

PART THREE

Reports of the Planning and Environment Committee Meeting held at 7.30pm on Tuesday, 13 October 2009.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

ITEM	TITLE	PAGE
-------------	--------------	-------------

PART ONE

1. WASTE AND RECYCLING SERVICES

No reports this round

2. ENVIRONMENTAL PLANNING

**2.1 Investigation into the Provision of Designated Trail Bike Areas within the
Campbelltown Local Government Area**

2.2 Draft Campbelltown and Macarthur Structure Plan

2.3 Excavation Works and Naming of Reserve 4 Rosemeadow

2.4 Sustainability Committee

2.5 Bring Back the Fish Project - Ingleburn Weir

PART TWO

3. DEVELOPMENT SERVICES

3.1 Development Services Section Application Statistics - September 2009

**3.2 No. 9 Autsool Place, Ingleburn - Construction of Two Single Tenancy
Industrial Warehouse Buildings with Mezzanines and Associated Car Parking
Area and Signage**

PART THREE

- 3.3 No. 72 Glendower Street, Gilead - Application to Modify Existing Development Consent for Seniors Living Community**
- 3.4 No.1 Rennie Road Campbelltown - Demolition of Existing Building and Construction of a Serviced Motel with Associated Signage**

PART FOUR

- 4. COMPLIANCE SERVICES**
 - 4.1 Legal Status Report**
 - 4.2 Annual Report on the Planning and Environment Division's Legal Proceedings**
- 5. GENERAL BUSINESS**
- 10. CONFIDENTIAL ITEMS**
 - 10.1 Confidential Information for Various Items in the Planning and Environment Agenda 13 October 2009**

Minutes of the Planning and Environment Committee held on 13 October 2009

Present Councillor R Matheson (Chairperson)
Councillor J Bourke
Councillor G Greiss
Councillor R Kolkman
Councillor M Oates
Councillor J Rowell
Councillor R Thompson
General Manager - Mr P Tosi
Acting Director Planning and Environment - Mr P Jemison
Acting Manager Environmental Planning – Ms R Winsor
Manager Development Services - Mr J Baldwin
Acting Manager Waste and Recycling Services - Mr L Atkinson
Manager Community Resources and Development - Mr B McCausland
Corporate Support Coordinator - Mr T Rouen
Executive Assistant - Mrs K Peters

Apology Nil

Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Matheson.

DECLARATIONS OF INTEREST

Declarations of Interest was made in respect of the following item:

Non Pecuniary – Less than Significant Interests

Councillor Greiss - Item 4.1 - Legal Status Report, Pope Shenouda III Coptic Christian Centre - Councillor Greiss advised that he attends the Church in question on average on a fortnightly basis. He is not on the board nor does he receive remuneration and he will stay in the Chamber and vote on the matter.

3.3 No. 72 Glendower Street, Gilead - Application to Modify Existing Development Consent for Seniors Living Community

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of development consent
2. Locality plan
3. Approved site/landscaping plan
4. Location plan of approved sales building
5. Floor plan of sales and community building

Purpose

To assist Council in its determination of the subject application to modify an existing development consent in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

Property Description	Lot 2 DP 1065919, No.72 Glendower Street, Gilead
Application No	2828/2005/DA-SL/A
Applicant	Viceroy Project Management Pty. Ltd.
Owner	Viceroy Gilead Pty. Ltd.
Statutory Provisions	State Environmental Planning Policy (Seniors Living) 2004 Interim Development Order 15 Campbelltown (Sustainable City) Development Control Plan
Date Received	6 July 2009

Preamble

Various approvals have been granted over an extended period of time for a range of retirement housing developments at the subject site. However, only one of these approved developments was ever commenced, although this was also abandoned part way through construction in the early 1990s.

However, in August 2006, Council granted development consent (2828/2005/DA-M) for a major seniors living community to be constructed and occupied at the site. The development would incorporate 1,100 dwellings in various forms including single dwellings, residential apartments and hostel style care accommodation over two stages. The approval also included roads throughout the development, landscaping and construction of a golf course. Attachment 3 to this report is the approved site plan.

Following approval of the primary development, an application to construct a sales office building that would be located on the site during the release of dwellings was received and granted development consent (see 365/2007/DA-C). The location of the approved sales building is indicated on the plan found at Attachment 4 to this report.

Both applications applying to the site have subsequently been commenced, with several dwellings being constructed as well as roads and some landscaping. In addition, the sales office building has been completed and is located at the site specified on the approved plan.

During an inspection of the property following issues of sediment tracking onto Glendower Street (noting that the adjoining 'Kilbride' Nursing Home is also presently undergoing an extension), Council's Compliance Officer noted that there were some inconsistencies with the location of dwellings near to the site's entry as well as the location of a road that serviced those dwellings.

Subsequent discussions between the owner of the property and staff from both the Compliance and Development sections of Council revealed that a number of changes had been made to the development between the time of its approval by Council and the commencement of construction. Consequently, the owner was required to submit an application to modify certain conditions of consent in order for Council to assess the variations against the relevant policy framework.

Council has now received that application to modify the consent, being the subject of this report.

Introduction

An application has been received pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* to modify the original development consent issued for the construction and operation of a seniors living village at Lot 2 DP 1065919, No.72 Glendower Street, Gilead. The original development consent was granted by Council in August 2006.

The overall proposal for development of the site comprises the construction of 840 serviced self-care dwellings and 270 hostel accommodation units, community facilities such as minor retail shops, medical suites, swimming pools, golf course and activity rooms as well as landscaping and other infrastructure such as roads and internal drainage in two stages.

The application was made under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (the SEPP). The development is intended to cater for people over the age of 55 years. The current development, being Stage 1 of the project, involves the construction of the 840 serviced self-care dwellings, some retail space, initial community facilities and landscaping, roads and infrastructure throughout the site. The hostel accommodation units and remaining retail outlets are proposed for construction at a later stage of the development and would be subject to further consent from Council.

The application to modify the consent involves the change to certain conditions of consent, inclusion of a separately approved building to be utilised as a community facility as per the original consent and extension of the golf course.

The site

The site is located in Gilead, to the south west of the residential suburb of Rosemeadow. It is bounded to the north by a private rural holding and Council owned open space; to the east by the existing 'Kilbride' Nursing Home and Noorumba Reserve; to the south by Menangle Creek and to the west by the water supply channel ('Upper Canal').

The property is known as Lot 2 DP 1065919 and has an area of 22.05 hectares. The allotment is irregular in shape and has an 11.8 metre wide frontage to Glendower Street, adjacent to the existing entry point to the 'Kilbride' Nursing Home.

The site has predominantly been cleared of vegetation, with some remnant areas of large trees and undergrowth still present on the southern (Menangle Creek) boundary and north-western portion, where a gully directs water to the west. The cleared portions of the site are covered in dense grasses and Blackberry.

The 'Kilbride' Nursing Home is situated directly to the north-east of the site and is not included as part of this application. A new entrance road and access to Glendower Street would be provided to gain access to the subject development, separate and distinct to that used by 'Kilbride'.

The site is located on a ridge line with slopes to the north-east and south-west. The highest point of the site is in the north-west corner (adjacent to 'Kilbride') at a height of 164 metres AHD. The land slopes down to the southern, western and north-western boundaries to a height of approximately 118 metres AHD near Menangle Creek. The steepest gradients across the site are in the range of 15-20% and occur near immediately south, north and west of the ridge that runs through the centre of the site, as well as within the gully located in the north-western corner of the property.

The site can be seen from Appin Road when approaching Campbelltown from the south, particularly areas that are to the south and west of the centre ridge. The site has expansive views to the south and west. To the north-east, the site boundary comes relatively close to Gonzalo Place, Rosemeadow where existing (greater height) dwellings may have the potential to view part of the development.

Within 1.6 kilometres of the site is the Rosemeadow Marketplace shopping centre. Further north is Macarthur Square Shopping Centre, Campbelltown Hospital, Campbelltown Library, Campbelltown Mall Shopping Centre and the city centre.

Development of several dwellings has commenced on site, with approximately 25 at or near completion. In addition, a building has been constructed (as per consent 365/2007/DA-C) for the purposes of housing sales office staff and now also contains community facilities such as a café, kitchen, bar, meeting area and dining room. It is known by the owners as 'The Clubhouse'.

The proposal

The modification application can be divided into the following areas:

- Amendments to the proposed golf course location;

- Amendments to a condition of consent relating to the provision of community facilities; and
- Deletion of four conditions and amendment to one other.

The requested modifications are now discussed and assessed in detail.

1. Amendment to golf course location

The applicant has requested that an additional portion of the seniors living site be dedicated to the proposed golf course than that which was approved as part of the original consent.

The site and landscaping plan found at Attachment 3 to this report illustrates the location of the approved golf course, being the area identified as '6' on the plan. According to the approved plan, Area 1A is an area of remnant vegetation to be managed to maintain minimal fuel loads.

The owners have previously commenced works to remove weeds, several derelict car bodies and other pollutants that are contained in that area. In undertaking a 'clean up' of the site and the removal of "fuel" from the area (in accordance with Rural Fire Service's requirements as detailed in their General Terms of Approval for the development, issued in November 2005), the applicants noted that the area was largely bereft of suitable native vegetation.

Consultation was undertaken with the Department of Water and Energy (DWE) (now the Office of Water) to determine the exact nature of the gully and whether or not it was considered to be part of a watercourse (and subject to provisions of the *Water Management Act 2000*) or otherwise. The consultations reveal that the DWE does not consider the area to be a watercourse and has not referred to the area in its General Terms of Approval for the development (issued in November 2005).

The applicant has subsequently requested that the subject area (Area 1A) be incorporated into the golf course that would surround the seniors living village. The applicant argues that maintenance of the area as part of a golf course would not unnecessarily remove vegetation from the site and would complement the asset protection (fuel reduction) requirements of the Rural Fire Service for the area.

Further, Attachment 4 details the location of the approved sales office building, which is being utilised as the community facility for the site and is known by the owners as 'The Clubhouse'. As illustrated on that plan, the building is located at the top of a natural gully identified on the site/landscaping plan as area '1A'. The building presently serves as the village's offices, kitchen, dining area and café and is afforded with an outlook over the gully in Area 1A. The applicant has requested inclusion of this area within the golf course so that users may readily access 'The Clubhouse' which is adjacent to the site.

Having regard to the General Terms of Approval issued by both the Rural Fire Service and Department of Water and Energy, the ongoing "fuel" management of the area and the lack of native vegetation that would be disturbed as a result, an amendment to the area identified as '1A' to be incorporated into the golf course is considered to be of minimal environmental impact and can therefore be supported by Council.

Existing Condition No. 10 of the development consent deals with landscaping of the site. It reads:

10. Landscaping

The site shall be landscaped and maintained to Council's satisfaction, including the replacement of dead trees, turf areas etc. and in accordance with the plans submitted to Council, prepared by Candalepas and Associates, dated April 2006.

It is recommended that the condition be amended as follows:

10. Landscaping

- (a) The site shall be landscaped and maintained to Council's satisfaction, including the replacement of dead trees, turf areas etc. and in accordance with the plans submitted to Council, prepared by Candalepas and Associates, dated April 2006.*
- (b) The area identified on the approved plan as Area 1A may be utilised as part of the development's golf course and maintained in such a manner as to comply with the requirements of the Rural Fire Service for the management of fuel loads.*

2. Amendment to Condition No. 8(a)

Condition No. 8(a) of the consent reads as follows:

- a. 'The Verandah' building incorporating a community dining facility, site management offices and meeting rooms shall be constructed and available to all residents prior to the occupation of any dwellings;*

'The Verandah' building referred to in the consent was located at the ground level of medium density apartment building's that would be located in the centre of the site. Attachment 3 to this report shows the location of 'The Verandah' being on the ground floor of multi-storey buildings that would be constructed along the central avenue of trees, finishing with a swimming pool, in the approximate centre of the overall site.

The applicant has requested that Council modify the consent to allow the already constructed 'Clubhouse' to be used as the community facility building, until such time that the development progresses towards the centre of the site. The applicant argues that all dwellings being constructed at the moment are located in close proximity to the existing 'Clubhouse' building, making access to that area for residents easier than if they had to traverse across an unmade portion of the site towards a building that would be some 130 metres to the south.

'The Clubhouse' building was constructed on the site following Council's delegated approval of a sales and site offices building at the location illustrated in Attachment 4 to this report. The building, approved via development consent 365/2007/DA-C, was constructed in order to provide a sales and administration office area for the developing village. Following completion, the owners completed a building fit out to include a commercial kitchen, large dining area, office, bar and reception area. The building became known by the owners as 'The Clubhouse' and is used by current

residents and visitors as a meeting and dining place. A separate application is presently with Council for the modification of the approved plans for the sales and administration office to include the kitchen, dining and bar area fit out that is now incorporated into the building.

Further, the applicant states that 'The Clubhouse' contains the facilities required by Condition 8(a), at the present time. A floor plan of the building has been submitted and is contained at Attachment 5 to this report. Modification of the building's floor plan and use is subject to a separate modification application, involving the consent to construct that building, as it was not originally included in the consent for development of the retirement village.

The building includes a dining area, commercial kitchen for the preparation and serving of meals, office and meeting space, a bar and amenities. Having regard to the size of the building, facilities provided and its proximity to existing and proposed future dwellings within the early stages of the seniors living village development, it is considered reasonable that the existing facility be permitted for use as the community facility building for a time.

The time that the building may be used as such however, needs to be determined and stipulated by way of a modified condition of development consent. As future stages of the development progress, and as such, place residents further away from the existing 'Clubhouse' building, there will come a time when the previously approved 'Verandah' building containing the community facilities is more centrally located to the majority of residents. With this in mind, as well as the applicant's requirement to construct the Verandah building in accordance with the approved plans, it is considered appropriate that the existing 'Clubhouse' building may be considered as the site's community facilities building until 100 dwellings are completed on the site.

It is therefore recommended that Condition 8(a) be amended to read as follows:

(a1). *'The Clubhouse' building incorporating a community dining facility, site management offices and meeting rooms shall be constructed and available to all residents prior to the occupation of any dwellings and be retained as part of the development;*

(a2). *'The Verandah' building incorporating a community dining facility, site management offices and meeting rooms shall be constructed and available to all residents prior to the occupation of 100 or more dwellings within the seniors living village.*

3. Removal of Condition No. 4

Condition No. 4 of the consent relates to the provision of home owner's warranty insurance in accordance with Part 6 of the *Home Building Act 1989*.

4. Contract of Insurance (residential building work)

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. *To the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4), or*
- b. *To the erection of a temporary building.*

The applicant has provided information to Council that details an exemption for this development from requiring home owner's warranty insurance. The exemption for self-contained dwellings within a retirement village is found in Clause 75(1) of the *Home Building Regulation 2004*. The relevant extract from that Clause follows:

75 Exemption from insurance in relation to retirement villages

- (1) *A holder of a contractor licence who does, or enters into a contract to do, residential building work on behalf of a developer, being residential building work relating to the construction of a self contained dwelling in a retirement village, is exempt from the requirements of Part 6 of the Act in respect of that residential building work.*

Accordingly, Condition 4 of the consent is inappropriate and therefore, the condition is recommended for deletion.

4. Removal of Condition No. 7(d)

The applicant has requested that Council remove condition No. 7(d) from the consent as it conflicts with Condition No. 13. Both conditions relate to the provision of lighting throughout the village.

Condition No. 7(d) reads:

7. Safer by Design

The following works shall be provided to satisfy Crime Prevention Through Environmental Design Principles:

- d. *All levels of lighting shall conform to Australian Standards on P6.*

'P6' is a designation of illumination intensity and lighting style to be placed throughout public areas. The lighting contained within designation 'P6' is significantly luminescent and powerful and is generally utilised in open parklands, car parking areas and land uses of that nature. The applicant considers that P6 lighting to be an inappropriate level of lighting for a residential area and is of such an intensity so as to cause conflict with Condition No. 13 of the consent that requires lighting throughout the village to be of no impact to the amenity of occupants in dwellings and vehicular traffic.

Having regard to the sensitive nature of seniors housing and amenity therein, it is considered appropriate that the condition be reviewed as per the applicant's request. In this case, an amended condition is recommended, which reads as follows:

7. *Safer by Design*

The following works shall be provided to satisfy Crime Prevention Through Environmental Design Principles:

- d. *Exterior lighting shall conform to Australian Standard 1158.3.1:1999 P6 where considered appropriate by a suitably qualified and experienced illumination expert. Generally lighting of streets and pedestrian areas throughout the village shall conform to the requirements of P4.*

5. Removal of Condition Nos. 22 and 77

Condition Nos. 22 and 77 relate to the provision of BASIX (Building Sustainability Index) certification for dwellings throughout the retirement village. Condition 22 requires that BASIX certificates are supplied for each dwelling prior to the issue of a construction certificate, while condition 77 requires that the requirements of the relevant BASIX certificate are incorporated into the dwelling prior to release of an occupation certificate for that dwelling.

The applicant argues that the development was submitted to Council for consideration prior to the requirement for development of this scale and nature to be BASIX certified. Council officers have since undertaken research to clarify whether or not BASIX is applicable in the case of this development.

Research revealed that BASIX did not apply to multi-unit housing developments at the time the application was made to Council. BASIX requirements for dual occupancy and multi-unit housing developments came into force in October 2005, while the application was made in August 2005. Therefore, the conditions are not considered to be legally sustainable if challenged and should be removed from the consent.

Notwithstanding, future development of the site that requires additional development consent will be subject to BASIX requirements. Further, the dwellings approved to date do incorporate significant water saving and energy reduction offsets, including on-roof capture and treatment of water by grass swales on some buildings, efficient appliance installation and well insulated construction materials. In addition, particular attention was paid to the design and orientation of dwellings throughout the estate, in order to achieve high passive energy savings. The dwelling's design allows for good cross ventilation, reducing reliance on air conditioning, while the orientation of buildings throughout the village ensures that adequate solar penetration is provided to units for increased amenity and warmth during winter.

6. Amendment of Condition No. 37

Condition No. 37 relates to the treatment and disposal of stormwater at the development site.

The condition reads as follows:

37. *Stormwater Management Plan (Development)*

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and

calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with Council's Engineering Design Guide for Development (as amended). The Stormwater Management Plan shall have regard to future intended development envisaged within the Master Plan.

The applicant has requested that Council review some of the wording in this condition, in particular, the requirement to convey stormwater to the nearest drainage system under Council's control. The condition as detailed above, is relatively 'standard' in nature and is applied to most new building and construction consents. The stormwater connection as required is generally not an issue and relatively easy for developer's to comply with.

However, at the subject development site there is a problem complying with the condition. The solution was presented as part of the application and is actually approved in plans and documentation referred to elsewhere in the development consent. The problem lies in the fact that the development site is substantially lower in height to Glendower Street, where Council's closest stormwater capture system is located. Consequently, a system of retention basins, irrigation reuse on gardens and the golf course, sediment capture devices and ultimately disposal of stormwater into the adjoining Menangle Creek was proposed and approved by Council and the Department of Water and Energy (now known as the Office of Water). The applicant states that due to the variances in ground height 'to convey stormwater to the public system is not feasible or practical.

In light of this anomaly, it is recommended that Condition No. 37 be amended as follows:

37. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site in accordance with the approved plans, supporting documentation and requirements of the Department of Water and Energy's 'General Terms of Approval'. All proposals shall comply with Council's Engineering Design Guide for Development (as amended). The Stormwater Management Plan shall have regard to future intended development envisaged within the Master Plan.

Conclusion

Council has received an application to modify certain conditions of consent relating to the development of a large retirement village complex at Gilead. The complex would ultimately contain 1,100 dwellings in a mix of self contained housing, apartments and hostel-style accommodation.

The original development was approved by Council in August 2006 and has been commenced on the site.

The modification of the consent relates to the removal of certain conditions, rectification of some anomalies and also requests use of an existing building as a community dining and meeting facility, which is required for the development pursuant to the State Government's Seniors Living Policy and extension of the approved golf course.

The changes are considered to be of a minor nature in the context of the site's overall development and are acceptable.

The development would remain consistent with the requirements of the Seniors Living Policy, Council's planning controls and importantly, the requirements of Government agencies involved in the development's assessment, being the Rural Fire Service and the Office of Water.

Having regard to the minor nature of the changes, the continuing development of the site and compliance with relevant controls, it is recommended that Council consent to the making of the modification pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*.

Officer's Recommendation

That application number 2828/2005/DA-SL/A to modify the development consent (2828/2005/DA-M) for the construction of a retirement village complex incorporating self care housing, community facilities, a golf course, associated landscaping and roadworks, be approved subject to the conditions of consent relating to development application 2828/2005/DA-M being amended to read as detailed in Attachment 1.

Committee Note: Mr Ross Garlick addressed the Committee in favour of the development.

Committee's Recommendation: (Kolkman/Rowell)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Matheson, Oates, Rowell and Thompson.

Voting against the Committee's Recommendation were: Nil

Council Meeting 20 October 2009 (Borg/Glynn)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 268

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution were: Nil

ATTACHMENT 1

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

A list of plans approved under this consent, prepared by Cadalepas Associates is:

Plan number	Issue	Date
DA 1001	C	April 2006
DA 1101	D	April 2006
DA 1201	C	April 2006
DA 1202	C	April 2006
DA 1301	C	April 2006
DA 1401	C	April 2006
DA 1402	C	April 2006
DA 1403	C	April 2006
DA 1404	C	April 2006
DA 1411	C	April 2006
DA 1431	C	April 2006
DA 1801	C	April 2006
DA 1901	C	April 2006
DA 2001	C	April 2006
DA 2002	C	April 2006
DA 2003	C	April 2006
DA 2004	C	April 2006
DA 2005	C	April 2006
DA 2006	C	April 2006
DA 2007	E	June 2006
DA 2101	E	June 2006

Approved plans prepared by JMD Development Consultants relating to water management of the site are:

Plan number	Issue	Date
02307SWD	B	April 2006
02307SEW	B	April 2006

The following reports and recommendations as detailed in the statement of environmental effects accompanying the application form part of the development consent, except as modified by any conditions of this consent.

Report	Prepared by	Date
Flora and Fauna Assessment	Conacher Travers	August 2005
Flora and Fauna Assessment Addendum	Conacher Travers	April 2006
Water Management Report	JMD Development Consultants	August 2005
Water Management Report Addendum	JMD Development Consultants	April 2006
Management Plan/Support Services Statement	Monark Group	August 2005
Accessibility Report	Morris Goding Accessibility Consulting	April 2006
Transport Report	Colston Budd Hunt and Kafes	July 2005
Transport Report Addendum	Colston Budd Hunt and Kafes	April 2006
Statement of Environmental Effects	BBC Consulting Planners	August 2005
Statement of Environmental Effects Addendum	BBC Consulting Planners	April 2006

The development consent is limited to:

Stage 1

- a. a maximum of eight hundred and forty (840) serviced self-care units;
- b. 24 hour on-call nursing facilities;
- c. mini-bus service for residents;
- d. relevant roads and infrastructure;
- e. landscaping; and
- f. community facilities, including;
 - i. one covered swimming pool and change rooms;
 - ii. one outdoor swimming pool;
 - iii. multi-purpose community rooms contained at the ground level of the apartment building located to the immediate north of the central piazza;

- iv. dedicated space of minimum area 225 square metres contained within the ground level of the apartment building located to the immediate north of the central piazza for use to supply retail/commercial services that are associated with and ancillary to the retirement village;
 - v. 'The Verandah' building incorporating a community dining facility, site management offices and meeting rooms; and
- pitch and putt golf course.

Stage 2

Two hundred and seventy (270) Hostel units in two buildings.

Development not the subject of this development consent is any other works not explicitly listed above. All further work at the site requires separate development consent.

This development does not approve a 'Master Plan', 'Concept Plan' or the like.

2. Building Code of Australia

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

3. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor, and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder, and
 - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date,

further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

4. Deleted.

5. Compliance with State Environmental Planning (Seniors Living) Policy 2004

The development shall comply with the relevant standards, objectives and controls contained within the State Environmental Planning (Seniors Living) Policy 2004, including, but not limited to:

- i. Each dwelling achieving the development standards identified in Clauses 51-72, which read as follows:

Clause 51 - Standards for self-contained dwellings

Clause 52 - Siting Standards

Clause 53 - Identification

Clause 54 - Security

Clause 55 - Letterboxes in multi-dwelling developments

Clause 56 - Private car accommodation

Clause 57 - Accessible entry

Clause 58 - Exterior: general

Clause 59 - Interior: general

Clause 60 - Living room and dining room

Clause 61 - Kitchen

Clause 62 - Main bedroom

Clause 63 - Bathroom

Clause 64 - Toilet

Clause 65 - Access to kitchen, main bedroom, bathroom and toilet

Clause 66 - Lifts in multi-storey buildings

Clause 67 - Laundry

Clause 68 - Storage

Clause 69 - Doors

Clause 70 - Surface finishes

Clause 71 - Ancillary items

Clause 72 - Garbage

- ii. Accessibility complying with Clause 25.
- iii. The retirement complex being operated in accordance with Clause 15.

Prior to Council or an accredited certifier issuing any construction certificates under this consent, the applicant shall provide written evidence and architectural plans demonstrating how every development standard listed above shall be achieved.

Prior to the principal certifying authority issuing an occupation certificate, or an interim occupation certificate, the applicant shall demonstrate to the principal certifying authority's satisfaction that each development standard listed above has been achieved.

6. Provision of Bus Service

An accessible bus service is to be made freely available to all residents in the retirement complex at all times in accordance with Clause 75 of State Environmental Planning (Seniors Living) Policy 2004 and as specified in this consent. The bus service shall incorporate the following service standards:

- a. Full access to a 22 seat mini-bus;
- b. The mini-bus shall be freely available to all residents between the hours of 6am and 10pm daily;
- c. Should the mini-bus not be in operation, a suitable replacement vehicle shall be made available within 24 hours; and
- d. The mini-bus shall be air conditioned, accessible for persons with a disability and shall be replaced as necessary such that the vehicle is not more than 6 years old.

7. Safer by Design

The following works shall be provided to satisfy Crime Prevention Through Environmental Design Principles:

- a. All communal basement car park ceilings shall be painted a reflective white to improve perception of safety and to conform to Australian Standards;
- b. The provision of continuous recorded digital CCTV coverage within the outdoor communal space adjoining community, retail and commercial facilities;

- c. Landscaping shall, upon maturity have an acceptable maintenance program so as to allow for natural surveillance opportunities and avoid interference with lighting; and
- d. Exterior lighting shall conform to Australian Standard 1158.3.1:1999 P6 where considered appropriate by a suitably qualified and experienced illumination expert. Generally lighting of streets and pedestrian areas throughout the village shall conform to the requirements of P4.

8. Provision of Community Facilities

- (a1). 'The Clubhouse' building incorporating a community dining facility, site management offices and meeting rooms shall be constructed and available to all residents prior to the occupation of any dwellings and be retained as part of the development;
- (a2). 'The Verandah' building incorporating a community dining facility, site management offices and meeting rooms shall be constructed and available to all residents prior to the occupation of 100 or more dwellings within the seniors living village.
 - b. A minimum of 500 square metres of indoor community facilities shall be constructed and freely available for all residents prior to the occupation of each 100 dwellings;
 - c. A minimum of 225 square metres of ancillary retail/commercial facilities shall be constructed and available for all residents prior to the occupation of each 100 dwellings;
 - d. At least one pool shall be constructed and freely available for all residents prior to the occupation of the first 100 dwellings. The second pool shall be constructed and freely available to all residents prior to the occupation of the first 500 dwellings; and
 - e. The pitch and putt golf course shall be constructed and freely available to all residents prior to the occupation of the first 300 dwellings.

9. Retail Facilities

All retail/commercial activities shall be operated in conjunction with the retirement village.

No separate ownership or subdivision of these land uses is permitted.

10. Landscaping

- (a) The site shall be landscaped and maintained to Council's satisfaction, including the replacement of dead trees, turf areas etc. and in accordance with the plans submitted to Council, prepared by Candalepas and Associates, dated April 2006.
- (b) The area identified on the approved plan as Area 1A may be utilised as part of the development's golf course and maintained in such a manner as to comply with the requirements of the Rural Fire Service for the management of fuel loads.

11. Fencing

A security fence in accordance with the Sydney Catchment Authority's specifications shall be constructed to the property's western boundary to ensure that access to the Authority's 'Upper Canal' is restricted from access.

12. Switchboards/Utilities

Switchboards and storage for other utilities must not be attached to the front elevations of the buildings.

13. 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 the development or adjoining properties and vehicular traffic.

14. Graffiti Removal

The owner/lessee of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

15. Swimming Pool

The construction and operation of the swimming pool shall comply with the following requirements:

- a. The pool shall not be filled with water nor be permitted to retain water until all required safety fencing has been erected in accordance with the provisions of the *Swimming Pool Act 1992, Swimming Pool Regulation 1998 and Australian Standard 1926* and a compliance certificate issued for such by the principal certifying authority.

- b. Filter backwash waters shall be discharged to the sewer mains of *Sydney Water* in accordance with *Sydney Water's* requirements. Where *Sydney Water* sewer mains are not available in rural areas, the backwash waters shall be discharged into a 5-metre absorption trench constructed within the confines of the property to the satisfaction of the principal certifying authority.
- c. A C.P.R. information resuscitation poster authorised by the *Life Saving Association* is to be displayed within the pool area. Such a poster may be obtained from Council for a prescribed fee.

Noise emissions from the filtration equipment must be maintained such that it does not cause a nuisance to adjoining residents.

16. Driveway

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

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

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

17. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

18. Safety Management Plan

The applicant shall prepare and maintain a security management plan and an emergency/disaster management plan prior to any residents occupying the facility. The plan shall be reviewed and amended to take account of the increase in the residential population of the facility.

The plan shall be made available to Council and all emergency services upon request.

19. Garbage Storage

- a. All garbage bins for detached and semi-detached dwellings shall be stored behind the front building alignment and away from view of all common area.
- b. All garbage storage rooms for apartments shall be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floors shall be graded to an

approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose lock shall be provided within each room. Garbage rooms shall be vented to the external air by natural or artificial means.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

20. Surrender of Previous Development Consents

Prior to Council or an accredited certifier issuing any construction certificate on the land, the following previously issued development consents relating to the property shall be surrendered to Council in the prescribed manner:

- a. Development application D201/1987, issued 11 July 1989;
- b. Development application F724/2002, issued 4 February 2003; and
- c. Development application F359/2003, issued 20 June 2003.

21. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* – A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

22. Deleted.

23. Telecommunications Utility Services

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

24. Earth Retaining Structures

Prior to Council or an accredited certifier issuing a construction certificate, all proposed earth retaining structures over 800mm in height shall be certified as being in accordance with AS 4678-2002 – Earth Retaining Structures by a practising structural engineer with appropriate NPER3 registration.

25. Mine Subsidence Board

Prior to Council or an accredited certifier issuing any construction certificate, all approved development and construction plans associated with the development are to be stamped by the Mine Subsidence Board.

The requirements and direction of the Mine Subsidence Board are to be adhered to throughout the development, construction and operation phases of the village.

26. External Finishes

Prior to Council or an accredited certifier issuing a construction certificate, a full schedule of colours and finishes shall be provided to Council for approval.

The external finishes supplied to each of the dwelling blocks shall incorporate contrasting colours and materials to promote interest and visual appeal in the streetscape.

27. Vegetation Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed vegetation management plan is to be developed for the site, which addresses the details required as part of the general terms of approval issued by the Department of Natural Resources and Rural Fire Service. The management plan must indicate any relationship that the proposed landscaping and establishment of gardens may have on the neighbouring Noorumba Park and address the issues raised in the Conacher Travers Report (dated August 2005) prepared for the development with relation to establishment and maintenance of the riparian protection buffer. The Vegetation Management Plan is to be consistent with the Bushfire Management Plan.

28. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a Waste Management Plan is to be developed and submitted to Council for approval, which addresses the disposal of construction waste and the method of waste collection and/or disposal throughout the operation of the village.

The plan is to satisfy the requirements of ease of manoeuvring throughout the site for large vehicles including garbage trucks. Dead ends are not permitted, unless a turning facility at the end of the terminating road in accordance with Council's requirements that will provide a safe and unimpeded area for the manoeuvring of large vehicles is provided. The applicant shall include appropriate parking restriction signage adjacent to the facility to ensure the area is free for vehicular access at all times.

29. Bushfire Management

Prior to Council or an accredited certifier issuing a construction certificate, a bushfire management plan and bushfire evacuation plan is to be prepared, submitted to the NSW Rural Fire Service and approved.

30. Geotechnical Report

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

31. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

The plan shall detail the methods by which erosion and sediment control will be undertaken on the site during construction and operation of the village.

32. Pollution Control

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of the Department of Environment and Conservation, Department of Natural Resources and Council's *'Engineering Design Guide for Development (as amended)'* for the stormwater drainage system prior to discharge from the site.

33. Vehicle wash bays

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide details to Council concerning the location, form and water disposal for car washing facilities throughout the site.

The wash bay(s) shall be of water efficient design, with water being disposed of in a manner acceptable to Council and Sydney Water.

34. Road Construction (New)

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

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

35. Traffic Committee

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

36. Traffic Control Plans

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the *RTA 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.

37. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site in accordance with the approved plans, supporting documentation and requirements of the Department of Water and Energy's 'General Terms of Approval'. All proposals shall comply with Council's Engineering Design Guide for Development (as amended). The Stormwater Management Plan shall have regard to future intended development envisaged within the Master Plan.

38. Flood Analysis Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall engage an experienced practising hydraulics engineer to undertake a comprehensive flood study of the local and surrounding catchment and submit a copy of the completed flood study to Council for its approval including plans and detailed hydrological and hydraulic calculations (all to AHD) in accordance with Council's *Engineering Design Guide for Development (as amended)* as it is considered that the subject land is affected by flooding from a 100yr Average Recurrence Interval (ARI) flood due to overland flow from the local catchment traversing the property.

In this regard the plans shall include details of:

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

In addition to the above:

- i. Finished site fill levels shall be at or above the calculated 100 year ARI level and all habitable floor levels shall be in accordance with the freeboard requirements as per *Council's Engineering Design Guide for Development (as amended)*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for *Construction of Subdivision Road and Drainage Works*' (as amended), AS3789 'Guidelines for *Earthworks for Commercial and Residential Development (as amended)*', and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding of the site are specified within a Council approved Flood Study, a 'Work As Executed' (WAEEx) plan to AHD, certified by a registered surveyor and specifying that all finished floor and surface level requirements have been complied with, shall be submitted to Council for its approval prior to release of the occupation certificate.
- iv. Prior to the issue of the occupation certificate the applicant is to provide Council with an electronic copy (DXF and/or MID/MIF file format) of the WAEEx information (all to AHD) and to ensure that the information as provided to Council is described and drawn relative to the "MGA 94 - Zone 56" Coordinate System (Map Grid of Australia 1994).

39. Work on Public Land

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

40. Dilapidation Report

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

41. Alignment of New Works

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall liaise with Council and the adjoining land owners regarding the alignment and construction of new roads.

42. Water Cycle Plan

Prior to Council or an accredited certifier issuing a construction certificate, a comprehensive water cycle plan shall be incorporated into the landscape plan and the stormwater management plan to achieve comprehensive recycling of water.

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.

43. Erosion and Sediment Control

Prior to the commencement of any works on the land, erosion and sediment control measures detailed on the approved *Erosion and Sediment Control Plan* shall be fully installed/implemented.

44. Erection of Construction Sign

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

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

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

45. 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.

46. 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.

47. 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.

48. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

49. Footpath and Vehicular Crossing Levels

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

50. Demolition Works

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

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of *Australian Standard AS 2601-2001 – The Demolition of Structures*, prepared by a suitably qualified person with suitable expertise or

experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out in accordance with *Work Cover* provisions. A person/contractor licensed for asbestos removal must carry out all work.
- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works.
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and WorkCover NSW prior to the commencement of any works.

51. Fencing

Prior to the commencement of any works, an appropriate fence preventing public access to the site shall be erected and maintained for the duration of construction works.

52. Existing Residents

Prior to the commencement of any works, any existing residents (including residents on adjoining land) shall be given at least seven days written notice of all works to take place. Residents shall be provided with a 24 hour telephone number for any enquiries or complaints regarding construction activities.

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.

53. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

54. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

55. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Sub-Committee outlining the proposal for the work zone. The application must be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures shall be borne by the applicant.

56. Protection of Existing Trees

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three (3) metres of the footprint of a building that has been approved by Council.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

57. Fill Compaction Requirements

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

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m² (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 principal certifying authority.

60. Certification of Location of Building During Construction

Prior to the positioning of wall panels/ bricks or block work, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, distances of walls and footings from the boundaries, and the dimensions of the building.

61. Certification of Levels of Building During Construction

Prior to the placement of any concrete of the basement/ ground floor slab, the submission to the principal certifying authority of a registered surveyor's certificate showing that the formwork levels are in accordance with the approved plan.

62. Certification of Location of Building Upon Completion

Upon completion of the building, the applicant shall submit to the principal certifying authority a qualified practicing surveyors certificate showing the boundaries of the allotment, distances of walls and footings from boundaries.

63. Termite Control

The building shall be protected from subterranean termites in accordance with *Australian Standard 3660.1*. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

64. 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.

65. Earth Works / Filling Works Testing

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

- a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended)*, AS 3798 *'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;

- b. Supervised, monitored, inspected, tested and reported in accordance with *AS 3798 Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and *AS 3798*.

66. 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.

67. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe fully signposted passage minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians at all times and that traffic control is undertaken and maintained strictly in accordance with *AS 1742.3*, the requirements set out in the *RTA* manual *"Traffic Control at Work Sites" (as amended)*, all applicable Traffic Management and Control Plans and that any *Work Cover Authority* requirements are met. 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.

68. Compliance With Council Specification

Notwithstanding any dimensions or other notations on the approved development plans, all design and construction work, lots and roads created shall be in accordance with Council's requirements as follows:

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

The applicant shall provide water conduits, common drainage lines or kerb outlets, and laybacks as required.

69. Pavement Thickness Determination

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with *Austrroads Pavement Design Guidelines (as amended)* shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

70. Commercial Driveway and Layback Crossing

The applicant shall construct a new reinforced concrete driveway and layback crossing/s at the entry to the site from Glendower Street to Council's *Commercial Vehicle Crossing Specification and Engineering Design Guide for Development (as amended)*.

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

71. 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.

72. Redundant Laybacks

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

73. Completion of Community Facility

Prior to the principal certifying authority issuing an occupation certificate or interim occupation certificate for any dwelling, the applicant shall have available and ready for immediate use all community, retail and commercial facilities specified within the conditions of this consent.

74. Provision of mini-bus service

Prior to the principal certifying authority issuing an occupation certificate or interim occupation certificate for any dwelling, the applicant shall have available and ready for immediate use the 22 seat mini-bus as specified in this consent.

75. Compliance with Seniors Living Policy

Prior to the principal certifying authority issuing an occupation certificate or interim occupation certificate, a certificate prepared by a suitably qualified professional demonstrating compliance with the State Environmental Planning (Seniors Living) Policy 2004 shall be submitted.

76. Section 73 Certificate

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

77. Deleted.

78. Structural Engineering Certificate

Prior to the issue of an occupation certificate, the submission to the principal certifying authority of a certificate from a practising structural engineer with appropriate NPER3 registration certifying that buildings and other structures (including retaining walls) have been erected in compliance with the relevant Australian Standards and as per the approved structural drawings.

79. Completion of External Works

Prior to the principle certifying authority issuing an occupation certificate or interim occupation certificate (relevant to that stage of development), all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of Council.

80. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation 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 *Engineering Design Guide for Development (as amended)*.

81. Restoration of Public Roads

Prior to the principal certifying authority issuing an occupation 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.

82. Public Utilities

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

83. Inundation of Flood Waters

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall demonstrate that, as the subject land has been identified as being at risk of flooding in the event of a 100yr ARI flood:

- a. The subject property and specific areas have been filled to the levels specified within an Council approved flood study;
- b. The filling works have been 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);
- c. The finished surface levels comply with the approved engineering drawings;
- d. A registered surveyor has certified the finished surface levels.

84. Mechanical Ventilation

Prior to the principal certifying authority issuing an occupation certificate, the submission of a compliance certificate certifying that:

- a. The mechanical ventilation exhaust system has been installed in accordance with *Australian Standard AS1668 Part 1 and 2*.
- b. The exhaust hood and air conditioning system has been installed in accordance with *Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code)*, and *Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise)*.

85. Air Handling System

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit documentary evidence demonstrating that the air handling system has been designed by a qualified mechanical engineer in accordance with *AS 1668 – Mechanical Ventilation and Air Conditioning Code, Parts 1 and 2*.

86. General Terms of Approval

The following General Terms of Approval form part of this consent:

- a. Department of Natural Resources – issued 11 November 2005 (ref: ERM05/6244)
- b. Rural Fire Service – issued 16 November 2005 (ref: D05/2119)

Copies of the General Terms of Approval shall remain attached to this consent at all times.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

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

Advice 3. Disability Discrimination Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

Advice 4. Smoke Alarms

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786.

Advice 5. Covenants

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

Advice 6. Inspections – Civil Works

Where Council is nominated as the certifying authority for civil works, the following stages of construction shall be inspected by Council. A compliance certificate or other documentary evidence of compliance is required to be obtained prior to proceeding to the subsequent stages of construction:

- a. EROSION AND SEDIMENT CONTROL –
 - Direction/confirmation of required measures.
 - After installation and prior to commencement of earthworks.
 - As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. SUBSOIL DRAINS – After:
 - The trench is excavated.
 - The pipes are laid.
 - The filter material placed.
- d. SUBGRADE – Joint inspection with NATA Reg. 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. GULLEY PITS & OTHER CONCRETE STRUCTURES – Prior to pouring concrete.
- h. PAVEMENT THICKNESS MEASUREMENT (DIPS) – After placement of kerb and gutter and final trimming of sub-base.
- i. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- j. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- k. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.

- l. CONCRETE PATHS, VEHICLE CROSSINGS OR LAYBACKS – Prior to pouring concrete.
- m. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- n. FINAL INSPECTION – All outstanding work.

Advice 7. Inspection Within Public Areas

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

Advice 8. Adjustment to Public Utilities

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

Advice 9. 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 2009 - Volumes 1 and 2*.

Advice 10. Subdivision

This consent does not provide for the subdivision of the land.

All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02)8741 5555
e-mail: doug.stevens@rfs.nsw.gov.au

16 NOV 2005

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02)8741 5433



The General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Your Ref: 2828/2005/DA-M

Our Ref: D05/2119
G05/2549
DA05092023870 DS

Attention: Andrew MacGee

Date: 02-Nov-2005

Dear Andrew,

Integrated Development: Lot 2 DP 1065919, 70 Glendower Street, Gilead NSW 2560

I refer to your letter dated 15-Sep-2005 seeking our General Terms of approval for the above integrated development proposal in relation to the requirement for a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997.

Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority subject to the following conditions:

1. Reticulated water supply shall comply with AS2419. Locations of fire hydrants are to be delineated by blue pavement markers in the centre of the road.
2. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service - Development Control Services for approval. The evacuation plan is to detail the following:
 - a) under what circumstances will the complex be evacuated.
 - b) where will all person be evacuated to.
 - c) roles and responsibilities of persons co-ordinating the evacuation.
 - d) roles and responsibilities of persons remaining with the complex after evacuation.
 - e) a procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.
3. A Bush Fire Management Plan is to be prepared that addresses the following requirements;
 - 1) Contact person / department and details.
 - 2) Schedule & description of works for the construction of Asset Protection Zones and their continued maintenance.
 - 3) Management strategies, proposed schedule and description of works of any remnant bushland within the property boundary.
 - 4) Details of access through any gate / fire trail system for remnant bushland areas.
4. An Asset Protection Zone (APZ) of 50 metres minimum is to be created on the western boundary. The 35m closest to the buildings are to be maintained as an

Inner Protection Area. The 15m closest to the hazard are to be maintained as an Outer Protection Area as outlined within Section 4.2.2 in Planning for Bushfire Protection, 2001. If adjacent land outside the boundary is to be incorporated into this APZ then a written Plan Of Management for the area will be required from the consenting owner. An alternative acceptable arrangement would be the creation or an easement under Section 88B of the Conveyancing Act 1919 being established to allow for the effected property owner to maintain the Asset Protection Zone on the adjoining land. In either case it requires the consent of the adjacent land owner.

5. An Asset Protection Zone (APZ) of 50 metres minimum is to be created on the Northern boundary. The 35m closest to the buildings are to be maintained as an Inner Protection Area. The 15m closest to the hazard are to be maintained as an Outer Protection Area as outlined within Section 4.2.2 in Planning for Bushfire Protection, 2001. If land outside the northern boundary is to be incorporated into this APZ then a written Plan Of Management for the area will be required from the consenting owner. An alternative acceptable arrangement would be the creation or an easement under Section 88B of the Conveyancing Act 1919 being established to allow for the effected property owner to maintain the Asset Protection Zone on the adjoining land. In either case it requires the consent of the adjacent land owner.

6. This approval is based on the Bushfire Threat Assessment Report prepared by "Conacher Travers" dated September 2005. All recommendations of that report other than those modified by the above conditions shall be complied with.

This Response is to be deemed the Bush Fire Safety Authority as required under section 100B of the Rural Fires Act 1997.

For any enquiries regarding this correspondence please contact Doug Stevens.

Yours faithfully,


Lew Short
Manager, Development Control





NSW Government

17 NOV 2005

DEPARTMENT OF NATURAL RESOURCES

*Our Ref: ERM05/6244
Your Ref: 2828/2005/DA-M*

11 November 2005

General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Attention: Mr Scott Phillips

Dear Sir,

**Re: Integrated Development,
Integrated Development Application for Proposed Masterplan Stage 1 Retirement Village,
Community Facilities and Golf Course
Lot 2, DP 1065919, 70 Glendower Street, Gilead (the Site)**

Thank you for your letter dated 15 September 2005 concerning a Master Plan and Integrated Development Application (DA) proposal for the subject property and hereinafter referred to as "the Site".

The Department of Natural Resources (the Department) requests Council to provide the applicant with a copy of this letter for their information and for their assistance should they wish to contact the Department.

Attached hereto are the Department's General Terms of Approval (GTAs) for the DA, all of which must be included as part of any consent given by Council.

Rivers and Foreshores Improvement Act, 1948

The Department has determined that a permit for works is required under Part 3A of the Rivers and Foreshores Improvement Act, 1948.

Water Act, 1912 – Surface Water Matters

As the capacity of the proposed detention/irrigation ponds has not been specified in the information provided, it is not clear whether a Water License under Part 2 (surface water) is required.

In accordance with the NSW Farm Dams Policy, a Water Licence under Part 2 (surface water) will not be required provided that the total volume of all existing and proposed water holding and detention structures does not exceed the Harvestable Right.

If the Harvestable Right is exceeded, then GTA's will need to be supplied and a Water License would be required.

It is recommended Council require a Water Cycle Management Plan as part of any construction certificate issued for the site to ensure long-term water management at the site is sustainable.

Salinity

Salinity is an issue in many parts of western Sydney due to the marine origins of the Wianamatta shales and the further natural additions of salts through wind and rain. More salts can be added from sources such as potable water, effluent, groundwater, fill from salt affected areas, or some building and compost products.

Concentration of salt and certain types of salts have undesirable affects on vegetation, water quality, etc. Development should therefore consider the impacts of salinity on the development as well as the impacts of the development on the salinity processes in order to minimise the onsite and offsite, present and future impacts of salinity.

Administrative Matters

Please note Council's statutory obligations under section 91A(3) of the Environmental Planning and Assessment Act 1979, which states:

“A consent granted by the consent authority must be consistent with the general terms of approval proposed to be granted by the approval body in relation to the development and of which the consent authority is informed.....”

In the event that Council grants development consent for the proposal, the Department requests **Council to include in its consent the Department's GTAs in their entirety.**

The Department requires notification if any plans or documents are amended and these amendments change or result in additional 'works' in or within 40 metres of a watercourse/foreshore. This is to ascertain if the new plans require review and variation/s to the GTAs. This requirement applies even if the proposed works are part of the Consent Authority proposed consent conditions and the 'works' do not appear in the original documentation. In the event that Council grants consent to the subject DA, the Department requests that Council **immediately advise it**, upon any application being made for modification of the conditions of the consent granted by Council. Failure to notify amendments within 40 metres of a watercourse/foreshore may make the consent invalid.

Please note that Council is required by the legislation (Section 91A(6)) to send the Department a copy of any determination of the proposal.

The Department requests notification if there is any legal challenge to the consent. The Department may wish to participate in the matter if appropriate.

The Department recommends that the following condition be included in the consent: “The Construction Certificate will not be issued until a copy of the Part 3A Permit, issued by the Department of Natural Resources (DNR) has been provided to Council.”. The reason for this is that works prescribed in the R&FI Act cannot commence before the Applicant obtains a Part 3A permit.

The attached GTAs are not the actual permit, the applicant must submit a completed *Application for a Part 3A Permit* form, together with the application fee, and receive the Part 3A permit from the Department, after consent has been issued by Council and before commencement of any works.

The permit will be issued upon request subject to payment of the prescribed fee, and subject to payment of any security required by the Department. Please note that it can take up to 6 weeks for the 3A permit to be finalised from the date of application. Please advise the proponent to make an application to Mohammed Ismail on phone (02) 9895 7978.

Yours Sincerely



Mohammed Ismail
Natural Resource Project Officer
South Coast Region

**GENERAL TERMS OF APPROVAL
RIVERS AND FORESHORES IMPROVEMENT ACT 1948
PART 3A PERMIT**

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Natural Resources (DNR) has an approval role in relation to Development Application (DA) DA 2828/2005/DA-M lodged with Campbelltown City Council (Council).

A permit issued under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out certain works, including **excavations**, on in or under "protected land". "Protected land", for the purposes of this DA, is land and material that is in, or within 40 metres of the top of the bank or shore of, "protected waters", at Lot 2 DP 1065919, 70 Glendower Street, Gilead, NSW. "Protected waters" include Menangle Creek flowing through and/or adjacent to the subject site.

Lot 2 DP 1065919, 70 Glendower Street, Gilead, NSW is hereinafter referred to as "the Site".

Pursuant to Part 3A of the R&FI Act, DNR, having reviewed the documentation associated with the DA, proposes to grant an approval to DA 2828/2005/DA-M (subject to conditions). DNR's General Terms of Approval, for inclusion as conditions of consent, are set out below:

Requirement for Permit

1. Any work which requires a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any plans required by these conditions, and approved by DNR, and which will accompany the Part 3A permit.

Standard of Work

2. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.
3. All designs and documentation required by these conditions are to be prepared and implemented by persons with relevant knowledge, qualifications and experience in current best practice, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit.**
4. The **implementation** of any design or "plan", or **carrying-out** of any activity at the Site, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience in current best practice in the relevant aspect of the operations being undertaken.

Cessation of Works

5. If, in the opinion of a DNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer.
6. Should any of the conditions of the Part 3A permit not be complied with, DNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.

Work as Executed Plans

7. If requested by DNR, work as executed survey plans of a professional standard, and including information required by DNR, shall be forwarded to DNR within 14 calendar days of such request.

Remedial Works

8. The Part 3A permit holder shall carry out any instructions given by DNR with a view to preventing damage to the environment of protected waters or protected land.
9. If any Part 3A permit condition is breached, the permit holder shall follow DNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DNR. If any breach of the permit conditions requires a special site inspection by DNR, then the permit holder shall pay a fee of \$640 for this inspection and for each and every subsequent inspection until the breach has been rectified.

Disposal of Vegetation

10. Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept into protected waters during a flood.

Notification of Cessation of Works

11. When the works subject to a Part 3A permit are to cease, DNR must be notified one month in advance of the cessation of the works.

Stormwater Outlets

12. Location and details of any existing stormwater outlets into the watercourses and/or riparian zones are to be included on plans submitted to DNR, **prior to the issue of the Part 3A permit.**
13. All stormwater outlets to streams and riparian zones are to be designed, located and constructed to minimise any erosion or scour of the banks or bed of streams and the construction technique adopted must ensure that disturbance to bank soil and vegetation is kept to an absolute minimum. Any proposed stormwater outlets are to be designed in accordance with, but not limited to DNR guidelines on Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1) (Attachment A).

Designation of Riparian Zone

14. A riparian zone as projected on the DA plans adjacent to Menangle Creek (shown as a 40m wide zone), shall be maintained along the full length of the Site.
15. All works are not to cause disturbance to existing native vegetation species and communities or compromise the establishment of the riparian zones, including the area adjacent to the northern watercourse, except in consultation with and the approval of DNR prior to the issue of the Part 3A permit
16. No threatened species or threatened ecological communities are to be adversely affected by the development including area adjacent to the northern watercourse.

Site Rehabilitation - Vegetation

17. Site rehabilitation must protect any remnant local native riparian vegetation at the Site and restore any riparian zones, including within the channel, disturbed by the development to a state that is reasonably representative of the natural ecotone of the protected waters system and as required in the *Vegetation Management Plan*.
18. A *Vegetation Management Plan (VMP)* is to be prepared by a person(s) with relevant knowledge, qualifications and experience in bushland rehabilitation practices and the preparation of such plans, in consultation with, and with the approval of, DNR **prior to the issue of the Part 3A Permit**. The plan is to be in accordance with DNR guidelines on *How to prepare a Vegetation Management Plan (Attachment B)*. The *VMP* is to fully address all issues relating to the protection, establishment and maintenance of the riparian zone. The *VMP* must contain a costing for its full implementation, including maintenance for a period of not less than two years after the date of the final planting. Details must also be provided on the method, timing and cost of implementing the *VMP*, including the decommissioning of any temporary soil and water management controls and the rehabilitation of the affected areas. The cost estimate will form the basis for a bond.
19. Riparian zones so protected and/or restored must be fully structured and must be made up of a mix of native tree, shrub, groundcover and grass species local to the area. Revegetation must consist of a diverse range of local native plant species, planted at appropriate densities to achieve an effective and full riparian vegetation structure. These densities are to consist of at least 1 tree and 1 shrub (on average) alternately planted at 1m spacings and in addition, groundcover plants at 4 per square metre. Revegetation is to be carried out over all areas in the riparian zone that are affected by the works and areas temporarily occupied by soil and water management controls, once those controls have been decommissioned and the ground surfaces restored to the correct profile and stabilised.
20. Works, including paths, tracks, services, pipelines and clearing related to asset protection, are to be located outside the identified riparian zones, except in consultation with and approval of DNR, **prior to the issue of the Part 3A permit**.

21. The person or organisation responsible for implementing the *VMP* must certify in writing to DNR that planting have been carried out using stock propagated from only a local native seed source. This certification is to be provided with the first 6 monthly monitoring report and with every monitoring report thereafter for any supplementary plantings.
22. DNR is to be advised of the person or organisation responsible for any seed propagation prior to the commencement of propagation.

Soil Structure

23. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site. The soils in the riparian zone are therefore not to be proof rolled or subjected to other unsuitable compaction.

Maintenance of Riparian Zone

24. The riparian zone must be maintained and monitored for a period of at least two years after final planting. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.

Exotic plant species not to be planted within the riparian zone

25. No exotic plant species, other than temporary sterile cover crops, are to be planted within the riparian zone for the full length of the Site.

Water Quality Protection

26. The Applicant must ensure that the amount of dirty water and sediment that enters protected waters from the Site is minimised.

Site Water & Sediment Runoff Management

27. The Applicant must submit a *Soil and Water Management Plan* indicating how the works at the Site will achieve the outcome required in the previous Condition. The plan must be prepared by a suitably qualified person, to the satisfaction of Council and DNR, and approved by DNR, prior to the issue of the Part 3A permit. The Plan must cover all works on protected land and in protected waters, and staging and maintenance requirements. The Plan must meet the requirements outlined in the LANDCOM publication *Managing Urban Stormwater: Soils and construction – Volume 1, 4th Edition (2004)*.

Maintenance of Erosion and Sediment Control Measures

28. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised.

Decommissioning of all Sediment and Erosion Controls

29. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained, for as long as necessary after completion of works, to prevent sediment and dirty water entering the watercourse/foreshore environment. These control measures are to be in accordance with the requirements of Council or the consent authority and best management practices as outlined in the LANDCOM publication.

Cash Bond or Bank Guarantee

30. The applicant for a Part 3A permit will be required, as a pre-condition to the granting of the Part 3A permit, to provide a cash bond or bank guarantee, prior to the issue of any Part 3A permit, for the amount required to cover the cost of the decommissioning any temporary sediment and erosion controls and for any rehabilitation and maintenance of the riparian zones as required by these conditions.
31. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DNR and it must be in the format provided in **Attachment C**. Any cash or bank guarantee will be held until such time as any rehabilitation works and any specified maintenance period are complete. DNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily decommission temporary sediment and erosion controls, or rehabilitate the riparian zone in accordance with these conditions or the *Vegetation Management Plan*.

Resolution of Inconsistencies

32. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DNR.

Any Part 3A permit issued to be kept current

33. Any Part 3A permit issued for works proposed under this DA must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.

End of Conditions

General Advice

- A.** A Part 3A permit, subject to conditions, will be issued for the proposed works upon application.
- B.** Any Part 3A permit granted for works the subject of this DA will be for a period of one year.
- C.** Prior to the issue of the Part 3A permit the applicant must provide DNR with the following:
- A copy of Council's development consent including all conditions of approval;
 - Three sets of plans and/or other documentation that satisfy the DNR's General Terms of Approval and recommendations referred to in these General Terms of Approval.
 - The appropriate permit fee paid and the required bond provided to DNR.
 - Full details on land ownership of all areas affected by the proposed works, and authorisation for the works by the relevant land owners.
- D.** The rehabilitation of the area in accordance with the Part 3A permit conditions and to the satisfaction of DNR is the responsibility of the Part 3A permit holder and the owner or occupier of the land.
- E.** The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site.
- F.** Any Part 3A permit granted is not transferable to any other person or company without written approval from DNR and does not allow operations at any other site.
- G.** Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken.
- H.** These General Terms of Approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Land NSW.

Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways - Version 1)

1. **Assess the site and determine constraints:** hydrology/hydraulics (channel and floodplain flood levels and velocities, water table, etc.); geomorphology (erosion, deposition, etc.); soils; geology; debris loads; contaminants; acid sulphate soils; salinity; roads/ pathways; archaeological/heritage; service infrastructure (water, sewerage, gas, electricity, communications); flora/fauna; public safety; etc..
2. **Define the route and specific point of discharge:** Address the identified constraints. Select a route that avoids trees (preferably beyond their drip line), service infrastructure etc.. Choose a stable section of stream bank for the discharge point (preferably mid-way between bends).
3. **Address water quality and quantity issues:** Ensure that the quality of water discharging to the stream is good, and that discharge rates mimic "natural" flows (magnitude, seasonality, frequency, variability). Locate water quality improvement structures (oil/grease interceptors, sediment traps, litter traps, constructed wetlands, etc.) and detention basins outside the riparian zone.
4. **Define project tasks:** For each task necessary to complete the structure and to rehabilitate the site, identify how it will be done, its duration, its sequence and who will do it.
5. **Prepare an Erosion and Sediment Control Plan (ESCP):** The ESCP must be prepared by a person with qualifications, knowledge and experience in the preparation of such plans, and must be in accordance with the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction (3rd Ed.)(1998)*. The ESCP must address staging, maintenance and contingencies and must ensure that during construction, storm events and storm flows down the drainage line and/or the stream will not cause erosion or sediment loss. Prior to commencing instream works, all materials, equipment and operators must be ready and works must be planned for a forecast dry weather period. Once commenced, works must be completed without delay. The ESCP must be implemented prior to the commencement of works. Disturbance to the stream channel must be kept to an absolute minimum.
6. **Describe site rehabilitation:** Prepare a Vegetation Management Plan (VMP) in accordance with the guideline *How to Prepare a Vegetation Management Plan*. Site rehabilitation is to cover all disturbed areas and, together with weed control and bush-regeneration, is to extend at least 10 metres from disturbed areas. Any bare areas remaining after construction are to have previously stored topsoil re-spread and the litter layer restored. Any imported topsoil must be weed free. Grass seed or turf used in riparian areas must consist of non-invasive species and not species such as Kikuyu or Rhodes Grass.
7. **Prepare a time frame (eg Gantt chart):** List all tasks, their sequence, duration and ownership.
8. **Design guidelines:**
 - outlet structure not to protrude beyond the stream bank and to align evenly with the bank
 - outlet structure outlet to be located at invert level of stream and to point downstream
 - avoid use of concrete headwalls - pipes/culverts to rest on, and be packed in by, rip-rap
 - scour apron to be rip-rap and a cut-off provided; flanks to be rip-rap and keyed in
 - scour protect the bed of the stream near the outlet if not bedrock and if scour is likely
 - scour protect the opposite bank as required (consider bank material and "jet" effect)
 - calculate tractive stresses generated from outlet discharges and from **bank full** stream discharges to determine rock size requirements for the structure
 - rip-rap to consist of angular run-of-quarry durable rock placed over a 200mm layer of 140mm median size angular cobbles over geotextile - all rock and cobbles to be packed with topsoil - gaps in rip-rap to be planted with local native sedges and rushes (cross-reference in VMP)
 - if salinity is an issue, ensure pipe/culvert specifications conform with Australian standards
 - stockpile excavated litter layer, topsoil and subsoil separately for site rehabilitation
9. **Prepare drawings:** Prepare concept sketches for DNR review. Final drawings to consist of Plan, Long Section, Cross-Section and detail drawings as required. Include a scale bar on all drawings.
10. **Address other issues:** signage, relevant legislation, planning instruments/guidelines, OH&S, liaison with DNR and others (council, NSW Fisheries, etc.).
11. **Prepare a costing:** cost out the implementation of all stages and all components of the work - show details on the cost of materials and labour. Site rehabilitation costs can be addressed in the VMP.
12. **Prepare a brief and concise report:** report on all of the above.

ATTACHMENT B

How to Prepare a Vegetation Management Plan (Draft)

1. **Assess the site and determine constraints:** flora and fauna (previous studies, endangered species & ecological communities/existing vegetation communities, etc.); habitat and corridor values; topsoil/litter layer quality; hydrology/hydraulics (flooding, surface water runoff/drainage, velocities, water table, etc.); frost areas; fire issues; contaminants; acid sulphate soils; salinity, roads and pathways, railways, airfields, service infrastructure (water, sewerage, gas, electricity, communications); stock and herbivore access (rabbits, hares, ducks, etc.); shadow zones; drainage; topography (slope, aspect, soils, geology, erosion, deposition); weeds and weed sources, risk of vandalism, public safety issues, etc..
2. **Define project tasks:** describe each task necessary for the implementation of the plan, how each task will be done, the duration of each task, the priority order for each task and who will be responsible for undertaking each task.
3. **Prepare a time frame (eg Gantt chart):** address all tasks in the project.
4. **Liaise:** contact council Bushcare Officer, landcare or bushcare groups.
5. **Provide details on seed collection and propagation:** local native species only to be used - identify local native seed sources, check on any licences required - identify who will propagate.
6. **Prepare maps/diagrams and plant species lists:** describe existing vegetation, constraints, vegetation and natural features to be retained, proposed vegetation (species/communities, zonation from water to land, corridors/linkages, spacings, tubestock/virocells/long stems/direct seeding, etc.), sediment and erosion control, stabilisation works, etc..
7. **Provide details on site preparation:**
 - protection of plants to be retained
 - installation of sediment and erosion control devices
 - completion of any site works (if any)
 - weed control (techniques and sequences of removal)
 - application of herbicides
 - topsoil/litter layer storage
 - soil remediation
 - surface preparation (levelling, deep ripping, scarifying, mulching etc.)
 - surface stabilisation - (needs to be suitable for the site/vegetation - erosion matting, mulch, brushmatting, sterile cover crops, binding sprays, etc.)
 - site drainage
8. **Describe the planting program and method:** detail how it will be done, staging and also consider the installation of weed mats, mulch, stakes & ties, tree guards and the use of fertiliser types (justify their need), water-retaining crystals, etc..
9. **Describe site and vegetation maintenance:** sediment and erosion control, watering, replacement of plant losses, weed control, disease and insect control, mulch, etc.. (Note: DNR requires a minimum of two years maintenance after last plantings completed).
10. **Describe the monitoring and review process:** include a method of performance evaluation, assessing the need for replacing plant losses, addressing deficiencies and six-monthly reporting.
11. **Address other issues:** signage, relevant legislation, planning instruments/guidelines, OH&S, community involvement, liaison with DNR and others, how other parts of the site and adjacent areas can be managed to compliment the vegetation strategy (weed control, drainage, etc.), etc..
12. **Prepare a costing:** for the implementation of all stages and all components of the work - show details on unit cost, materials, labour, monitoring/maintenance/reporting, etc..

ATTACHMENT C

SECURITY DEPOSIT

**SECTION 22C(2) RIVER AND FORESHORES
IMPROVEMENT ACT 1948**

**TO: WATER ADMINISTRATION MINISTERIAL
CORPORATION**

WHEREAS the WATER ADMINISTRATION MINISTERIAL CORPORATION a corporation constituted pursuant to the Water Administration Act, 1986 (hereinafter called "the Corporation") has received an application for a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (hereinafter called the "Act"), from

Insert name and address of Applicant

(hereinafter called "the Applicant") for the carrying out of work comprising

Insert details of work including File No.

(hereinafter called "the Permit") **AND WHEREAS** pursuant to section 22C(2) of the Act, as a pre-condition to the grant of the Permit, the Corporation has required the Applicant to give to the Corporation security for the due performance of the Applicant's obligations under and in connection with the Permit for the amount of

Insert sum in words

*****Dollars (\$*****.00)

NOW THESE PRESENTS WITNESS that at the request of the Applicant and in consideration of the Corporation at the request of

Insert name of Surety

(hereinafter called "the Surety") which latter request is hereby testified, accepting this undertaking for the purpose of the said security the Surety unconditionally undertakes from the date of the grant of the Permit to pay to the Corporation such sum or sums of money not exceeding

Insert sum in words

*****Dollars (\$*****.00)

in the aggregate at any time upon demand or demands therefore being made by the Corporation.

The Surety undertakes to hold itself responsible for the said sum until a notification has been received from the Corporation that the said sum is no longer required by the Corporation or until payment is made by the Surety to the Corporation of the whole of the said sum in accordance with the provisions hereof.

Should the Corporation notify the Surety that it desires payment to be made to it of the whole or any part of the said sum the Surety unconditionally agrees that such payment or payments will be made to the Corporation forthwith without reference to the Applicant for instruction and notwithstanding the fact that notice may have been given by the Applicant to the Surety not to

pay same.

The Surety reserves the right to terminate its liability hereunder at any time upon payment to the Corporation of the said sum of ***** Dollars (\$*****.00).

Insert sum in words

No variation or revocation of the said Permit or the conditions of the Permit or concession or indulgence granted by the Corporation to the Applicant in respect of its performance of the Applicant's obligations under and in connection with the said Permit or any waiver of or exercise of any of the Corporation's rights under the Act shall have the effect of altering the Surety's obligation hereunder notwithstanding the fact that such variation, revocation, concession, indulgence or waiver or exercise is not brought to the notice of the Surety.

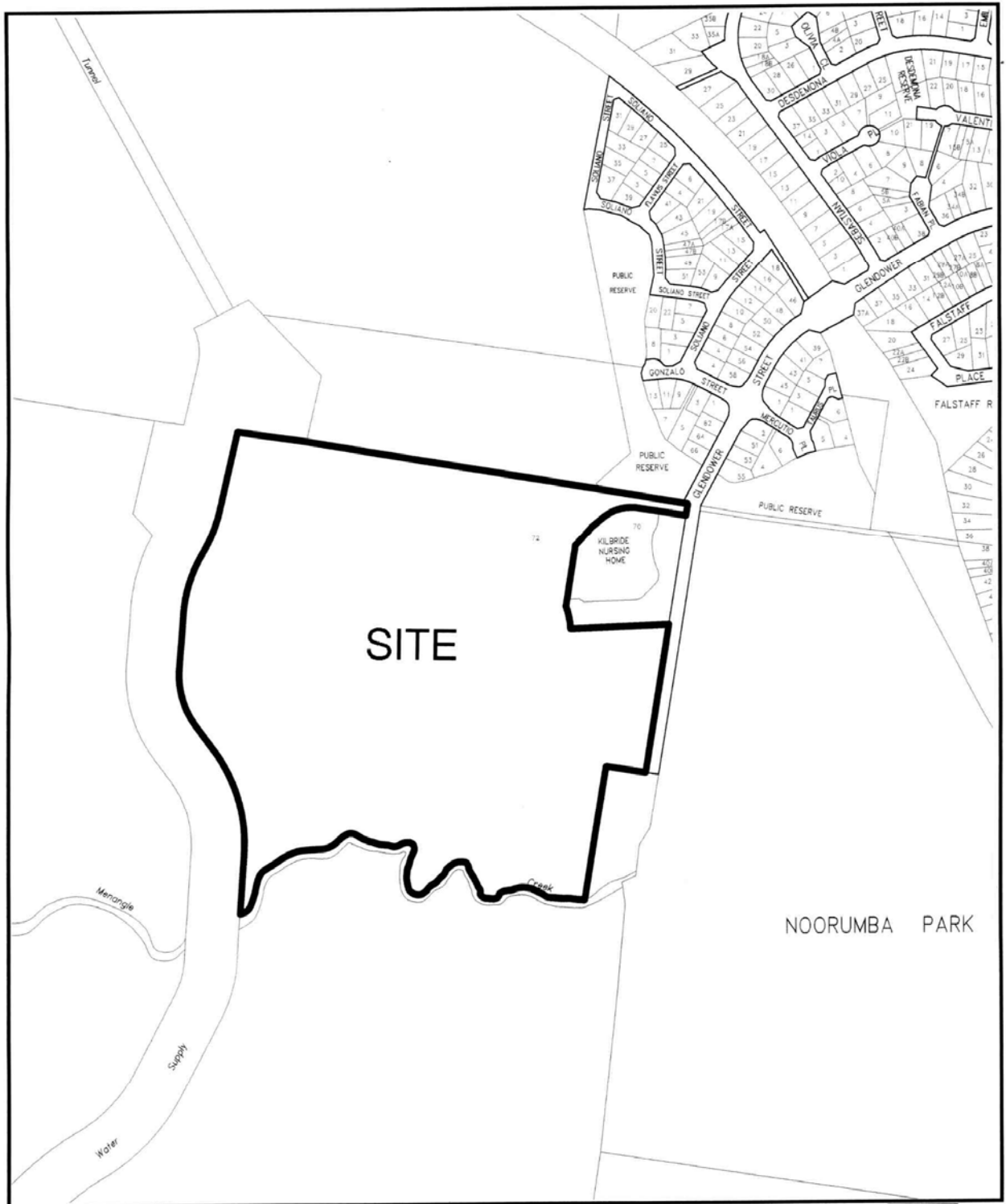
Dated at xxxxxxxx the xxxxxxxx day of 2000

Signatories to be identified and their capacities shown. In the case of Power of Attorney, declaration of non-revocation is to be made.

Duty stamp is to be affixed and cancelled

END OF CONDITIONS

ATTACHMENT 2



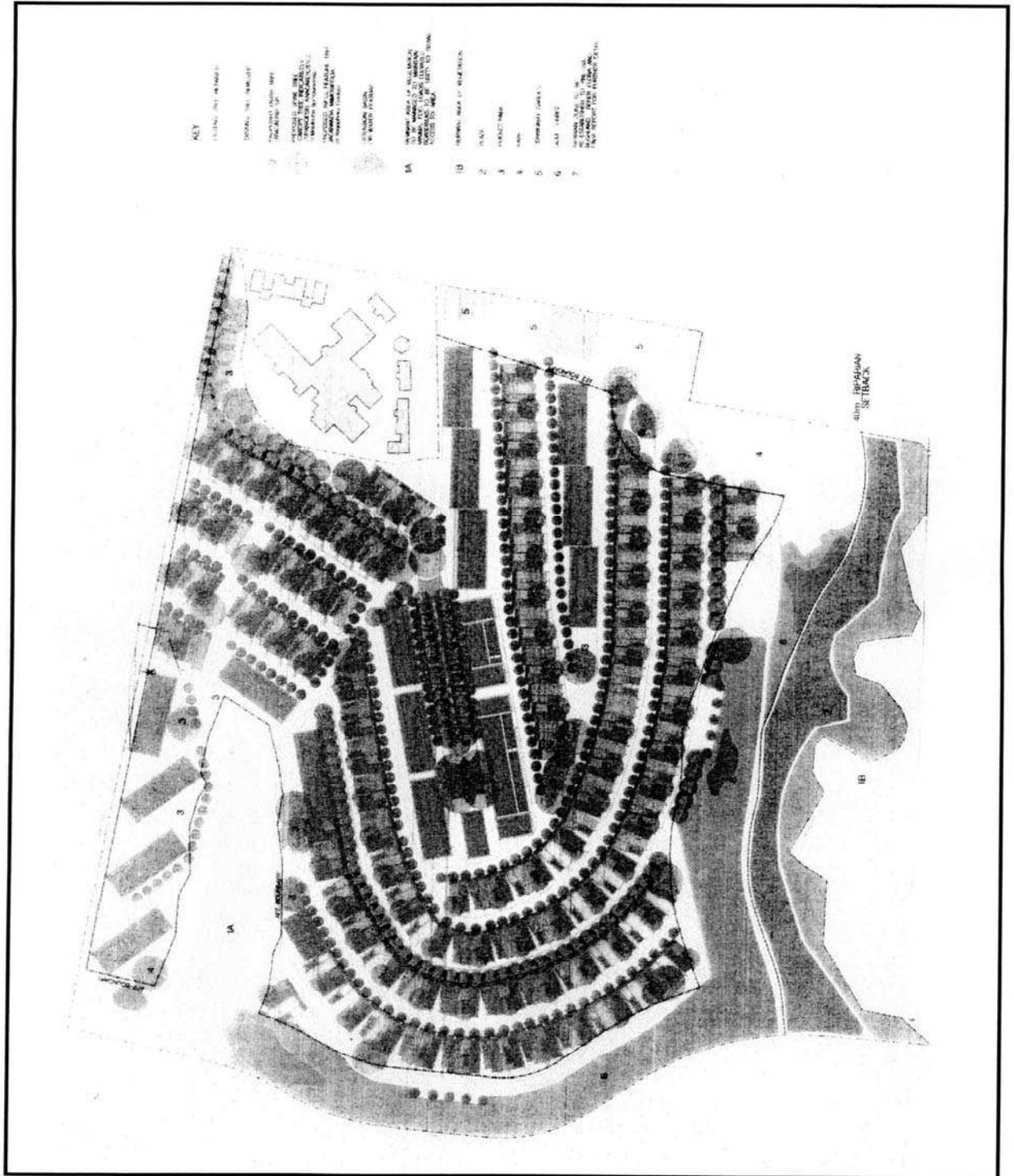
LOCALITY PLAN



SUBJECT:

APPLICATION TO MODIFY EXISTING DEVELOPMENT CONSENT
FOR A SENIORS LIVING COMMUNITY.
LOT 2 DP 1065919 - No. 72 GLENDOWER STREET, GILEAD.

ATTACHMENT 3

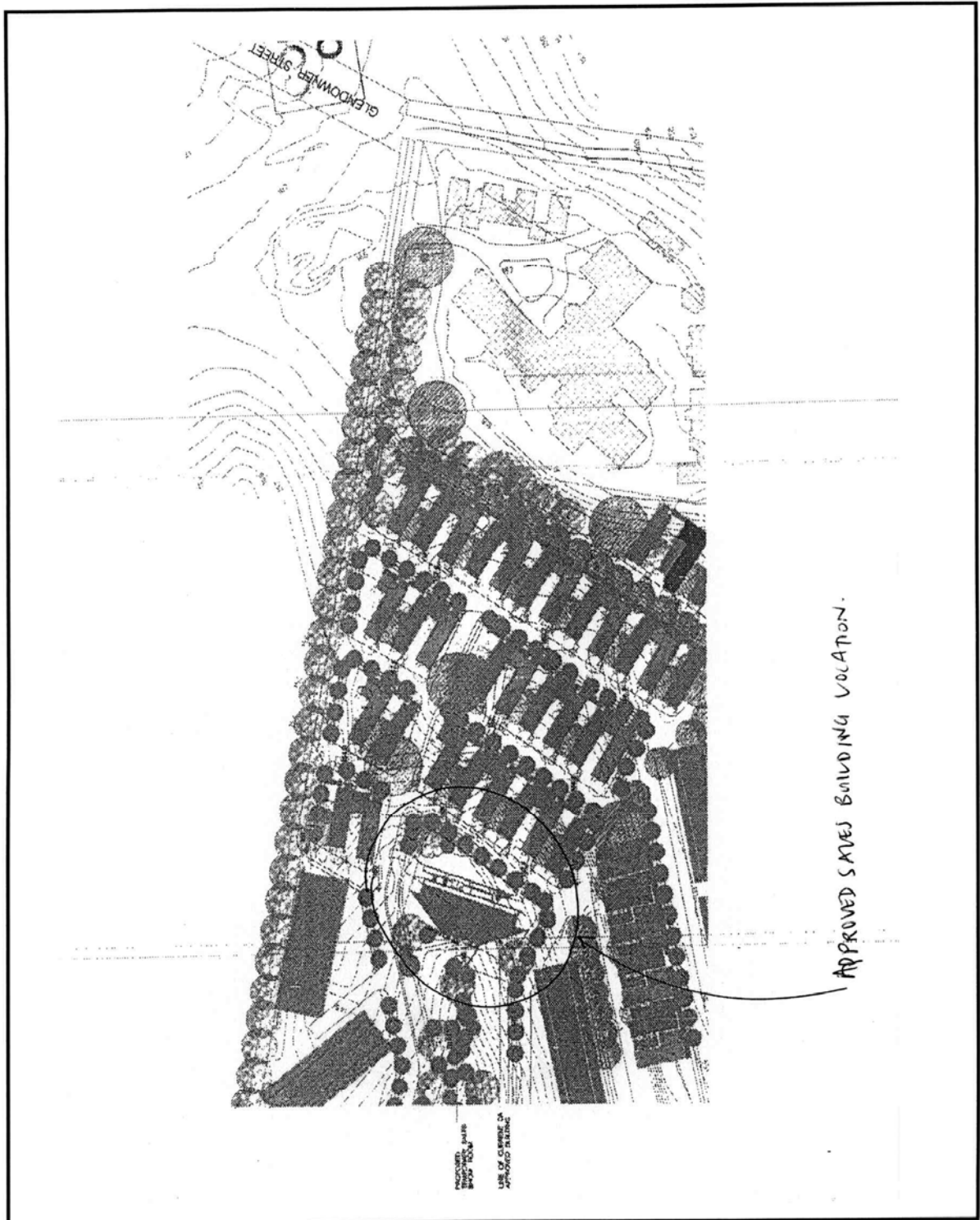


APPROVED SITE/LANDSCAPING PLAN

SUBJECT:

APPLICATION TO MODIFY EXISTING DEVELOPMENT CONSENT
FOR A SENIORS LIVING COMMUNITY.
LOT 2 DP 1065919 - No. 72 GLENDOWER STREET, GILEAD.

ATTACHMENT 4

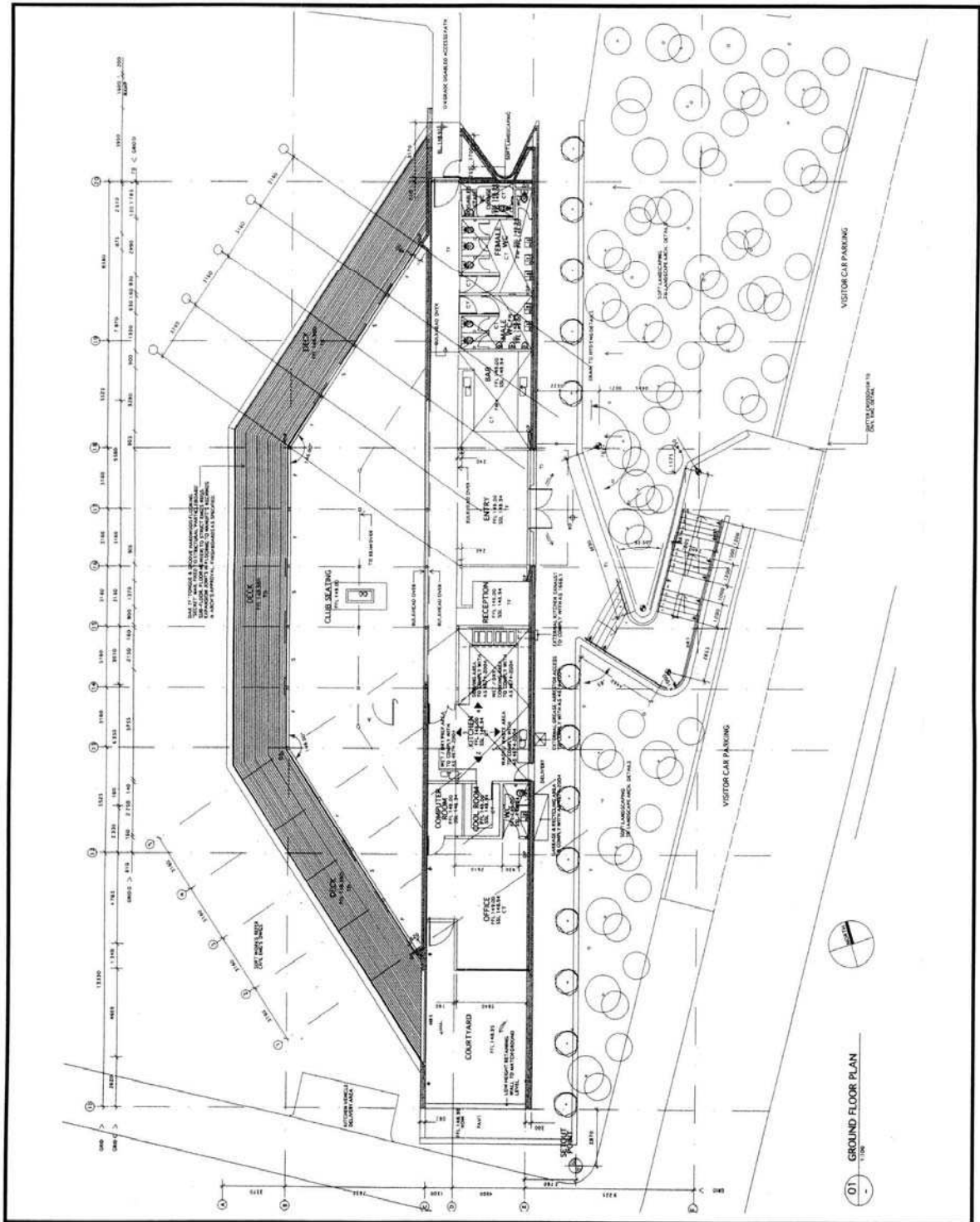


LOCATION PLAN of Approved Sales Building

SUBJECT:

APPLICATION TO MODIFY EXISTING DEVELOPMENT CONSENT
FOR A SENIORS LIVING COMMUNITY.
LOT 2 DP 1065919 - No. 72 GLENOWEN STREET, GILEAD.

ATTACHMENT 5



FLOOR PLAN of Sales/Community Building

SUBJECT:

APPLICATION TO MODIFY EXISTING DEVELOPMENT CONSENT
FOR A SENIORS LIVING COMMUNITY.
LOT 2 DP 1065919 - No. 72 GLENDOWER STREET, GILEAD.

3.4 No.1 Rennie Road Campbelltown - Demolition of Existing Building and Construction of a Serviced Motel with Associated Signage

Reporting Officer

Manager Development Services

Attachments

1. Recommended conditions of consent
2. Locality plan
3. Ground floor plan
4. Level 1 floor plan
5. Level 2 & 3 floor plan
6. Level 4 floor plan
- 7 & 8. Elevation plans
9. Section plan
10. Landscape plan

Purpose

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

Property Description	Lot 6 DP 836313, No.1 Rennie Road Campbelltown
Application No	2339/2007/DA-C/A
Applicant	Built NSW Pty Ltd
Owner	Quest Campbelltown Property Pty Ltd
Statutory Provisions	Environmental Planning and Assessment Act 1979 State Environmental Planning Policy No.1 - Development Standards State Environmental Planning Policy No.64 - Advertising and Signage Campbelltown (Urban Area) Local Environmental Plan 2002 Campbelltown (Sustainable City) Development Control Plan 2009 Development Control Plan No.99 - Advertising Signs
Other Provisions	Campbelltown 2025 - <i>Looking Forward</i>
Date Received	18 August 2009

History

On 6 May 2008, Council considered a report for the demolition of the existing warehouse building and the construction of a five-storey serviced motel with associated car parking and advertising signs at No.1 Rennie Road, Campbelltown. Subsequently the report was refused by Council for the following reasons:

- 1. Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development fails to provide sufficient car parking in accordance with the requirements under Council's Development Control Plan No. 52 – On Site Car Parking Policy and Campbelltown (Sustainable City) Development Control Plan 2007.*
- 2. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate sufficient on-site car parking.*
- 3. Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.*

A Class 1 appeal was lodged in the Land and Environment Court by the applicant against Council's refusal of the development application. The matter was heard on the 27 & 28 November 2008. During the course of the proceedings, amended plans were submitted to the Court providing additional car parking spaces to comply with Council's requirements. Further amendments were also made involving the deletion of two units from the third and fourth floors fronting Rennie Road. As a result, the total car parking spaces to be provided on site would now exceed Council's requirements.

On Monday 13 January 2009, in considering the amendments made to the car parking arrangements, Commissioner Hoffman upheld the appeal and concluded that the development application is approved subject to conditions of consent.

Report

Introduction

Council is in receipt of a Section 96 modification application for the demolition of the existing warehouse building and the construction of a five-storey serviced motel with associated car parking and advertising signs at Lot 6 DP 836313, No.1 Rennie Road, Campbelltown. The proposed modifications consist of the following:

Ground Floor:

- Four (4) car parking spaces have been re-located for easier parking access;
- A new pedestrian ramp to be constructed from Harbord Road;
- A new pedestrian exit from the car park as required under the Building Code of Australia;
- Relocation of the bin enclosure door;
- Minor internal changes to the reception area comprising of the conference room being moved to the first floor and the gymnasium moved to the ground floor;
- A new electronic gate at the main vehicular entry adjacent to the reception area;
- Relocation of the substation to the south western boundary; and
- The stair exit to be extended to provide egress on the eastern boundary instead of the southern boundary.

First Floor:

- Relocation of car parking spaces to allow for pedestrian access and a new outdoor BBQ area (no change in the number of car parking spaces); and
- A new pedestrian path along the vehicular ramp in accordance with the requirements of the Building Code of Australia.

Roof Plan:

- The lift motor room has been relocated to correct an error in the original plans; and
- The air conditioning units have been relocated to the middle of the roof and would not be visible from the public view.

External Changes

- Overall building height has been reduced by 995mm;
- Feature façade panels (coloured panels) installed over the precast concrete panels (same colours as previously approved);
- Balconies have glazed balustrades (some tinted some clear to create variety);
- A masonry base has been added to the southern elevation; and

- All windows and doors have increased by 5% to comply with the Building Code of Australia requirements.

The proposed substation has dimensions of 1 metre wide and 4 metres long with a maximum height of 1.8 metres. There would be a 1 metre wide clear path surrounding the substation to allow for unobstructed access. It is proposed that small shrubs be planted in front of the substation with very dense landscaping on either side. Notwithstanding, further screening would be required to minimise the impact on the streetscape and would be conditioned accordingly, should Council decide to approve the application.

As a result of the proposed modifications Condition No. 1 has been modified to include the architectural plans submitted as part of the modification application. In addition, Condition No. 19a has been added to ensure that the proposed substation would be adequately screened from public view.

Condition No. 15 was deleted through the Land and Environment Court process and related to prohibiting the strata subdivision of the individual units.

The Site

The site is located at the corner of Harbord and Rennie Roads, Woodbine and is on the northern side of Rennie Road. There are a number of restaurants including KFC and Krispy Krème surrounding the site as well as being adjacent to the three storey plus pitched roof Formula 1 Motel development. The site has a total area of approximately 2880 square metres. Immediately to the north and west of the subject site the land rises steeply within Payten and Kanbyugal Reserves both of which are used for passive and active public recreation. Further to the north and west is the residential suburb of Woodbine. Primary vehicular access to the proposed development is via Rennie Road.

The land previously contained a bulky goods type building with a mezzanine component and was previously used as a ceramic tile warehouse and later as a wholesale Christmas shop. This building has been demolished recently.

Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

i. Campbelltown 2025 - Looking Forward

'Campbelltown 2025 Looking Forward' is a vision statement of broad town planning intent for the longer-term future of the City of Campbelltown. The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan (LEP) for the City.

The strategic directions relevant to this application are:

- *Growing the Regional City,*
- *Building a distinctive Campbelltown sense of place, and*

- *Creating education, employment and entrepreneurial opportunities.*

The proposed modifications to the development are generally consistent with these directions.

Some of the relevant desired outcomes included in Campbelltown 2025 include:

- *Urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable;*
- *An impression of architecture that engages its environmental context in a sustainable way;*
- *An ambience of growth, prosperity and contemporary style; and*
- *Development and land use that matches environmental capacity and capability.*

The proposed modifications have been assessed having regard to "*Campbelltown 2025 Looking Forward*". It is considered that the proposal is consistent with the relevant desired outcomes having regard to its design.

ii. Environmental Planning and Assessment Act, 1979

The application has been assessed against the heads of consideration under section 96(1A) of the Environmental Planning and Assessment Act, 1979 which states:

1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The modification application satisfies the requirements as stated above.

iii. Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP)

The subject site is zoned 4(b) Industry B zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP).

The objectives of the 4(b) Industry B zone, of relevance to the proposed development are:

- a) *To encourage activity that will contribute to economic and employment growth in the City of Campbelltown; and*
- b) *To encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.*

It is a requirement of CLEP that development must be consistent with at least one of the zone objectives in order that Council can grant development consent. It is considered that the proposed modifications are ancillary to a development that would contribute to economic and employment growth and would provide a development that is of a high quality architectural standard and which is aesthetically pleasing.

The proposed development is defined as a 'motel' and is permissible on land located with the 4(b) zone with Council's development consent. A motel is defined as:

"a building or buildings used for the short-term accommodation of travellers, whether or not the building or buildings are also used for the provision of meals to those travellers or the general public."

The proposed signage is also permissible within the zone. The proposed signage is defined as 'advertisement' and is permissible with Council's development consent. Under the CLEP, an advertisement is defined as:

"Advertisement means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work."

Clause 37 Setbacks within Industrial Areas

Under the provisions of the CLEP, Clause 37 prescribes setbacks for development in the 4 (b) Industrial B zone as follows:

Consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4(a) and 4(b) which is within:

- d) *10 metres from any other road.*

The site falls within the identified lands described under Clause 37(d), however the proposed modifications do not alter the building or provide for any additional encroachments within the setback area compared to the approval issued by the Land and Environment Court.

The proposed building, as approved by the Land and Environment Court, would have a setback of greater than 10 metres from Harbord Road, thus satisfying the development standard.

The proposed building generally has a setback of 10 metres or more from Rennie Road except for a small portion of the building at the south eastern side of the site. The Land and Environment Court previously assessed the original proposal which included a State Environmental Planning Policy No.1 (SEPP 1) objection against the need to comply with the development standard. The Commissioner accepted the argument for the objection and approved the variation with the approval issued by the Court.

The proposed modifications seek no change to the setbacks approved by the Court so no additional assessment is required as part of the consideration of this application.

Division 2 Outdoor Advertising Controls

As the proposed modifications do not alter the signage that was previously approved by the Land and Environment Court, no additional assessment is required as part of the consideration of this application.

iv. State Environmental Planning Policy No.1 - Development Standards (SEPP 1)

The objectives of SEPP 1 are to provide flexibility in the application of planning standards in environmental planning instruments in circumstances where strict compliance with those standards would be unreasonable or unnecessary or would hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

As noted above, a SEPP 1 objection was submitted with the original development application in relation to Clause 37 - Setbacks within Industrial Areas under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. This was ultimately approved by the Court. As the proposed modifications do not alter the building nor provide any additional encroachments within the setback area, an additional SEPP 1 objection was not required.

v. State Environmental Planning Policy No.64 - Advertising and Signage (SEPP 64)

State Environmental Planning Policy No.64 - Advertising and Signage sets out requirements for advertising and signage throughout the State. The proposed modifications do not alter the signage that was previously approved and assessed under the provisions of SEPP 64. No further assessment is required due to there being no changes.

vi. Campbelltown (Sustainable City) Development Control Plan 2009 (SCDCP)

Campbelltown (Sustainable City) Development Control Plan 2007 applies to the subject land. The aims of the SCDCP are:

- *Ensure that the aims and objectives of any relevant EPI including Campbelltown's LEPs and IDOs are complemented by the Plan;*

- *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 City of Campbelltown;*
- *Ensure that new development maintains or enhances the character and quality of the natural and built environment;*
- *Ensure that new development takes place on land that is capable of supporting development;*
- *Encourage the creation of safe, secure and liveable environments;*
- *Ensure that new development minimises the consumption of energy and other finite resources, to conserve environmental assets and to reduce greenhouse gas emissions; and*
- *Provide for a variety of housing choices within the City of Campbelltown.*

It is considered that the proposed modifications are generally consistent with several of the relevant aims of the SCDCP in that the subject site proposed would support the proposed development and would further enhance the character and quality of the surrounding environment.

Part 5 - Commercial Development

Part 5 of the SCDCP sets out development standards for commercial development within the City of Campbelltown.

The proposed modifications do not alter the number of car parking spaces as approved by the Land and Environment Court nor do the modifications change the floor area of the building. The proposed modifications are considered minor in nature and would not have an adverse impact on the amenity of the streetscape. The modifications would improve the functionality of the overall development.

Public Participation

The modification application was not required to be notified in accordance with Development Control Plan No.87 - Notification Policy as the site is not adjacent to or nearby any residential properties.

Conclusion

The proposed modifications to the previously approved (by the Land and Environment Court) serviced motel with associated signage are considered minor in nature and as such, the building will remain in keeping with the built form of other development within the locality.

A further SEPP 1 objection to the application is not required as the proposed changes do not modify the location or provide additional encroachments within the required setbacks already approved by the Land and Environment Court.

The proposed modifications are permissible under the provisions of the CLEP. It is generally considered that the modifications are not likely to have a significant impact upon the amenity of the locality given that there is no additional floor space proposed and the approved car parking spaces are being retained.

Having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and the issues discussed in this report, it is recommended that the proposed development be approved subject to the conditions detailed in Attachment 1.

Officer's Recommendation

That application number 2339/2007/DA-C/A to modify the development consent (2339/2007/DA-C) for the construction of a five storey serviced motel with associated advertising signs and ground level car parking at lot 6 DP836313, No. 1 Rennie Road, Campbelltown, be approved subject to the conditions of consent relating to Development Application 2339/2007/DA-C being amended to read as detailed in Attachment 1.

Committee's Recommendation: (Thompson/Bourke)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Matheson, Oates, Rowell and Thompson.

Voting against the Committee's Recommendation were: Nil

Council Meeting 20 October 2009 (Oates/Bourke)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 269

That the Officer's Recommendation be adopted.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Dobson, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution were: Nil

ATTACHMENT 1

GENERAL CONDITIONS

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

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

1. Approved Development

The development shall take place in accordance with the following approved development plans and all associated documentation submitted with the application, except as modified by any conditions of this consent:

Plan	Drawing No.	Revision	Dated
Ground Floor Plan	A101	E	7 April 2009
Level 1 Floor Plan	A102	E	7 April 2009
Level 2 Floor Plan	A103	E	7 April 2009
Level 3 Floor Plan	A103	E	7 April 2009
Level 4 Roof Plan	A104	E	7 April 2009
North-South Elevation	A201	E	7 April 2009
West-East Elevation	A202	E	7 April 2009
Cut and Fill Plan	SK.09	3	30 August 2007
Site Analysis Plan	SK.10	1	30 August 2007
Section S01 + S02 + S03	A205	E	7 April 2009
Signage Plan	SK.12	P1	7 September 2007
Road Section	SK.13	--	28 November 2008
Landscape Plan	LP.01/F	F	28 October 2008
Landscape Elevations	No. LE.01/C	C	28 October 2008

Landscape plans to have a 3rd spotted Gum tree, as in oral evidence, planted in the deep soil area between the 3 car park spaces adjacent to the *porte-cochere* and the street intersection boundary, adjacent to the pedestrian access from the street corner.

2. Building Code of Australia

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

3. Landscaping

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

The landscaping approved along the southern and western elevations as detailed on the plans dated October 2008, drawn by Narelle Sonter Botanica, Drawing No. LE.01/C shall be advanced and/or mature species.

4. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

5. Garbage Room

The garbage storage room identified on the approved plans shall:

- a. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- b. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- c. A hose cock shall be provided within the room.
- d. Garbage rooms shall be vented to the external air by natural or artificial means.

6. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

7. Advertising Sign

- a. All signage is to be erected/supported in a safe and secure manner.
- b. At no time shall the intensity, period of intermittency and hours of illumination of the signage cause injury to the amenity of the neighbourhood.

- c. No signage on site shall flash, move or display electronic images.
- d. The advertising structure shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area.

8. 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.

9. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

10. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

11. Hotels

The operation of the premises shall be carried out in accordance with the following requirements:

- a. The operation of the premises shall be carried out in accordance with any Police requirements;
- b. The installation of CCTV surveillance cameras in and around the premises, placed in strategic places such as the external entrance and exit doors. The surveillance tapes shall be kept for a minimum period of 14 days for viewing by the Police upon request.
- c. Footpath lighting shall be provided along the front entrance for the full frontage of the site. The location, design and illumination of such lighting shall ensure pedestrian safety and shall be at a minimum level of 10 lux in the horizontal and vertical plane.
- d. The management/licensee shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner. If so directed by the Police or Council, the management is to employ private security staff to ensure that this condition is complied with to the satisfaction of Council.

e. The hours of operation of the premises are:

Monday:	7.00am to 11.00pm
Tuesday:	7.00am to 11.00pm
Wednesday:	7.00am to 11.00pm
Thursday:	7.00am to 11.00pm
Friday:	7.00am to 11.00pm
Saturday:	7.00am to 11.00pm
Sunday:	7.00am to 11.00pm

- f. Signs shall be placed in clearly visible positions within the serviced motel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- g. No Public Entertainment, as defined under Local Government Act, 1993 shall be provided within the premises unless separately approved by a development application under the *Environmental Planning and Assessment Act, 1979* and an application under *Section 68* of the *Local Government Act, 1993*.
- h. A public telephone shall be installed inside the premises for patrons to use at all times.

12. Engineering Design Works

All designs of engineering works shall be carried out in accordance with the requirements set out with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.

13. Car Parking Spaces

Seventy-one (71) car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

14. Accommodation

The motel will provide overnight, short-term and/or corporate related accommodation only. There is to be no permanent residency provided in any of the rooms at any time.

15. *deleted*

16. Air Conditioning

Air conditioning equipment shall be mounted and/or appropriately screened so they are not visible from any public places.

17. External Finishes of the Car Parking Structure

In order to add visual interest to the deck car parking structure and associated ramp, the external facades of those structures visible from a public place shall be finished in a decorative stone cladding that complements the design, materials, colours and finishes approved for the main building.

18. Garbage Bin Collection

The garbage bins are to be placed out on the kerb by an employee of the serviced motel on the nominated garbage bin collection day and returned to the garbage storage area within the building once they have been emptied.

19. Conference Room

The use of the conference room shall be strictly ancillary to the predominant use of the site as a Serviced Motel. The use of the conference room shall be limited to motel occupants only and shall not be made available as a commercial facility for use by the general public.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

19A. Substation Screening

Prior to Council or an accredited certifier issuing a construction certificate, approval shall be obtained from Council for the erection of an appropriate screening device to screen the substation from public view. The screening device shall be erected behind the front fence for the length of the substation and be of high quality material and of architectural merit.

20. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

21. Telecommunications Utility Services

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

Advice on telecommunications infrastructure can be obtained by the notification tool located at <https://development.telstrasmartcommunity.com>.

22. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.

23. Inundation by Flood Waters

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2* as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance and with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements in accordance with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for *Construction of Subdivision Road and Drainage Works*' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended)', and the approved construction drawings.

- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

24. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written consent from Council for any proposed work on public land. All inspections, approval and restoration of work shall be undertaken by Council at the applicants expense prior to the principal certifying authority issuing an occupation certificate.

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

Prior to Council or an accredited certifier issuing a construction certificate (or where a construction certificate is not required, a subdivision certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the proposed development exceeds \$100,000, the applicant is required to include a cost summary report with the construction certificate application setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000 - a cost summary report by a person who, in the opinion of the Council, is suitably qualified to provide a cost summary report (Cost Summary Report Template 1), or
- where the value of the proposed development is \$500,000 or more - a detailed cost report by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Cost Summary Report Template 2).

Copies of the Cost Summary Report Templates 1 and 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

All cost estimates will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment.

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.

26. Erosion and Sediment Control

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

27. Erection of Construction Sign

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

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

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

28. Toilet on Construction Site

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

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

29. Trade Waste

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

30. Vehicular Access During Construction

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

31. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

32. Footpath and Vehicular Crossing Levels

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

33. Demolition Works

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

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

34. 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.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

35. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

36. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: *On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.*

37. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

38. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

39. 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 that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

40. Compliance with Council Specification

All design and construction work, lots and roads created shall be in accordance with Council's requirements as follows:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's *Campbelltown (Sustainable) City DCP 2007 Volume 2*,
- c. *'Soils and Construction (2004) (Bluebook)*; and
- d. Relevant Australian standards and State Government publications.

The applicant shall provide water conduits, common drainage lines or kerb outlets, and laybacks as required.

41. Footpath

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

42. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide reinforced concrete driveways and layback crossings to Council's *Industrial/Commercial Vehicle Crossing Specification and Engineering Design Guide for Development (as amended)*.

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

43. 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.

44. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.

45. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within twelve (12) months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

46. Section 73 Certificate

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

47. Completion of External Works

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the consent authority.

48. Public Utilities

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

49. Registration of Levels

Prior to the principal certifying authority issuing an occupation certificate, a registered surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall also be submitted to Council, complying with the following provisions:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
2. AutoCAD DWG format
3. All surveyed points will be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format and to MGA - 56 co-ordinate system
4. Datum to be AHD (Australian Height Datum)

50. Retaining

Prior to the principal certifying authority issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved retaining wall.

51. Council Fees and Charges

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

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Disability Discrimination Act

Your attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the owner, builder and applicant.

Advice 3. Retaining Walls

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

Advice 4. Buried Waste

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

Advice 5. Covenants

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

Advice 6. 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 7. Adjustment to Public Utilities

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

Advice 8. 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 2009 - Volumes 1 and 2*.

Advice 9. Asbestos Warning

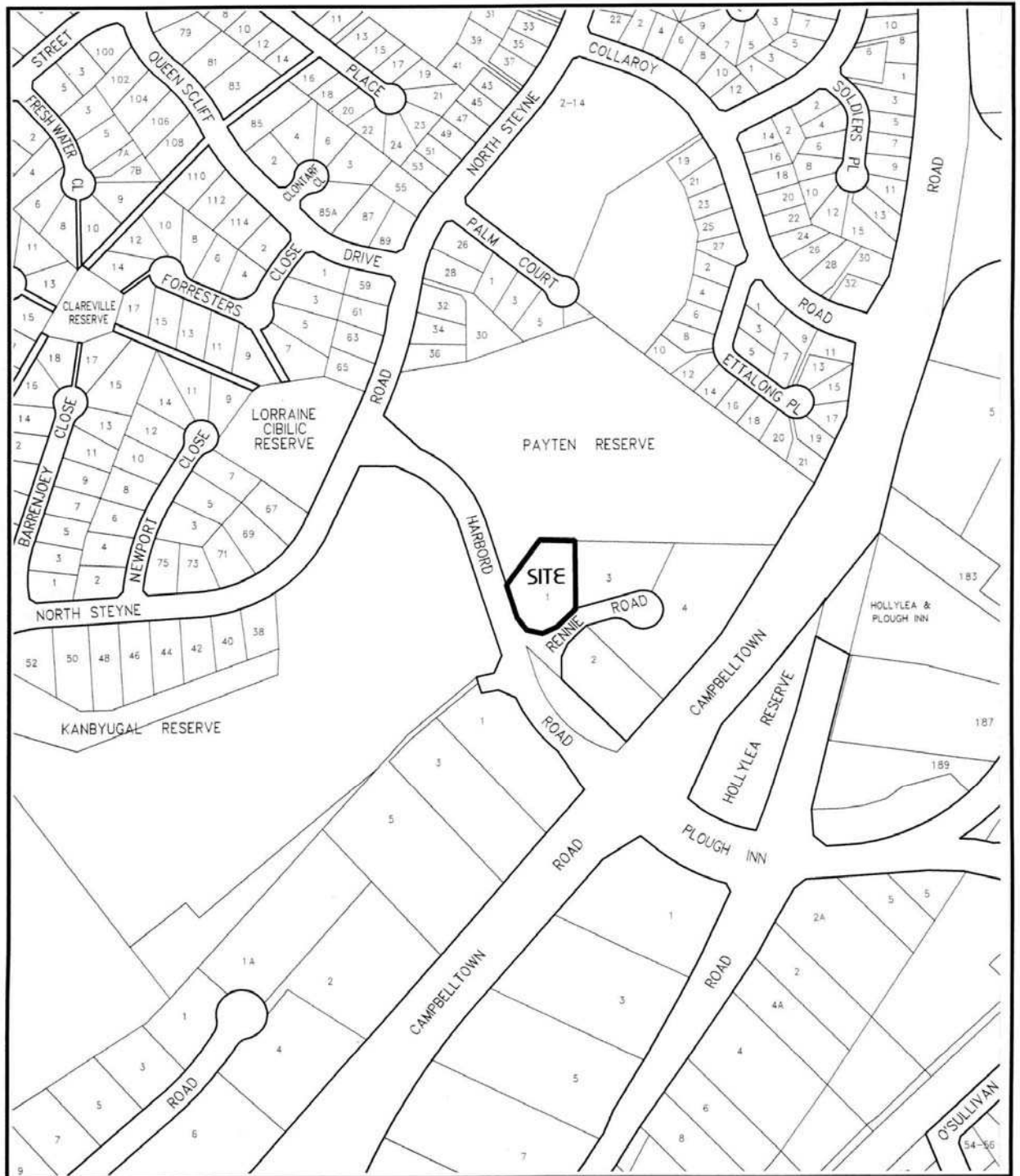
Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

END OF CONDITIONS

ATTACHMENT 2



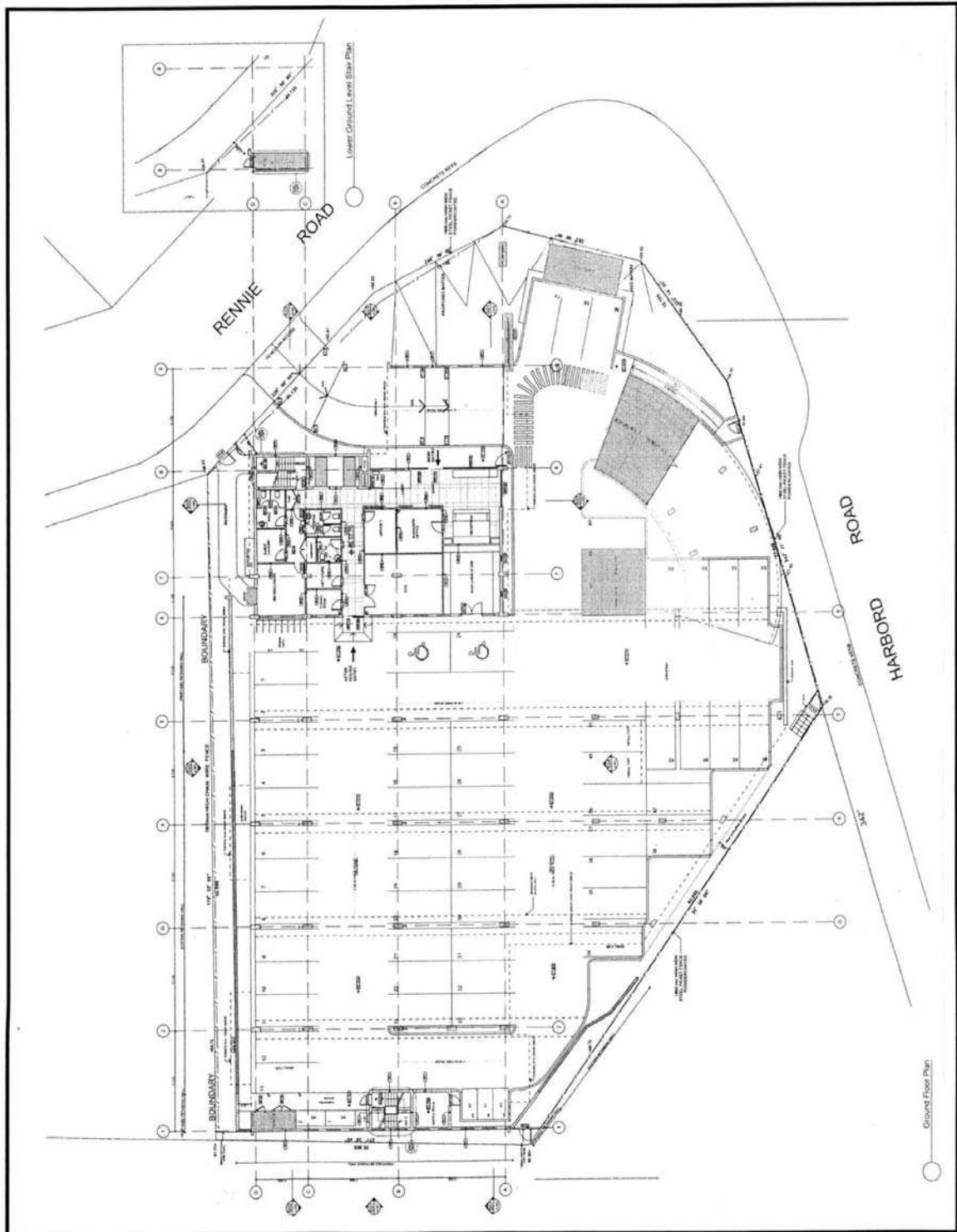
LOCALITY PLAN



SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 3

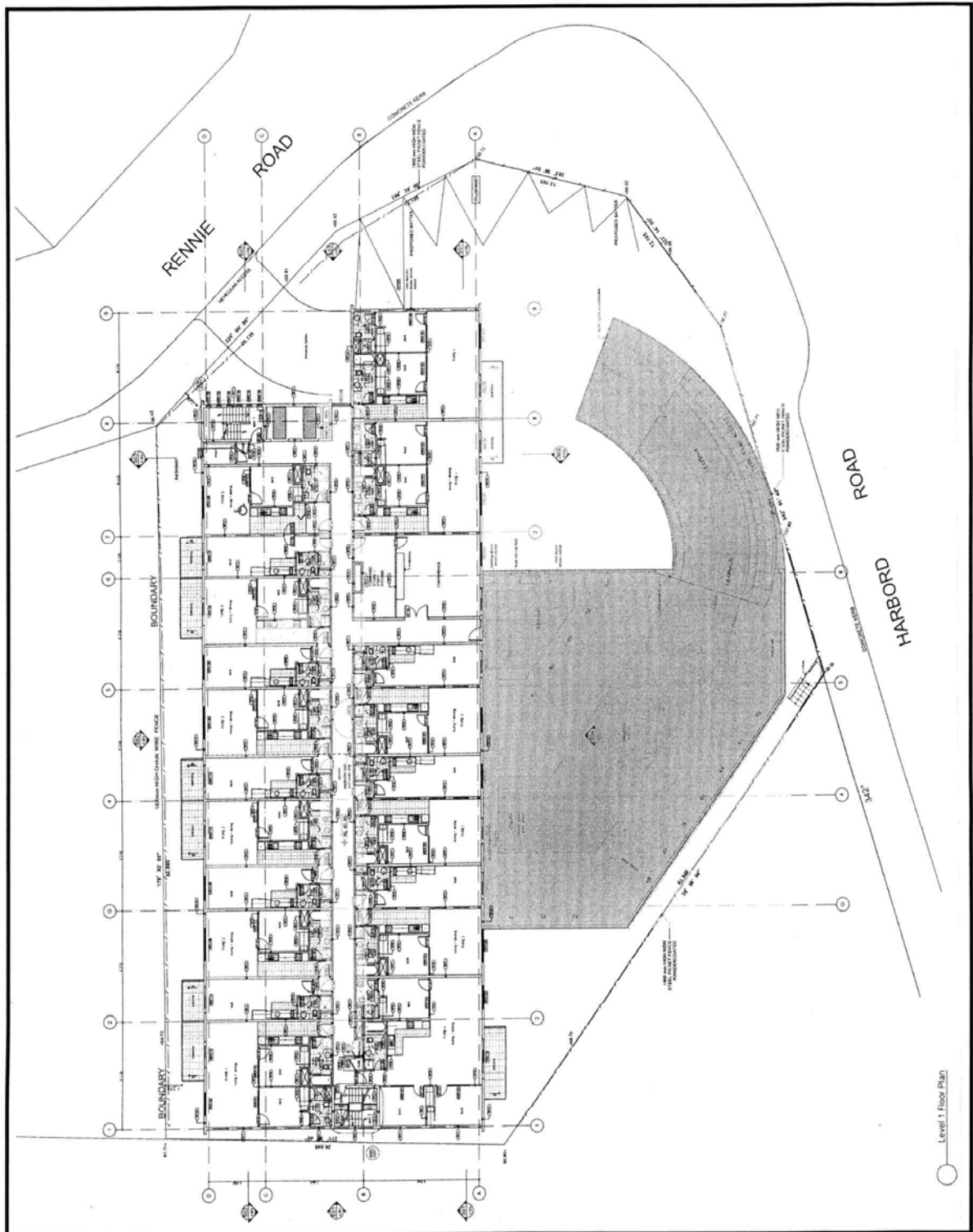


GROUND FLOOR PLAN

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 4

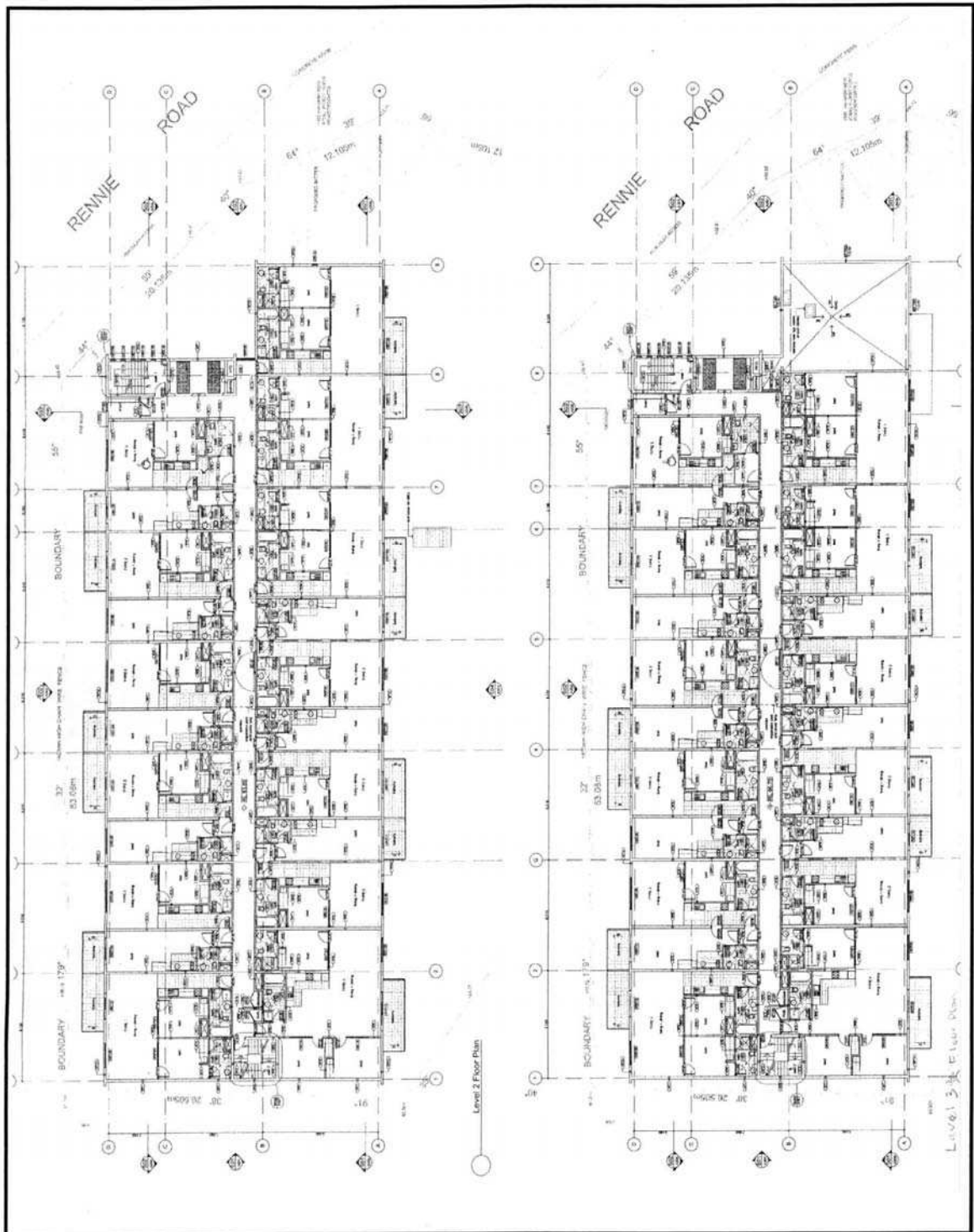


LEVEL 1 FLOOR PLAN

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 5

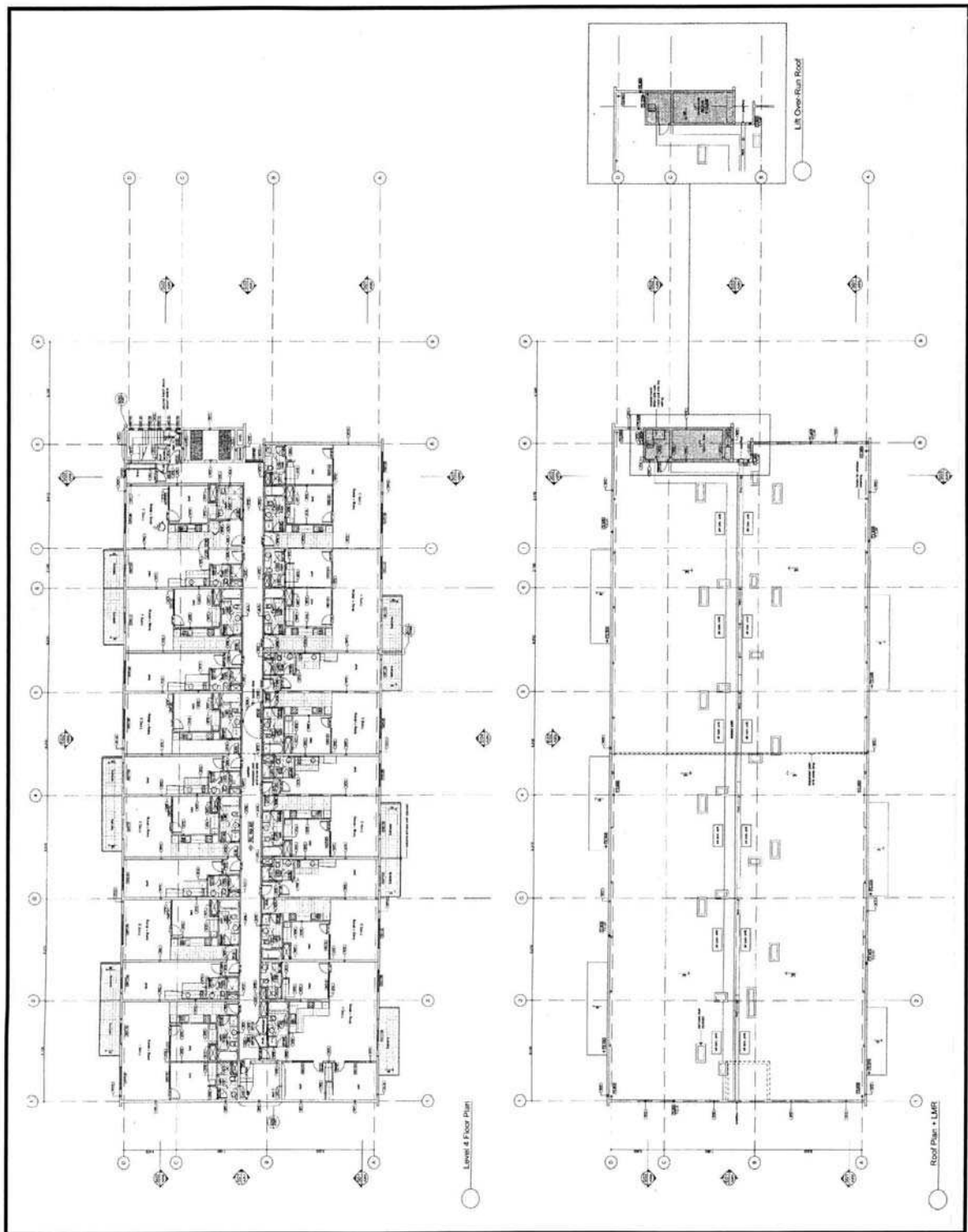


LEVEL 2 & 3 FLOOR PLAN

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 6

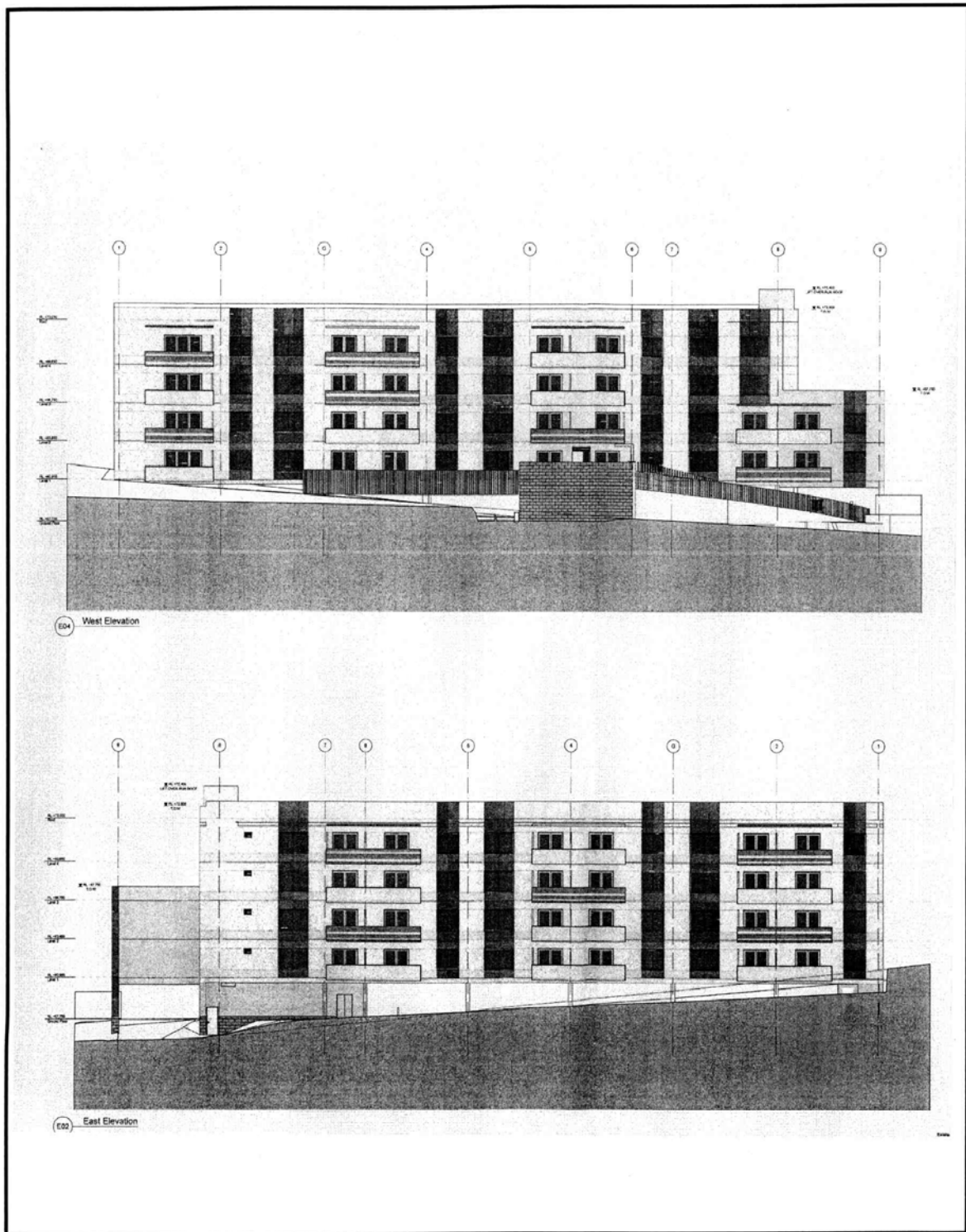


LEVEL 4 FLOOR & ROOF PLAN

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 7

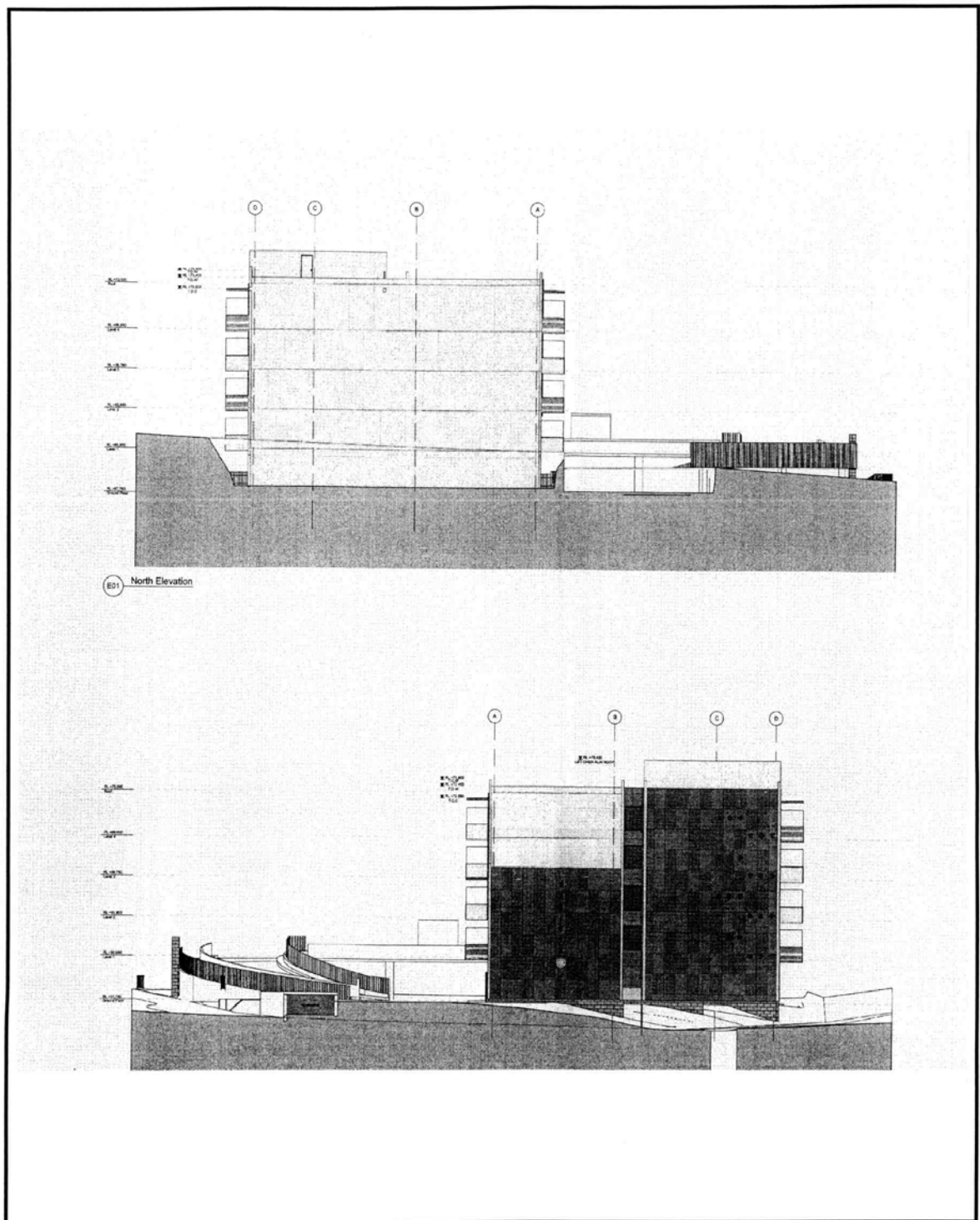


ELEVATIONS

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 8

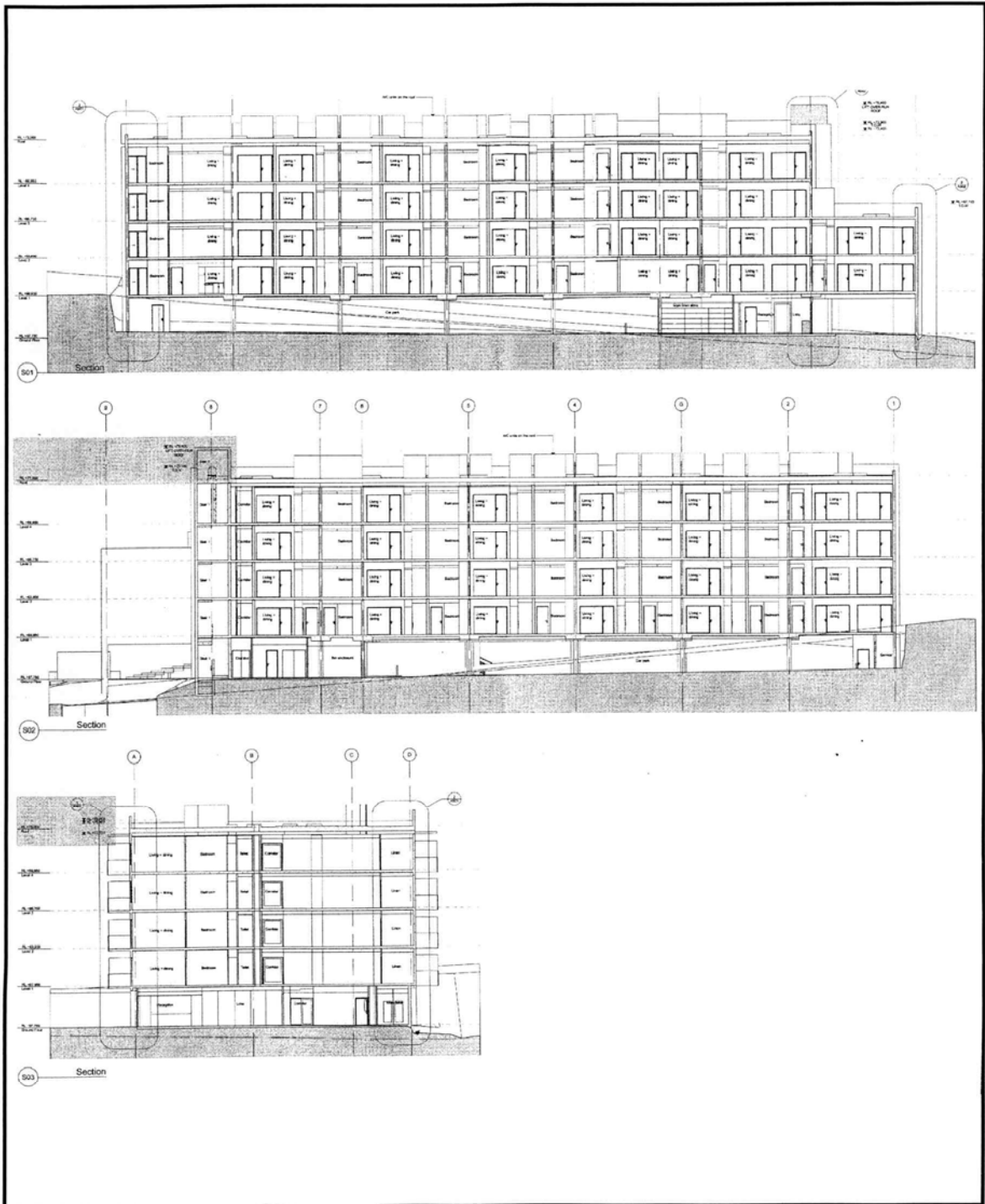


ELEVATIONS

SUBJECT:

DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

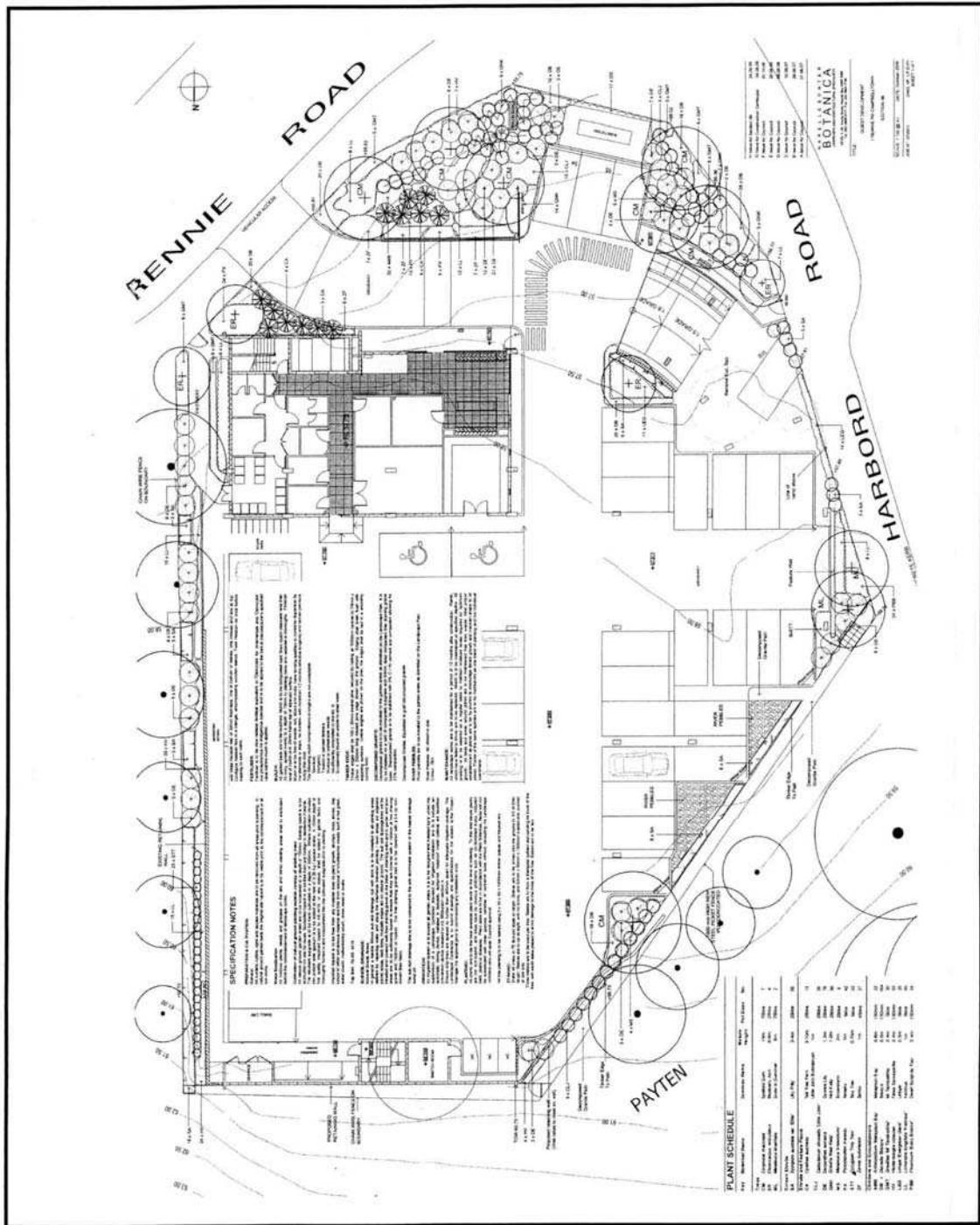
ATTACHMENT 9



SECTIONS

SUBJECT: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A
SERVICED MOTEL AND ASSOCIATED SIGNAGE.
LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.

ATTACHMENT 10



LANDSCAPE PLAN

SUBJECT: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A SERVICED MOTEL AND ASSOCIATED SIGNAGE.
 LOT 6 DP 836313 - No. 1 RENNIE ROAD, CAMPBELLTOWN.