remediation works.

51. Contaminated Site Assessment – RAP APPROVAL

Prior to commencement of remediation works, a Remediation Action Plan (RAP) shall be prepared and approved by a suitably qualified site auditor accredited by the EPA, and all remediation works shall be undertaken in accordance with the approved RAP.

A copy of the approved RAP shall be forwarded to Council for its records.

52. Construction Environmental Plan of Management

Prior to the commencement of any works, a site-specific Construction Environmental Management Plan (CEMP) must be prepared addressing prescriptions for the mitigation of environmental impacts and associated monitoring requirements.

The CEMP must be approved in writing by Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the commencement of physical development works.

At a minimum the CEMP must include/address in detail:

- Required Sediment and Erosion Control Measures/stockpile management as per Managing Urban Stormwater: Soils and Construction (Landcom, 2004) – The Blue Book.
- Noise control measures and hours of operation.
- Air quality control measures (including dust management).
- Water management (including maintaining/monitoring water quality in nearby dams/waterways).
- Measures to mitigate impacts to areas of native vegetation.
- Measures to prevent the spread of priority and environmental weeds including African Love Grass and other weed species, including spread via machinery movements both within the development site and offsite via the relocation of fill material including top soil.
- Details of required preclearance and clearance surveys.
- Hazardous material management protocols (ie. fuel etc) addressing storage, use, refuelling etc.
- Details of how fill will be stored on site (ie. proposed number of piles, proposed location of piles, sedimentation and erosion control treatment measures, and an estimate of how long the fill will be stockpiled, inspection and monitoring requirements).
- Incident and emergency response protocols.

- Competence, training and awareness procedures (ie. Environmental inductions, Toolbox talks, training and awareness).
- Roles and responsibilities for implementing, monitoring and reviewing CEMP requirements.
- An overview of relevant environmental management documentation.
- Waste Management Procedures in accordance with the submitted Waste Management Plan.
- Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective.
- Community Consultation and Liaison.

The environmental controls outlined in the CEMP are to form part of the site induction process and daily toolbox meetings.

53. Remediation Site Management Plan

Prior to the commencement of any remediation works on site, the Applicant shall prepare and submit to Council for approval by Council's Executive Manager Urban Release & Engagement (or equivalent), a remediation site management plan to outline environmental management practises and procedures to be followed during the remediation site works.

The Plan shall include, but not be limited to, the following:

- A description of all activities to be undertaken on the site during remediation;
- Statutory and other obligations that the Applicant is required to fulfil during remediation, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- Pollution control measures;
- Potential environmental impact and environmental risk management;
- Details of how the environmental performance of the remediation works will be monitored and what actions will be taken to address identified adverse environmental impacts;
- In the case where the containment cell is breached and fill materials need to be transported off site, all wastes generated shall be classified, managed and disposed in accordance with the Environmental Guidelines: Assessment, Classification and Management of Liquid & Non Liquid Wastes (DEC 2004).
- Any application for a road opening permit, development and/or works within the vicinity of the containment cell shall be made aware of the Long Term Environmental Management Plan (LTEMP);
- A description of the roles and responsibilities for all relevant employees involved in remediation works;
- Arrangements for community consultation and complaints handling procedures during remediation.

54. Construction Traffic Management Plan

Prior to the commencement of remediation works on the land, a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, shall be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

55. Aboriginal Heritage Impact Permit

Prior to the commencement of remediation works on the land, the following must be satisfied:

- An Aboriginal Heritage Impact Permit (AHIP) for the proposed harm to AHIMS must be sought and if required, granted, prior to the commencement of works that will impact on those objects.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

56. Statutory Requirement

Prior to the commencement of remediation works on the site, the Applicant shall consult with the EPA to determine any requirements, licences or approvals for the handling, storage and/or management of contaminated materials on the site, as may be required under the Protection of the Environment Operations Act 1997, the Environmentally Hazardous Chemicals Act 1985 and the Contaminated Land Management Act 1997.

The Applicant shall notify Council and the appointed principal certifier of any such requirements, licences or approvals as soon as practicable after the EPA has specified such requirements or issued such licences or approvals.

57. Land Remediation

All remediation work carried out shall be conducted in accordance with the guidelines in force under the provisions of the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council's Executive Manager, Urban Release & Engagement, the Site Auditor and the appointed Principal Certifier.

Any variations to any approved/certified Remediation Action Plan shall be approved in writing by the Site Auditor prior to the commencement of such work.

58. Notification – New Contamination Evidence

Any new information which comes to light during site remediation works which has the potential to alter previous conclusions about site contamination shall be notified to Council's Executive Manager Urban Release & Engagement and the appointed Principal Certifier accordingly.

59. Nestbox Management Plan

Prior to the commencement of any works or the issuing of a subdivision works certificate (whichever occurs first), a Nestbox Management Plan and associated monitoring and maintenance program is to be prepared in accordance with Section 11.2.2 of the Campbelltown (Sustainable City) Development Control Plan (DCP) 2015 and providing a minimum replacement ratio of hollows of 1:2; and submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for in writing approval.

The Nestbox Management Plan is required to prioritise the salvage of existing tree hollows associated with trees approved for removal within the development footprint, for relocation and mounting onto suitable recipient trees located within the VMP area.

At a minimum the provision of four (4) nest boxes suitable for microbats is to be installed within retained trees.

60. Preclearance/Clearance Fauna Surveys

If required, a fauna relocation plan is to be prepared by a suitably qualified fauna ecologist and submitted prior removal of trees and submitted to Council's Executive Manager Urban Release for approval.

The fauna relocation plan is to include the following:

- a. Preclearance fauna surveys must be undertaken by a suitably qualified fauna ecologist with animal handling training and vaccination against transmissible diseases. Preclearance fauna surveys must be undertaken 2 weeks prior to clearance of trees that will:
 - i. Detect roosting and/or nesting of hollow dependent threatened and non-threatened fauna.
 - ii. Be carried out within two weeks prior to the trees being removed.
 - iii. Include targeted surveys for Hollow dependent fauna species inclusive of ultrasound detection and hollow inspection, where practical, and visually identify whether any breeding activity or young rearing is occurring at that time.
 - iv. Include roost searches for micro-chiropteran bats by using a torch to shine in holes, cracks and crevices, and by using a handheld bat detector to locate and identify bats that may call.
 - v. In the event that the tree is unsafe or it is impractical to climb or inspect by cherry picker, an alternative methodology is to be used including spotlighting, stag watching and hollow watching on the evening before the tree will be cleared, for a minimum of one hour prior to dusk, and for at least one hour after dusk.
 - vi. Subject to the advice of the appointed fauna ecologist, to safely relocate non-threatened fauna to nearby native woodlands before the tree is cleared.
 - vii. To identify preferred recipient site for the fauna relocation and sensitive hollow dependent fauna species to be removed within a sectionally dismantled hollow

sediment sealed at both ends. Once relocated to the approved recipient site the hollow is to be opened at one end to allow the wildlife to move freely at an appropriate time.

- viii. Include the demarcation of all hollow-bearing trees and fallen logs (with the latter being >10cm diameter), along with any other key habitat features.
 - ix. Identification of any hollows, logs or parts thereof that would be appropriate for fauna habitat reuse within the adjoining open space areas are to be augmented(modified) and reused within adjoining woodland areas. Where relevant specifications for felling/ removal (to enable retention of features for fauna habitat) must also be specified if the fauna relocation plan.
 - x. Include specifications for the augmentation of hollows for reuse and relocation into adjoining or nearby native trees.
 - xi. Include specifications for felling/removal of hollows within hollow bearing trees by sectional dismantling.
- b. Upon the completion of preclearance surveys, a fauna ecologist report outlining all the preclearance surveys carried out, including survey effort, results and outcomes must be submitted to Council as evidence of meeting the requirements of applicable conditions and including the approved fauna relocation plan.

61. Unexpected Fauna Observations

A fauna rescue and release procedure is to be prepared for the subject site.

Where tree removal is required then a licensed wildlife carer or fauna ecologist will be required on site as a fauna handler ('Rescuer' under the Code – "Code of practice for injured, sick and orphaned protected fauna" 2011) during tree removal works.

The procedure is to include aspects for dealing with unexpected threatened species finds. The procedure must include, as a minimum, the following:

- i. stop work arrangements in the immediate area of the threatened species;
- ii. notification and communication protocol;
- iii. consultation with the specialists to assess the significance of the find; and
- iv. a list of approvals, licences or permits likely required prior to recommencing works.

62. Site Auditor

A Site Auditor shall be appointed for the project prior to the commencement of remediation works authorised by this consent. The site auditor must be a person accredited under the Contaminated Land Management Act, 1997.

Council shall be notified of the appointment of the site auditor at least 2 business days prior to the commencement of any works authorized by this consent. This notification shall include the name, contact details and accreditation details of the auditor. In addition to any powers given to the site auditor under legislation, the auditor may, under this condition of consent, order all other work on the site to cease until such work identified by the auditor is complete. Any works undertaken in breach of an order given under this condition will be taken to be works in breach of this consent.

The site auditor may require modifications to the approved remediation action plan and any additional works as they see fit. Any such modifications and additional works must be completed to the satisfaction of the site auditor.

The site auditor is to be retained until they issue a category "A" site audit statement for the whole site specifying that it is suitable for day care centres, preschools and residential. No Subdivision Certificate shall be issued under this consent prior to the issuance of this audit statement.

Any person having benefit of this consent may not replace a site auditor appointed under a condition of this consent without the approval of Council. The power for Council to approve the appointment of a new site auditor is a power created by this condition and is not a reference to a need for further development consent under the EP&A Act. Council may withhold approval under this condition unless it is satisfied that the previously appointed site auditor is unwilling or unable to continue servicing the project.

PRIOR TO THE COMMENCEMENT OF CIVILWORKS

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 civil works on site.

63. Validation Report/Site Audit Report

Upon completion of the approved remediation works and prior to commencement of civil works:

- I. A Validation Report is to be completed by a suitably qualified environmental consultant with experience in land contamination and New South Wales EPA contaminated land legislation and guidelines including the Contaminated Land Management Act 1997. The report is to satisfactorily document the following:
 - a. The extent of validation sampling, and the results of the validation testing
 - b. That the remediation and validation of the site has been undertaken in accordance with the RAP; and
 - c. The site is suitable for the proposed use
- II. The report shall be audited by a qualified site auditor accredited by EPA, and shall be submitted to the appointed PCA indicating that the soil on the site complies with the requirements for the use of the site as proposed.

A copy of the reports are to be provided to Council for its records.

64. Construction Management Plan

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

The CMP must include the following details:

- a. Detail any potential impacts on the amenity of nearby existing dwellings and existing lane uses within the locality;
- b. Detail how access is to be maintained to the existing dwellings;
- c. Describe the project in detail, including activities undertake;.

- d. Detail noise and vibration management measures to be implemented to protect the amenity of the existing and adjoining residents within close proximity to the site including the noise and vibration management measures as listed within the acoustic report prepared by JHA services, dated 12 March 2020;
- e. Outline a monitoring regime to check the adequacy of controls and mitigation measures and ensure that they remain in good working order;
- f. Measures to minimise ground disturbance and prevent the transportation of soil onto any public road system.
- g. Community Safety Plan;
- h. Detail arrangements for temporary pedestrian and vehicular access;
- i. Storage and Handling of Materials Procedures.

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

65. Traffic Control Plan

Prior to commencement of civil work, the applicant shall prepare a Traffic Control Plan (TCP) in accordance with the *RMS manual "Traffic Control at Work Sites"* and Australian Standard AS 1742.3 (as amended) and obtain approval from an accredited person.

A copy of the approved TCP shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and a copy shall be submitted to Council for its records.

66. Dilapidation Report

Prior to the commencement of civil works, the applicant shall submit a dilapidation report to Council for its records and the appointed Principal Certifier, for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

67. Street Lighting

Prior to commencement of Street Lighting works, approval shall be received from Council's Executive Manager Infrastructure (or equivalent) for the street lighting plans submitted to satisfy Condition 30, Street Lighting.

68. Waste Management Plan

Prior to commencement of any works, the relevant provisions of the approved Construction Waste Management Plan is to be completed to the satisfaction of Council.

69. 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.

70. Erection of Construction Sign

Prior to the commencement of any works on the land, signs must be erected in prominent positions 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 (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)
- 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 signs are 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.

71. Toilet on Construction Site

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

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

72. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

73. 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.

74. Public Property

Prior to the commencement of any works on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) 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.

75. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

76. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
- d) An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

77. Construction Traffic Management Plan

Prior to the commencement of works a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, shall be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

78. 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.

79. Unexpected Finds Protocol

The applicant shall prepare and implement an 'unexpected finds protocol' with respect to dealing with unexpected finds that pose a contamination risk or potential Aboriginal or European heritage significance risk.

80. Endorsement of Contamination Documentation

Prior to the commencement of any works on the land, all of the following shall be provided to Campbelltown City Council for approval:

- An interim validation report from a suitably qualified contaminated land consultant demonstrating that the soil underneath the demolished structures is suitable for the proposed use of the land
- A clearance certificate issued by a suitably qualified hygienist certifying that surface waste from the site has been suitably disposed of.

Where Council is not the certifier a copy of the documents required by this condition endorsed by Council are to be submitted to the appointed Certifier prior to the commencement of any works under this consent.

In this condition:

'Suitably qualified contaminated land consultant' means a person who possesses one or more of the following accreditations:

- Certified Environmental Practitioner (Site Contamination) with the Environment Institute of Australia and New Zealand (CEnvP(SC)); and
- A Certified Professional Soil Scientist with specialist certification in Contaminated Site Assessment and Management with Soil Science Australia (CPSS CSAM); and
- An EPA Accredited Site Auditor under the Contaminated Land Management Act 1997.

'Suitably qualified hygienist' means a Certified Occupational Hygienist accredited by the Australian Institute of Occupational Hygienists or an EPA Accredited Site Auditor under the Contaminated Land Management Act 1997.

'Accredited site auditor' means EPA Accredited Site Auditor under the Contaminated Land Management Act 1997.

DEVELOPMENT REQUIREMENTS DURING REMEDIATION 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 during the remediation works of the development on site.

81. Data Gap Assessment RAP

A data gap assessment report shall be prepared by the Environmental Consultant following further investigation of the area previously not assessed and considered within the RAP.

The RAP shall be updated accordingly and forwarded to the Council for records.

82. Inspection of Remediation Works

All remediation works for the contaminated materials shall be supervised by a qualified environmental consultant. All details of the inspections and compliance shall be included within the validation report.

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.

83. Construction Work Hours

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

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00 am to 5.00 pm
Sunday and public holidays	No Work.

84. 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.

85. 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)*, Australian Standard AS 3798 *Guidelines for Earthworks for Commercial and Residential Development (as amended)*, and the approved construction drawings;
- a. Supervised, monitored, inspected, tested and reported in accordance with Australian Standard AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Electronic copies of the report and fill plan shall be forwarded to Council; and
- b. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and Australian Standard AS3798.

86. Disposal of Contaminated Soils/Waste

All transport of waste and disposal of materials must be conducted in accordance with the requirements of the Protection of the Environment and Operations (POEO) Act (1997). All required licenses and approvals required for disposal of the material will be obtained prior to removal of the materials from the site. Transport of Spoil must also be via a clearly delineated, pre-defined haul route.

Removal of waste materials from the site shall only be conducted by a licensed contractor holding the appropriate license, consent or approvals to dispose of waste materials according to the classification outlined in the NSW EPA *Waste Classification Guidelines (2014)* and with appropriate approvals obtained from the EPA, if required.

All contaminated soils/waste removed from the site must be disposed of in accordance with the approved Remediation Action Plan.

87. Earth Fill

- a. All fill material imported to the site shall meet one of the characterizations detailed the table below:

Defining Instrument	Definition
Protection of the Environment Operations Act, 1997	Virgin Excavated Natural Material
Protection of the Environment Operations (Waste) Regulation 2014	The following resource recovery exemptions: <ul style="list-style-type: none">• Excavated natural material• Foundry sand• Recovered fines (provided no samples have a benzo(a)pyrene concentration exceeding 3 mg/kg 'dry weight')

N/A	<ul style="list-style-type: none"> • Non-waste engineered construction materials • Any other material certified by the site auditor as suitable for day care centres, preschools, primary schools and residential, including substantial vegetable garden and poultry.
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- a. All filling works are to be undertaken in accordance with the endorsed environmental management plan including (without limitation):
 - i. Security Arrangements
 - ii. Docketing and load recording arrangements
 - iii. Illegal dumping and contaminated load management
 - iv. On-site testing and quality control
 - v. Site surveying
 - vi. Traffic control
 - vii. Operating hours
 - viii. Communication with neighbours and affected residents
 - ix. Reporting to Council
- b. At the conclusion of filling works final reports are to be submitted to Council in accordance with the endorsed environmental management plan.

88. Fill Compaction Requirements

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

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

89. Fill Contamination

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

90. 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 appointed Principal Certifier.

91. 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.

92. 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.

93. Public Safety

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

94. Compliance with Council Specification

All design and construction work shall be in accordance with:

- Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- Campbelltown (Sustainable City) DCP – Volumes 1 and 3 as amended
- Soils and Construction (2004) (Bluebook) and
- Relevant Australian standards and State Government publications.

95. Footpath Kerb and Gutter

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be 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)*.

96. Pavement Thickness Determination

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

97. Residential Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing to Council's Residential Vehicle Crossing Specification to the dwelling.

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

98. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

99. Imported 'waste-derived' fill material

The only waste-derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

100. 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.
- 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. PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- h. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- i. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- j. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- k. CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- l. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- m. FINAL INSPECTION – All outstanding work

101. Unreasonable Noise, Dust and Vibration

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

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

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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

102. CCTV footage to verify integrity of all new pipes and existing pipes

CCTV footage shall be provided 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:

- 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.

103. Section 73 Certificate – Subdivision Only

Prior to the appointed Principal certifier issuing a subdivision certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall 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 shall be made through an authorised Water Servicing Coordinator.

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

The Section 73 Certificate must be submitted to Council prior to the release of the subdivision certificate.

104. Voluntary Planning Agreement

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the development must be consistent with the requirements of the Claymore Renewal Project Planning Agreement that applies to the land. The provision and timing of infrastructure as detailed in the Claymore Renewal Project Planning Agreement between New South Wales Land and Housing Corporation (NSW LAHC) and Campbelltown City Council (CCC) dated July 2019, or

as amended or otherwise agreed by the parties, must be undertaken by the Applicant in accordance with that Agreement throughout the Agreement's operation.

105. Works as Executed – Electrical Network

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the applicant shall submit to Council's Executive Manager Infrastructure (or equivalent) the following documents in relation to the private lighting network:

- a. A complete set of works as executed plans of the private lighting network in CAD files .DWG format in accordance with Endeavour Energy's specifications. The WAE must be certified by an independent Level 2 ASP certifier.
- b. Appropriate certificates, manufacturer's brochures and technical data of all materials used during construction of the private lighting network.
- c. Warranty documentation for all street lighting assets (12 months minimum from the time of commissioning the network).
- d. Location of assets and the corresponding asset numbers provided by Council.

106. Certification of Retaining Structures

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, all retaining structures shall be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design.

An electronic copy of all documentation shall be submitted to Council for its records.

107. 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 – where applicable*
- b. *No Alteration to Surface Levels – subject to geotechnical advice*
- c. *Lots Filled – where applicable*
- d. *Access Denied – where applicable*
- e. *Set Back from Access Denied Roads – where applicable*
- f. *Uncontrolled Fill – where applicable*
- g. *No Cut or Fill – (Existing Geotech Report from N.A.T.A. reg. Laboratory) – where applicable*
- h. *No Cut or Fill – (Geotech Report Required) – where applicable*
- i. *Lots with any other restrictions eg. Refuse Collection, Acoustic measures*
- j. *Drainage Floor Level Control Easements – (100yr flow, depressed) – where applicable*
- k. *Building envelope plans for allotments less than 300sqm*
- l. *Easement for maintained purposes (retaining walls and zero lot boundaries)*
- m. *Easement for support (retaining walls)*
- n. *Driveway Location Plan*
- o. *Containment Cell location and details.*

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.

108. Deposited Plan and 88B Instrument – Rights and Interests

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the applicant must obtain written consent from the benefitted lot(s), road(s) bodies or Prescribed Authorities regarding any easements, profit a prendre, restriction or positive covenants registered on the land with respect to the approved development.

109. 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, foot paving and vehicle crossings/driveways or other minor work. 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.

110. Maintenance Security Bond

Prior to the appointed principal certifying authority issuing a subdivision certificate, a maintenance security bond of 5 per cent 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.

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

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

112. 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.

113. Splay Corner (Residential)

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall dedicate 4m x 4m splay corners in the property boundaries of all lots located adjacent to road intersections, at no cost to Council.

114. Final Inspection – Works as Executed Plans

Prior to the appointed principal certifying authority issuing an occupation/a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (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 5m 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 15 site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

Format

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

AutoCAD Option

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

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing is **not** to be password protected.

MapInfo Option

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

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

115. Final Inspection – Works as Executed Plans

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

- Two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended) and one additional separate fully marked up copy of the plan sheet(s) and the line marking/signposting plan(s).
- 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.
- Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (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.

116. Certification of Retaining Structures

Prior to the appointed Principal Certifier issuing a subdivision certificate, all retaining structures shall be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design. An electronic copy of all documentation shall be submitted to Council for its records.

117. Restoration of Public Roads

Prior to the appointed Principal Certifier issuing a subdivision certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

118. Public Utilities

Prior to the appointed Principal Certifier issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

119. Service Authorities

To ensure that an adequate level of services and infrastructure is provided to this development, prior to the appointed Principal Certifier issuing a Subdivision Certificate the following is required:

- a. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development
- b. Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development
- c. Gas supplier (if relevant)- Evidence demonstrating that satisfactory arrangements have been made with a gas supplier to service the proposed development; and
- d. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

All construction work shall conform to the relevant authorities' specifications.

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.

120. NBN Co

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the appointed Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

121. Lot/House Numbers

Prior to the appointed principal certifier issuing an occupation/subdivision certificate all lot/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.

122. Line Marking / Sign Posting Documentation (subdivision)

Prior to the appointed principal certifier issuing a subdivision certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

123. Residential Inter-Allotment Drainage

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided for all residential lots that cannot be drained to the kerb and gutter. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

124. Long Term Environmental Management Plan (LTEMP)

Prior to Council or the appointed principal certifier issuing a subdivision certificate, a Long Term Environmental Management Plan shall be provided to Council in accordance with Department of Infrastructure, Planning and Natural Resources (DIPNR) guidelines.

The LTEMP must be approved in writing by Council's Executive Manager Urban Release and Engagement, and shall include but not be limited to:

- Details of installed Containment Cells and Design System;
- Management and mitigation measures of environmental contamination;
- Details of monitoring requirements and frequencies;
- Groundwater monitoring;
- Risk assessment;
- No impact/interference with infrastructure services.

125. Sandstone Specifications

Prior to the appointed Principal Certifier issuing a subdivision certificate, a compliance certificate issued by the sandstone supplier shall be submitted to Council stating that all the sandstones supplied to the site comply with the following Council's requirements.

- a. Hard and durable (having a minimum design life of 50 years).
- b. Have a wet crushing strength of at least 25 MPa, a minimum point load strength index (Is50) of 1 MPa and wet/dry strength ratio of no less than 45%.
- c. Demonstrated durability against saline environment when tested as per test method AS 4456.10.

- d. Shall be angular with not more than 25% of the rock having a length more than twice the breadth/ thickness.
- e. Shall have a minimum relative density of 2.2.
- f. Free from seams, pockets, foreign matter and imperfections.
- g. Generally sound, clean and of uniform colour and texture.

126. Site Audit

Prior to the issue of a subdivision certificate for the development, a site audit report shall be prepared in accordance with the requirements of the NSW Environmental Protection Authority (EPA) Guidelines for Consultants reporting on Contaminated Site (published 2011). The report shall be prepared by a Site Auditor accredited under the Contaminated Land Management Act, 1997, and shall state in an end statement that the fill material is suitable for the proposed use of the land.

PRIOR TO THE ISSUE OF A PRACTICAL COMPLETION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a practical completion certificate by either Campbelltown City Council or the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for practical completion.

127. Vegetation Management Plan

Prior to Council or the appointed Principal Certifier issuing a Practical Completion Certificate, a planting status report shall be submitted to Council, for its records, providing and update with regard to the requirements of the endorsed Vegetation Management Plan. This is to be completed by a suitably qualified Arborist or Ecologist.

128. Completion of Landscaping Works

Documentation must be submitted to Council or the Appointed Principal Certifier that all landscaping works have been completed in accordance with the approved plans.

129. Road Safety Audit - Post Construction

Prior to the 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.

130. Retaining

Prior to the appointed principal certifier issuing an occupation 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.

131. Compliance Certificate – Public Area

All the works on public area in relation to the development shall be completed as per the Council approved plans.

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

132. Compliance Certificates

Compliance Certificates (or reports from a Company or individual professionally experienced and qualified to give that evidence and containing documented authoritative evidence of compliance with the specifications, drawings, and development conditions) shall be obtained for the following, prior to the issue of the Subdivision Certificate:

- Service Authority Clearance - prior to placement of final seal/vehicle crossing construction.
- Work as Executed Plans.
- Pavement materials compliance certificates, including AC and rubberised seals where provided.
- Drainage pipes, headwalls, GPT, etc.
- Geotechnical Testing and Reporting Requirements.
- Lodgement of Bonds/Letters of Undertaking.
- Letter addressing all Conditions of the Development Consent.
- Structural engineer's certification for all structural components of the development.
- Operation & Maintenance Manuals and Maintenance Schedules for water quality devices where applicable.
- Hydraulic engineer's Compliance certificates for drainage works, bio-retention basin/s including media materials.
- Sandstone used as a part of the subdivision works.

Electronic copies of all the related plans, documents, reports, forms or other evidence along with electronic copies the above documents in PDF format shall be submitted to Council.

133. Council Fees and Charges

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

134. Site Audit Statement for Land Being Dedicated to Council

Prior to the principal certifying authority awarding a practical completion certificate, the applicant shall provide a Site Audit Statement in respect of the land to be dedicated to Council.

The Site Audit Statement must outline the conclusions of a site audit and must contain an accompanying Site Audit Report that summarises the information reviewed by the auditor and provides the basis for the conclusions contained in the Site Audit Statement. The Site Auditor shall be accredited under Section 49 of the Contaminated Land Management Act 1997.

Council will not accept dedication of the land unless the Site Audit Statement demonstrates compliance with the Claymore Renewal Project Planning Agreement (refer to condition 5).

135. Street Trees Placement/Replacement

Prior to Council or the Appointed Principal Certifier issuing a prior to practical completion certificate, evidence shall be submitted to the satisfaction of the principal certifying authority that the street tree/s have been placed/replaced in an appropriate location so as not impede sightlines or services and utilities within the road reserve.

All landscaping works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use;
- AS 4454 Compost, Soil Conditions and Mulches; and
- AS 4373 Pruning of Amenity Trees.

Written confirmation from a qualified landscape professional is to be provided to the principal certifying authority confirming compliance with this condition.

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 4608.
- b. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *NSW Biosecurity Act 2015* or included within the NSW Governments Greater Sydney Strategic Management Plan 2017-2022.

Advice 3. Filling on Site

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

Advice 4. Inspections – Civil Works

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

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

Advice 5. Inspection within Public Areas

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

Advice 6. Adjustment to Public Utilities

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

Advice 7. 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 8. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted for Council's assessment through the NSW Planning Portal:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed
- A copy of each required service authority certificate
- A draft plan administration sheet (including subdivision certificate)
- A draft deposited plan/ strata plan (if required) drawing
- A Section 88B instrument (where required), and
- A letter from the registered owner providing owners consent for subdivision application.

NSW Planning Portal <https://www.planningportal.nsw.gov.au/>

Upon Council's direction, the applicant must supply three final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the Surveying and Spatial Information Regulation 2017.

Advice 9. 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 10. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

Advice 11. Easements Over Council Controlled Lands

The applicant is advised that Council may seek monetary compensation for the granting of an easement over Council controlled lands. In this regard the applicant is required to liaise with Council's Property Manager.

Advice 12. Bonds and Bank Guarantees

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

Advice 13. Dial before you Dig

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

Advice 14. 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

BRIEFING DETAILS

BRIEFING DATE / TIME	Monday, 12 April 2021, 1:05pm – 1:28pm
LOCATION	Teleconference

BRIEFING MATTER(S)

PPSSWC-132 – Campbelltown – 4604/2020/-DA-SW – Lot 25 DP 258940, Lot 26 DP 258940, Lot 512 DP 1210126, Lot 513 DP 1210126, Lot 980 DP 1203266, Lot 990 DP 1203266, Lot 991 DP 1203266, Lot 992 DP 1203266, Lot 993 DP 1203266, Lot 1999 DP 1203428, Lot 35 DP 258939 Various Lots, Norman Crescent, Dobell Road and Arkley Avenue, Claymore – Stage 5 Claymore Urban Renewal Concept Plan – Subdivision creating 86 torrens title residential allotments, 1 residue lot and 1 lot being a park including associated site, civil and landscape works.

PANEL MEMBERS

IN ATTENDANCE	Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli and George Griess
APOLOGIES	Darcy Lound
DECLARATIONS OF INTEREST	None

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Alexandra Long and Belinda Borg
OTHER	Melissa Felipe and George Dojas – Panel Secretariat

KEY ISSUES DISCUSSED

- The proposed subdivision is currently delayed by the need for a Water Cycle Management Plan being finalised by the Applicant's engineers, Northrop. This is expected to take until the end of May or the beginning of June.
- The Council informed the Panel that it cannot resolve the planning assessment until the flood assessment is completed, but is generally otherwise satisfied with the provision of infrastructure
- The Panel will be interested to see the ultimate pedestrian and cycle routes, which presumably will encourage non-car travel.
- Aboriginal heritage and contamination are to be considered according to the applicable SEPP and statutory regulations (noting advice that Aboriginal heritage detected to date has been identified as being of low significance, but Council is reviewing further).
- The allotment size mix appears appropriate.
- Subject to resolution of the stormwater management matters and other outstanding matters for assessment, the matter appears to be one appropriate for an electronic determination.

TENTATIVE PANEL MEETING DATE: Appropriate for an electronic determination

Planning Panels Secretariat

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 |

Attachment 3 – Ecological & Arboriculture Peer Review

Purpose: Ecological and arboriculture review of proposed DA

Date: 28 October 2022

From: Craig Anderson (B App SC (EAM)) BAM Accredited Assessor (BAAS: 17002)
on behalf of Campbelltown Council

Subject: **Stage 5 (4604/2020/DA-SW) within the Claymore Urban Release Area**

Development Application:

Development of Stage 5 of the Claymore Urban Renewal Project comprises the subdivision of land to create approximately 86 lots for future housing development, one lot for a park, one residual lot, and associated subdivision works and civil works.

There are a total of 217 trees within the subject site, of which 200 are proposed to be removed.

Documents Reviewed

- Civica (October 2022), *Landcom Claymore Renewal Project- Stage 5, Claymore NSW, Arboricultural Impact Assessment*, dated 14 October 2022;
- Anderson Environmental (2020), *Preliminary TreeAZ Assessment of Tree Health and Longevity (SULE) For Stages 5 and 6, Claymore*, dated 3 December 2020;
- Letter from NSW DPI dated 2 October 2013. Subject *Claymore Renewal Project (MP11_0010) – Compliance with Future Environmental Assessment Requirement No. 8 – Biodiversity Offset Package*;
- BBC Consultant Planners (2020), *Statement of Environmental Effects Development Application Stage 5 Subdivision, Claymore Urban Renewal Project*, December 2020;
- JMD Development Consultants 2020. *Plan of Proposed Subdivision of Lot 4000 in DP1263648, issue B* dated 17 December 2020;
- JMD Design 2020, *Claymore Stage 5 Landscape Plans Sheets Lo1 to Lo8, Issue A*, dated 17 December 2020;
- Cumberland Ecology (2022) *Claymore Renewal Project – Stage 5, Flora and Fauna Assessment and Ecological Consistency Assessment*, Landcom, dated 27 July 2022;
- Cumberland Ecology (2014) *Claymore Urban Renewal Project Vegetation Management Plan*. September 2014 (Finalised July 2015).

Background

The Claymore Urban Renewal Concept Plan was approved by the Minister for Planning and Infrastructure on 24 May 2013 as a Part 3A development under the NSW EP&A Act. The Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS) therein prepared by Cumberland Ecology satisfies requirement No.8 Biodiversity Offset Package of Schedule 4 of the Claymore Renewal Project concept plan.

Clause 34A certification was approved for the Claymore Urban Renewal Project Area in December 2021. This essentially means that ecological assessment of impacts has been concluded and no further biodiversity matters are required to be assessed unless the proposed works extend beyond the Clause 34A certification boundary, or the impacts are increased because of the proposed works causing further biodiversity impacts.

Correspondence from NSW DPI dated 2 October 2013 confirmed that requirement No. 8 Biodiversity Offset Package of Schedule 4 of MP11_0010 has been satisfied.

Review of the Arboriculture Impact Assessment (AIA)- Civica (October 2022), Landcom Claymore Renewal Project- Stage 5, Claymore NSW, Arboricultural Impact Assessment, dated 14 October 2022;

Comment

The AIA scope was to identify trees for retention. However, the report goes on to state that - *"The proposed layout for Claymore Stage 5 was in place prior to the preparation of the Arboricultural Impact Assessment and consequently, there is minimal chance of allowable encroachment or other mitigation measures working due to the extensive nature of the proposed development works and the advanced nature of site layout planning"*.

Overall 217 trees were identified within the project boundary with 17 trees identified as able to be retained.

Of the 41 high retention value trees identified within the site, only two (2) high retention value trees have been nominated for retention.

The tree plan should be overlayed on the cut/fill diagram along with the layout to demonstrate if there is scope for further tree retention within the subdivision. It would seem logical for the retention of regrowth trees, now up to 44 years old, where practical to provide amenity, shade (absorb and reflect solar radiation) and biodiversity opportunities.

The only endemic species to be proposed to be planted is *Eucalyptus crebra* (Narrow-leaved Ironbark) on the collector roads. Minor and local road plantings proposed are either exotic or non-endemic.

Resolution

Tree plan to be overlayed on cut/fill diagram to demonstrate if further tree retention is possible. A Tree Retention Plan is required to clearly identified trees to be retained.

A Tree Protection Plan is required to demonstrate requirements for individual tree protection.

Further consideration for the use of tree species commensurate with Cumberland Plain Woodland within minor and local road landscaping is recommended.

The subdivision DA is within the Clause 34A Certification area for Stage 5.



Since the approval date of the previous referral, River-Flat Eucalypt Forest has been listed as a Critically Endangered Ecological Community at a Commonwealth level.

As the project is a NOT CONTROLLED ACTION, no further actions are required under the EPBC Act 1999.

Cumberland Ecology (2022) Claymore Renewal Project – Stage 5, Flora and Fauna Assessment and Ecological Consistency Assessment, Landcom, dated 27 July 2022;

Comment

Impacts of the DA on native flora, fauna, and ecological communities are limited to those described in the Ecology Study. This means clearing of native vegetation is to be limited to the areas of the development footprint indicated by the approved Concept Plan.

The required offsets detailed in the August 2013 BRS by Cumberland Ecology (2013) are provided. This means that vegetation management is undertaken as directed by the September 2014 (finalised in July 2015) VMP (Cumberland Ecology 2015), and specified areas of the TECs Cumberland Plain Woodland and River-flat Eucalypt Forest detailed in both reports are protected, retained, restored, and revegetated as directed in the VMP.

Recommendations

Report is suitable and consistent with the previous assessment and approvals.

BBC Consultant Planners (2020), Statement of Environmental Effects, Development Application Stage 5 Subdivision, Claymore Urban Renewal Project, December 2020;

Comment

The SEE does not contain any figures that actually identify Stage 5.

The SEE is outdated as the Arborist Report and Flora and Fauna Consistency Assessment post-date the document.

Recommendations

The SEE be updated to reflect the conclusions within the various reports that it references and an updated figure be included to clearly identify the subject site.

Proposed Consent Conditions

Prior to Issuance of Subdivision Certificate - Preclearance/Clearance Fauna Surveys

Submit a Wildlife Management Strategy (WMS) to Council for approval (One to two pages should suffice). The WMS must provide details of how mitigation against native animal welfare issues will be achieved. Reference should be made to the provisions identified within Section 5.1.3 of the Cumberland Ecology (July 2022) report.

The WMS must also:

- Identify fauna guilds likely to occur on-site and advise management actions to avoid and/or mitigate the risk of harm to the welfare of native animals;
- Identify on a plan and require the physical marking of habitat trees;

- Detail the timing and effort required for pre-clearance surveys;
- Provide timeframe/schedules and protocols for clearing of non-habitat trees, and then habitat trees. The protocols for clearing of habitat trees are to identify the most benign method of dislodging fauna and felling trees and are to include visual inspection, measures to encourage fauna to leave prior to felling, , and treatment of captured fauna. Where safe to do so, all habitat features should be sectionally dismantled and lowered by a climbing arborist;
- The Project Ecologist must supervise all tree clearing and construction works to mitigate any native animal welfare issues. Clearing works shall follow the specific tree and vegetation clearing protocols outlined in the Wildlife Management Strategy approved under this consent.
- Identify nearby release areas for animals requiring immediate relocation (this may include a recommendation to install nest boxes in adjacent habitat prior to clearing as temporary refuge for displaced animals). Contact details for the nearest Vet are to be included. Ensure appropriate permissions have been granted to enter third party properties if the animals are to be released offsite.
- Provision of four (4) nest boxes suitable for microbats to be installed within retained trees.
- Identification of any hollows, logs or parts thereof that would be appropriate for fauna habitat reuse within the adjoining open space areas are to be augmented (modified) and reused within VMP areas.

The Project Ecologist is to provide certification to Council within 10 working days following completion of:

- The pre-clearing surveys, marking of all habitat trees, marking of trees and vegetation to be retained;
- The erection of required tree protection fencing;
- Removal of habitat trees.

Prior to Issuance of Subdivision Certificate – Erosion and Sediment Control

Prior to commencement of construction, a Soil and Water Management Plan (SWMP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Council (or the Principal Certifying Authority (PCA)).

During Works – Erosion and Sediment Control

Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

This SWMP shall be modified and updated during construction to reflect any changes to the on-ground/site conditions. A copy of any modifications or updates to the SWMP shall be approved by a suitably qualified person and provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent SWMP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the *Protection of the Environment Operations Act*.

Prior to Issuance of Subdivision Certificate – Weeds

Priority weed species occurring within the Subject Site should be managed in order to prevent further spread. Prior to any vegetation clearance, weeds in the canopy and shrub layers should be demarcated in order for these to be disposed of separately from native material. All groundcover species should be disposed of as exotic as the majority is exotic grass.

Certification shall be provided by a suitably qualified professional.

Prior to Issuance of Subdivision Certificate – Vegetation and Landscaping

Consult AEP for specific comments regarding Vegetation and Landscaping if required.

Prior to Issuance of Subdivision Certificate – Tree Protection

Submit a Tree Protection Plan (TPP) to Council for approval. The Plan must be prepared by a qualified Arborist (AQF 5), providing details of Tree Protection Zones and Tree Protection Measures to be employed during construction. The Plan is to include protection of the trees shown for retention in the approved AIA and is to nominate other suitable trees for retention based on detailed design.

Identify trees to be retained on all the final engineering and landscaping plans. Trees and vegetation are to be retained in accordance with AIA and TPP. All trees and vegetation outside the disturbance area for approved earthworks are to be retained.

Overall Comments:

1. Overall there is a lack of consistency through the project documents to clearly identify the area subject to the DA.

a. For example the cover page on the Landscape Plans identifying the Stage do not reflect subsequent figures within the package;

b. The only figure within the SEE is outdated;

c. The Stage boundary used in the report has minor discrepancies to the final subject site but detail is sufficient for the purposes of the report;

d. Figure 1 in the Civico Arborist report is difficult to follow in the context of the development. Rightly it has included the temporary basin to be constructed, however the northern and western boundaries of the figure do not otherwise align with the stage boundary.

2. The DA has demonstrated that the project and impacts are commensurate with the previous State and Commonwealth Approvals including agreed offsets.

3. A copy of the Civil Plans are requested for review.

4. Further review of potential tree retention based on cut/fill and subdivision layout.
5. Further consideration for the use of trees commensurate with Cumberland Plain Woodland within the Landscape Street Trees.
6. The SEE be updated to reflect the conclusions within the various reports that it references and an updated figure be included to clearly identify the subject site.