

# PLANNING ASSESSMENT REPORT

## Stage 11 Claymore

**Subdivision comprising 92 torrens title residential allotments, 1 residue lot and associated site, civil and landscape works including the removal of 190 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 Sydney Western City 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 (Planning Systems) 2021.

## "Schedule 6 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 works comprising 92 torrens title residential allotments, 1 residue lot and associated site, civil and landscape works, including the removal of 190 trees, and is identified as Stage 11 of the Claymore public housing estate in accordance with the Claymore Urban Renewal Concept Plan.
- Stage 11 of the Claymore Urban Renewal Concept Plan is located between Gould Road and Fullwood Reserve to the north east of the renewal area. The area of land affected by the proposed Stage 11 works is approximately 6 hectares.
- The proposal is generally in accordance with 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.
- Cumberland Ecology stated in their consistency report for stage 11 subdivision works as follows (Claymore Stage 11: Consistency Assessment – Ecological Consent Conditions – Cumberland Ecology 21 December 2020).
  - The Proposed DA does not cause any further impacts on native vegetation as indicated by the approved Concept Plan; and
  - The required offsets detailed in the August 2013 Bushland Revegetation Strategy (Cumberland Ecology 2012b) prepared by Cumberland Ecology 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 threatened ecological communities Cumberland Plain Woodland and River-flat Eucalypt Forest detailed in both reports are protected, retained, restored, and revegetated as directed in the VMP.
- Travers Ecology was engaged to carry out a review of consistency with Section 34A Certification of Claymore Masterplan Approval and submitted documentation. It was concluded that the application has adequately demonstrated that it is consistent with the biodiversity offset package as approved by the Director General.
- The development application was notified and publicly exhibited. No submissions were received in response.
- The Sydney Western City Planning Panel were briefed regarding the proposal Monday 12 April 2021.
- 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 10 May 2022.
- It is recommended to the Sydney Western City Planning Panel that the application be approved, subject to the recommended conditions of consent as detailed in Attachment 1.

### **Officer's Recommendation**

That 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 as identified within Stage 11, be approved, subject to the recommended conditions of consent as detailed in Attachment 1.

<b>DA Number</b>	11/2021/DA-SW
<b>Property Description</b>	Lot 33 DP 258939, Lot 34 DP 258939, Lot 249 DP 775571, Lot 259 DP 775571, Lot 154 DP 774619, Lot 251 DP 775571, Lot 253 DP 775571, Lot 255 DP 775571, Lot 257 DP 775571 Various lots, Fullwood Reserve, Gould Road, Preston and Abrahams Ways and Beryl Close, Claymore
<b>Applicant</b>	NSW Land & Housing Corporation
<b>Owner</b>	NSW Land & Housing Corporation Campbelltown City Council
<b>Date of Lodgement</b>	10 February 2021 and as amended 13 May 2021, 29 November 2021, 15 January 2022, April 2022 (updated Arboricultural Assessment V3), RFI response 22 April 2022.
<b>Consistency Statement                      Assessment</b>	21 December 2020 (Cumberland Ecology)
<b>Sydney Western City Planning Panel</b>	Briefing held Monday 12 April 2021.
<b>Ecological and Arboriculture Peer Review</b>	13 May 2022
<b>Cost of Works</b>	\$8,621,292.90
<b>Number of Submissions</b>	Nil
<b>List of all Relevant Section 4.15 matters of the Environmental Planning and Assessment Act, 1979</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 11 Georges River Catchment</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• <i>Claymore Urban Renewal Concept Plan approval</i></li> <li>• <i>Campbelltown 2025 - Looking Forward</i></li> <li>• Campbelltown Local Environmental Plan 2015</li> <li>• Campbelltown Sustainable City DCP 2015</li> <li>• Part 9 - Urban Renewal Areas Airds Claymore DCP</li> </ul>
<b>Concurrence</b>	10 May 2022
<b>Recommendations</b>	Approval subject to conditions of consent as attached.

## **Background**

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 Stages 3A and 3B 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. The Stages 1 and 2 subdivision works have been completed.

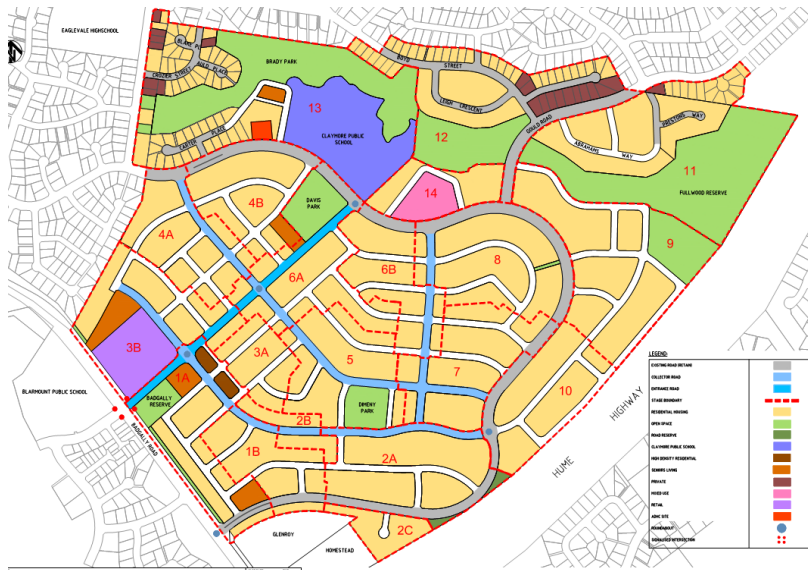
On 19 December 2018, approval was granted for application 1700/2017/DA-SW for the subdivision of land creating 113 Torrens title residential allotments, 17 residue lots, including one lot that would contain the future proposed retail centre, community facilities and three lots comprising roads, and associated 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.

## **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.

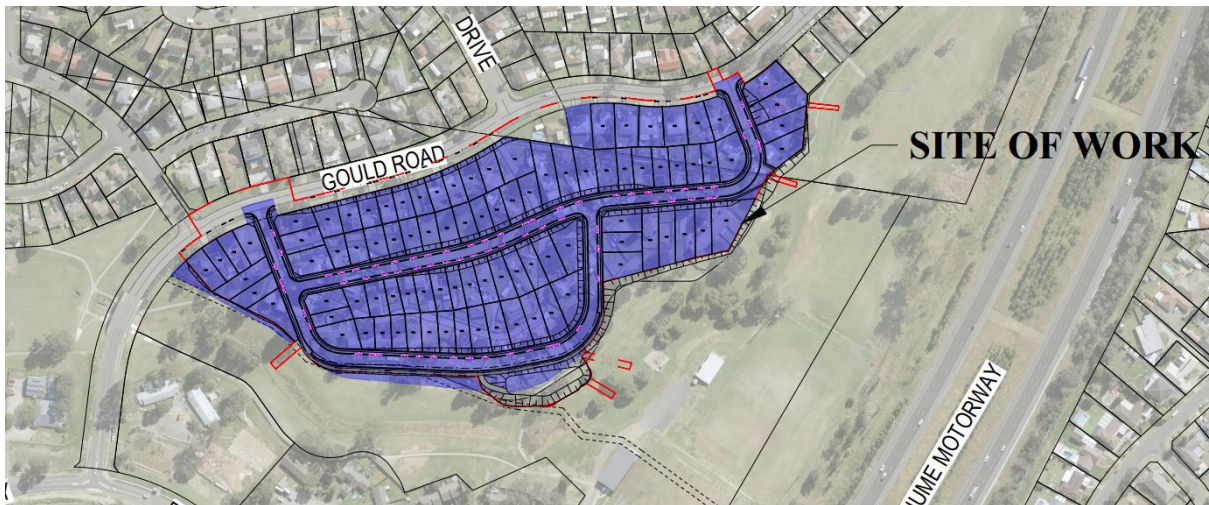


The Concept Plan prescribes that Stage 11 is located between Gould Road and Fullwood Reserve to the north east of the renewal area.

The area of land affected by Stage 11 works is approximately 6 hectares.



**Figure 2: Stage 11**



**Figure 3: Overview of the Proposal**

The proposal is identified as Stage 11 of the Concept Plan and is noted as comprising the following works:

- Subdivision of land into ninety two (92) torrens title residential allotments, one (1) residue lot comprising a public reserve and road dedications;
- Subdivision works including the construction of roads (Road 01 & Road 02) and roadworks (intersection connection at Gould Road), 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 190 trees;
- Civil works associated with road grading and site benching;
- Road closure/land acquisition of Beryl Close;
- A detention basin;
- Interim connections to existing paths in Fullwood Reserve pending future development in the reserve;
- Modification to existing lot boundaries whilst maintaining some existing dwellings. (It is noted that a number of existing residential dwellings will be retained as a component of Stage 11, being Lots 1184, 1185, 1188, 1189, 1190 and 1191. These lots are located along the former Beryl Place and Gould Road);and
- Street tree landscaping;



The following Torrens title allotment sizes are proposed as a component of the subdivision:

<b>Lot Size (m<sup>2</sup>)</b>	<b>Stage 11</b>
300 - 349	4
350 - 399	24
400 - 449	10
450 - 499	19
500 - 549	12
550 - 599	10
600 - 699	6
700 - 800	6
800+	1
<b>Total</b>	<b>92</b>
Residue Lot (Fullwood Reserve)	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.

### **Water Cycle Management/Stormwater Management**

The proposed drainage at the Gould Road Sag point is to be upgraded in accordance with Northrop – Water Cycle Management Strategy PP11(Pinch Point 11) requirements. The existing scenario exhibits a trapped sag point at the intersection of Gould Road and Abrahams Way. The ponding which occurs within the existing scenario is due to a lack of a direct overland flow path, which prohibits the ponded water from flowing down Abrahams Way.

The Northrop WCMP identifies solutions for PP11:

- Upgrade existing stormwater network in Gould Road Sag and downstream to ensure clear path of H1 hazard flow is observed through sag point during the 1 per cent AEP storm event.
- Re-direct existing stormwater network downstream of Gould Road through proposed Stage 11 road reserve and connect to network in Claymore main drain.

The applicant has advised that the proposed design as part of this application meets the developed outcome at PP11 as identified below:

- Inclusion of multiple stormwater inlet pits to capture overland flow;
- Upsizing of existing stormwater pipes to convey larger flows underground;
- Conveys overland flow down proposed Road 01 by removing the existing trapped sag point;

The proposed upgrading of the stormwater network at the Gould Road sag was also modelled using DRAINS software as part of the stormwater network analysis for this Development Application. The DRAINS model results demonstrate that the proposed addition of stormwater pits and upgrade to stormwater pipes reduces the flood impacts in the 100yr storm. These flows are now safe and compliant in accordance with Campbelltown City Council Engineering design guide within Gould Road.

The report concluded that the engineering design controls outlined in this report including stormwater quantity / quality management and adopted detailed design criteria will ensure that the development

of the Claymore Renewal Stage 11 will meet the required levels of onsite water quantity and quality discharge as well as meet the criteria for overall acceptance and approval by Campbelltown City Council and associated stormwater management documentation.

### **Acoustic**

An acoustic assessment report accompanied the application prepared by Renzo Tonin & Associates.

The findings of the report are noted as follows:

"The report addresses road traffic noise from M31 Hume Motorway and its potential impact upon residential lots located in proximity to the frontage.

The results of the noise modelling indicate that:

- With respect to residential lots exposed to M31 Hume Motorway, the ground floor level facades of residential premises can comply with the ISEPP criteria due to acoustic shielding provided by the acoustic mounding/wall as per F5 REF.
- Exceedance of the ISEPP criteria are predicted at first floor facades of 2 residential dwellings (Lots 1181 to 1182) exposed to M31 Hume Motorway.
- For facades that are exposed to noise levels above the ISEPP, indicative building envelope design has been provided in accordance with the internal noise level criteria.
- If the internal criteria can only be achieved with windows closed, then mechanical ventilation or air conditioning that meets the requirements of the National Construction Code must also be provided to ensure fresh airflow inside the dwelling. It is important to ensure that mechanical ventilation does not provide a new noise leakage path into the dwelling and does not create a noise nuisance to neighbouring residential premises. It is noted that windows are not required to be sealed shut/fixed and can be operable.

Construction noise and vibration management has also been addressed."

### **Site Contamination**

A Contamination Assessment accompanied the application prepared by JBS&G.

The findings and recommendations of the assessment are:

- Fill materials were observed across the site with inclusions of gravels, garden hose, plastic, metal and glass observed at some locations. Fill depths were generally between 0.1 and 0.3 m bgs, with deeper fill identified at locations CY11-05 (0.5 m bgs), CY11-06 (1.5 m bgs) and CY11-12 (0.6 m bgs);
- All contaminant concentrations of soils samples analysed within investigation locations conducted (heavy metals, TRH, BTEX, PAHs, OCPs and asbestos) were all below the LOR and/or the adopted site criteria;
- No staining, odours or ACM was observed on the surface of the site or within the investigation locations conducted, and inclusions in fill were not observed at concentrations that would be considered an aesthetic issue;



- Minor fly-tipping was observed within vacant areas of the site and within the southern portion of the site where the site meets Fulwood Reserve; and
- There were no indications of gross or widespread contamination and results of this investigation did not identify unacceptable contamination risks to human health or the environment and, as such, it is considered the site will be suitable for the intended land uses subject to investigations in areas that were inaccessible and preparation and successful implementation of a remedial action plan (RAP) if required.

Based on the conclusions presented, it is recommended the following actions are undertaken:

- Further investigations works are required within inaccessible areas and building footprints following demolition of site structures and prior to development-related earthworks and civil works, to confirm the suitability of the site for the intended land uses and determine whether a remedial action plan (RAP) is required.
- Standard development controls including an Unexpected Finds Protocol are implemented to address any potential unexpected contamination encountered during future works."

The submitted report and recommendations are noted.

### **Salinity Management**

A Salinity Assessment Management Plan was submitted by JBS&G.

The assessment found that the subsurface soils are non-saline and there is no notable difference in salinity between surface and subsurface soils.

The report recommends appropriate consideration of the site soil conditions is necessary during the proposed civil, hydraulics, landscaping and structural design of the proposed development to ensure appropriate management of the existing site conditions and minimise the risk of exacerbating soil limitations.

### **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:

"Based on the results of the original AHMS investigation and subsequent desktop assessment, it is unlikely that the proposed Stage 11 development will harm Aboriginal objects or sites. The study area contains no registered Aboriginal sites, and it is considered to possess low archaeological potential.

This conclusion is based on the high levels of disturbance observed throughout Claymore, where residential development has removed the upper soil profile across large areas. The majority of the study area comprises residential lots, the development of which is considered to have significantly impacted the shallow Blacktown soils. As such, the study area is unlikely to retain evidence of Aboriginal occupation in the form of Aboriginal stone objects."

## **European Heritage**

Stage 11 does not comprise any individually listed items of local heritage significance as listed by Schedule 1 of the Campbelltown Local Environmental Plan 2015.

## **Utility Services**

The location of any known existing service utilities have been considered by the applicant to ensure a continuous supply of services to existing dwellings is provided throughout the proposed construction works.

The design of potable water, sewer, electrical, gas and telecommunications will be submitted as a component of the Construction Certificate documentation.

Utilities such as water, electricity, gas and NBN, are available.

## **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 34 A 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 – Ecological Consent Conditions**

Cumberland Ecology stated in their consistency report for stage 11 subdivision as follows (Claymore Stage 11: Consistency Assessment, Ecological Consent Conditions, Cumberland Ecology 21 December 2020):

1. The Proposed DA does not cause any further impacts on native vegetation as indicated by the approved Concept Plan; and
2. The required offsets detailed in the August 2013 Bushland Revegetation Strategy (Cumberland Ecology 2012b) prepared by Cumberland Ecology 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 threatened ecological communities Cumberland Plain Woodland and River-flat Eucalypt Forest detailed in both reports are protected, retained, restored, and revegetated as directed in the VMP.

The report concluded that Stage 11 of the Project is consistent with the approved Concept Plan and no further ecological assessment is required for the Stage 11 DA.

## **Arboricultural Impact**

An Arboricultural Impact Assessment report was prepared by Arborsaw, dated November 2021 and updated April 2022. The updated report provides that:

“The majority of the trees have been tagged and all trees are now on plotted tree location plan and onto each subsequent plan revision developed since this tree inspection.

The 236 trees comprise of

- 22 A Retention Value Trees
- 81 B Retention Value Trees
- 121 C Retention Value Trees
- 12 R (Remove) Trees

The complete tree data table is located at the end of this document.

31 trees identified in this report form part of Cumberland Plain Woodland (CPW). 71 trees identified in this report form part of River Flat Eucalypt Forest (RFEF). CPW and RFEF are listed as Critically Endangered Ecological Communities (CEEC) under both the state, Biodiversity Conservation Act 2016 (BC Act) and the commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) legislation. The remainder of the trees onsite do not form part of CPW or RFEF.

190 trees are proposed for removal to facilitate the proposed layout. Tree Removals include, 17 A retention, 72 B retention and 89 C retention value trees. All 12 R (remove) value trees are recommended for removal irrespective of the development proposal.

Following layout adjustments it has been determined that 46 trees can be retained if the tree protection measures in the report are adhered to. Trees to be retained include, Five (5) A retention, Nine (9) B retention and 32 C retention value trees. 31 trees have no identified changes or works within their TPZ and therefore do not require tree protection measures. The 15 remainder of the trees

nominated for retention require generic tree protection measures in the form of Tree Protection Fencing and Arborist supervision during works within their TPZ's.

Replanting for this site has been calculated and planned for within the biodiversity assessments, recommendations and approvals detailed within the Certification under cl 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (NSW). Extensive detail is provided for within the documentation and correspondence surrounding the approval processes, consistency assessments and certification. Detail surrounding the replanting requirements is therefore omitted from this report."

## **Planning Assessment**

### **1. Strategic Context**

#### **1.1 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 92 residential allotments that will help contribute to the GSRP's projected needs by 2036.

#### **1.2 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.

#### **1.4 Campbelltown 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 the Claymore public housing estate, which would significantly improve the existing public infrastructure.

## **1.5 Campbelltown 2017-2027 Community Strategic Plan**

Campbelltown 2027 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome most relevant to the proposed development is Outcome 1: A vibrant liveable city.

The strategy most relevant to this application is:

- 1.8 – Enable a range of housing choices to support different lifestyles

The proposed re-development facilitates a range of residential allotments that would support different lifestyles and deliver a vibrant and liveable city.

The proposal is in accordance with Council's Strategic vision.

## **2. 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 has been identified for further consideration.

### **2.1 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 Land and Housing for review on the Tuesday 03 May 2022 and concurrence was obtained 10 May 2022, accordingly.

## **2.2 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. However, referral to the Roads and Maritime Services is not required, as the proposal is not traffic-generating development. The proposed development includes subdivision of less than 200 allotments and the connection to the site is not within 90m of a connection with a classified road, as such not triggering the thresholds of traffic generating development.

A Traffic Impact Assessment prepared by Positive Traffic Planning supported the proposal and concluded as follows:

"The findings of this assessment are presented below:

1. The traffic impacts of the development would be minimal with future traffic flows on surrounding roads within acceptable limits.
2. Intersections surrounding the development would continue to operate at levels of service to that which currently occurs following full development of the Claymore Precincts.
3. The proposed design of the internal roads complies with the minimum requirements of the Traffic Solutions traffic report and are considered satisfactory.

Overall the potential traffic impacts of the proposed residential sub division are considered acceptable."

The above findings are noted and were forwarded to Council's Traffic Engineer for review. Council's Development Engineer accepted the assessment raising no objections subject to inclusion of conditions as incorporated within the draft conditions of consent.

## **2.3 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 a 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 Contamination Site Assessment, prepared by JBS&G (59958-134310 (Rev A) dated 18 December 2020. The investigation concluded that contamination levels across the site were low and would not preclude the proposed development on the site.

Council's Environment Officer reviewed the proposal and raised no objections subject to the imposition of conditions.

## **2.4 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.

## **2.5 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
<b>Schedule 3</b>		
<b>Part A – Terms of the Approval</b> <b>1(a)</b>	Approval of the Claymore concept plan, except as otherwise modified by this approval, including but not limited to:  A Masterplan for the long term urban rejuvenation of the estate involving: (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 (v) New or upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a series of new interconnecting public roads.	The proposed subdivision is considered generally consistent with the Concept Plan in terms of street layout, subdivision pattern including urban design, open space and landscaping, and the provision of infrastructure.
<b>1(b)</b>	Utilities and infrastructure delivery plan	Consistent
<b>1(c)</b>	Staging Plan	The proposed location of Stage 11 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.
<b>1(d)</b>	Claymore Development Control Guidelines	Refer below for an assessment of the proposed development against the Claymore Urban Renewal Development Guidelines.
<b>1(e)</b>	Street Layout and building typologies	The applicant has advised that there have been design improvements to the street layout to provide greater connectivity and to provide a park edge road where possible to improve access to, and activation of, Fullwood Reserve. This has resulted in the inclusion of Beryl Place in the development works boundary.

<b>1(f)</b>	Street tree and landscaping strategy	A Street Tree hierarchy Masterplan was provided in support of the proposal.
<b>2(a)</b>	<p>The proponent shall carry out the concept plan generally in accordance with the:</p> <p>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</p>	The proposed development is generally consistent with the Environmental Assessment Report prepared by BBC Consulting Planners.
<b>2(b)</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.
<b>2(c)</b>	Statement of Commitments, dated May 2013	<p>The proposed development is generally consistent with the Statement of Commitments.</p> <p>Further, the Statement of Commitments states that the 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>
<b>2(d)</b>	The terms of this approval	The proposal is considered to be consistent with the terms of the Concept Plan.
<b>3.</b> Inconsistency between plans and documentation.	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.	Noted.

	However the modifications of this concept plan approval prevail to the extent of any inconsistency.	
<b>4. Limits on approval</b>	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.	The proposed development does not include demolition.
<b>5. Determination of future applications.</b>	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. The determination of future applications for development on the site is to be generally consistent with the terms of the approval.	The subject development application lodged for Stage 11 is consistent with Condition No. 5.

#### **Part B – Modifications to the Concept Plan**

<b>1. Concept Plan Layout</b>	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.
<b>2. Badgally Road Town Centre</b>	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 development application proposes a residue allotment (noted as Fullwood Reserve) that would be the subject of a separate development application.
<b>3. Entry Statements</b>	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	Not applicable to Stage 11.

	City Council prior to the determination of the development application to which these works apply.	
<b>4.Traffic and Transport</b>	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.
<b>5.</b>	No development (excluding new roads) shall be permitted to have direct access onto Badgally Road.	The proposed subdivision does not propose direct access to Badgally Road.
<b>6.Special Uses</b>	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.
<b>Schedule 4 – Further Environmental Assessment Requirements for Applications Under Part 4</b>		
<b>1.General Requirements</b>	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 have been provided with the subject development application documentation.
<b>2.Built Form and Urban Design</b>	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.
<b>3.Built Form and Urban Design</b>	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 allotment (Fullwood Reserve) that would be the subject of a separate development application.
<b>4.</b>	Any future development application for the creation of residential allotments or seniors living development fronting Badgally Road must refer to the	Not applicable

	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.	
<b>5.</b>	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 involving landscaping along the Badgally Road streetscape.	Not applicable
<b>6.Traffic Transport</b>	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.
<b>7.Development Contributions</b>	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 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) were executed accordingly.</p>
<b>8.Biodiversity Offset Package</b>	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.
<b>9.Vegetation Management</b>	The draft Vegetation Management plan is to be finalised and approved by Campbelltown City Council prior to	The Vegetation Management Plan, prepared by Cumberland Ecology, dated September

	determination of development applications of stages to which these works relate under the approved concept plan.	2014, was approved by Council on 9 October 2014.
<b>10.Heritage</b>	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
<b>11.</b>	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.
<b>12.Site filling and disposal</b>	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.
<b>13.Uilities</b>	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.
<b>14.Contamination</b>	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.
<b>15.Flooding</b>	Any future application for subdivision are to demonstrate compliance with the flood management measures outlined in the Part 3A Concept Plan, Water Cycle	The submitted DRAINS model demonstrates that the proposed addition of stormwater pits and the

	Management Study and Flooding Analysis prepared by Mott McDonald Hughes Truman, attached to the Preferred Project Report.	proposed upgrade to stormwater pipes reduces the flood impacts in the 100yr storm. These flows are safe and compliant in accordance with Campbelltown City Council Engineering design guide within Gould Road.
<b>16. Water Quality and Riparian Corridors</b>	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 11 will meet the required levels of onsite water quantity and quality discharge.
<b>17. Future Development</b>		
<b>17.(a)</b>	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 in support of the application.
<b>17.(b)</b>	Demonstrate compliance with the Water Sensitive Urban Design principles established in the concept plan	Adequate information provided in support of the application.
<b>17.(c)</b>	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.
<b>17.(d)</b>	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.
<b>17.(e)</b>	Provide details on noise attenuation measures for residential land affected by the Hume Highway (M5) in accordance with the approved concept plan	<p>An acoustic report prepared by Renzo Tonin and Associates, dated 26 May 2017, was provided with the development application.</p> <p>The report concluded that the residential subdivision will not be affected by noise emanating from the Hume Highway.</p>



<b>17.(f)</b>	Demonstrate compliance with the Planning for Bushfire Protection 2006	The subject site is not mapped as bush fire prone lands.
<b>17.(g)</b>	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.
<b>17.(h)</b>	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.
<b>18.Future Development</b>	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 has been accompanied by an Acoustic Assessment prepared by Renzo Tonin & Associates dated 18 December 2020). The report provides in principle noise control solutions to reduce noise impacts inside upper floors of any two storey residential premises proposed along the M31 Hume Motorway frontage.

It is considered that the proposed subdivision is generally consistent with the terms of the Concept Plan.

### **3.0 Campbelltown Local Environmental Plan 2015**

The subject site is zoned 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.

The objectives of the R2 Low Density zone are as noted 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;

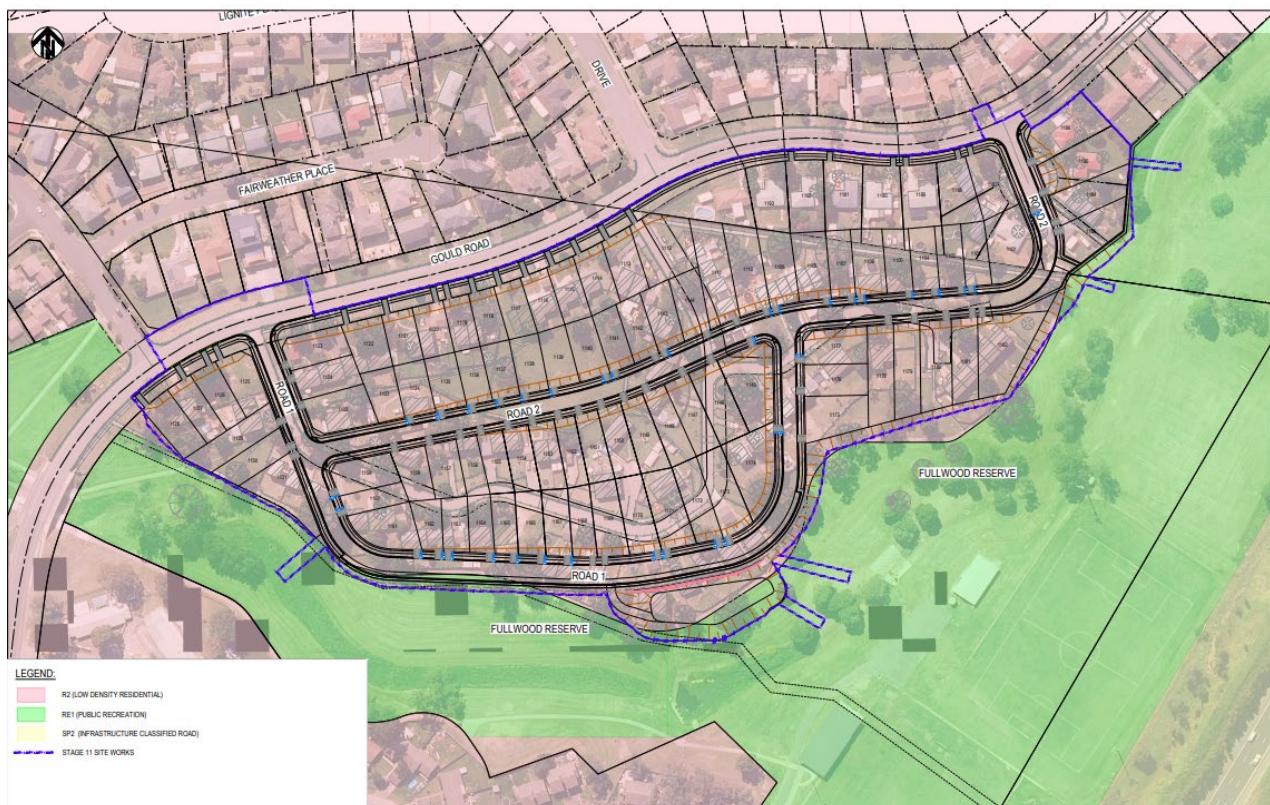
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale;
- To minimise overshadowing and ensure a desired level of solar access to all properties;
- To facilitate diverse and sustainable means of access and movement.

And, the Objectives of 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 consistent the objectives.

The proposed re-subdivision encroaches within the RE1 Public Open Space zone within the area of the bio retention basin and proposed Road 01.



**Figure 4: Zoning Overlay**

Applicable LEP Clauses to be considered 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 under the provisions of CLEP 2015.

The development application proposes the following allotment sizes and configuration:

<b>Lot No.</b>	<b>Lot Size</b>	<b>Frontage</b>	<b>Depth</b>
Lot 248 DP775571	Existing allotment – no change		
Lot 151 DP 774691	Existing allotment – no change		
1100 Fullwood Reserve (Residue Lot)	6.877 hectares		
1101	643.7m <sup>2</sup>	Corner lot	30.48m
1102	357.7 m <sup>2</sup>	12.5m	29.945m

1103	373.9 m <sup>2</sup>	12.5m	29.8m
1104	373.1 m <sup>2</sup>	12.5m	29.8m
1105	377.3 m <sup>2</sup>	12.5m	29.8m
1106	469.8 m <sup>2</sup>	15m	30.72m
1107	373.6 m <sup>2</sup>	11.72m	31.6m
1108	514.4 m <sup>2</sup>	16m	31.9m
1109	526 m <sup>2</sup>	15m	32.8m
1110	641.3 m <sup>2</sup>	15m	38.3m
1111	743.2 m <sup>2</sup>	15m	45m
1112	790 m <sup>2</sup>	Irregular allotment	Varying 23.3 – 31m
1113	457.9 m <sup>2</sup>	10m	30m
1114	449 m <sup>2</sup>	15m	29.9m
1115	393.1 m <sup>2</sup>	13.5m	28.4m
1116	377.5 m <sup>2</sup>	13.5m	27.6
1117	370.5 m <sup>2</sup>	13.5m	27.3m
1118	371.1 m <sup>2</sup>	12.6m	27m
1119	349 m <sup>2</sup>	12m	27m
1120	414.9 m <sup>2</sup>	15.47m	27m
1121	411.5 m <sup>2</sup>	15m	27m
1122	469.3 m <sup>2</sup>	19.08m	27m
1123	453.1 m <sup>2</sup>	Corner allotment 11.715m + splay corner 5.27m	26.2m
1124	381.7 m <sup>2</sup>	12.5m	30m
1125	464.3 m <sup>2</sup>	14m (splay corner)	23m – 31m
1126	433.7 m <sup>2</sup>	15.07m	31m
1127	426.5 m <sup>2</sup>	15.7m	31m
1128	526.9 m <sup>2</sup>	12.785m	42.8m
1129	548.2 m <sup>2</sup>	14.49m	33.4 – 42.8m
1130	423 m <sup>2</sup>	14.49m	6m – 33m
1131	570.9 m <sup>2</sup>	Irregular shaped allotment	28.8m
1132	456 m <sup>2</sup>	11.37m	30m
1133	372.7 m <sup>2</sup>	12.75m	27.6m
1134	382.5 m <sup>2</sup>	15.04m	27.5m
1135	414.2 m <sup>2</sup>	15m	27.4m
1136	412.1 m <sup>2</sup>	15m	27.3m
1137	365.9 m <sup>2</sup>	13.4m	27.3m
1138	405.3 m <sup>2</sup>	14.9m	27m
1139	373.4 m <sup>2</sup>	13.52m	27m
1140	382.3 m <sup>2</sup>	10.3m	28m
1141	387.3 m <sup>2</sup>	13.5m	28.5m
1142	364.2 m <sup>2</sup>	12.5m	29.5
1143	371.6 m <sup>2</sup>	9.6m	29.9m
1144	395.7 m <sup>2</sup>	11.41m	29.9m
1145	459.9 m <sup>2</sup>	15.4m	30.83m
1146	718.8 m <sup>2</sup>	17.6m (irregular shaped corner allotment)	37.2m
1147	494.4 m <sup>2</sup>	12.53m	39m
1148	463.7 m <sup>2</sup>	12.53m	39m
1149	426.1 m <sup>2</sup>	10.025m	39m
1150	490.2 m <sup>2</sup>	9.71m	40m

1151	481.6 m <sup>2</sup>	11.1m	40m
1152	506.4 m <sup>2</sup>	11.28m	39.3m
1153	499.4 m <sup>2</sup>	11.28m	37m
1154	478.6 m <sup>2</sup>	12.5m	37m
1155	536.8 m <sup>2</sup>	15m	31m
1156	495.5 m <sup>2</sup>	15m	29.3m
1157	381.3 m <sup>2</sup>	12.5m	27m
1158	352.6 m <sup>2</sup>	132.5m	Varying 27m - 29m
1159	343 m <sup>2</sup>	13.915m	24.7m
1160	558.5 m <sup>2</sup>	12.415m (corner allotment)	26.8 - 29.6m
1161	660 m <sup>2</sup>	Corner allotment	29m
1162	460.9 m <sup>2</sup>	12.9m	27m
1163	352.6 m <sup>2</sup>	12.5m	27m
1164	379.3 m <sup>2</sup>	12.5m	27m
1165	322.7 m <sup>2</sup>	10m	31m
1166	337.9 m <sup>2</sup>	10m	34m
1167	358.8 m <sup>2</sup>	10m	36m
1168	454.4 m <sup>2</sup>	13.9m	36m
1169	581.8 m <sup>2</sup>	16.6m	44m
1170	690.3 m <sup>2</sup>	21.9m	46m
1171	748.2 m <sup>2</sup>	15.8m	46m
1172	575.7 m <sup>2</sup>	12.5m	43m
1173	490.6 m <sup>2</sup>	12.5m	38m
1174	770.6 m <sup>2</sup>	Varying corner allotment	38m
1175	559 m <sup>2</sup>	21.3m	30m
1176	466.7 m <sup>2</sup>	15.5m	30m
1177	483.6 m <sup>2</sup>	17m (splay corner)	30m
1178	585.7 m <sup>2</sup>	12.53m	45m
1179	557.9 m <sup>2</sup>	12.53m	43m
1180	632.7 m <sup>2</sup>	15m	40m
1181	500.2 m <sup>2</sup>	12.53m	Varying depth - 39m
1182	875.3 m <sup>2</sup>	33m (corner allotment)	39m
1183	544.2 m <sup>2</sup>	13.3m	34m
1184	545.5 m <sup>2</sup>	13.3m	34m
1185	755.1 m <sup>2</sup>	15.3m	40m
1186	670.8 m <sup>2</sup>	Corner allotment 12.83m + splay corner	40m
1187	507.9 m <sup>2</sup>	11.3m + splay corner	25.67m
1188	528.1 m <sup>2</sup>	13.9m	30m
1189	535.2 m <sup>2</sup>	17.4m	30m
1190	567 m <sup>2</sup>	17.4m	30m
1191	584.8 m <sup>2</sup>	17.5m	33m
1192	597.2 m <sup>2</sup>	17.9m	33m

A number of allotments are inconsistent with the minimum allotment size as specified by CLEP 2015 (being a minimum of 500 m<sup>2</sup>). However, it is noted that the proposed allotment sizes are consistent with the minimum allotment size as identified within the Concept Plan 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.

It is noted that the lot sizes and number of allotments proposed are generally consistent with the Concept Plan approval in that:

- The Concept Plan approval established an overall minimum lot size of 200 m<sup>2</sup>;
- 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 300m<sup>2</sup>.

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**

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

**Comment:** An Aboriginal Cultural Heritage Assessment Report was submitted in support of the proposal and concluded that the study area contains no registered Aboriginal sites, and it is considered to possess low archaeological potential.

A condition is recommended should there be any unexpected finds in relations to heritage, works are to cease and Council and appropriate experts are to be consulted prior to works commencing again.

## **Part 7 Additional Local Provisions**

### **Clause 7.1 Earthworks**

Clause 7.1 seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

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:** Unlikely as it is noted that the site is of low 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 7.2 Flood Planning**

Pursuant to Clause 7.2 of The CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

**Comment:** The proposal is compatible with the flood hazard associated with the land. The Engineering Design Report, prepared by SMEC, indicates that the subdivision is compatible.

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

**Comment:** The proposal has incorporated a bio-retention basin to deal with water quality and the modelling indicates that the proposed allotments or the surrounding properties will not be impacted by flooding as a result of the proposed development.



- (c) incorporates appropriate measures to manage risk to life from flood, and

**Comment:** The proposal has been designed so that no residential allotments are impacted by the 100 year ARI flood level.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

**Comment:** The proposal includes appropriate mitigation measures to ensure the existing natural environment is not adversely affected. The use of a bio-retention basin and erosion and sediment control measures will assist in significantly reducing the environmental implications of the development.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

**Comment:** The proposal is unlikely to result in unsuitable costs to the community as a consequence of flooding, particularly, given the modelling provided and the implementation of the bio-retention basin.

### **Clause 7.3 Riparian Land and Watercourses**

Pursuant to Clause 7.3 of the CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
  - (i) the water quality and flows within the watercourse,
  - (ii) the aquatic and riparian species, habitats and ecosystems of the watercourse,
  - (iii) the stability of the bed and banks of the watercourse,
  - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
  - (v) any future rehabilitation of the watercourse and its riparian areas,
  - (vi) the underlying and surrounding groundwater resources and groundwater dependent ecosystems, and

**Comment:**

The proposal would unlikely have any adverse impact on the riparian land and watercourse of McBarron Creek. Subsequently, it is also unlikely to have an adverse impact on aquatic species, ecosystems and their habitats, free fish passage or the stability of the bed and banks of the watercourse.

- (b) whether or not the development is likely to increase water extraction from the watercourse, and

**Comment:** The proposed development will not increase water extraction.

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

**Comment:** The proposal has been designed around the existing riparian land and watercourse, with appropriate buffers and measures put in place to mitigate any impacts.

## Clause 7.4 Salinity

Pursuant to Clause 7.3 of the CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether the development is likely to have any adverse impact on salinity processes on the land,

**Comment:** The proposal is supported by a Salinity Management Plan, prepared by JBS & G Australia Pty Ltd on the development. A condition is recommended that the mitigation measures are implemented throughout the development.

- (b) whether salinity is likely to have an impact on the development,

**Comment:** The Salinity Management Plan concluded that soils at the site are considered to be non-saline, non-aggressive and non-sodic to sodic. The Salinity Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

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

**Comment:** The Salinity Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

Pursuant to Clause 7.4(4) of the CLEP 2015, development consent must not be granted unless the consent authority is satisfied that:

- (a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) If that impact cannot be minimised—the development will be managed to mitigate that impact

**Comment:** The measures contained within the Salinity Management Plan, are considered to ensure the proposed development will be designed and managed to minimise any significant adverse environmental impact.

A condition has been recommended requiring all residential lots to be classified in accordance the Australian Standard AS2870 - Residential Slabs and Footings, prior to the issue of a subdivision certificate.

## 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 prior to the release of a subdivision certificate.

### **Clause 7.20 Terrestrial Biodiversity**

Clause 7.20 of CLEP 2015 requires the consent authority to consider the proposal's ability to maintain terrestrial biodiversity through:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats, and
- (d) maximising connectivity and minimising habitat fragmentation.

Pursuant to Clause 7.20(4) of CLEP 2015, development consent must not be granted to development on land to which this clause applies unless the consent authority:

- (a) has taken into account the objectives of this clause, and is satisfied that the development is sited, designed, constructed and managed to void adverse impacts on native biodiversity or, if an adverse impact cannot be avoided:
  - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
  - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
  - (iii) the development includes measures to offset the loss of biodiversity values.

#### **Comment:**

The proposed development footprint has largely sought to avoid direct impacts to native ecological communities and fauna. However, not all impacts were able to be avoided and the proposed development will require the removal of 190 trees comprising:

"31 trees identified in this report form part of Cumberland Plain Woodland (CPW). 71 trees identified in this report form part of River Flat Eucalypt Forest (RFEF). CPW and RFEF are listed as Critically Endangered Ecological Communities (CEEC) under both the state, Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) legislation. The remainder of the trees onsite do not form part of CPW or RFEF.

190 trees are proposed for removal to facilitate the proposed layout.

Tree Removals include, 17 A retention, 72 B retention and 89 C retention value trees. All 12 R (remove) value trees are recommended for removal irrespective of the development proposal.

The proposed roads, services, lot layouts, building footprints, bank batters and vehicle crossovers also commonly conflict with tree locations resulting in tree removals when level changes are minor.

Following recommended layout adjustments, it has been determined that 46 trees can be retained if the tree protection measures in the report are adhered to. Trees to be retained include, Five (5) A retention, Nine (9) B retention and 32 C retention value trees.

32 trees have no identified changes or works within their TPZ and therefore do not require tree protection measures. 14 Trees nominated for retention require tree protection measures in the form of Tree Protection Fencing and Arborist supervision during works within the TPZ's Replanting for this site has been calculated and planned for within the biodiversity assessments, recommendations and approvals detailed within the Certification under cl 34A of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 (NSW)."

As outlined above, 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.

### 3.1 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
<b>2.2(a) Site Analysis</b>	A Site Analysis Plan shall be lodged with the development application	A site analysis plan was provided with the development application.	Complies
<b>2.5(a) Landscaping</b>	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
<b>2.5(e)</b>	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

			
<b>2.7(a) Erosion and Sediment Control</b>	An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted with a development application	Recommended condition of consent.	Capable of Compliance
<b>2.8.1(a) Cut and Fill</b>	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
<b>2.10 Water Cycle Management</b>		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 discharges stormwater in a controlled manner. Council's City Delivery team have reviewed the design and believe that it is capable of containing the stormwater and disposing of it appropriately.	Conditions to be imposed
<b>2.10.2(a) Stormwater</b>	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.	Capable of Compliance
<b>2.10.2(i)</b>	Where applicable, the development shall incorporate the creation of an appropriate easement to manage stormwater in accordance with	Recommended condition of development consent to comply with Council's Engineering Design Guide for Development.	Complies

	Council's Engineering Design Guide for Development		
<b>2.11 Heritage</b>	<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"> <li>■ Respect the City's heritage resource.</li> <li>■ Promote the protection or conservation of those resources wherever possible.</li> <li>■ To conserve the environmental and cultural heritage of the City in accordance with the principles contained within the Burra Charter</li> </ul>	Report submitted concluding low potential impact.	Not Applicable
<b>2.12(a) Retaining Wall</b>	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
<b>2.15 Waste Management</b>	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.	Complies
<b>2.16 Provision of Services</b>	<p>Objectives:</p> <ul style="list-style-type: none"> <li>■ Ensure that development is</li> </ul>	The proposal would facilitate provisions to extend services so that the works integrate seamlessly into	Capable of Compliance

	<p>provided with adequate water and power supply.</p> <ul style="list-style-type: none"> <li>■ Ensure that the operations, installation and maintenance of on-site sewage systems do not: <ul style="list-style-type: none"> <li>• impose risks on public health;</li> <li>• result in any potential contamination to groundwater, and natural and artificial watercourses.</li> <li>• result in degradation of soil structure.</li> </ul> </li> </ul>	<p>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.</p>	
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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.	Capable of Compliance
3.8.1(e) Residential Subdivision	Roads/access handles shall be provided to separate allotments	Roads provided to separate allotments from riparian corridors and parks.	Capable of Compliance



**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	from any park, reserve, waterway and the like.		
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 sight distances and maintain footpath widths.	All residential allotments within the subdivision that are located adjacent to an intersection are provided with a splay.	Capable of compliance
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 in accordance with Concept Plan.
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	The subject site is not identified as bushfire prone land.	Not Applicable

**Campbelltown (Sustainable City) Development Control Plan 2015**

<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
	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 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 proposed.	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**

<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
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
	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 SCDCP requires that residential subdivision facilitate allotments that have a minimum lot width of 15m, measured at the building line. The proposed development includes a number of 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 11 subdivision comply with the nominated control.

### **3.3 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 Development Control Guidelines were prepared to guide the design of subdivision and construction of housing in the Claymore Urban Renewal area. The provisions of the DCG's 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 subdivision is generally consistent with the above aims of the DCG's.

### **Part 2 Requirements Applying to All Types of Development**

<b>Control</b>	<b>Guide</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Clause 2.2 Additional Controls Regarding Noise</b>	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	Allotments within proximity of M31 Hume Motorway.  Acoustic Assessment report submitted.	Capable of Compliance. Condition to be imposed.

	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.		
<b>Clause 3.3 Additional Controls Regarding Retaining Walls</b>	Section 2.12 of the SCDGP 2015 does not apply to neighbourhood subdivision.	Noted.	Not applicable
<b>Clause 2.4 Future Applications</b>	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

## **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 and desire of the future character of the area as it satisfies the above objectives providing a range of allotment sizes ranging between 320m<sup>2</sup> and 875m<sup>2</sup>. The allotments are capable of accommodating a range of affordable housing types, efficiently responding to the existing site conditions. In addition, the proposal will provide safe connections to the existing pedestrian/cycle and vehicular access points.

## **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 allotment sizes are proposed ranging between 320m<sup>2</sup> and 875.3m<sup>2</sup>. The proposed allotments are capable of accommodating a range of affordable housing types and 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.

An assessment of the proposed development against the relevant subdivision provisions of the DCG's is noted below:

## 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; and
- 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 320m<sup>2</sup> and 875.3m<sup>2</sup>.

### 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.

Claymore Urban Renewal Development Control Guidelines			
Control	Guideline	Proposed	Compliance
<b>8.3 Design Requirements</b>			
<b>8.4 Neighbourhood Subdivision: Allotment Size and Design</b>			
<b>1.Residential Allotment Design</b>	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
<b>2.Street Frontage</b>	All proposed allotments shall have a street frontage.	All proposed allotments are provided with a street frontage.	Complies
<b>3.Battle Axe Allotments</b>	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
<b>4.Minimum Area</b>	All allotments intended for residential housing will have a minimum site area of 200m <sup>2</sup> with a minimum width	The proposed allotments range in area from 320m <sup>2</sup> and 875.3m <sup>2</sup> .	Complies

	measured at the building line of 6 metres.		
<b>5.Allotment Width</b>	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.	The proposed allotments are provided with a street frontage of greater than 9m in width.	Not applicable
<b>6.Minimum Depth</b>	Allotments are to have a minimum depth of 25m.	A minimum depth of 25m is provided.	Complies

#### **4.0 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:

- Traffic Impacts
- Stormwater Impacts
- Acoustic Impacts
- Construction Impacts
- Social and Economic impacts

#### **4.1 Traffic Impacts**

A Traffic Impact Statement, prepared by Positive Traffic Engineering Planning, dated November 2020, was submitted with the development application.

The statement provides an assessment of the specific impacts associated with the proposed development. The statement concludes that the proposal is generally in accordance with the Concept Plan in relation to the development yield and street network and would not give rise to adverse impacts on the function of the local or regional road network.

#### **4.2 Stormwater Impacts**

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

#### **4.3 Acoustic Impacts**

The acoustic report submitted with the development application identified the upper levels of dwellings of two lots as being affected by noise that requires treatment being lots 1181 and 1182 in the proposed plan of subdivision. The report did not recommend an envelope plan but indicative building envelope (façade) treatments for upper floor facades of dwellings on the lots that are exposed to noise levels above the ISEPP criteria.



It is noted that internal noise level criteria are required to be satisfied through appropriate design of the building envelope (eg. glazing, doors and walls). Indicative acoustic design advice for affected building envelopes is set out in Section 2.7.2.

The management measures are recommended as a condition of development consent.

#### **4.4 Construction Impacts**

The applicant has advised that a Construction Management Plan (CMP) would be prepared for the Stage 11 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.

A condition is recommended that the applicant develop a Community Information Plan to ensure that the residents and general public are kept abreast of the status of the development.

#### **4.5 Social and Economic Impacts**

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

Socially, the proposal will deliver vacant residential allotments that will facilitate an increase of housing supply and help to improve housing choice and affordability within the locality. The proposed development will also facilitate an active and passive recreation area 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 comprise dwelling houses.

#### **4.6 Referrals**

##### **4.6.1 Internal**

##### **Development Contributions Officer**

Development contributions do not apply to this application (if it corresponds with the VPA proposed lots). Development contributions have been paid by the Developer through a voluntary planning agreement for each Final Lot developed.

As such contributions for this development have already been met.

##### **Development Engineer**

Council's Development Engineer reviewed the proposal and raised no objections subject to inclusion of conditions as nominated.

## **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.

Condition is to be imposed within Notice of Determination.

Council's Officer reviewed the Acoustic Assessment and raised no objections subject to inclusion of conditions as provided.

## **Environment (Flora and Fauna)**

Due to staffing constraints, Council sought a peer review of the ecological and arboricultural information submitted. Travers Ecology were engaged by Council who provided final advice on 14 April 2022 in regard to the following:

1. Impact on trees is has not been properly determined as discussed above.
2. Insufficient evidence that planting within the nominated open space areas is feasible with a viable offset planting ratio.
3. I recommended that a planting plan is prepared and submitted to achieve a 3:1 planting ratio for every CPOW and RFEF tree species removed. This needs to be a consistently applicable ratio and capable of being accommodated for future DA's and within the Open Space Embellishment areas. A consistently viable offset planting strategy should be prepared for each stage and agreed upon by Campbelltown City Council.
4. The landscape plan provided shows street tree plantings only and does not include the works in Fullwood Reserve. The landscape plan is required to show how the design shall retain and enhance the existing native flora and fauna, the trees to be removed/retained and maximise the use of locally indigenous species.

A request for further information was forwarded to LAHC. A response was received dated 22 April 2022, addressing the outstanding matters.

Travers Ecology finalised their review on the 13 May 2022 advising as follows:

- "1. I am satisfied that the development application has adequately demonstrated that it is consistent with the biodiversity offset package as approved by the Director General.
2. I am satisfied that the offset strategy is consistent with the Claymore Masterplan Approval. I note that future open space embellishment works may result in the adjustment to the planting areas within Fullwood Reserve and Brady Park, which suggests that the approved vegetation management plan may require future amendment. I am satisfied that this uncertainty can be resolved by condition of consent requiring a compliance report to be issued to Campbelltown Council inclusive of an audit demonstrating compliance with the approved Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS).
3. I am satisfied that the arboriculture assessment is comprehensive and of appropriate standard, inconsistencies have been removed and provided further details on the impacts on trees as requested."

Subject to inclusion of appropriate conditions no objections were raised to the approval of the proposed subdivision.

#### **4.7 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.

#### **5.0 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 10 February 2021 to the 09 March 2021. The exhibition was in line with the statutory requirements and the Council's notification policies.

No submissions were received, in response.

#### **6.0 Conclusion**

Stage 11 of the Claymore Urban Renewal Concept Plan proposes the subdivision of land creating 92 torrens title residential allotments, one (1) residue allotment and associated site, civil and landscape works including the removal of 190 trees.

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	Prepared by	Date
Cover Sheet & Locality Plan No. 300178186.11.DA001 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Sheet Schedule & Notes Plan No. 300178186.11.DA002 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Demolition Plan Plan No. 300178186.11.DA011 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
General Arrangement Plan Plan No. 300178186.11.DA031 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Typical Road Sections Plan No. 300178186.11.DA041 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Cut & Fill Plan Plan No. 300178186.11.DA051 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Civil Works Plan Sheet 1 Plan No. 300178186.11.DA101 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Civil Works Plan Sheet 2 Plan No. 300178186.11.DA102 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Longitudinal Road Section Sheet 1 Plan No. 300178186.11.DA201 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Longitudinal Road Section Sheet 2 Plan No. 300178186.11.DA202 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Pavement Signage & Linemarking Plan Plan No. 300178186.11.DA351 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022

Drainage Catchment Management Plan Details Plan No. 300178186.11.DA501 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Water Quality & Quantity Plan & Details Sheet 1 Plan No. 300178186.11.DA551 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Water Quality & Quantity Plan & Details Sheet 2 Plan No. 300178186.11.DA552 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Turning Path Plan Plan No. 300178186.11.DA801 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Soil & Water Management Plan Plan No. 300178186.11.DA851 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Soil & Water Management Details Plan No. 300178186.11.DA861 Claymore Redevelopment Stage 11	04	SMEC	21 April 2022
Claymore Renewal – Stage 11 Proposed Plan of Subdivision Drawing No. 300178186.11.P01-01 Sheet 1 of 3	C	SMEC	19 November 2021
Claymore Renewal – Stage 11 Proposed Plan of Subdivision Drawing No. 300178186.11.P01-02 Sheet 2 of 3	C	SMEC	19 November 2021
Claymore Renewal – Stage 11 Proposed Plan of Subdivision Drawing No. 300178186.11.P01-03 Sheet 3 of 3	C	SMEC	19 November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L01 Title Sheet	C	JMD Design	November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L02 Path Hierarchy Masterplan	C	JMD Design	November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L03 Street Tree Hierarchy Masterplan	C	JMD Design	November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L04 Streetscape Plan 01	C	JMD Design	November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L05	C	JMD Design	November 2021

Streetscape Plan 02			
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L06 Streetscape Sections	C	JMD Design	November 2021
Claymore Renewal – Stage 11 Proposed Streetscape Plan Drawing No. L07 Material & Street Tree Planting Palette	C	JMD Design	November 2021

### Supporting Documentation

Geotechnical Investigation – Claymore Stage 11	Pells Sullivan Meynink	18 December 2020
Contamination Site Assessment 59958-134310 (Rev A)	JBS & G	18 December 2020
Salinity Assessment Management Plan 59958/134717	JBS & G	21 December 2020
Aboriginal Cultural Heritage Assessment Stage 11 Addendum	Extent Heritage Advisors	November 2021
Construction Waste Management Plan	Cardno	December 2020
Traffic and Impact Assessment Report	Positive Traffic Engineering/Planning	November 2020
Road Safety Audit (RSA) Revision B	DTal Consulting	13 December 2021
Acoustic Impact Assessment	Renzo Tonin & Associates	18 December 2020
Engineering Design Report Reference No. 300178186.11	SMEC	06 May 2021
Treeaz assessment of tree health and longevity (sule) Stage 11 Claymore Job number: 2386	Anderson Consulting	04 December 2020
Arboriculture Impact Assessment – Stage 11 Version 03	Arborsaw	April 2022

## 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 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. 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.

### **8. Landscaping**

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants consistent with BASIX requirements.

### **9. 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.

## **10. 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.

## **11. 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.

## **12. 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.

## **13. 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.

## **14. 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.

## **15. 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.

#### **16. 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.

#### **17. Road Construction (New)**

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for approval of the proposed road construction.

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

<b>Roads No.</b>	<b>Category</b>	<b>Traffic Loading</b>
1	D	$3 \times 10^5$
2	D	$3 \times 10^5$

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.

#### **18. Road Safety Audit**

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, a detailed road safety audit (RSA) is to be undertaken for the design of the proposed roadworks and traffic facilities by an independent road safety auditor.

#### **19. Vehicle Turning Movements**

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking.

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

For Local roads, garbage collection vehicles with three axles and up to 10.4 metres in length shall be considered as part of the above assessment. For Collector roads, buses upto 12.5m in length shall be considered as part of the above assessment.

#### **20. 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 (as amended)* and be generally in accordance with Water Cycle Management Plan prepared by Northrop Rev D dated 7 Oct 2021.

## **21. Civil Works under Section 138 Road 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.

## **22. Dilapidation Report**

Prior to Council or the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works not owned by the applicant.

## **23. 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.

## **24. 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](http://www.sydneywater.com.au).

## **25. Retaining Structures**

Prior to Council or an accredited certifier issuing a construction 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 sandstone material and shall be constructed wholly within the property boundary, including footings and agricultural drainage lines.

## **26. 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:

Street tree installation shall comply with the following requirements:

- 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.
- 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.
- 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.
- 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.

## **27. Street Lighting**

Prior to Council or the appointed Principal Certifier issuing a subdivision works 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) and shall comply with the following:

- a. 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.
- b. 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).
- c. The power supply to the street lighting shall meet the load requirements of Campbelltown City Council.
- d. The location of meters to service the street lighting network.
- e. The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- f. The street lighting and associated infrastructure in this subdivision is to be dedicated to Council and not be handed over to the energy supplier.

## **28. 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.

### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

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

The development includes works to Council owned land that is classified as community land under the Local Government Act 1993, being Lot 33 DP 258939 and part Lot 154 in DP 774619.

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

Prior to the commencement of works on Lot 33 DP 258939 and part Lot 154 in DP 774619, the notification of compulsory land acquisition must be published in the New South Wales Government Gazette, at which time land ownership passes from Campbelltown City Council to New South Wales Land and Housing Corporation.

### **30. 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 27, Street Lighting.

### **31. Waste Management Plan**

Prior to commencement of any works, the relevant provisions of the approved Construction Waste Management Plan (Cardno, December 2020) are to be completed to the satisfaction of Council.

### **32. 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.

### **33. Erosion and Sediment Control**

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

### **34. Erection of Construction Sign**

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

### **35. Toilet on Construction Site**

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

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

### **36. Trade Waste**

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

### **37. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

### **38. Public Property**

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

### **39. Construction Management Plan**

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

- Detail any potential impacts on the amenity of nearby existing dwellings and existing lane uses within the locality;
- Describe the project in detail, including activities undertaken;

- The noise and vibration management measures listed within the acoustic report prepared by Renzo Tonin and Associated, dated 18 December 2020; and
- Outline a monitoring regime to check the adequacy of controls and mitigation measures and ensure that they remain in good working order.

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

#### **40. Site Audit**

Following the completion of the approved bulk earthworks and prior to the commencement of the approved construction works, the applicant shall submit to Council/PCA a statement from a suitably qualified person accredited by the Office of Environment and Heritage (OEH), that the investigations carried out to date and the site validation report adheres to all relevant requirements of the OEH and the *Contaminated Land Management Act 1997*.

#### **41. 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.

#### **42. Protection of Existing Trees on the Development Site**

Prior to the commencement of any works on the land, a project arborist is required to be nominated (with a minimum qualification of AQF 5 (Arboriculture)) and the stages and related certification or similar documentation is to be issued to the Council and the appointed Principal Certifier for their records.

Protection measures (chapter 10 and Appendix of the Arboriculture Impact Assessment dated April 2022 prepared by Arborsaw) are required to be implemented for the trees nominated for retention and installed before initiation of site works (including demolition/excavation) and retained until the landscaping works are required unless otherwise specified.

All workers related to the construction process and before entering the site must be briefed about the requirements/conditions, relative to the zone of protection, measures, and specifications before the initiation of work.

#### **43. Tree Removal**

- a. One hundred and ninety (190) trees are approved for removal as shown on the Demolition and Tree Removal Plan (SMEC Drawing no. 300178186.11.DA011 Revision 04), and include the following trees as identified in the Arboriculture report (prepared by Arborsaw, dated April 2022):
  - i. Twenty-six (26) Cumberland Plain Woodland (CPW) trees, as identified in the Arboriculture report (Arborsaw, dated April 2022);
  - ii. Sixty two (62) River Flat Eucalypt Forest (RFEF) trees; and
  - iii. Forty six (46) trees identified within the report are to be retained

- b. The removal of the trees will be required to be offset in accordance with the approved Vegetation Management Plan and Bushland Revegetation Strategy and BBC Consulting Planners response (dated 22 April 2022) as follows:
  - i. Trees comprising native tree species, approved for removal will be offset at a minimum ratio of 4.6:1, area of ecological community coverage as depicted in the Clause 34A approval (7 December 2021) and corresponding Vegetation Management Plan (as amended).
  - ii. Other trees approved for removal are required to be offset on site a minimum ratio of 1:1 to be consistent with Council's Sustainable City Development Control Plan (SCDCP), as depicted in the approved Landscape Plan (Claymore Renewal – Stage 11 Proposed Streetscape Plan, dated JMDd November 2021).

#### **44. Flora and Fauna**

- a. There will be no removal of any trees or vegetation (outside of that specified in Condition 43)
- b. Mitigation measures are to be undertaken on site as identified within the Arboriculture Assessment report (Arborsaw, dated April 2022), including:
  - i. Remnant trees should be retained wherever possible to reduce impacts on CPW and maintain urban connectivity for koalas.
  - ii. *Eucalyptus fibrosa*, or other suitable koala feed trees, are to be planted at 20 m intervals (or as approved) within the verge on both sides of the re-formed street and maintained until establishment.
  - iii. Replacement landscaping is to use locally occurring native species commensurate with CPW including trees, shrubs and ground covers to encourage local fauna use, to consolidate remnant vegetation linkages and to provide 'island' refuges for native flora and fauna species within the locality. Dedicated landscape beds are to be established with CPW tree, shrub and ground layer species.

#### **45. 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 conditions 52 & 53 and including the approved fauna relocation plan.

#### **46. 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 the appointed Principal Certifier and 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 structure that contains asbestos, the applicant shall request that the appointed principal certifier 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.

#### **47. Traffic Committee**

Prior to commencement of any works on the land, 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.

#### **48. Traffic Control Plans**

Prior to commencement of any works on the land, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the State Roads Authority manual "Traffic Control at Work Sites" and Australian Standard AS 1742.3 (as amended). A copy of the approved TCP shall be kept on site for the duration of the works in accordance with Work Cover Authority requirements. A copy shall be submitted to Council for its records.

#### **49. Construction Traffic Management Plans**

Prior to the commencement of any 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).

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.

#### **50. Signage and Line Marking Concept Plan**

Prior to the commencement of any works on the land, the applicant shall submit a Concept Plan detailing the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting to obtain approval from Council's Local Traffic Committee.

This includes the installation of regulatory/advisory sign posting, traffic control devices and traffic control facilities with associated revised swept path

## **51. Utility Servicing Provisions**

Prior to the commencement of any works on the land, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

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

## **52. Contaminated Site Assessment**

Prior to the commencement of any works on the land, a detailed site investigation (DSI) and, if required by the findings of the (DSI), a remediation action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the *Contaminated Land Management Act 1997* and shall be submitted to Council (for its records) and the Principal Certifier.

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

## **53. 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 unexpected finds protocol endorsed by a suitably qualified contaminated land consultant
- A 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 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.

### **54. 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.

### **55. 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.**

### **56. Excavation and Backfilling**

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

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

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and
- Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

## **57. 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 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

## **58. 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.

## **59. 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.

## **60. 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.

## **61. Earth Works/Filling Works**

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

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

## **62. 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.

### **63. 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.

### **64. 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.

### **65. Footpaths/Cycleways**

The footpath/cycleway construction shall be to the satisfaction of Council and in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* guide.

A 1 metre wide turf strip shall be laid immediately behind the kerb.

### **66. Pavement Thickness Determination**

A road pavement design and pavement thickness report prepared by a N.A.T.A. registered laboratory and appointed by the applicant, shall be submitted to the principal certifying authority for approval, a minimum of 2 working days prior to the inspection of the exposed sub grade.

The pavement design shall be prepared in accordance with the requirements detailed in Council's *Engineering Design for Development (as amended)* guide.

### **67. Residential Driveway and Layback Crossing**

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

Laybacks are to be constructed in accordance with the endorsed driveway location plan submitted with the construction certificate.

### **68. 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.

### **69. 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

## **70. 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.

## **71. 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.

## **72. Noise Management**

Prior to Council or the appointed Principal Certifier issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act as outlined below:

<b>Lot(s)</b>	<b>Restrictions</b>
1181 and 1182	No dwelling may be constructed or permitted to remain on the lot unless any second storey component is constructed in accordance with the requirements of Category 2 Construction under the Development Near Rail Corridors and Busy Roads – Interim Guideline (NSW Department of Planning, 2008).

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Executive Manager, Urban Release and Engagement 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.



### **73. CCTV Footage verifying integrity of all new pipes and existing pipes**

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

- the files shall be in MP4 format
- file resolution shall be 640 by 480 pixels, 3 Mbps 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.

### **74. Section 73 Certificate – Subdivision Only**

Prior to Council or 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](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

### **75. Subdivision Certificate – Final Inspection**

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, a satisfactory final inspection is required to be issued for all works relevant to the subdivision certificate.

### **76. Final Inspection – Works as Executed Survey Plans**

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in 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.

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

Prior to Council or the appointed Principal Certifier 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.

## **78. Vegetation Management Plan**

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

## **79. 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.

## **80. 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.

## **81. 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.

## **82. Restriction on the Use of Land**

Prior to Council or the appointed Principal Certifier 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. Building envelope plans for allotments less than 300sqm
- k. Easement for maintained purposes (retaining walls and zero lot boundaries)
- l. Easement for support (retaining walls)
- m. Driveway Location Plan.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. Design plans and work as executed plans shall show affected lots marked with Council approved symbols. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

### **83. Linen Plan Registration**

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate, the plan of subdivision approved under development application number 11/2021/DA-SW shall be registered with Land and Property Information NSW.

### **84. 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.

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

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

Council acknowledges that Land and Housing Corporation (LAHC) may submit Letters of Undertaking in this regard.

### **86. Maintenance Security Bond**

Prior to Council or the appointed Principal Certifier 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.

### **87. Classification of Residential Lots (Development with dwelling construction)**

Prior to Council or the appointed Principal Certifier issuing a Subdivision Certificate for any dwellings approved under this consent, 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*).

All slabs and footings shall be designed in accordance with the relevant site classifications and recommendations resulting from a geotechnical investigation of the site. The designing structural engineer shall certify that the design of all slabs and footings is in accordance with the geotechnical investigation and soil classification for the site.

#### **88. Classification of Residential Lots (Development without dwelling construction)**

Prior to Council or the appointed Principal Certifier 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).

#### **89. Contaminated Land**

Prior to Council or the appointed Principal Certifier 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.

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

Prior to Council or the appointed Principal Certifier 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.

#### **91. Restoration of Public Roads**

Prior to Council or 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.

#### **92. Public Utilities**

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

#### **93. Service Authorities**

To ensure that an adequate level of services and infrastructure is provided to this development, and prior to Council or 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.

#### **94. 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.

#### **95. Lot/House Numbers**

Prior to Council or the appointed Principal Certifier issuing a 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.

#### **96. Line Marking / Sign Posting Documentation (subdivision)**

Prior to Council or 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.

#### **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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for practical completion.

#### **97. 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.

#### **98. Residential Inter-Allotment Drainage**

Prior to the appointed principal certifier issuing a practical completion certificate, a work as executed plan for the drainage works shall be submitted to Council demonstrating that inter-allotment drainage and associated easements, 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) have been provided for residential lots where all or part of the lots do not drain to a public road.

#### **99. Structural Engineering Certificate**

Prior to the appointed Principal Certifier issuing a practical completion certificate, the submission of a certificate from a practising structural engineer certifying that the works have been completed in compliance with the approved structural drawings, the relevant Standards Association of Australia Codes and is structurally adequate.

#### **100. 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.

#### **101. 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.

Two collated 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.

## **102. Retaining**

Prior to the appointed principal certifier issuing a practical completion 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.

## **103. Sandstone Specifications**

Prior to the appointed Principal Certifier awarding practical completion of works, 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.

- Hard and durable (having a minimum design life of 50 years).
- 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%.
- Demonstrated durability against saline environment when tested as per test method AS 4456.10.
- Shall be angular with not more than 25% of the rock having a length more than twice the breadth/ thickness.
- Shall have a minimum relative density of 2.2.
- Free from seams, pockets, foreign matter and imperfections.
- Generally sound, clean and of uniform colour and texture.

## **104. 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.

## **105. 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 issues a practical completion certificate.

#### **106. 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).

#### **107. Replacement Street Trees**

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 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.

#### **108. Tree Compliance and Certification Report**

Prior to Council or an appointed principal certifier issuing a prior to practical completion Certificate, the applicant must:

- a. Engage a suitably qualified, minimum AQF5 accredited Arborist to prepare a Tree Compliance and Certification Report to be submitted to Councils Executive Manager Urban Release and Engagement for in writing approval. The report is to provide an audit of the retained trees to demonstrate compliance with the approved plans and applicable conditions.

## **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. Permit for the Clearing of Vegetation – Removal**

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 policies and controls.

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 2. Filling on Site**

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

### **Advice 3. 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 4. Inspection within Public Areas**

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

### **Advice 5. 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 6. Linen Plan Checking Fee**

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

#### **Advice 7. Salinity**

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

#### **Advice 8. Bonds and Bank Guarantees**

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

#### **Advice 9. Dial before you Dig**

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

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

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

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

**END OF CONDITIONS**

**Attachment 2 – Record of Planning Panel Briefing, Monday 12 April 2021**



**BRIEFING DETAILS**

<b>BRIEFING DATE / TIME</b>	Monday, 12 April 2021, 1.35pm – 1:47pm
<b>LOCATION</b>	Teleconference

**BRIEFING MATTER(S)**

PPSSWC-140 – Campbelltown – 11/2021/DA-SW - Stage 11 Claymore Urban Renewal Concept Plan – Subdivision creating 91 torrens title residential allotments and 1 lot being a park including associated site, civil and landscape works.

**PANEL MEMBERS**

<b>IN ATTENDANCE</b>	Justin Doyle (Chair), Nicole Gurrin, Louise Camenzuli, Darcy Lound and George Griess
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

**OTHER ATTENDEES**

<b>COUNCIL ASSESSMENT STAFF</b>	Alexandra Long, Belinda Borg, David Smith, Fletcher Rayner, Luke Joseph and Rana Haddad
<b>OTHER</b>	Melissa Felipe and George Dojas – Panel Secretariat

**KEY ISSUES DISCUSSED**

- The proposal is currently delayed by the 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 advises 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 properties with a frontage to Fullwood Reserve ought if possible to address the interface with park for issues of passive surveillance, CPTED crime prevention principles and to improve the appearance of the development from the future public reserves.
- The acoustic impacts from the Hume Highway, particularly to the second storey element of the two storey buildings is to be reported on.
- The Panel understands that Fullwood Reserve will remain accessible as a public recreation area when the development is first occupied

**Planning Panels Secretariat**

- The Panel is enthusiastic about advice from the Panel that LAHC has indicated that it is likely to expedite some of the park improvement works to hopefully have improved facilities ready for occupation of this stage.

**TENTATIVE PANEL MEETING DATE: N/A**



**Attachment 3 – Ecological and Arboricultural Peer Review**



7. Subsequent responses to initial review by the Environment Section of Campbelltown City Council.
8. BBC Response dated 22 April 2022 DA 11/2021/DA-SW – STAGE 11 SUBDIVISION CLAYMORE

#### **Overall Comments:**

1. *I am satisfied that the development application has adequately demonstrated that it is consistent with the biodiversity offset package as approved by the Director General.*
2. *I am satisfied that the offset strategy is consistent with the Claymore Masterplan Approval. I note that future open space embellishment works may result in the adjustment to the planting areas within Fullwood Reserve and Brady Park, which suggests that the approved vegetation management plan may require future amendment. I am satisfied that this uncertainty can be resolved by condition of consent requiring a compliance report to be issued to Campbelltown Council inclusive of an audit demonstrating compliance with the approved Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS).*
3. *I am satisfied that the arboriculture assessment is comprehensive and of appropriate standard, inconsistencies have been removed and provided further details on the impacts on trees as requested.*

#### **Content of this review**

The following matters are considered as part of this DA review:

- Consistency with the Clause 34A Certification for Claymore Masterplan
- Consistency of boundary and any evidence of incursions within Fullwood reserve
- Consistency with the Masterplan approval conditions
- Consistency with proposed vegetation management plan
- Review of the Arboriculture Impact assessment 2022
- Cumberland Ecology Consistency Report with the Consent Conditions (21 December 2020)
- Issues to be resolved prior to approval and issuance of conditions of consent
- Issues that can be resolved by way of condition of consent and modification of submitted documentation

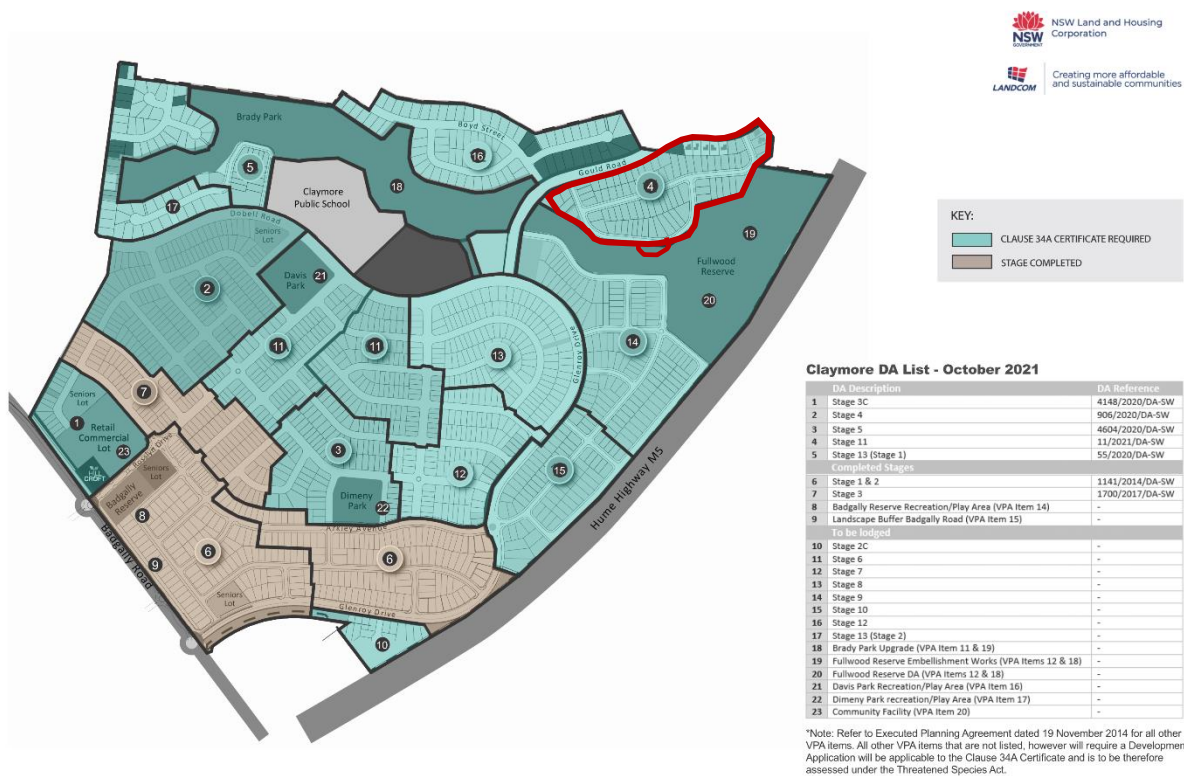
#### **Background**

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 and that the Vegetation Management Plan and Bushland Revegetation Strategy therein prepared by Cumberland Ecology satisfies requirement No.8 Biodiversity Offset Package of Schedule 4 of the Claymore Renewal Project concept plan.

Clause 34 A 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.

#### **Consistency with the Clause 34A Certification for Claymore Masterplan**

The subdivision DA is within the Clause 34A Certification area but impacts within the boundary of the site with respect to Fullwood Reserve due to a proposed stormwater basin and associated works. I refer to the approximate overlay below (Figure 2 & 3).



**Figure 2 - Clause 34A Certification May for Claymore Masterplan Overlay (boundary comparison)**  
 (Source of plan supplied direct by Landcom NSW)



**Figure 3 – Extract of Claymore Masterplan overlay (boundary comparison) zoom**  
 (Source Cumberland Ecology 2020)

Based on the overlay the proposed sediment basin is affecting 3 additional native trees as shown in the Arborist Impacts Statement (Arborsaw 2022). These trees are within the area mapped as Fullwood Reserve (Figure 4).





**Figure 4 – Nearmap imagery showing boundary of full wood reserve. Additional impacted trees within Fullwood Reserve identified (Source Nearmap Image dated 17 February 2022)**

Based on my understanding of the Clause 34A certification it is my view that the sediment basin is not covered under the Clause 34A Certification as the certification applies to the subdivision lands only as shown mapped in Figure 2. The proposed basin is within an area nominated for future open space embellishment works subject to DA approval.

Whilst the basin is not within an area that has been certified, the additional impact of the proposed basin on native vegetation is 3 trees. I do not consider this to be significant impact and any loss and can be managed as a condition of consent to replace these trees to ensure no net loss. Although there is no specific offset ratio for determining the no net loss under the TSC Act 1995 unless undertaken through the previous Biobanking Scheme (no longer in operation), the masterplan approval does not specify offsetting except for the loss of native vegetation that is impacted as mapped within the ecological assessment by Cumberland Ecology (2012) and reported within the consistency report (Cumberland Ecology 2020 - Figure 2). I consider that it is reasonable however to require a planting ratio of 3 trees to be planted for every 1 removed.

#### Comment

*I recommended that a condition of consent be imposed for the replacement planting of the additional impacted trees at a 3:1 ratio caused by the proposed sediment basin in association with any proposed tree planting plans prepared for the subdivision or within the future embellishment of Fullwood Reserve. A replacement ratio of 3:1 is sufficient to ensure a no net loss of any additional impacts on native trees not previously assessed under the Claymore Masterplan Area Approval.*

#### Resolution

*As stated by BBC Planners 22 April 2022 no additional offsets are required in accordance with the Claymore Masterplan Approval. It is noted that this was acknowledged by Council in its RFI of 16 September 2021. A condition of consent has been put forward to ensure compliance with the Claymore Masterplan Approval, the approved Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS).*

#### **EPBC Act Approval – NOT A CONTROLLED ACTION – determined on 22 December 2011**

The following information has been extracted from Cumberland Ecology Consistency Report with the Consent Conditions (21 December 2020).

The Claymore Masterplan referred to as the Project was referred to the former Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) (now

known as the Department of Agriculture, Water, and the Environment) in November 2011 as a potential controlled action (on a Matter of National Environmental Significance) under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The reason for the referral was the presence of Cumberland Plain Woodland within the impact area of the Project. This community is listed as Critically Endangered under the EPBC Act. The decision was made by SEWPaC on 22 December 2011 that the impacts associated with the Project are 'not a controlled action'.

### Resolution

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

### **Consistency with the Masterplan Approval Conditions**

The assessment of the consistency of the DA with the master plan by the CCCLPP, regarding biodiversity issues, comprised an assessment against two terms of the approval of the approved Concept Plan:

**Term 8. Biodiversity Offset Package** – This term requires the biodiversity offset package to be approved by the director-general of the DPI. The CCCLPP determined that the Stage 3 DA was consistent with this term as the DA included the 2 October 2013 letter from DPI stating that the requirements for the biodiversity offset package had been satisfied: and

**Term 9. Vegetation Management Plan** – This term requires the VMP for the Project to be finalised and approved by the Council. The VMP prepared by Cumberland Ecology in 2013 and approved by the DPI was amended in 2014 to satisfy additional requirements of Council. This September 2014 version of the VMP (issued as a final on 31 July 2015 without changes) (Cumberland Ecology 2015) was approved by council on 9 October 2014, and as such the Stage 3 DA was consistent with this term.

I note that the Biodiversity Offset Package is compensation for impacted mapped native vegetation communities within the Claymore Masterplan Area. This does not include any remnant urban trees as they were not mapped as part of the affected vegetation entities. Albeit that they would be remnants of Cumberland Plain Woodland (CPW) and or Riverflat Eucalypt Forest (RFEF) if assessment under BAM 2020 was undertaken, the Clause 34 Certification gives exemption for the loss of the urban trees to be further assessed under the Biodiversity Conservation Act 2016.

Cumberland Ecology stated in their consistency report for stage 11 subdivision as follows (Claymore Stage 11: Consistency Assessment – Ecological Consent Conditions – Cumberland Ecology 21 December 2020).

1. The Proposed DA does not cause any further impacts on native vegetation as indicated by the approved Concept Plan; and
2. The required offsets detailed in the August 2013 Bushland Revegetation Strategy (Cumberland Ecology 2012b) prepared by Cumberland Ecology 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 threatened ecological communities Cumberland Plain Woodland and River-flat Eucalypt Forest detailed in both reports are protected, retained, restored, and revegetated as directed in the VMP.

### Comment

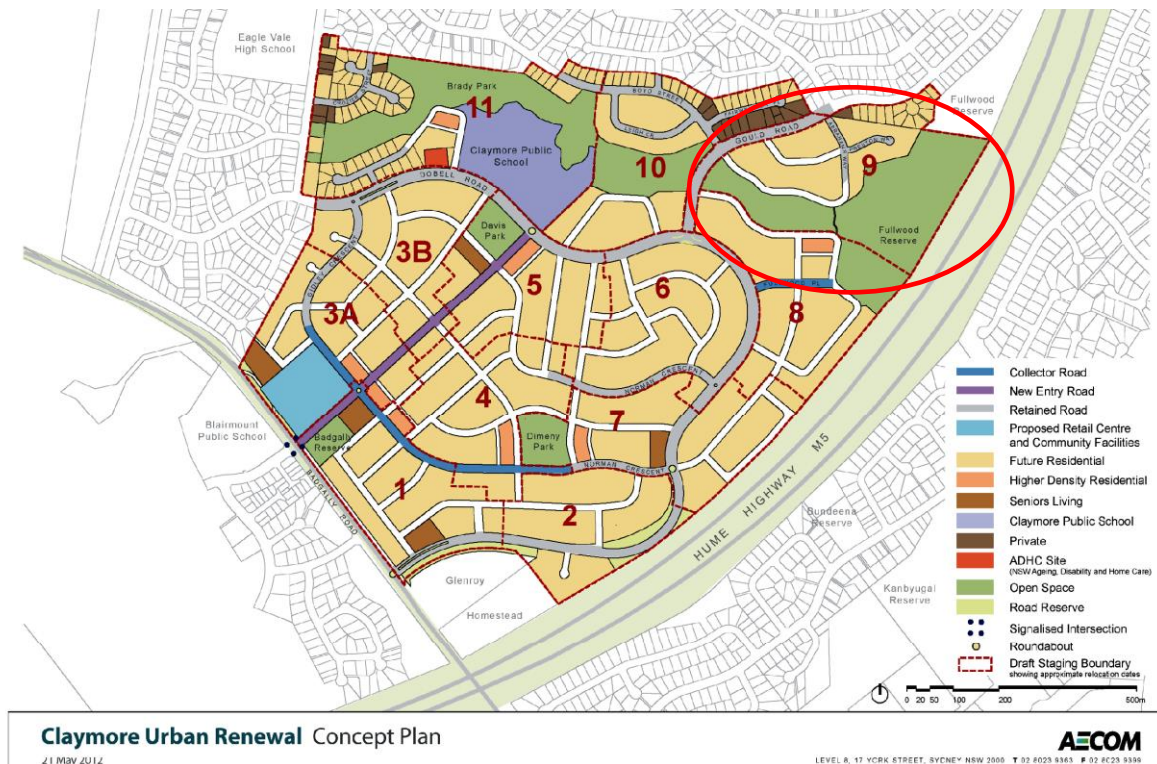
*I note that 3 extra native trees are impacted by the proposed sediment basin. However, I do not consider this to be significant. The offset package remains as approved and, in my opinion, stands subject to any future open space embellishment works with Fullwood Reserve.*

## Resolution

No further action is required on this matter provided compliance with the approved Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS) is achieved.

### Consistency with proposed Vegetation Management Plan

I have reviewed the DA staging plan in accordance with the approval Claymore Masterplan. This indicates that the subdivision is within Stage 9 of the Concept Masterplan which includes Fullwood Reserve. It is my understanding the approved VMP is not being staged but is being implemented over a general timeframe with reporting requirements.



**Figure 5 – Extract of Claymore Urban Renewal Concept Plan**  
(Source Cumberland Ecology 2020)

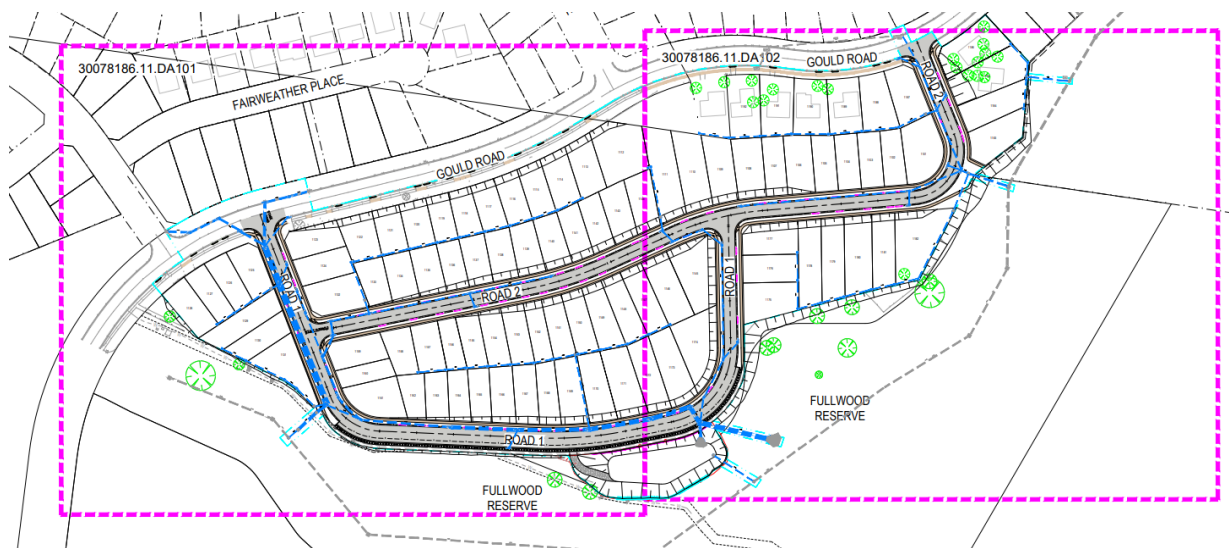




**Figure 6 – Vegetation Management Zones - Claymore Urban Renewal Project**  
(Source Cumberland Ecology 2014)

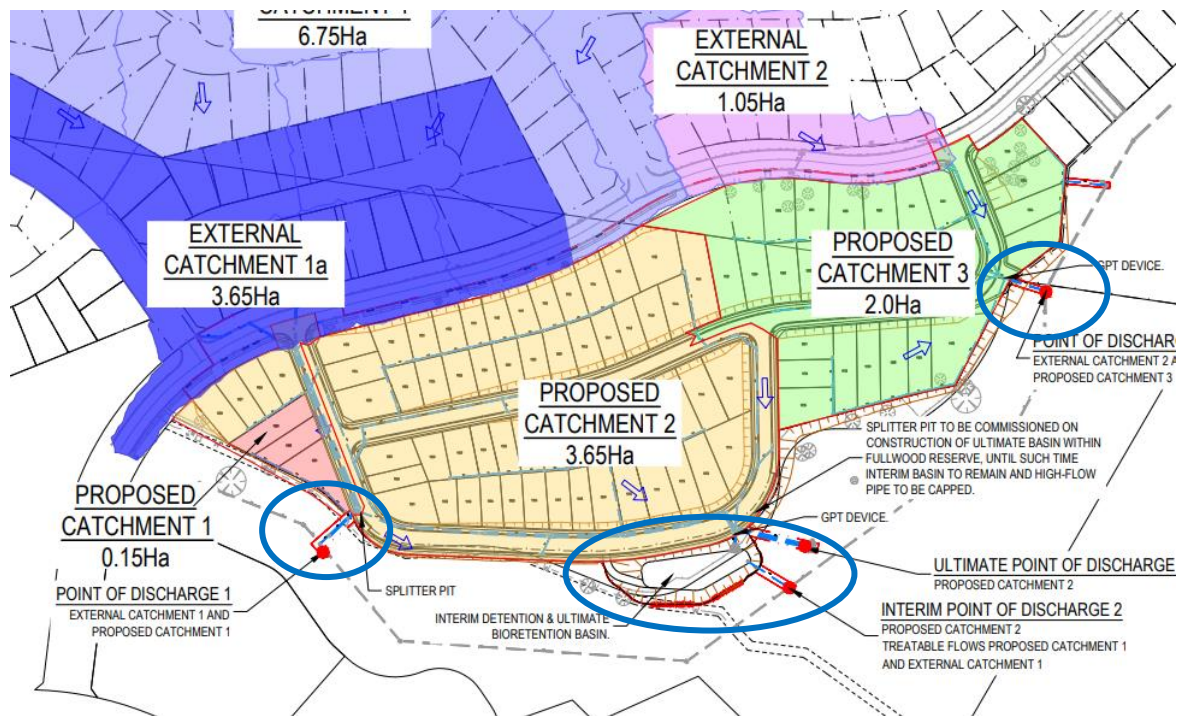
The proposed bushland revegetation works, and the approved Vegetation Management Plan (Cumberland Ecology 2015) was prepared to satisfy the biodiversity offset requirements for the project.

I have reviewed the proposed civil works inclusive the drainage plans and proposed bioretention basins (Figure 7).



**Figure 7 – Overview of the general arrangement plan**  
(Source SMEC – 17 November 2021)





**Figure 8 – Overview of the drainage catchment plan and management details identifying proposed stormwater outlets and connections**  
(Source SMEC – 17 November 2021)

The approved Vegetation Management Plan (Cumberland Ecology 2015) identifies vegetation management zones which are disconnected and highly fragmented by sight lines and open parkland. Preliminary submissions by BBC Planners noted that replacement tree planting will be undertaken within the streetscape and within a potential open space area of stage 9 of the Claymore Masterplan.

The AIA by Arborsaw (November 2021) identified an 8:1 offset planting ratio for CPW and RFEF trees. The updated AIA by Arborsaw (Updated April 2022) currently does not propose offset planting and it is not required to address this requirement as an offset planting strategy. As the DA proposed a tree planting offset, clarification was sought as to the full extent of offset planting that will be undertaken for the purposes of tree planting within not only the subdivision but also in the adjoining open space embellishment areas as stated by BBC Planners response.

I note that I have been advised that an Open Space embellishment DA is yet to be submitted which is potentially affecting the available space for revegetation works. Whilst not subject to this DA, it will affect commitments made as part of the Claymore Masterplan Approval. The Stage 11 DA relies on the achievement of the VMP outcomes as approved (Cumberland Ecology 2015) and any suggestion that it will need to be modified for the purposes of the Open Space Embellishment works should be resolved.

#### Comment

Arbiculture Impact Statement (Arborsaw November 2021) identified a planting offset ratio of 8:1 was required. BBC Planners have responded regarding the offset planting ratio on 22<sup>nd</sup> of April 2022 noting that the offset ratio as approved under the approved Biodiversity Offset Strategy and the Vegetation Management Plan is estimated at 4.6:1 on an area-by-area basis which is for the loss of vegetation mapped as Cumberland Plain Woodland. This does not include any further offset planting for native trees being removed within the development.

There is a potential loss of hollow bearing trees from within the Stage 11 subdivision area and consequently I recommended that hollow habitat enrichment is undertaken within the Open Space Areas within Fullwood Reserve and Bradly Park as part of embellishment works using a combination

*augmented harvested hollows from stage 11 supplemented by high quality nesting boxes with a long-term viability.*

*The removal of hollow bearing trees and any insitu wildlife is to follow appropriate fauna removal and relocation protocols.*

*There is currently no requirement to offset the removal of native trees within the proposed subdivision except for that as required under the Claymore Masterplan Approval. BBC Planners have confirmed that 'No additional offsets are required. It is noted that this was acknowledged by Council in its RFI of 16 September 2021'.*

*In terms of impact mitigation on hollow bearing trees and hollow dependent fauna, I recommend that augmented hollows and nest boxes are to be installed within open species areas and maintained until such time the planted native trees supplement hollows through natural processes.*

#### Resolution

*I conclude that this issue of offset planting is resolved, and the documentation as now submitted is consistent with the Masterplan Approval, the approved Biodiversity Offset Strategy and the Vegetation Management Plan. The Stage 11 Claymore subdivision does rely on the revegetation works being undertaken within Fullwood Reserve and Brady Park as part of the Claymore Approval, therefore it is recommended that the status report of the revegetation works within Fullwood Reserve and Brady Park is submitted for the purposes of confirming the progress of these works and achievement of the requirements of the approved Vegetation Management Plan (VMP) and Bushland Revegetation Strategy (BRS).*

#### **Review of the Arboriculture Impact Statement (Arborsaw November 2021 & April 2022)**

The updated AIA by Arborsaw (April 2022) identifies that of the 236 trees assessed they comprise of:

- 22 A Retention Value Trees - have good have high significance in the landscape
- 81 B Retention Value Trees - medium landscape significance
- 121 C Retention Value Trees - low landscape significance
- 112 R (Remove) Trees - dead status or poor condition



**Figure 9 – Overview of the impacted area showing remnant urban trees**  
(Source Cumberland Ecology 2020)



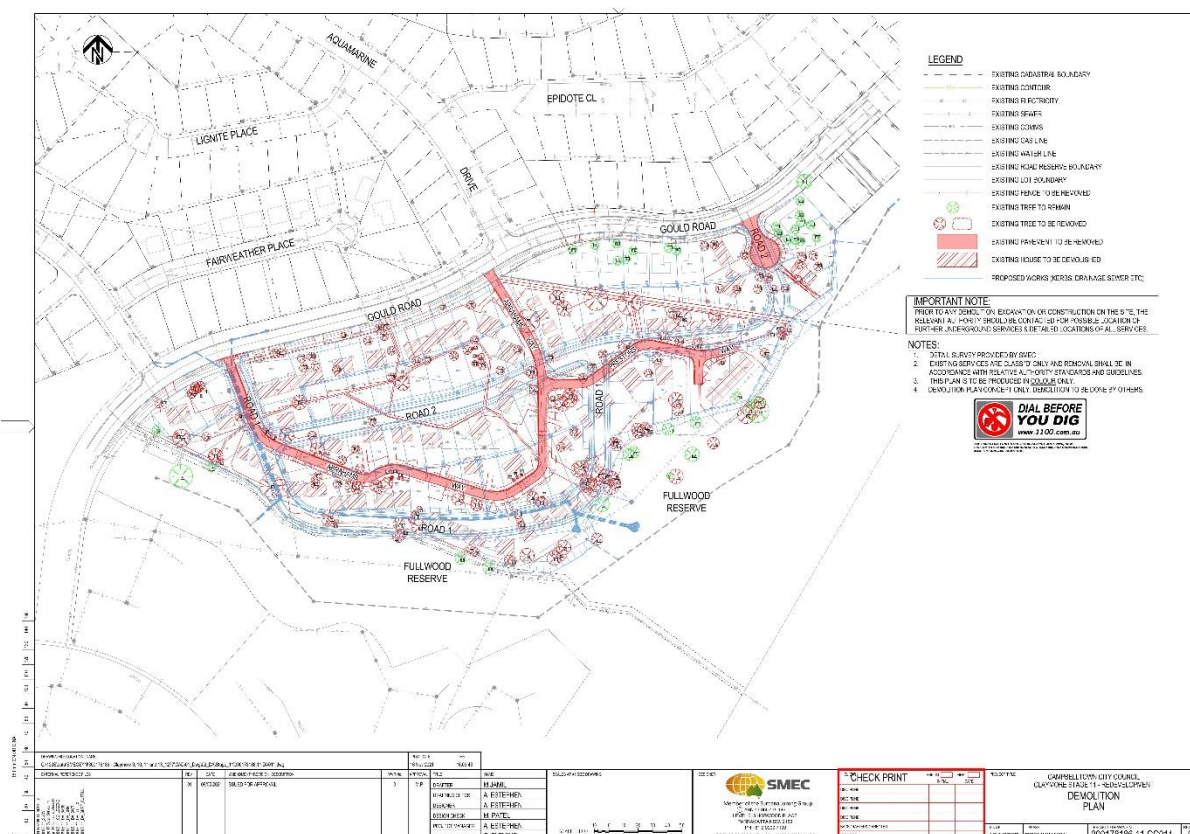


**Figure 9 – Cut and fill plans resulting in complete removal of all trees within Stage 11 DA Subdivision**  
(Source SMEC 17 November 2021)

Arborsaw 2022 reports that **190 Trees** require removal to facilitate the project. Following layout adjustments, it has been determined that 46 trees can be retained if the tree protection measures in the report are adhered to. Tree Removal and Retention details are provided on a per tree basis within the tree data table. Previous errors in the 2021 report have been corrected.

Arborsaw (November 2022) identifies the CPW and RFEF tree removals as:

- 31 Trees from the CPW assemblage of species are proposed for removal.
- 71 Trees from the RFEF assemblage of species are proposed for removal.



**Figure 10 – Tree retention and removal plan**  
(Source: Arborsaw 2022)

The impacts on the mapped trees are based on the extent of cut and fill works and had not been determined based on retention value in accordance with the arborist report. The Arborsaw Report states that the requirements for Tree Preservation Zones are in line with AS 4970:2009 Protection of tree on development sites. However, as the tree retention and removal plan are based on a cut and fill plan with a minimum 0.5m accuracy this conclusion cannot be drawn as no trees within the cut and fill zone have been protected by way of the tree protection zones.

Section 10.1.2 Tree removal reasoning, point 1 Bulk earthworks state that *“when level changes within the TPZ are proposed and are greater than 0.1m changes for more than 10% of the TPZ, the subject trees will not remain viable post the works”*. It would appear from the AIA that this has not been fully assessed. A Plan showing the extent of fill less than +0.1m has not been provided, nor does the fill plan identify areas of less than 0.1m of fill. Within these zones the bulk earthworks should be examined to see whether trees within these zones can be retained.

There has been the assumption that when buildings, services, driveways etc are built that most trees will be removed. This is a potential outcome. The DA submission has however been submitted on clear felling of all trees within the subdivision. The retention of trees based on retention value and subsequent subdivision layout would result in a different outcome and potentially allow more trees to be retained. However, without any change to the proposed subdivision layout this is unlikely to be achieved.

I previously raised that in some cases retained trees associated with batters still appear to be impacted and they had not been nominated for removal. I drew attention to Trees 65,93, 125, 129 and 149 are affected by bulk earthworks within their tree protection zones and it was not clear that the impact on these trees has been properly determined. A focussed zoom on each of these trees has now been provided within Arborsaw (November 2022) to provide explanation.

*Comment – An updated arboriculture assessment has been provided which provides detailed assessment of impact of the proposed bulk cut and fill works on Trees 65, 93, 125, 129 and 149.*

#### Resolution

*Impact on trees has been properly determined as discussed above with the submission of a more detailed arboriculture assessment (Arborsaw April 2022).*

#### **Recommended conditions of consent**

##### Vegetation Management Plan

The implementation of the Vegetation Management Plan, is to be audited identifying the status of revegetation works and compliance with the conditions of consent for Claymore Masterplan Approval, the approved Biodiversity Offset Strategy and the Vegetation Management Plan.

*Reason – To provide evidence of compliance with the conditions of consent of the Claymore Masterplan Approval*

#### **PRIOR TO ISSUANCE OF SUBDIVISION CERTIFICATE**

##### Preclearance/Clearance Fauna Surveys

A fauna relocation plan is to be prepared by a suitably qualified fauna ecologist and submitted prior removal of trees and submitted to Council 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, 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 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 condition 65 and the approved fauna relocation plan.

*Reason – To minimise the impact of tree removal on hollow dependent species*

**Attachment 4 – Subdivision Layout**



