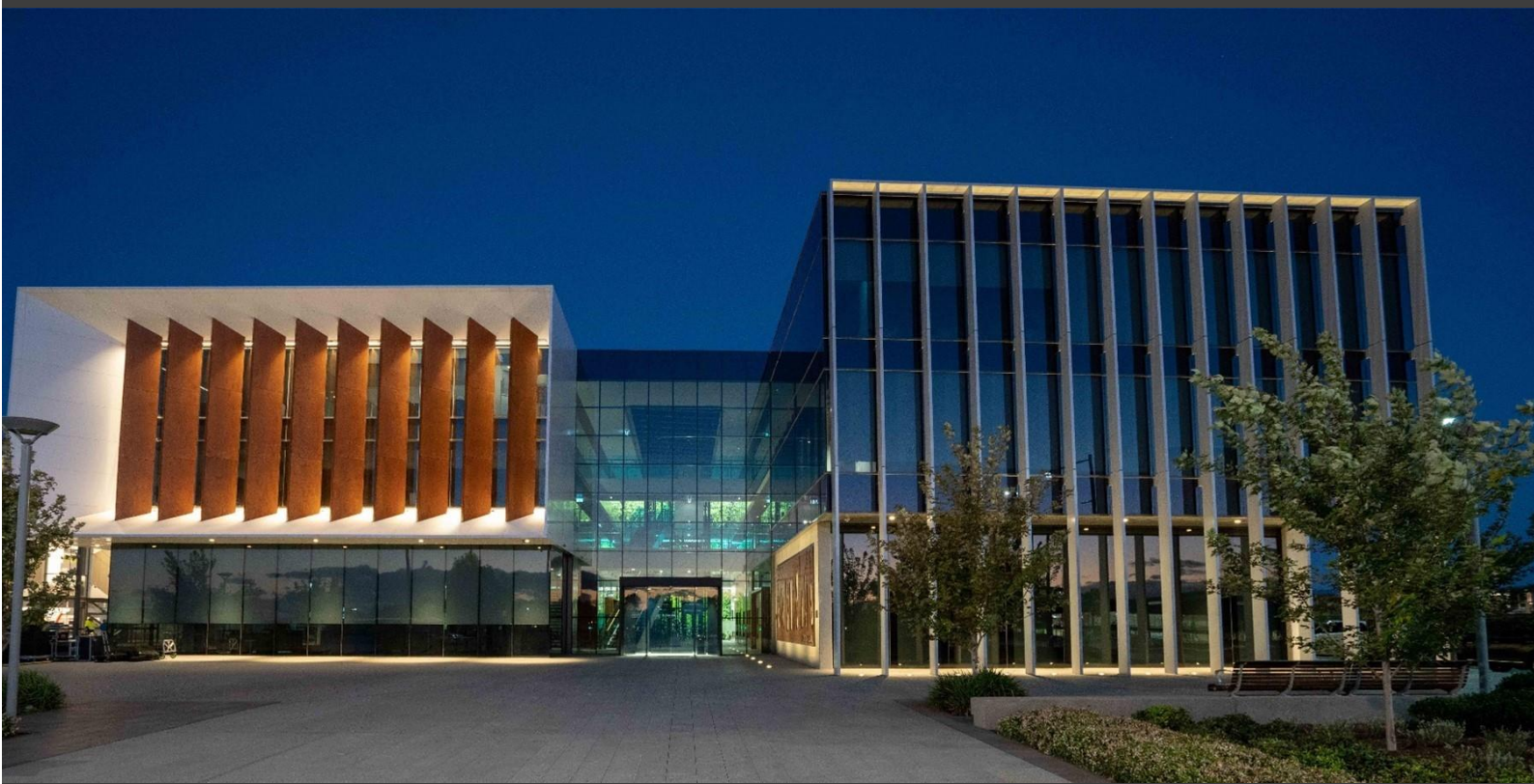


# Business Paper

Camden Local Planning Panel  
Electronic Determination

22 February 2024



camden  
council

**ORDER OF BUSINESS**

CLPP01 DA/2023/381/1 - Construction Of A Pedestrian Bridge Over A Riparian Corridor, With Associated Shared Pathways, Landscaping, And Civil Works - 35 Astley Road, Catherine Field; 170 O'Keefe Drive, Oran Park; And 71 Ingall Loop, Catherine Field ..... 6

**Attachment 1:** Recommended Conditions: ..... 16

**Attachment 2:** SEPP (Precincts-Western Parkland City) 2021 Assessment Table: ..... 30

**Attachment 3:** Camden Growth Centre Precincts Development Control Plan Assessment Table: ..... 31

**Attachment 4:** Architectural Plans: ..... 35

CLPP02 Da/2023/69/1 - Construction Of A Part Three And Part Four Storey Residential Flat Building Containing 24 Apartments With Basement Car Parking - 16 Heath Road, Leppington ..... 49

**Attachment 1:** Recommended Conditions: ..... 68

**Attachment 2:** ADG Assessment Table: ..... 94

**Attachment 3:** Western Parkland City SEPP Assessment Table: ..... 106

**Attachment 4:** Camden Growth Centre Precincts DCP Assessment Table: ..... 110

**Attachment 5:** Clause 4.6 written request: ..... 117

**Attachment 6:** Architectural Plans: ..... 125

**SUBJECT: DA/2023/381/1 - CONSTRUCTION OF A PEDESTRIAN BRIDGE OVER A RIPARIAN CORRIDOR, WITH ASSOCIATED SHARED PATHWAYS, LANDSCAPING, AND CIVIL WORKS - 35 ASTLEY ROAD, CATHERINE FIELD; 170 O'KEEFE DRIVE, ORAN PARK; AND 71 INGALL LOOP, CATHERINE FIELD**

**FROM:** Manager Statutory Planning

**EDMS #:** 24/34312

DA Number:	2023/381/1.
Development:	Construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works.
Estimated Cost of Development:	\$443,000
Site Address(es):	35 Astley Road, Catherine Field (Pt Lt 9128 DP 1270145); 170 O'Keefe Drive, Oran Park (LOT 3321 DP 1256256); and 71 Ingall Loop, Catherine Field (LOT 4252 DP 1240080)
Applicant:	Sarah Ragheb
Owner(s):	Hixson Pty Ltd, Leppington Pastoral Co Pty Ltd and Camden Council.
Number of Submissions:	No submissions.
Development Standard Contravention(s):	No contraventions.
Classification:	Nominated Integrated.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Land owner is Camden Council.
Report Prepared By:	Nicholas Clarke (Senior Town Planner)

**PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works to connect to the existing pathway network at 35 Astley Road, Catherine Field; 170 O'Keefe Drive, Oran Park; and 71 Ingall Loop, Catherine Field.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, Council is the owner of 71 Ingall Loop, Catherine Field (upon which a portion of the works are proposed).

## SUMMARY OF RECOMMENDATION

That the Panel determine DA/2023/381/1 for the construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979*, by granting consent subject to the conditions attached to this report.

## EXECUTIVE SUMMARY

Council is in receipt of a DA for construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works at 35 Astley Road Catherine Field; 170 O'Keefe Drive, Oran Park; and 71 Ingall Loop, Catherine Field.

The DA has been assessed against the *Environmental Planning and Assessment Act, 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 4 August 2023 to 31 August 2023 and no submissions were received.

The proposed development has been assessed against the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 and Camden Growth Centres Development Control Plan. The development is consistent with these planning policies in that the bridge and path will protect and manage an area of high ecological and aesthetic value.

Pursuant to the Fisheries Management Act 1994, the works are classified as integrated development (Section 219) as a permit is required to create an obstruction across a creek. The application was referred to Department of Primary Industries – Fisheries and the Department of Planning and Environment–Water. No issues were raised, subject to general terms of approval, including the requirement to obtain a Controlled Activity Approval.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.



**AERIAL PHOTO**

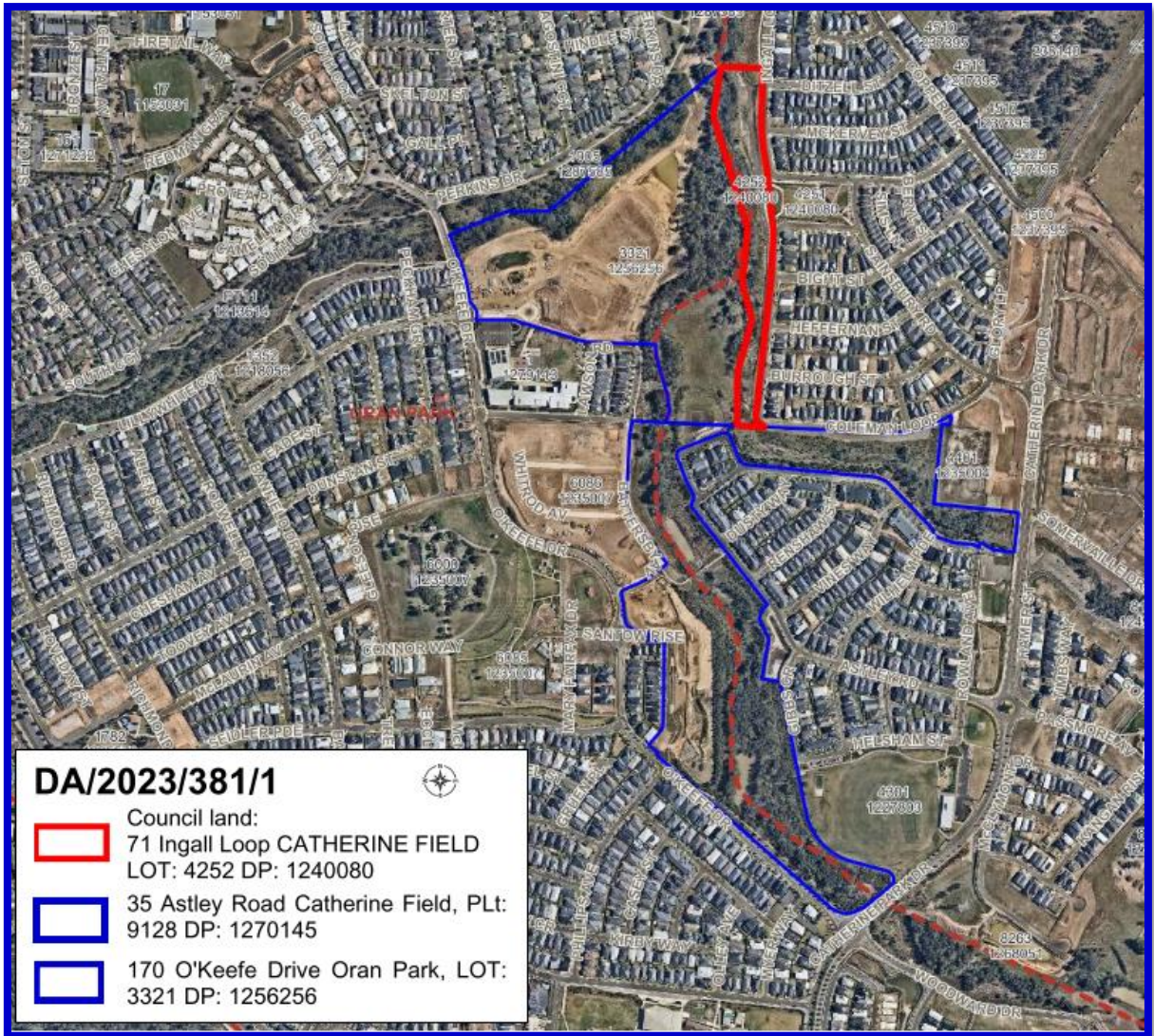


Figure 1: Aerial Photo

**THE SITE**

The subject site consists of three lots known as 35 Astley Road, Catherine Field; 170 O'Keefe Drive, Oran Park; and 71 Ingall Loop, Catherine Field. The combined lots have an overall area of 29.98ha.

The site is irregular in shape, with frontage to Coleman Loop, Ingall Loop, O’Keeffe Drive, Lawson Road, Battersby Avenue, Catherine Park Drive, Gibbs Crescent, Astley Road, Cossart Loop and Wilhelm Parade

South Creek, associated tributaries and a riparian corridor, are located within the three lots, with the proposed works providing a link over a tributary between Cossart Loop and Coleman Loop.

Surrounding development consists of low density single and two storey residential dwellings and public open space.

**ZONING PLAN**

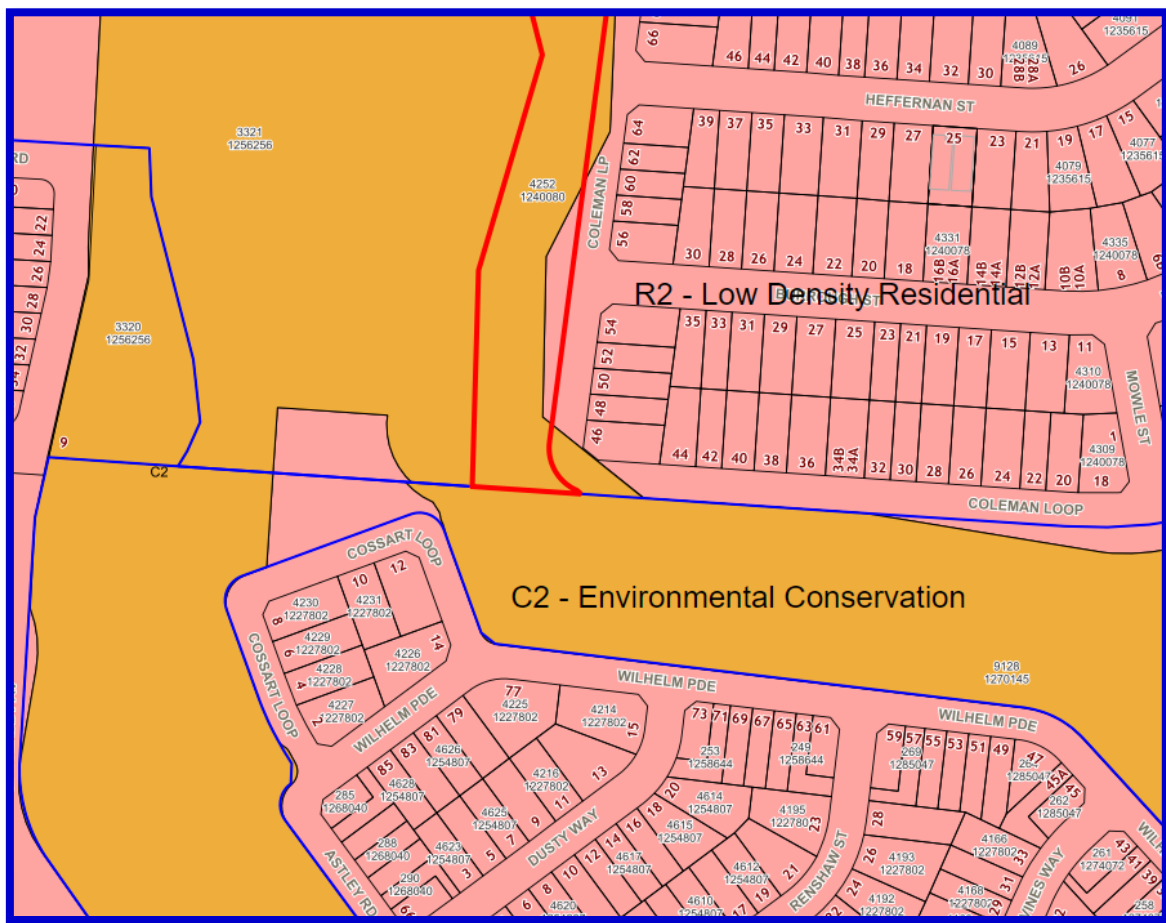


Figure 2: Zoning Map



AREA MASTER PLAN

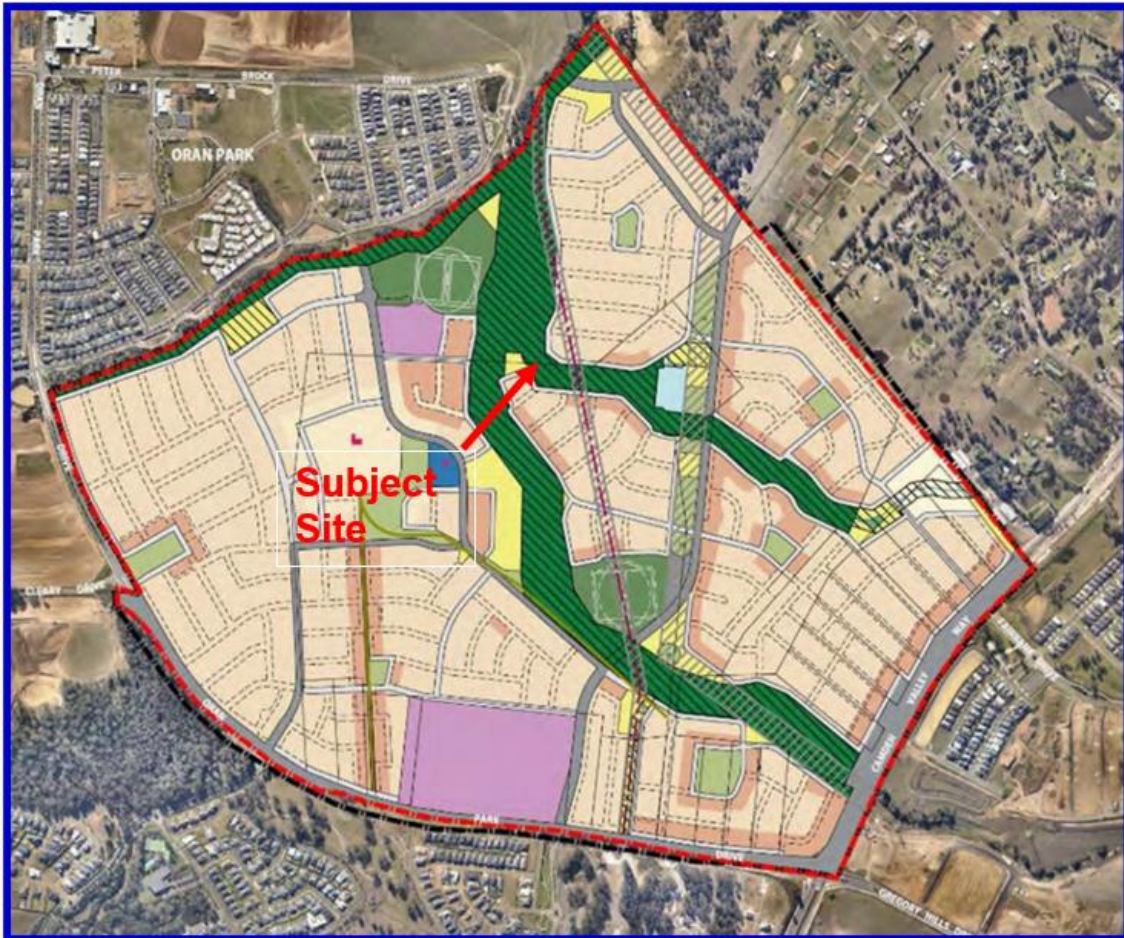


Figure 3: Catherine Field (Part) Precinct Indicative Layout Plan

HISTORY

DA/2015/902/1 was approved 20 February 2017 for the staged subdivision to create 169 residential, 8 superlots, remediation of contaminated land, riparian corridor rehabilitation, open space embellishment, construction of recreation facilities, road construction and associated site works.

THE PROPOSAL

DA/2023/381/1 seeks approval for the construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works.

Specifically, the development involves:

- Construction of a 3.4m wide x 16m long single span pedestrian bridge;
- Construction of 2.5m wide shareways to connect the bridge to the existing pedestrian/cycle network; and
- Cut and fill earthworks, construction of rock walls and landscaping works.



The pedestrian bridge will connect the share path network either side of a South Creek tributary riparian corridor, providing a link between Cossart Loop and Coleman Loop.

The estimated cost of the development is \$443,000.



Figure 4: Locality Map

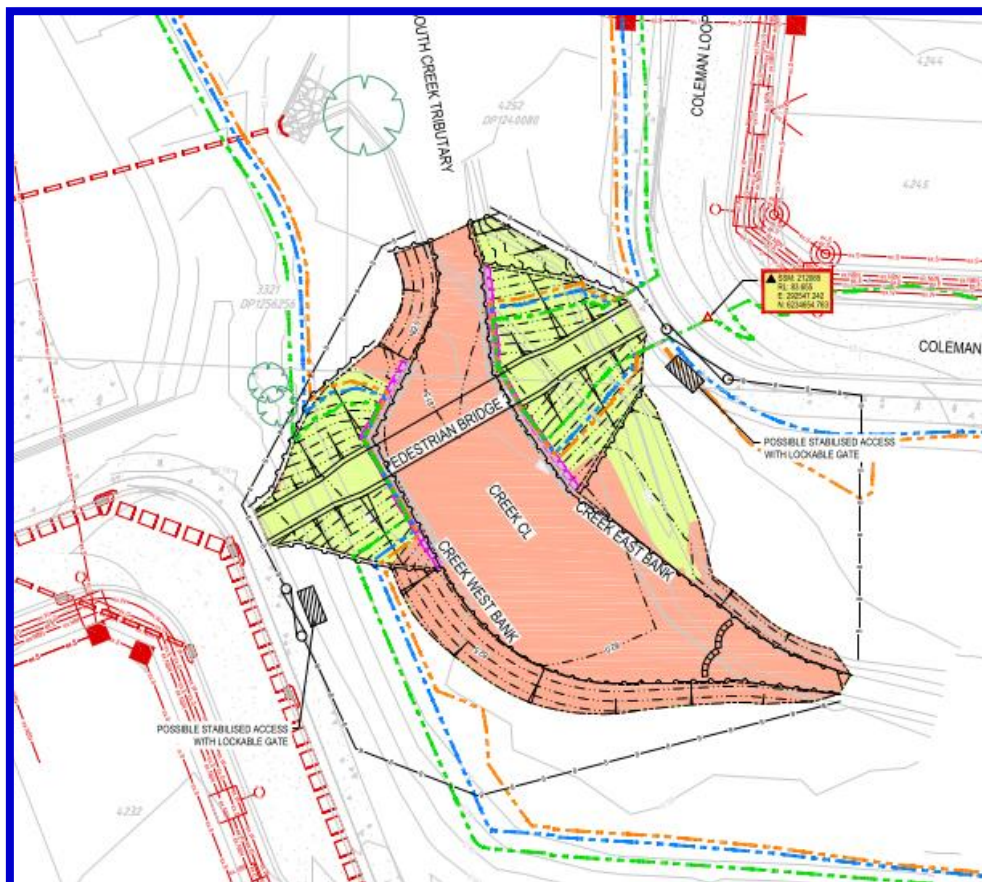


Figure 5: Site Plan

## ASSESSMENT

### ***Environmental Planning and Assessment Act 1979 - Section 4.15(1)***

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

#### ***(a)(i) the provisions of any environmental planning instrument***

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Precincts-Western Parkland City) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### State Environmental Planning Policy (Precincts-Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

The subject site is in the Catherine Field (Part) Precinct within the South West Growth Area.

#### *Site Zoning*

The site is zoned C2 Environmental Conservation and R2 Low Density Residential pursuant to Appendix 5, Clause 2.2 of the SEPP.

#### *Land Use/Development Definitions*

The development is characterised as being ancillary to an approved 'recreation area' as defined by the SEPP.

#### *Permissibility*

The development is permitted with consent in the C2 Environmental Conservation and R2 Low Density Residential zone pursuant to the land use table in Appendix 5 of the SEPP.

#### *Planning Controls*

An assessment table in which the development is considered against the SEPP's planning controls is provided as an attachment to this report.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring impacts of future land uses are considered in a regional context. Council staff are satisfied there will be no detrimental impact on the Hawkesbury-Nepean River system as a result of the development.



These considerations are demonstrated through this report and its accompanying attachments, including recommended conditions to manage erosion, sediment and water pollution control.

**(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

Draft Environment State Environmental Planning Policy (Draft Environment SEPP).

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP).

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

**(a)(iii) the provisions of any development control plan**

Camden Growth Centre Precincts Development Control Plan (Growth DCP)

An assessment table in which the development is considered against the Growth DCP is provided as an attachment to this report.

**(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

The proposed pedestrian bridge is identified as Item PB3 in the Catherine Park Planning Agreement. The proposed pedestrian bridge is consistent with the planning agreement.

**(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The *Environmental Planning and Assessment Regulation, 2021* prescribes several matters that are addressed in the conditions attached to this report.

**(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

**(c) the suitability of the site for the development**

As demonstrated by the above assessment, the site is considered to be suitable for the development.

**(d) any submissions made in accordance with this Act or the regulations**

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 4 August 2023 to 31 August 2023 and no submissions were received.

**(e) the public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation, 2021*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

**EXTERNAL REFERRALS**

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Department of Planning and Environment – Water	No issue was raised. General terms of approval, including the requirement to obtain a Controlled Activity Approval, have been provided and form a recommended condition of consent.
Department of Primary Industries – Fisheries	No issue was raised subject to a Controlled Activity Approval being issued by the Department of Planning-Water.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That the Panel approve DA/2023/381/1 for the construction of a pedestrian bridge over a riparian corridor, with associated shared pathways, landscaping and civil works at 35 Astley Road & 71 Ingall Loop, Catherine Field and 170 O’Keefe Drive, Oran Park, subject to the conditions attached to this report for the following reasons:**

- 1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts-Western Parkland City) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021.**

2. The development is consistent with the objectives of the Camden Growth Centre Precincts Development Control Plan.
3. The development is considered to be of an appropriate form for the site and the character of the locality.
4. Subject to recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

#### ATTACHMENTS

1. Recommended Conditions
2. SEPP (Precincts-Western Parkland City) 2021 Assessment Table
3. Camden Growth Centre Precincts Development Control Plan Assessment Table
4. Architectural Plans

## RECOMMENDED CONDITIONS

### 1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Department of Planning and Environment - Water letter dated 16 January 2024.
- (2) **Approved Plans and Documents** – The development must be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Dwg. L00, Rev B	Cover Sheet	Regal Innovations	25/10/2023
Dwg. L01, Rev B	Materials Finishes and Plant Schedule	Regal Innovations	25/10/2023
Dwg. L02, Rev B	General Arrangements	Regal Innovations	25/10/2023
Dwg. L03, Rev B	Typical Details	Regal Innovations	25/10/2023
Dwg. 001, Rev 3	General Arrangement Plan	Egis Group	05/12/2023
Dwg.000, Rev 3	Cover Sheet	Egis Group	05/12/2023
Dwg.002, Rev 3	General Notes & Legend	Egis Group	05/12/2023
Dwg. 101, Rev 3	Sediment & Erosion Control Plan	Egis Group	05/12/2023
Dwg. 201, Rev 3	Site Regrading Plan	Egis Group	05/12/2023
Dwg. 211, Rev 3	Site Sections Sheet 01 of 02	Egis Group	05/12/2023
Dwg. 212, Rev 3	Site Sections Sheet 02 of 02	Egis Group	05/12/2023
Dwg. 301, Rev 3	Creek Re-Alignment Plan	Egis Group	05/12/2023
Dwg. 401, Rev 3	Pedestrian Bridge 3 & Creek Longitudinal & Typical Sections	Egis Group	05/12/2023

Document Title	Prepared by	Date
Amendment to Catherine Park Vegetation Management Plan 2023	Ecological Australia	23 Oct 2023
Catherine Park Pedestrian Bridge 3, Flora and Fauna Assessment, Version 2	Ecological Australia	23 Oct 2023
Waste Management Plan	Hixson Pty Ltd	26 Oct 2023

- (3) **Voluntary Planning Agreement** - The proposed development must be carried out in accordance with the Catherine Park Planning Agreement – First Deed of Variation – Executed 2021.

- (4) **National Construction Code - Building Code of Australia (BCA)** - All building work must be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (5) **Engineering Specifications** - The entire development must be designed and constructed in accordance with Council's Engineering Specifications.
- (6) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (7) **Landscaping and Embellishment Works on Future Public Land** - Prior to the transfer of land to Council's ownership, all landscaping and embellishment must be inspected and approved by Council.
- (8) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.



Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (9) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

**Note.** The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (10) **Timber Components – No Ground Contact** – The design of all structures / open space embellishments must ensure that no timber components have direct contact with the ground.
- (11) **Aboriginal Heritage Management** - All works are to be undertaken in accordance with:
- Aboriginal Heritage Impact Permit (AHIP) No. 562 issued by the Office of Environment and Heritage on 11 September 2014.
  - Aboriginal Heritage Impact Permit C0001014 issued by the Office of Environment and Heritage on 16 April 2015.

## 2.0 - Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** Fees are payable for the lodgement and refund of the bond.

- (2) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (3) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

**Note.** Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (4) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and

Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

- (5) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (6) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019.

The detailed landscape plan must also include:

- Increase tree density (minimum of 5 trees upon each side) adjacent to the pathway (denoted as the Terrestrial Planting area).
- Trees to be sourced in accordance with tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use

Details demonstrating compliance must be provided to Council and the certifier.

- (7) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** A fee is payable for the lodgement of the bond.

- (8) **Long Service Levy** - In accordance with the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council. This applies to building and construction works with a cost of \$250,000 or more.
- (9) **Engineering Certification** - An Engineers Report/Structural Certification is to be provided proving that all items/structures proposed within the creek line can withstand the force of flood water, debris and buoyancy, up to and including the PMF flood event as in the Engineering Design Guidelines.
- (10) **Flood Level Delineation (Design Plans)** – The design plans must clearly delineate the extent of the flood levels in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. The plans must clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probably maximum flood and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy.
- (11) **Bridge Design** - The bridge shall be designed by an experienced and practising Structural Engineer and must certify its structural integrity and capability to withstand all hydraulic and other loads in PMF event. Bridge Design Inputs as per Table 6-3 of the report "Hydraulic Modelling – Catherine Park Estate Pedestrian Bridge 3 Rev. 02 dated 7 November 2023" prepared by Calibre shall be used in bridge design.

### 3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Controlled Activity Approval** – The attached General Terms of Approval issued by the Department of Planning and Environment – Water do not constitute an approval

under the Water Management Act 2000. The person acting on this consent must apply to the department for a Controlled Activity approval before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/>

- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (3) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
  - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (4) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
  - a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a certifier;

- b) a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
  - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (7) **Site is to be Secured** - The site shall be secured and fenced.
- (8) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Traffic Management Plan** - A traffic management plan prepared in accordance with Council's Engineering Specifications and AS 1742.3 shall be submitted to the principal certifier's satisfaction.

- (12) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be submitted to the certifier's satisfaction.
- (13) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the certifier satisfaction.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
  - b) measures to suppress odours and dust emissions;
  - c) soil and sediment control measures;
  - d) measures to control air emissions that includes odour;
  - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
  - f) any other recognised environmental impact;
  - g) work, health and safety; and
  - h) community consultation.
- (14) **Flora and Fauna Mitigation Measures** – All mitigation measures identified at Section 6 and appendix D of the Catherine Park Pedestrian Bridge 3 – Flora and Fauna Assessment Version 2, prepared by Ecological Australia, dated 23 October 2023 shall be implemented prior to construction works occurring and maintained during construction of the development to minimise potential or likely impacts of the proposed works on surrounding biodiversity values, including to the unnamed tributary of South Creek.
- (15) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier's satisfaction and include the following:
- a) noise mitigation measures;
  - b) noise and/or vibration monitoring;
  - c) use of respite periods;
  - d) complaints handling; and
  - e) community liaison and consultation.
- (16) **Protection of Adjoining Bushland and/or Waterfront Areas** – To limit the potential for damage to the adjoining bushland areas and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.
- The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.
- (17) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies



of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

#### 4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
  - not carried out on Sundays or public holidays,

unless approved in writing by Council.

- (2) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;
  - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including

- water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
- i) be a standard flushing toilet connected to a public sewer; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."*
- The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (6) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (7) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (9) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (10) **Noise During Work** - Noise levels emitted during works must comply with:
- (a) Construction period of 4 weeks and under:  
The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
  - (b) Construction period greater than 4 weeks and not exceeding 26 weeks:  
The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
  - (c) Construction period greater than 26 weeks:  
The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

- (11) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (14) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, an assessment report and sampling location plan for such material must be provided to and approved by the principal certifier.

The assessment report and associated sampling location plan must:

- a) be prepared by a contaminated land specialist; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;
  - Virgin Excavated Natural Material (VENM):
  - i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
  - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
  - i) provides no unacceptable risk to human health and the environment;
  - ii) is free of contaminants;

- iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m<sup>3</sup> - 3 sampling locations; and
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

**Note** – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (15) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (16) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).  
  
Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turving, paving or re-vegetation).
- (17) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (18) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (19) **Priority (noxious) weeds management (during work)** - While site work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. All new infestations must be reported to Council.
- (20) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
  - any requirements of Heritage NSW must be implemented.
- (21) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
- all excavation or disturbance of the area must stop immediately in that area,
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and
  - any requirements of Heritage NSW must be implemented.
- (22) **Site Management Plan** - While site work is being carried out, the approved site management plan must be complied with. A copy of the plan must be kept on the site at all times and provided to Council upon request.
- (23) **Mulch, soil material** - Before the importation and placement of any mulch or soil material on the site, an assessment report must be prepared by the *Project Ecologist*. The report must demonstrate, to the satisfaction of the principal certifier, that the mulch and soil material is:
1. Suited to the site conditions
  2. Weed and pathogen free
  3. Responsibly sourced.
- (24) **Vegetation Management Plan** - The Vegetation Management Plan Catherine Park Tranche 1 -V1 EcoLogical 28 February 2023, VMP (ELA 2019) and subsequent Vegetation Management Plan Amendment Letter, prepared by EcoLogical, dated 23 October 2023, are to be implemented in full, as relevant to Management Zones 3 and 4 at this location, performance measures, reporting, inspections and the Revised Landscaping Plan prepared by Regal Innovations dated 25 October 2023.

Species selection must be consistent with PCT4025 Cumberland Red Gum Riverflat Forest, aiming to achieve best practice for structural complexity and species diversity within the management zones.

Where monitoring/adaptive management requires amendments, these will be subject to review and approval by Council.



### 5.0 - Prior to issue of a Compliance Certificate

The following conditions of consent shall be complied with prior to any use or occupation of the development.

- (1) **Driveway Crossing Construction** – A footpath and/or driveway crossing (where required) shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (2) **Flood Level Delineation (Works as Executed Plans)** – The Works as Executed plans must clearly delineate the extent of the flood planning levels in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. All plans (both design and works as executed) are to clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood (PMF) and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy.

An updated flood map that delineates the extent of the FPL and that is based upon the final completed subdivision layout must be provided to Council for integration into Council's database. The updated flood map must be provided as a separate layer in .dxf or .dwg format and show the 5% AEP, the 1% AEP, the PMF and the FPL levels. This must also include the submission of the digital flood models with result files for the 5% AEP, the 1% AEP, the PMF and the FPL levels for integration into Council's mapping system.

- (3) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (4) **Incomplete Works Bond** – Where there are incomplete works, the applicant is to lodge a bond with Council to cover the cost of the incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** Fees are payable for the lodgement and refund of the bond.

- (5) **Defects and Liability Bond** – The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** Fees are payable for the lodgement and refund of the bond.

- (6) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (7) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (8) **Compaction Report** - A compaction report must be submitted that demonstrates that all regrading / earthworks have been compacted in accordance with Council's Engineering Specifications.

- (9) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (10) **Fill Plan** - A fill plan shall be provided to the principal certifier prior to the issue of any Compliance certificate. The plan must show (where applicable):
- a) lot boundaries;
  - b) road/drainage/public reserves;
  - c) street names;
  - d) final fill contours and boundaries; and
  - e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

- (11) **Bridge Construction** - A certificate from the Bridge Supervising engineer shall be submitted to Council confirming the bridge has been constructed as per the approved design. A WAE plan of the bridge showing all details must accompany the certificate.

#### 6.0 - Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (2) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

[State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#)

Clause / Requirement	Provided	Yes/ No
<p><b>3.26 Development on Flood Prone and Major Creeks Land - Additional Heads of Consideration</b> Consent authority to consider a number of matters relating to flood behaviour, impacts on the floodplain (including erosion) and whether earthworks will alter drainage patterns or impact the future use of the land</p>	<p>The application has been supported with hydraulic modelling. The modelling demonstrates the impact of the proposed pedestrian bridge for 1% and 5% AEP and PMF events on velocity, flood water level and peak flood depth upstream and downstream of the bridge, which are all within acceptable limits. Council's Floodplain Management Team have reviewed the modelling and are satisfied that the flood impacts on South Creek are not worsened by the proposed development.</p>	Yes
<b>Appendix 5 Camden Growth Centres Precinct Plan</b>		
<p><b>2.3 Zone objectives and land use table</b> The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p>	<p>The site is zoned C2 Environmental Conservation and R2 Low Density Residential.</p> <p>The proposed development is defined as a recreation area, which includes ancillary structures (such as bridges) which are permitted with consent.</p> <p>The proposed development achieves the objectives of the C2 and R2 zones as the proposal will protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values and supports the wellbeing of the community by contributing to providing a variety of recreational uses and access within open space areas.</p>	Yes
<p><b>5.9 Preservation of Trees or Vegetation</b> Consent is required to remove native vegetation</p>	<p>There is no vegetation clearing proposed as part of the proposal. Previous approvals have included revegetation of part of the South Creek Riparian Corridor.</p>	Yes
<p><b>5.10 Heritage conservation</b> To conserve archaeological sites, and to conserve places of Aboriginal heritage significance.</p>	<p>The parent subdivision (DA/2015/902/1) was subject to two Aboriginal Heritage Impact Permits C0000562 and C00010141014, which permitted the removal of known aboriginal objects. No further items have been identified as being in the vicinity of the proposed works.</p>	Yes
<p><b>6.2 Development Controls – Native vegetation retention areas and riparian protection areas</b></p> <p>Development consent must not be granted unless the consent authority is satisfied of a number of matters; including that there is no reasonable alternative available to the disturbance of the native vegetation.</p>	<p>There is no vegetation clearance proposed as part of the proposal.</p>	Yes

Camden Growth Centres Development Control Plan

Control / Requirement	Provided	Yes/No
<b>2.2 The Indicative Layout Plan (ILP)</b>  Development to be generally in accordance with the ILP	The proposal is consistent with the ILP.	Yes
<b>2.3.1 Flooding</b>  Subdivision layout to ensure 1% AEP flood extent is not exceeded and filling permitted where flood study demonstrates it is required.	<p>The application was supported by hydraulic modelling. The modelling demonstrates the impact of the proposed pedestrian bridge for 1% and 5% AEP and PMF events on velocity, flood water level and peak flood depth upstream and downstream of the bridge, which are all within acceptable limits.</p> <p>The application has been reviewed by both Council's Development Engineer and Floodplain Management Team with no issues raised in terms of existing drainage patterns.</p>	Yes
<b>2.3.2 Water cycle management</b>  Demonstrate how stormwater will be managed in accordance with Council's Engineering Specifications.	The application has been reviewed by Council's Development Engineer and Floodplain Engineer's, with the proposed pedestrian bridge not impacting on stormwater flows or flooding behaviour upstream or downstream of the bridge. Appropriate conditions are recommended.	Yes
<b>2.3.4 Aboriginal and European Heritage</b>  DAs to identify area of Aboriginal significance and impacts require consent from the NSW Heritage Officer.	The parent subdivision (DA/2015/902/1) was subject to two Aboriginal Heritage Impact Permits C0000562 and C00010141014, which permitted the removal of known aboriginal objects. No further items have been identified as being in the vicinity of the proposed works.	Yes
<b>2.3.5 Native Vegetation and Ecology</b>  To conserve and rehabilitate the remaining native vegetation and trees within the relevant Precinct	The application was reviewed by Council's Natural Resources Officer and Landscape Officer, who both support the proposal subject to conditions of consent. The development does not propose the removal of any vegetation.	Yes
<b>2.3.6 Bushfire Hazard Management</b>  Development to be consistent with <i>Planning for Bush Fire Protection 2019</i>	While the location of the proposed works is within a bushfire-prone area, the land will not to be developed for residential or rural residential purposes or special fire purposes and therefore does not require referral to the NSW Rural Fire Service.	Yes
<b>2.6 Earthworks</b>  To ensure that earthworks do not adversely impact local drainage patterns or increase flooding impacts.	The proposed works include the installation of retention walls and rock walls, as well as cutting and filling to realign the tributary of South Creek. The application has been reviewed by both Council's Development Engineer and Flood Engineer with no issues raised in terms of existing drainage patterns.	Yes
<b>3.3.4 Pedestrian and Cycle Network</b> Key pedestrian and cycleway routes are to be provided generally in accordance with the pedestrian and cycleway network figure.	A proposed Riparian Walkway is identified within the Environmental Conservation area. A 3.4m wide bridge is proposed, which will connect to 2.5m wide share paths on either side of the bridge. The share paths will connect to existing and established share	Yes

	paths within Coleman Loop and Cossart Loop.	
<p><b>3.4 Construction Environmental Management</b></p> <p>To ensure that the construction of structures and works is done in an environmentally responsible manner. Erosion and sediment controls must be implemented</p>	<p>A condition is recommended requiring the preparation of a CEMP prior to the issue of a Construction Certificate.</p> <p>Appropriate erosion and sediment control measures have been proposed and are recommended as conditions.</p>	<p>Yes</p>

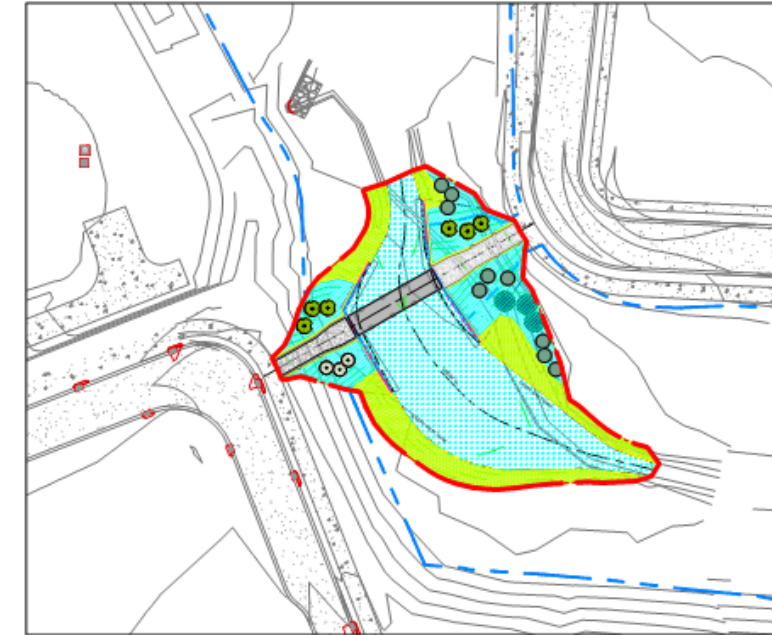






# CATHERINE PARK ESTATE PEDESTRIAN BRIDGE 3 & CREEK RE-ALIGNMENT LANDSCAPE DESIGN (FOR DEVELOPMENT APPLICATION)

DRAWING LIST			
DWG NO.	DRAWING NAME	ISSUE	DATE
L 00	COVER SHEET	B	25/10/2023
L 01	MATERIALS FINISHES AND PLANT SCHEDULE	B	25/10/2023
L 02	GENERAL ARRANGEMENTS	B	25/10/2023
L 03	TYPICAL DETAILS	A	04/05/2023



 EXTENT OF WORK

**NOTES**

- DRAWINGS MUST BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEER'S DRAWINGS, STORMWATER ENGINEER'S DRAWINGS.
- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH SPECIFICATION.
- CONTRACTOR TO OBTAIN UNDERGROUND SERVICES INFORMATION AND SATISFY THEMSELVES OF THE LOCATION OF ALL SERVICES PRIOR TO ANY EXCAVATION.
- PROTECT EXISTING/ADJACENT ITEMS AT ALL TIMES. WHERE DAMAGE OCCURS, REPAIR / REPLACEMENT MUST BE DONE AT CONTRACTOR'S OWN EXPENSE.
- DO NOT SCALE FROM DRAWINGS. DETAIL DRAWINGS AND WRITTEN DIMENSIONS TAKE PREFERENCE.
- SEDIMENTATION AND EROSION CONTROL DEVICES SHALL BE IMPLEMENTED PRIOR TO OR IN CONJUNCTION WITH THE FIRST PHASE OF EARTHWORKS AND SHALL BE REMOVED ONLY WHEN THE AREAS ABOVE IT HAVE BEEN STABILISED. EACH SEDIMENTATION AND EROSION CONTROL DEVICE SHALL BE INSPECTED PERIODICALLY & AFTER EACH STORM FOR STRUCTURAL DAMAGE OR CLOGGING BY SILT AND OTHER DEBRIS AND PROMPTLY DE-SILTED, REPAIRED OR REPLACED IF REQUIRED.
- SOIL EROSION CONTROL MEASURE SHALL BE MAINTAINED IN ACCORDANCE WITH THE GUIDELINES OF THE NSW DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT AND NSW EPA AS NECESSARY TO PREVENT SEDIMENT RUN OFF FROM THE SITE RESULTING FROM WORKS.
- ALL AREAS NOT SUBJECT TO CONSTRUCTION WORKS SHALL BE RETAINED FREE FROM DISTURBANCE OR DAMAGE FOR THE DURATION OF WORKS. TOPSOIL STOCKPILES SHALL BE LOCATED OUTSIDE HAZARD/PROTECTION AREAS SUCH AS DRAINAGE DEPRESSIONS OR TREE PROTECTION ZONES.
- COMPRESSIVE STRENGTH OF ALL CONCRETE SHALL BE 25MPa AT 28 DAYS UNLESS NOTED OTHERWISE

**Revision notes:**

Rev:	Date:	Notes:
A	04/05/2023	For DA
B	25/10/2023	Amend Plant Species

**Drawn by:**  
S.Yao

**Project:**  
Catherin Park Estate  
Pedestrian Bridge 3 Landscape DA

**Date:**  
25/10/2023

**Client:**  
Harrington Estates

**Drawing Title:**  
L00 Cover Sheet

**Scale @ A3:**  
1:200

**Revision:**  
B



PEDESTRIAN BRIDGE 3 & CREEK RE ALIGNMENT - MATERIALS AND FINISHES SCHEDULE				
Code	Type	Description	Finish	Supplier
<b>Paving and Bridge</b>				
P-01	CONCRETE PAVING	REINFORCED IN-SITU CONCRETE PAVING	REF TO LADING TO CIVIL ENGINEER SPECIFICATION COLOUR MATCH TO ONE FINISH BRICK	CONCRETE COLOUR SYSTEMS OR APPROVED EQUIVALENT
P-02	PEDESTRIAN BRIDGE ALUMINIUM BRACK GRATING	WELDED HEAVY DUTY ALUMINIUM DECK GRATING	REF TO FINISHES SCHEDULE	WELDED OR APPROVED EQUIVALENT
<b>Fences and Bollards</b>				
F-01	STAINLESS STEEL HANDRAIL	5 RAILLESS STEEL HANDRAIL - BOTH SIDES OF THE PEDESTRIAN BRIDGE	REF TO FINISHES SCHEDULE	FINISH - STAINLESS STEEL
F-02	BALL TOPPED HANDRAIL	1200 HEIGHT METAL BALL TOPPED AND TAIL SYSTEM IN CONTACT WITH CONCRETE FOOTING	POST SPACING ALWAYS GIVEN TOGETHER	FINISH - TOP POLISHED
F-03	REMOVABLE BOLLARDS	STAINLESS STEEL 3015 100NB - 114 500X200MM 100MM HIGH	REF TO FINISHES SCHEDULE	LEDA SECURITY SLIMLINE BOLLARD OR APPROVED EQUIVALENT
<b>Soft Landscaping</b>				
W-P	WETLAND PLANTING AND QUATIC EDGE PLANTING	REFER GENERAL ARRANGEMENT PLAN AND PLANT SCHEDULE		LITE WAITING TO APPEAR
R-P	RIPARIAN PLANTING	REFER GENERAL ARRANGEMENT PLAN AND PLANT SCHEDULE		N/A
T-P	TERRACE PLANTING	REFER GENERAL ARRANGEMENT PLAN AND PLANT SCHEDULE		N/A

PEDESTRIAN BRIDGE 3 & CREEK RE ALIGNMENT - PLANTING SCHEDULE						
SYM	Botanical Name	Common Name	Cont Size	Mix Percentage	Spacing /m2	QTY
<b>Trees</b>						
Anf	<i>Angophora floribunda</i>	Rough-Barked Apple	75L		As Shown	6
Acc	<i>Acacia panamintensis</i>	Parramatta Wattle	75L		As Shown	3
Eua	<i>Eucalyptus amplifolia</i>	Cabbage Gum	75L		As Shown	3
Mel	<i>Metelace imrayale</i>	Flax Leave Paperbark	75L		As Shown	9
<b>Terrestrial Planting Mix - 350 sqm:</b>						
Dl	<i>Dianella longifolia</i>	Spreading Flax Lily	Tube Stock	16%	6	396
Ind	<i>Indigofera australis</i>	Austral Indigo	Tube Stock	16%	6	396
Hav	<i>Hardenbergia violacea</i>	Purple Coral-Tree	Tube Stock	17%	6	357
Ll	<i>Lomandra longifolia</i>	Basket Grass	Tube Stock	17%	6	357
Pol	<i>Poa labillardieri</i>	Common Tussock-Grass	Tube Stock	17%	6	357
Th	<i>Themeda australis</i>	Kangaroo Grass	Tube Stock	17%	6	357
<b>Total:</b>						<b>2100</b>
<b>Riparian Planting Mix - 336 sqm:</b>						
Caa	<i>Carex appressa</i>	Tall Sedge	Tube Stock	20%	6	400
Juu	<i>Juncus usitatus</i>	Common Rush	Tube Stock	20%	6	400
Lol	<i>Lomandra longifolia</i>	Basket Grass	Tube Stock	20%	6	400
Pol	<i>Poa labillardieri</i>	Common Tussock-Grass	Tube Stock	20%	6	400
Th	<i>Themeda australis</i>	Kangaroo Grass	Tube Stock	20%	6	400
<b>Total:</b>						<b>2016</b>
<b>Wetland Planting and Aquatic Edge Planting Mix - 584 sqm:</b>						
Baa	<i>Burmese arborescens</i>	Jointed Rush	Tube Stock	14%	6	790
Juu	<i>Juncus usitatus</i>	Common Rush	Tube Stock	14%	6	790
Scv	<i>Schoenoplectus validus</i>	Large Club-Rush	Tube Stock	14%	6	790
Caa	<i>Carex appressa</i>	Tall Sedge	Tube Stock	15%	6	508
Pol	<i>Poa labillardieri</i>	Common Tussock-Grass	Tube Stock	15%	6	508
<b>Total:</b>						<b>3386</b>

**PLANTING NOTES**

**TREE PROTECTION:**

Ensure the survival of growth of existing trees. Where indicated, protect and preserve trees during construction operations by fence or armouring. Trees shall not be removed or lopped, unless specified and approval to do so is given by the Superintendent.

Make good any damage to tree crown or root systems as soon as possible by approved Tree Surgeon. When a tree has been damaged to such an extent that it must be removed, the Contractor shall at no variation to the contract provide a new suitable approved tree as directed by Superintendent.

If it is necessary to excavate within the drip line, use hand methods such that root systems are preserved intact and undamaged. Open up excavations under tree canopies for as short a period as possible.

Do not cut tree roots exceeding 50mm diameter unless permitted. Where it is necessary to cut tree roots, use means such that the cutting does not unduly disturb the remaining root system. Immediately after cutting, apply a bituminous fungicidal sealant to the cut surface to prevent the incursion of rot or disease.

**PLANTING PREPARATION:**

The area to be planted shall be excavated to a depth of 300mm below the finished surface level. The subgrade shall be broken up to a further depth of 150mm prior to adding the specified additives.

**CULTIVATION:**

Soil cultivation should be carried out, where required to the following depths prior to planting and turfing:

mass planted area: 150mm

Where gypsum is required to flocculate clay, it is to be incorporated into the upper 150mm layer of the subgrade.

**TOPSOIL:**

Turf Areas: Topsoil is to be spread and graded evenly so that the required finished levels and contours may be achieved after compaction and placing of turf where specified. Grassed areas shall be finished flush with adjacent surfaces such as kerbs, paths, mowing strips and like where so required.

Planting Areas: Planting mix shall be three parts topsoil to one part spent mushroom compost, thoroughly mixed before placing.

Topsoil and planting mix depths (minimum)  
mass planted areas 300mm

**PLANTS:**

Generally all plants shall be vigorous, well established, free from disease and pests, be of good form and consistent with the species or variety. Plants are to be hardened off, not soft or forced and suitable for planting in the natural climatic conditions prevailing at the site.

**MULCH:**

Leaf Litter Mulch shall be free of deleterious matter such as soil, stones, weeds and sticks. The mulch shall consist of leaf chip of tree loppings which have been passed through a brush chipping machine. The loppings used will consist predominantly of Eucalypt or Tristania material and exclude Privet, Coral Tree, Polar, Willow, Camphor Laurel and the like.

**MULCH SPREADING:**

Mulch is to be placed to a depth of 75mm in planted areas, clear of plant stems and raked to an even surface flush with the surrounding finished levels. Mulch material shall be kept clear of plant stems.

**PLANT ESTABLISHMENT:**

The plant establishment period shall commence from the date of Practical Completion for a period of 13 weeks unless otherwise directed. Throughout the establishment period continue to carry out recurrent works of a maintenance nature, including but not limited to watering, mowing, weeding, fertilising, pest and disease control, replanting, topdressing, keeping the site neat and tidy.

**Revision notes:**

Rev:	Date:	Notes:
A	04/05/2023	For DA
B	25/10/2023	Amend Plant Species

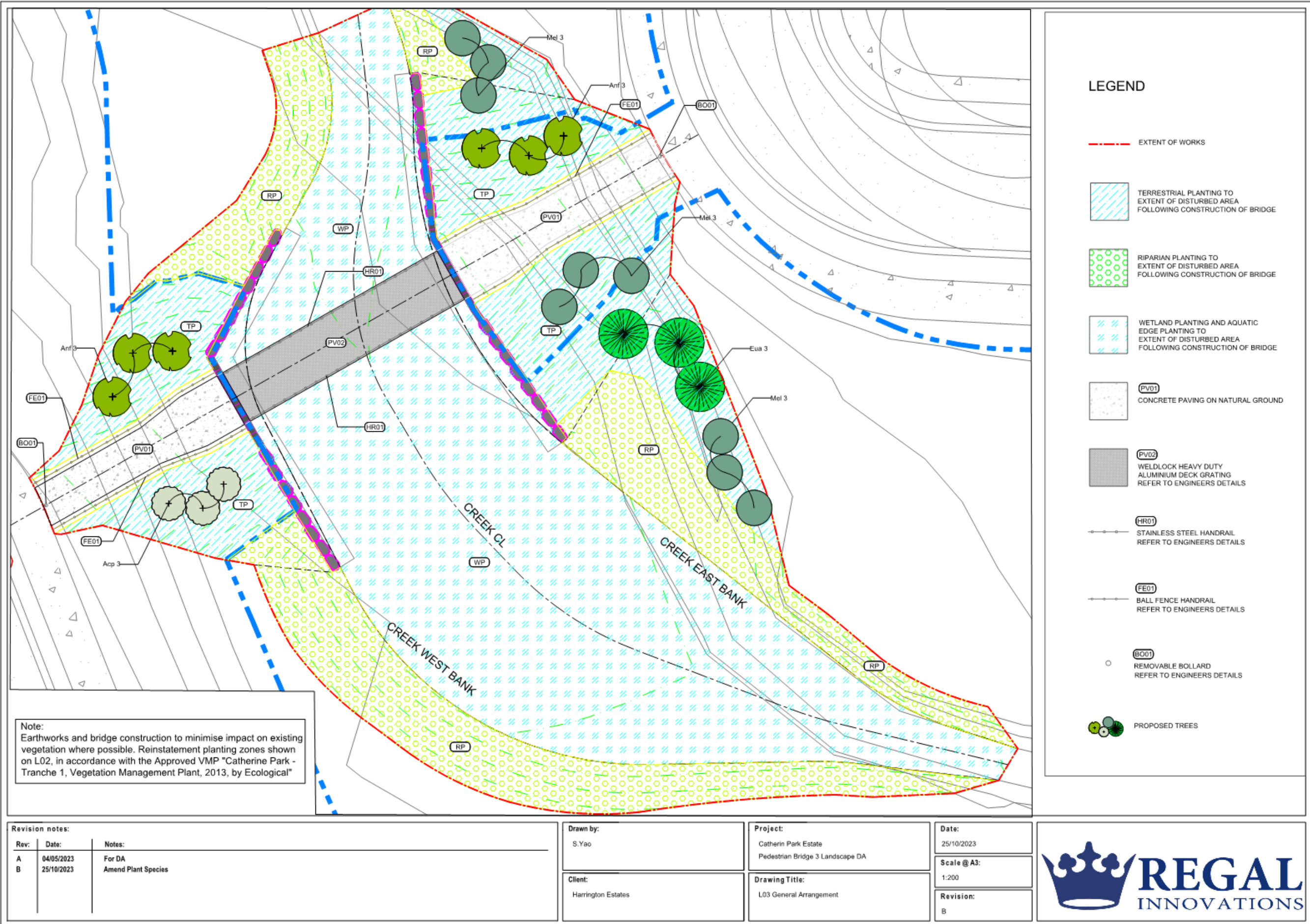
<b>Drawn by:</b> S.Yao
<b>Client:</b> Harrington Estates

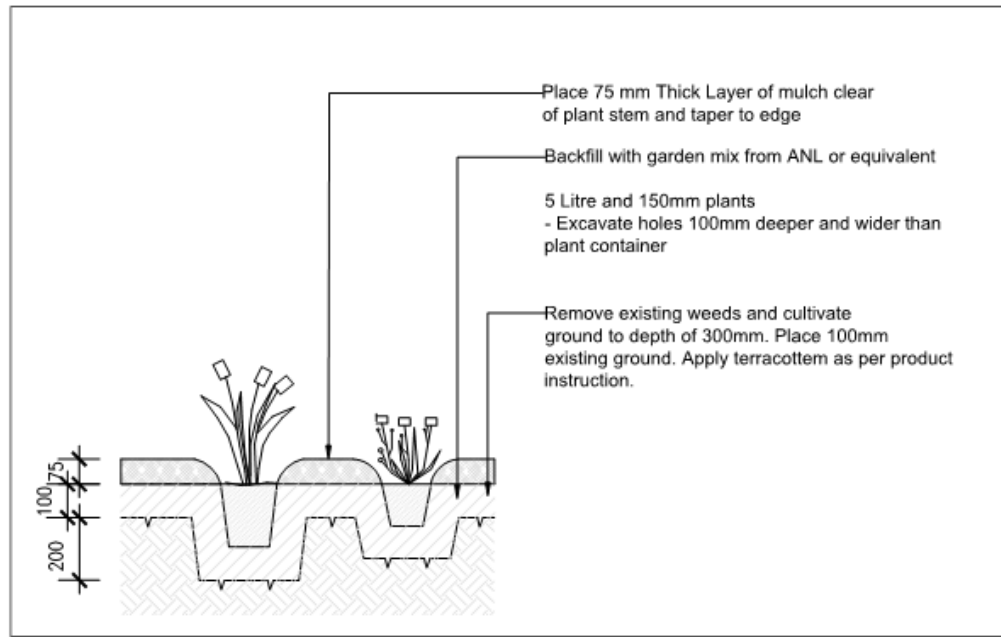
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<b>Drawing Title:</b> L01 Materials Finishes And Plant Schedule

<b>Date:</b> 25/10/2023
<b>Scale @ A3:</b> 1:200
<b>Revision:</b> B

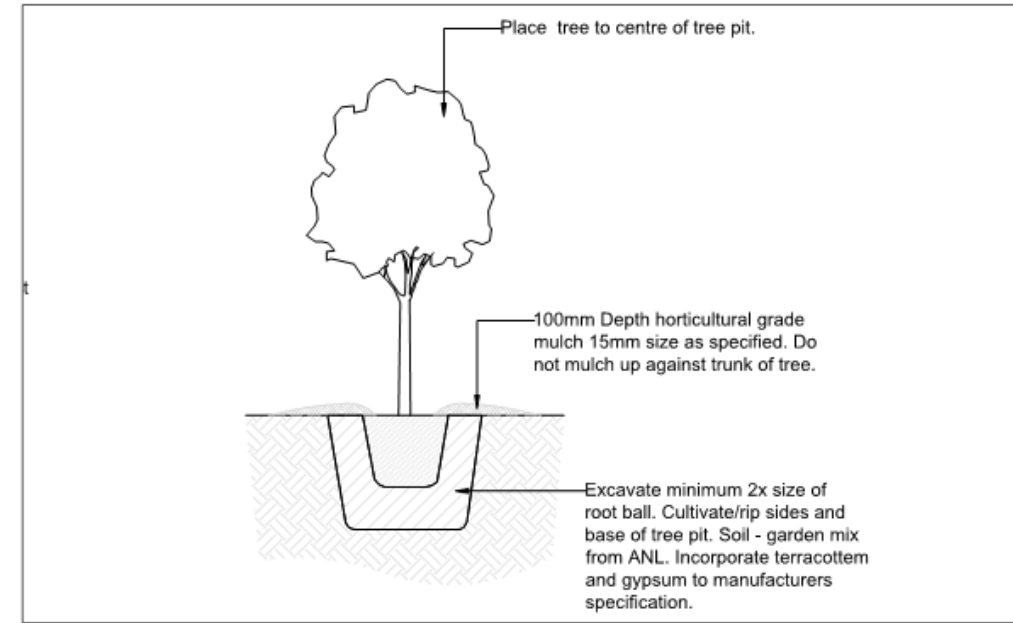




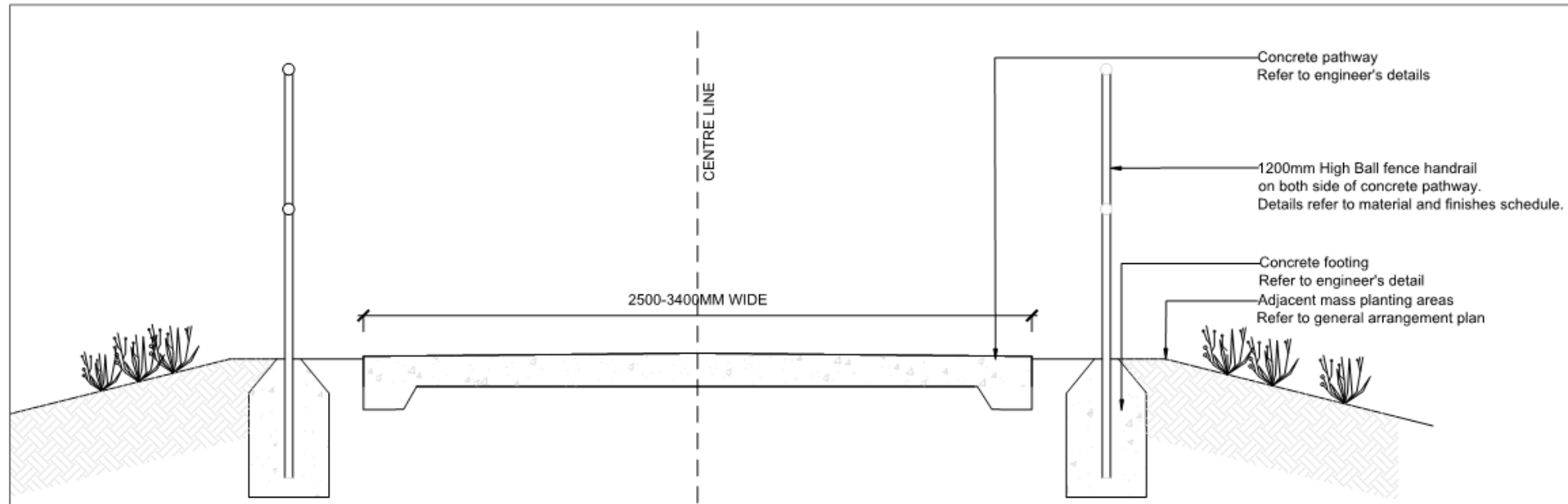




01 MASS PLANTING TYPICAL  
Scale 1:20



03 TREE PLANTING 45L TO 100L TYPICAL  
Scale 1:20



03 CONCRETE PATHWAY CROSS SECTION  
Scale 1:20

Revision notes:

Rev:	Date:	Notes:
A	04/05/2023	For DA

Drawn by:  
S.Yao

Client:  
Harrington Estates

Project:  
Catherin Park Estate  
Pedestrian Bridge 3 Landscape DA

Drawing Title:  
L03 Typical Details

Date:  
04/05/2023

Scale @ A3:  
1:20

Revision:  
A







# CATHERINE PARK ESTATE PEDESTRIAN BRIDGE 3 & CREEK RE-ALIGNMENT

ISSUED FOR DEVELOPMENT APPLICATION



LOCALITY PLAN  
N.T.S.

**CLIENT:**  
HIXSON PTY. LTD.

LGA CAMDEN COUNCIL  
LOT 9128 D.P. 1270145  
LOT 4252 D.P. 1240080  
LOT 3321 D.P. 1256256



**DRAWING LIST**

NO.	SHEET TITLE
<b>GENERAL</b>	
000	COVER SHEET
001	GENERAL ARRANGEMENT PLAN
002	GENERAL NOTES & LEGEND
<b>SEDIMENT &amp; EROSION CONTROL</b>	
101	SEDIMENT & EROSION CONTROL PLAN
<b>SITE REGRADING</b>	
201	SITE REGRADING PLAN
211	SITE SECTIONS SHEET 01 OF 02
212	SITE SECTIONS SHEET 02 OF 02
<b>ENGINEERING PLAN</b>	
301	CREEK RE-ALIGNMENT PLAN
<b>CREEK LONGITUDINAL SECTIONS</b>	
401	PEDESTRIAN BRIDGE 3 & CREEK LONGITUDINAL & TYPICAL SECTIONS

**CATHERINE PARK ESTATE  
PEDESTRIAN BRIDGE 3 & CREEK RE-ALIGNMENT**

PROJECT No.:	STAGE:	MILESTONE:	REVISION DATE:	DRAWING No.:	REVISION:
23-000025	-	DA	05/12/2023	000	3

FILE: B:\PROJECTS\2023\23-000025-000025 - CATHERINE PARK ESTATE - CATHERINE PARK BRIDGE 3 & CREEK RE-ALIGNMENT.DWG (LAST SAVED BY: ADAM HANCOCK)





IMAGE SOURCED FROM NEARMAP DATE: 16/02/2023

ISSUE	ISSUED	DESIGN	DRAWN	CHECK	APPROV	DATE	AMENDMENT DETAILS
1	AW	JH	SA	SA	SA	24/04/2023	5% AEP & PMF LEVELS ADDED
2	AW	AW	EF	EF	EF	13/11/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 26/10/2023
3	AW	AW	EF	EF	EF	05/12/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 04/12/2023

<p><b>FOR DEVELOPMENT APPLICATION</b></p> <p>AUTHORIZED FOR ISSUE:</p> <p>BY: ENRIQUE FRANCO RE (Hons) MIE Aust. CP Eng NER</p> <p>SIGN: </p> <p>DATE: 17/02/24</p>		<p>SCALE</p> <p>0 5 10 15 20 25 30 35 40</p> <p>SCALE 1:500 (A1)</p> <p>SCALE 1:1000 (A3)</p>	<p>CLIENT</p> <p>HIXSON PTY. LTD.</p>	<p>PROJECT</p> <p>CATHERINE PARK ESTATE PEDESTRIAN BRIDGE 3 &amp; CREEK RE-ALIGNMENT</p> <p>PROJ. ANMR#</p> <p>ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. NOT FOR CONSTRUCTION UNLESS STAMPED BY CERTIFYING AUTHORITY.</p>	<p>DRAWING TITLE</p> <p>GENERAL ARRANGEMENT PLAN</p> <p>PROJECT NO: 23-000025</p> <p>DRAWING NO: 001</p> <p>STAGE: -</p> <p>REVISION: 3</p>
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GENERAL NOTES

GENERAL

- G1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CAMDEN COUNCIL ENGINEERING DESIGN AND ENGINEERING CONSTRUCTION SPECIFICATIONS AND TO THE REQUIREMENTS OF THE CERTIFYING AUTHORITY.
- G2. INSPECTIONS BY CERTIFYING AUTHORITY ARE REQUIRED AT THE FOLLOWING STAGES AND THE WORKS APPROVED PRIOR TO CONTINUANCE OF ANY FUTURE WORK:
  - (A) FOLLOWING INSTALLATION OF EROSION AND SEDIMENT CONTROL STRUCTURES/MEASURES.
  - (B) PRIOR TO BACKFILLING PIPELINES, SUBSOIL DRAINS AND DAMS.
  - (C) PRIOR TO CASTING OF PITS AND OTHER CONCRETE STRUCTURES, INCLUDING KERB AND GUTTER BUT FOLLOWING PLACEMENT OF FOOTINGS, FORMWORK, AND REINFORCEMENT.
  - (D) PRIOR TO PLACEMENT OF SUB BASE AND ALL SUBSEQUENT PAVEMENT LAYERS, A PROOF ROLLER TEST OF EACH PAVEMENT LAYER IS REQUIRED.
  - (E) FORMWORKS PRIOR TO POURING CONCRETE IN PARKING AREA FOR FOOTPATH CROSSING AND OTHER ASSOCIATED WORK.
  - (F) PRIOR TO BACKFILLING PUBLIC UTILITY CROSSINGS IN ROAD RESERVES.
  - (G) FINAL INSPECTIONS AFTER ALL WORKS ARE COMPLETED AND 'WORKS AS EXECUTED' PLANS HAVE BEEN SUBMITTED TO COUNCIL.
- G3. NO TREES ARE TO BE REMOVED UNLESS APPROVAL IS GRANTED BY COUNCIL'S LANDSCAPE COMPLIANCE OFFICER OR AS AUTHORISED BY DEVELOPMENT CONSENT.
- G4. MAKE SMOOTH CONNECTIONS WITH EXISTING WORKS.
- G5. NO WORK IS TO BE CARRIED OUT ON COUNCIL PROPERTY OR ADJOINING PROPERTIES WITHOUT THE WRITTEN PERMISSION FROM THE OWNERS.
- G6. VEHICULAR ACCESS AND ALL UTILITIES/SERVICES ARE TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION.
- G7. ALL RUBBISH, BUILDINGS, SHEDS AND FENCES TO BE REMOVED TO SATISFACTION OF COUNCIL'S ENGINEER.
- G8. COUNCIL ENGINEERS HAVE DISCRETION TO VARY, AS CONSIDERED NECESSARY, THE ENGINEERING REQUIREMENTS IN RESPECT OF A PARTICULAR SUBDIVISION OR DEVELOPMENT HAVING REGARD TO THE SITE CONTEXT.

EARTHWORKS

- E1. EARTHWORKS ARE TO BE CARRIED OUT TO THE SATISFACTION OF THE COUNCIL. UNSUITABLE MATERIALS ARE TO BE REMOVED FROM ROADS AND LOTS PRIOR TO FILLING. THE CONTRACTOR IS TO ARRANGE AND MAKE AVAILABLE COMPACTION TESTING RESULTS FOR ALL AREAS THAT CONTAIN FILL IN EXCESS OF 200mm.
- E2. COMPACTION OF EARTHWORKS SHALL CONTINUE UNTIL A DRY DENSITY RATIO OF 95% FOR SITE FILLING AND 100% FOR ROAD PAVEMENT SUBGRADES HAS BEEN ACHIEVED IN ACCORDANCE WITH TEST METHOD AS1289 5.3.1 OR AS 1289.5.1.1. THE CONTROL TESTING OF EARTHWORKS SHALL BE IN ACCORDANCE WITH THE GUIDELINES IN AS3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS'. WHERE IT IS PROPOSED TO USE TEST METHOD AS1289 5.8.1 TO DETERMINE THE FIELD DENSITY, A SAND REPLACEMENT METHOD SHALL BE USED TO CONFIRM THE RESULTS.
- E3. THE SUITABLE QUALIFIED GEOTECHNICAL ENGINEER, SHALL HAVE A LEVEL 1 RESPONSIBILITY FOR ALL FILLING AS DEFINED IN APPENDIX B AS3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS', AND AT THE END OF THE WORKS SHALL CONFIRM THE EARTHWORKS COMPLY WITH THE REQUIREMENTS OF THE SPECIFICATION AND DRAWINGS BY WRITTEN NOTIFICATION.
- E4. IN AREAS TO BE FILLED WHERE THE SLOPE OF THE NATURAL SURFACE EXCEEDS 1(V):4(H), BENCHES ARE TO BE CUT TO PREVENT SLIPPING OF THE PLACED FILL MATERIAL AS REQUIRED BY THE COUNCIL.
- E5. ALL BATTERS ARE TO BE SCARIFIED TO A DEPTH OF 50mm TO ASSIST WITH ADHESION OF TOP SOIL TO BATTER FACE.
- E6. PROVIDE MINIMUM 150mm AND MAXIMUM 300mm TOPSOIL ON FOOTPATHS, FILLED AREAS AND ALL OTHER AREAS DISTURBED DURING CONSTRUCTION. TOPSOILED AREAS TO BE STABILISED WITH APPROVED VEGETATION A MAXIMUM OF 14 DAYS AFTER TOPSOILING AND ARE TO BE WATERED TO ENSURE GERMINATION.
- E7. THE CONTRACTOR SHALL CONTROL SEDIMENTATION, EROSION AND POLLUTION DURING CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITION OF 'MANAGING URBAN STORMWATER: SOILS AND CONSTRUCTION' PRODUCED BY LANDCOM.
- E8. A MINIMUM 1m WIDE, CONTINUOUS STRIP OF COUCH GRASS SHALL BE PLACED BEHIND THE BACK OF ALL KERBS & OTHER CONCRETE STRUCTURES IMMEDIATELY AFTER THE COMPLETION OF THE FOOTPATH GRADING OR OTHER ELEMENTS AS APPLICABLE, AND SHALL BE MAINTAINED AND REPLACED AS REQUIRED DURING THE CONSTRUCTION MAINTENANCE PERIOD.

EGIS GENERAL

- CG1. EXISTING SURFACE INCLUDES DESIGN SURFACE TO THE EAST RECEIVED FROM CARDNO. DESIGN SURFACE TO THE WEST BY EGIS & EXISTING DETAIL SURVEY RECEIVED 28/02/2022 FILE NAME: 10200/PB3-DET(230228). THE SURVEY INFORMATION SHOWN WITHIN THIS SET OF ENGINEERING DRAWINGS IS PRELIMINARY AND SUBJECT TO FINAL SURVEY TO BE PROVIDED BY A REGISTERED SURVEYOR. THE SURVEY INFORMATION SHOWN SHOULD NOT BE USED FOR CONSTRUCTION OR REGISTRATION IN ANY FORM. ALL LEVELS SPECIFIED ARE TO A.H.D.
- CG2. CONTRACTOR IS TO ENSURE THAT ALL WORKS ASSOCIATED WITH PROPERTY BOUNDARIES ARE TO BE SET OUT OR VERIFIED BY A REGISTERED SURVEYOR
- CG3. PIPES UP TO 750Ø SHALL BE CONSTRUCTED WITH SPIGOT AND SOCKET RUBBER RING JOINTS AND BE OF FIBRE REINFORCED CONCRETE WHICH SHALL CONFORM RESPECTIVELY TO THE REQUIREMENTS OF AS 4130 AND AS 4055. WHERE FIBRE REINFORCED CONCRETE PIPES ARE TO BE USED, A PROPRIETARY COLLAR IS TO BE APPLIED OVER THE PIPE JOINTS.
- CG4. PIPES GREATER THAN 750Ø ARE TO BE CONSTRUCTED FROM SULPHATE RESISTANT CEMENT.

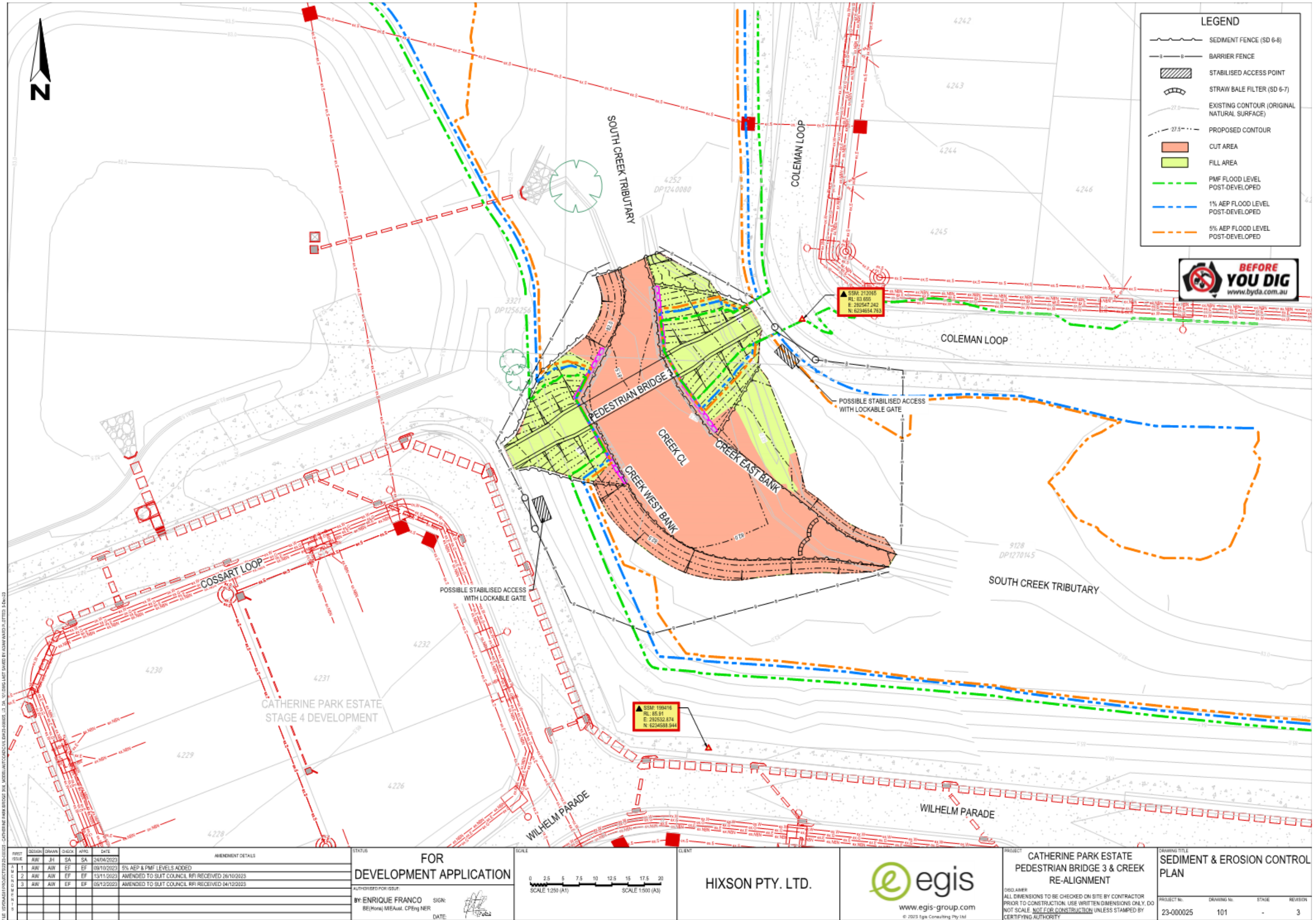
DIGITAL MODELS CREATED BY EGIS UNDER THIS COMMISSION ARE CREATED FOR THE PURPOSE OF THE PREPARATION OF DRAWINGS AND ESTIMATES OF QUANTITIES. INFORMATION CONTAINED IN THE DRAWINGS TAKES PRECEDENCE OVER THE DIGITAL MODEL UPON WHICH IT WAS BASED. USE OF DIGITAL MODELS, CREATED BY EGIS, BY OTHER PARTIES TO SET OUT WORKS OR FOR OTHER REASONS IS DONE ENTIRELY AT THE RISK OF THE PARTY SO USING THE DIGITAL MODEL



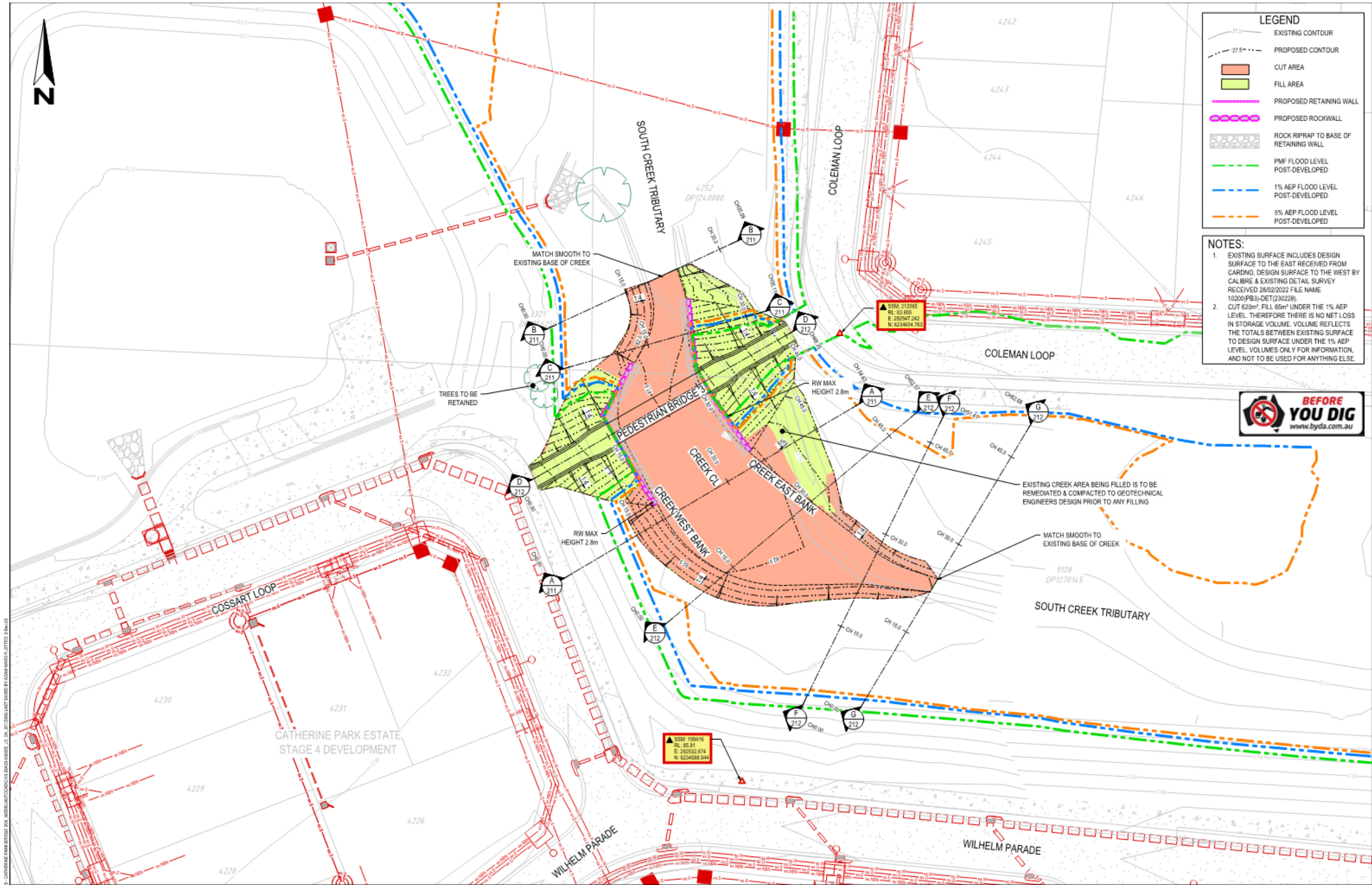
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	PROPOSED	EXISTING	FUTURE
STORMWATER PIPELINE	375Ø	1 1 1 1	---
STORMWATER DRAINAGE PITS			
DRAINAGE LINE No. 3 DRAINAGE PIT No. 10	315Ø	315Ø	315Ø
CONCRETE HEADWALL			
CULVERT CROSSING			
SUBSOIL DRAIN	50-55		
150mm KERB AND GUTTER	K&G	EXIST. K&G	FUT. K&G
ROLL KERB AND GUTTER	RK	EXIST. RK	FUT. RK
KERB ONLY	KO	EXIST. KO	FUT. KO
EDGE STRIP	ES	EXIST. ES	FUT. ES
MOUNTABLE KERB	MK	EXIST. MK	FUT. MK
DISH CROSSING	DC	EXIST. DC	FUT. DC
VEHICULAR CROSSING	VC	EXIST. VC	FUT. VC
PEDESTRIAN RAMP	PR		
EDGE OF BITUMEN	EOB	EXIST. EOB	FUT. EOB
ROAD PAVEMENT			
BATTERS			
CONCRETE PATHWAY			
CONTOURS			
SITE REGRADING AREA			
SERVICE LINES SEWER, GAS, WATER, ELECTRICITY, RECYCLED WATER			
COMMUNICATION LINES TELSTRA, FIBRE OPTIC, NBN			
OVER HEAD LINES AND POLES			
SERVICE PITS TELECOM PIT, ACCESS CHAMBER, HYDRANT, STOP VALVE, AIR VALVE			
LIMIT OF ROAD CONSTRUCTION			
STAGE BOUNDARY			
FENCE POST AND RAIL FENCE SECURITY FENCE			
LOT NUMBERS	D-L OTNO	E-LOTNO	F-LOTNO
TREES TO RETAIN WITHIN SITE TREES TO REMOVED WITHIN SITE			
RETAINING WALL			
ROCK WALL			
ROOF WATER OUTLET TO KERB			
ROOF WATER OUTLET TO BACK OF PIT			

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3	AW	05/12/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 04/12/2023																



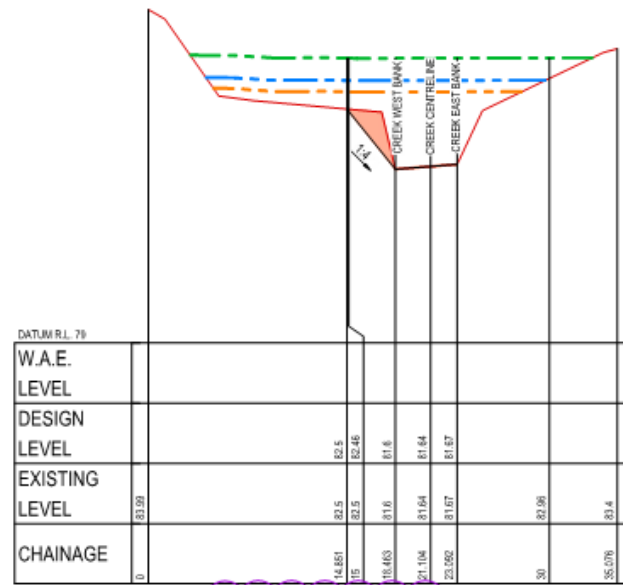




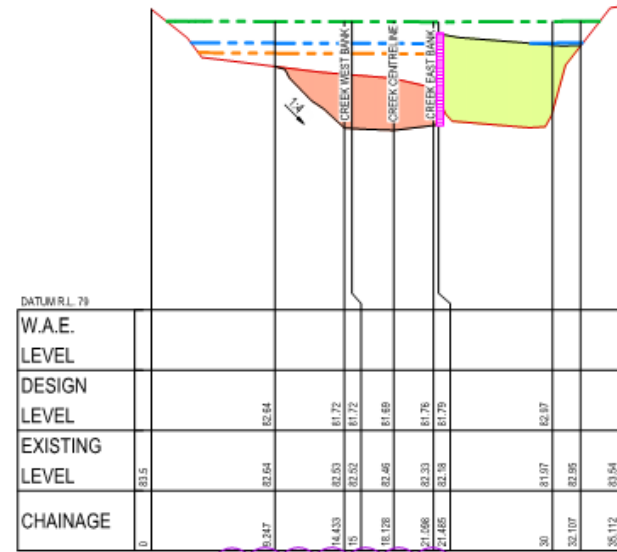
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3	AW	05/12/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 04/12/2023

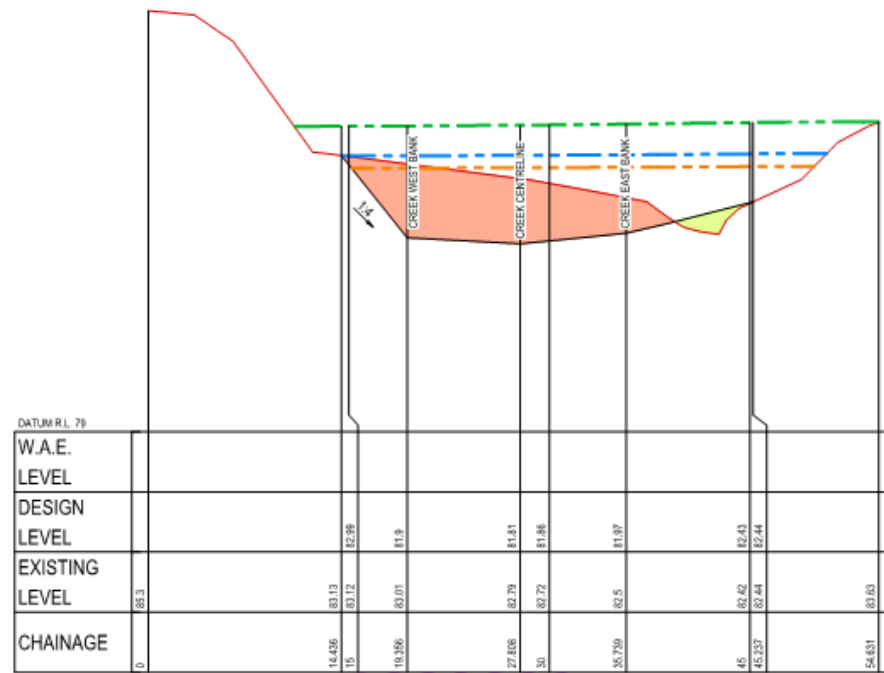
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AUTHORIZED FOR ISSUE: BY: ENRIQUE FRANCO RE: (Hixson) M&A&E, CP&ENG, NER	SIGN: DATE: 17/02/24	PROJECT NO: 23-000025		DRAWING NO: 201		STAGE: - REVISION: 3



CREEK CROSS SECTION B  
SCALE 1:250 (H)  
SCALE 1:50 (V)



CREEK CROSS SECTION C  
SCALE 1:250 (H)  
SCALE 1:50 (V)



CREEK CROSS SECTION A  
SCALE 1:250 (H)  
SCALE 1:50 (V)

LEGEND	
	EXISTING SURFACE
	PROPOSED SURFACE
	CUT AREA
	FILL AREA
	PROPOSED RETAINING WALL

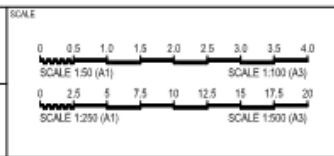
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ISSUE	NO.	DATE	DESCRIPTION
1	AW	09/10/2023	5% AEP & PMF LEVELS ADDED
2	AW	13/11/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 26/10/2023
3	AW	05/12/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 04/12/2023

**FOR DEVELOPMENT APPLICATION**

AUTHORIZED FOR ISSUE:  
 BY: ENRIQUE FRANCO  
 RE: (Hox) MFE Aust. CP Eng NER

SIGN:   
 DATE: 17/02/24



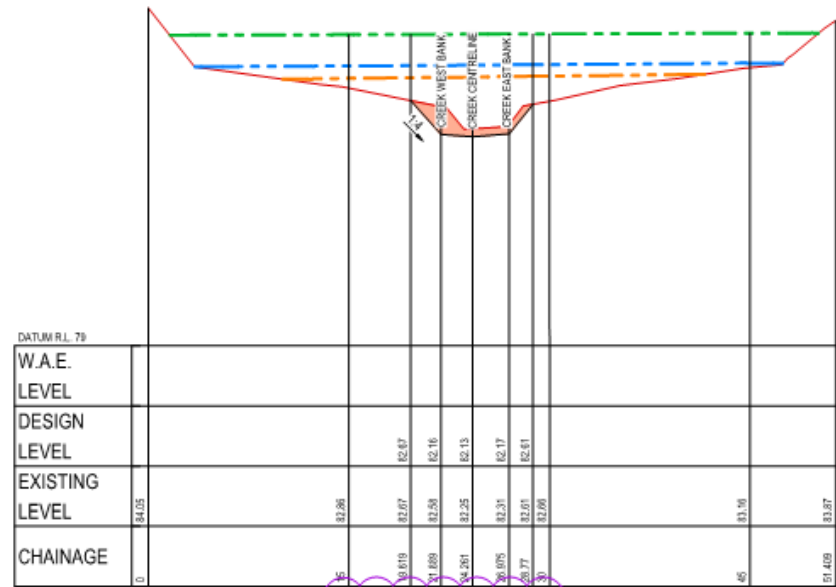
CLIENT  
**HIXSON PTY. LTD.**



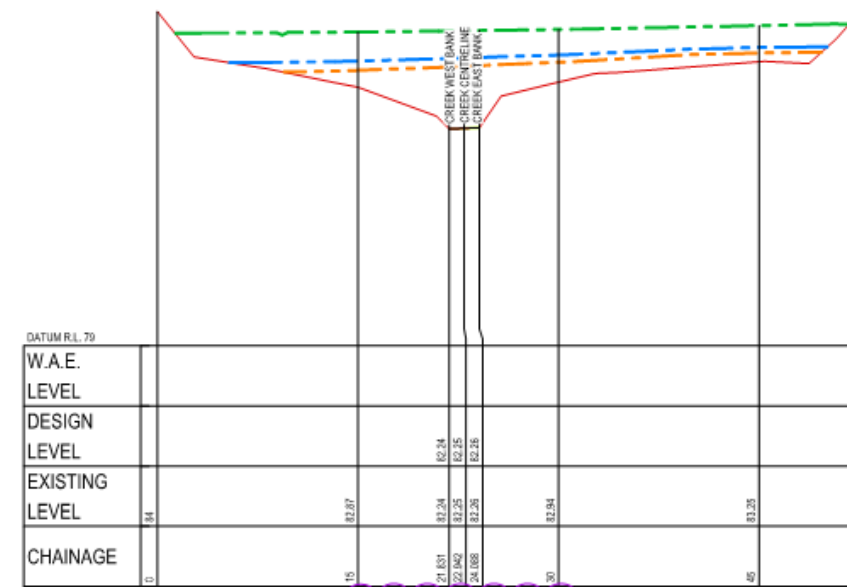
PROJECT  
**CATHERINE PARK ESTATE  
 PEDESTRIAN BRIDGE 3 & CREEK  
 RE-ALIGNMENT**

DISCLAIMER  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. NOT FOR CONSTRUCTION UNLESS STAMPED BY CERTIFYING AUTHORITY.

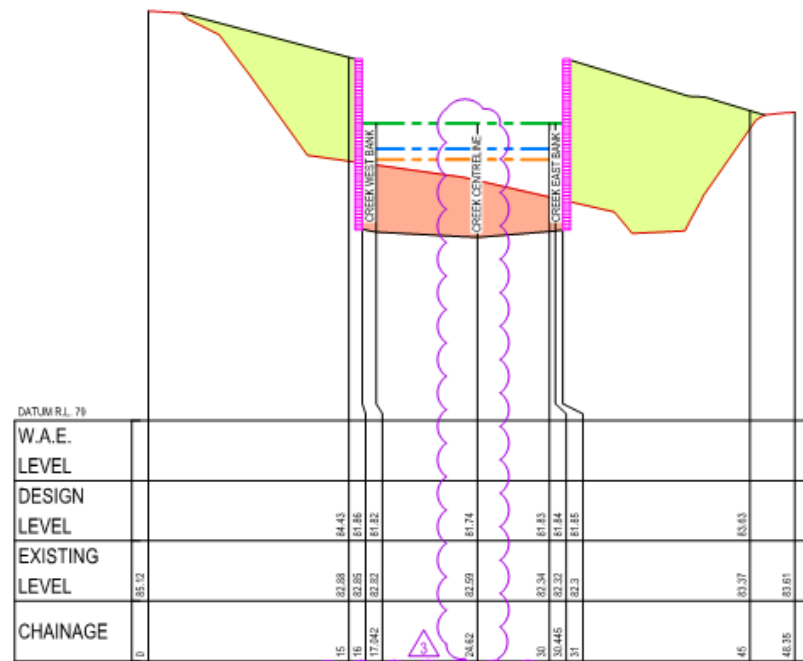
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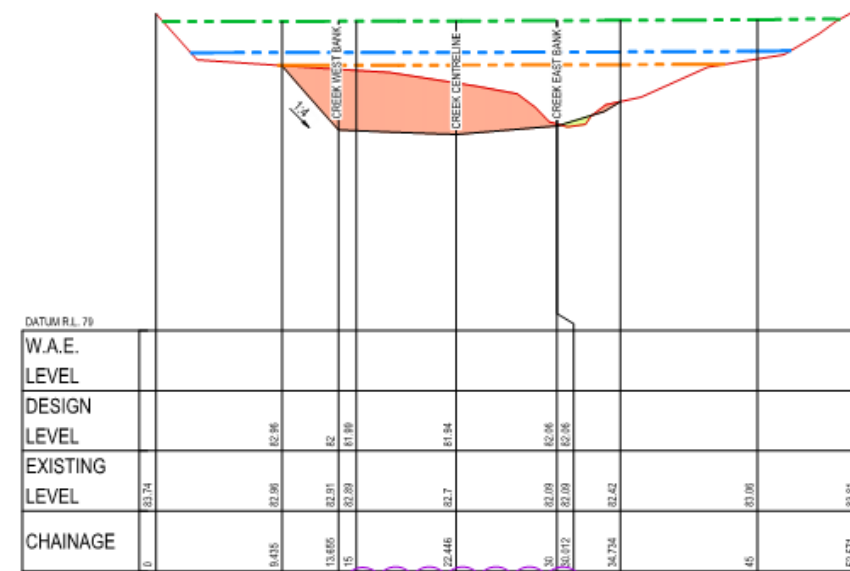
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CREEK CROSS SECTION G  
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SCALE 1:50 (V)



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CREEK CROSS SECTION E  
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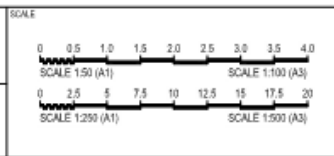
LEGEND	
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	PROPOSED SURFACE
	CUT AREA
	FILL AREA
	PROPOSED RETAINING WALL

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ISSUE	DESIGN	DATE	DESCRIPTION
1	AW	09/10/2023	5% AEP & PMF LEVELS ADDED
2	AW	13/11/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 26/10/2023
3	AW	05/12/2023	AMENDED TO SUIT COUNCIL RFI RECEIVED 04/12/2023

**FOR DEVELOPMENT APPLICATION**

AUTHORIZED FOR ISSUE:  
 BY: ENRIQUE FRANCO  
 RE: (Heron) MFE Aust. CP Eng NER  
 SIGN:   
 DATE: 24/04/2023



CLIENT  
**HIXSON PTY. LTD.**

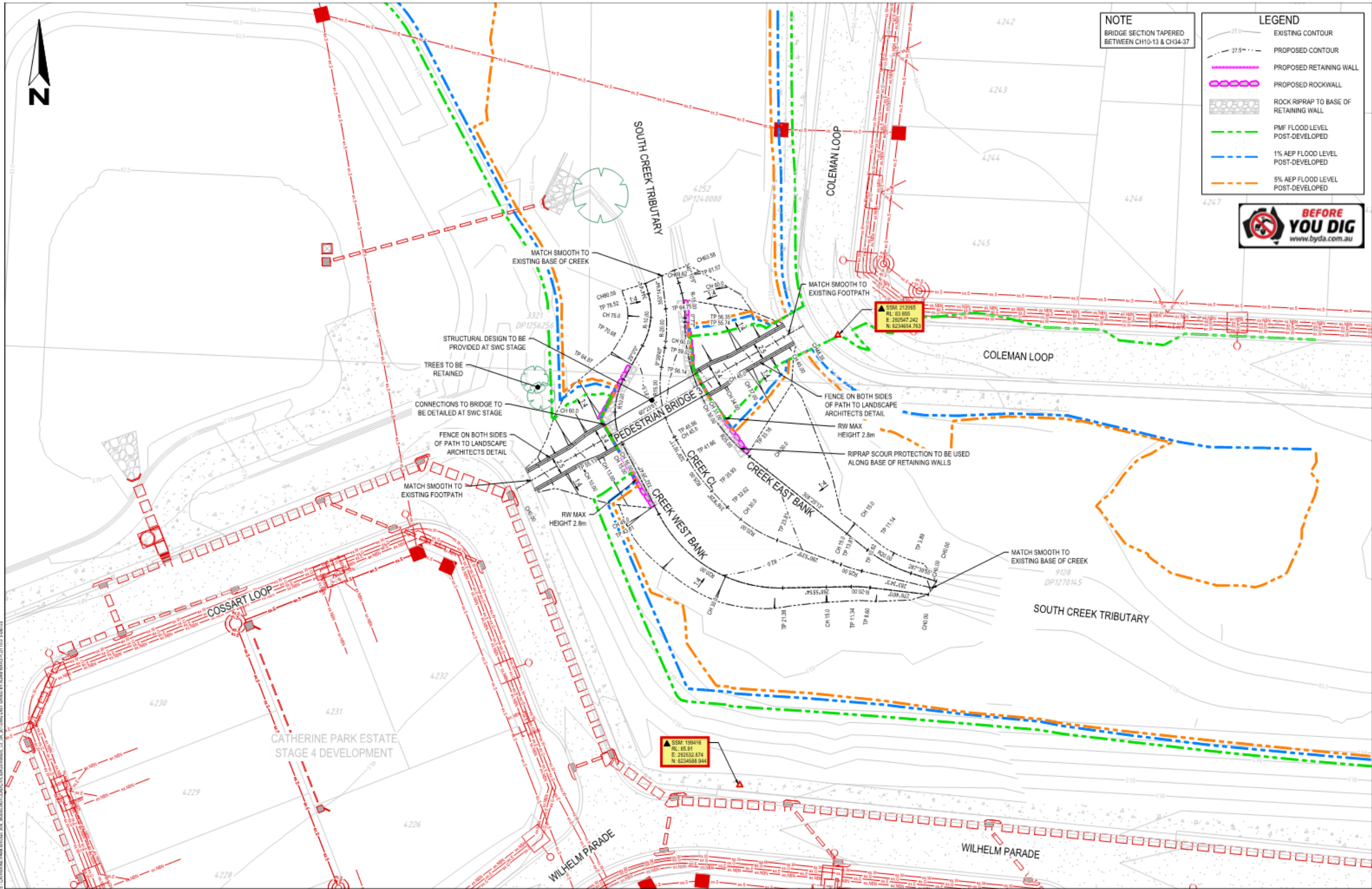


PROJECT  
**CATHERINE PARK ESTATE  
 PEDESTRIAN BRIDGE 3 & CREEK  
 RE-ALIGNMENT**

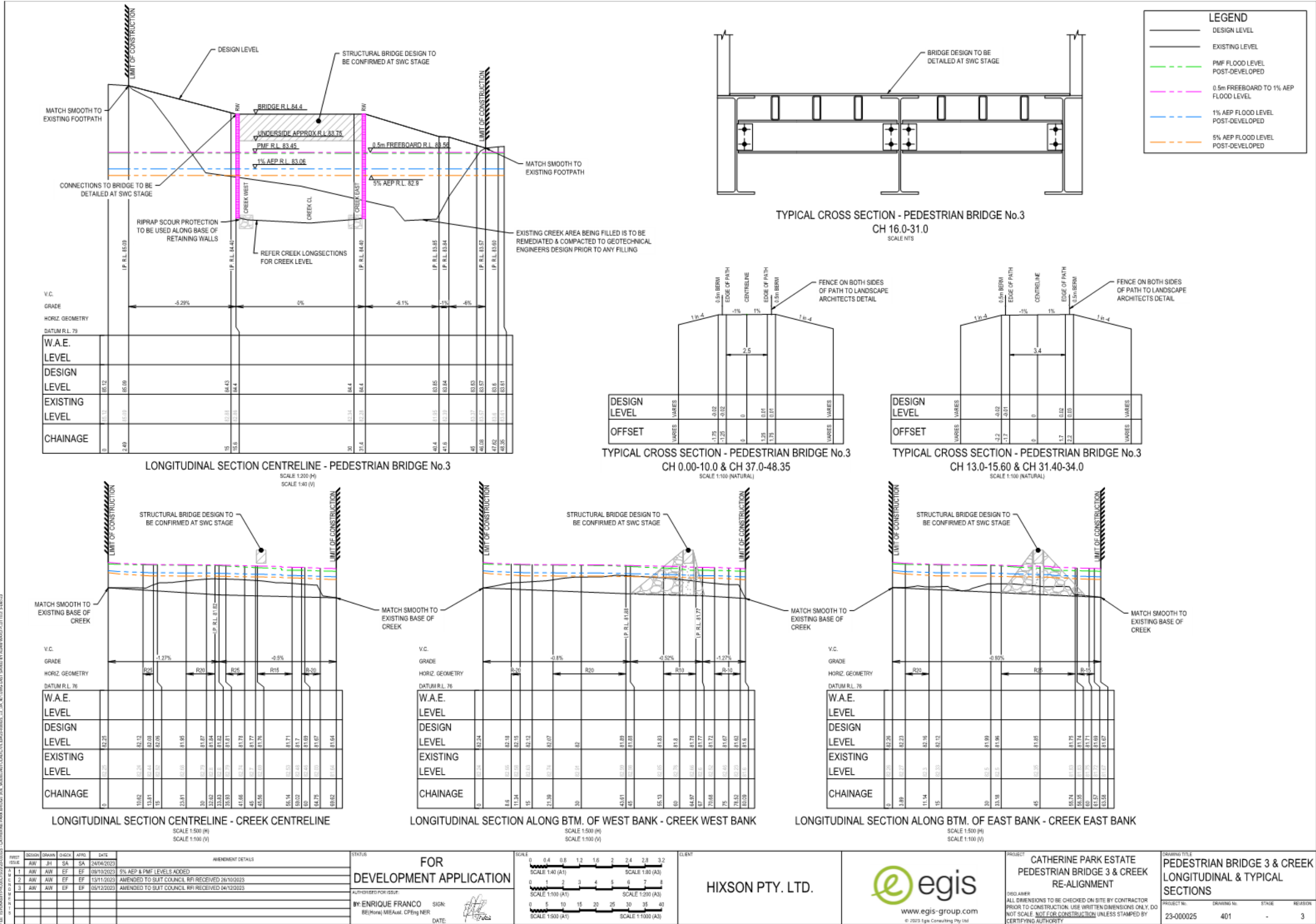
DISCLAIMER  
 ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR  
 PRIOR TO CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY. DO  
 NOT SCALE. NOT FOR CONSTRUCTION UNLESS STAMPED BY  
 CERTIFYING AUTHORITY

DRAWING TITLE			
<b>SITE SECTIONS SHEET 02 OF 02</b>			
PROJECT No.	DRAWING No.	STAGE	REVISION
23-000025	212	-	3





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**CLPP02**

**CLPP02**

**SUBJECT: DA/2023/69/1 - CONSTRUCTION OF A PART THREE AND PART FOUR STOREY RESIDENTIAL FLAT BUILDING CONTAINING 24 APARTMENTS WITH BASEMENT CAR PARKING - 16 HEATH ROAD, LEPPINGTON**

**FROM:** Manager Statutory Planning

**EDMS #:** 24/55342

DA Number:	DA/2023/69/1.
Development:	Construction of a part three and part four storey residential flat building containing 24 apartments with rooftop open space, basement car parking, landscaping and associated works.
Estimated Cost of Development:	\$9,049,327
Site Address(es):	16 Heath Road, Leppington.
Applicant:	Developable Pty Ltd.
Owner(s):	Busby Homes NSW Pty Ltd.
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of buildings
Classification:	Local Development.
Recommendation:	Approval (deferred commencement consent)
Panel Referral Criteria:	Sensitive development (residential flat building for which SEPP 65 applies)
Report Prepared By:	Mitch Anderson (Senior Planner)

**PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for the construction of a part three and part four storey residential flat building containing 24 apartments, rooftop open space, basement car parking, landscaping and associated site works at 16 Heath Road, Leppington.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, the proposal is “development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies”.

**SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2023/69/1 for the construction of a part three and part four storey residential flat building containing 24 apartments, rooftop open space, basement car parking, landscaping and associated site works pursuant to Section 4.16 of the



*Environmental Planning and Assessment Act 1979* by granting deferred commencement consent subject to the terms and conditions attached to this report.

**EXECUTIVE SUMMARY**

Council is in receipt of a DA for construction of a part three and part four storey residential flat building containing 24 apartments with rooftop open space, basement car parking, landscaping and associated works at 16 Heath Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies. A summary of that assessment is provided below:

Policy	Summary
State Environmental Planning Policy (Precincts – Western Parklands City) 2021 (Precincts SEPP)	The site is situated within the Camden Growth Centres Precinct area and forms part of the Leppington Precinct. The site is subject to the relevant matters contained in Appendix 5 <i>Camden Growth Centres Precinct</i> of the Precincts SEPP.  The development proposes a contravention to Section 4.3 <i>Height of Buildings</i> pursuant to Section 4.6 <i>Exceptions to Development Standards</i> of the Precincts SEPP. Specifically, the development site is subject to a maximum building height standard of 12m and the development proposes a maximum building height of 12.6m (exceeding the development standard by 600mm or 5%).
State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)	The site was subdivided under a previous subdivision application (DA/2017/1135/1) where salinity and contamination assessments were completed. The application has been reviewed by Council’s Specialist Support Environmental Health Officer who raised no objection to the proposal (subject to recommended conditions).
State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).	The development is considered satisfactory having regard to the matters for consideration in Chapter 6 of the Biodiversity and Conservation SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)	A BASIX Certificate and Capability Report has been submitted with the DA and the development achieves the relevant targets under the BASIX SEPP.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development 2002 (SEPP 65)	As the development proposes a four-storey residential flat building an assessment against the relevant provisions contained in this SEPP and the Apartment Design Guideline (ADG) have been carried out. The assessment has determined that

	the development is generally consistent with the relevant requirements of the SEPP / ADG.
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The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 7 March to 20 March 2023 and no submissions were received.

Based on the assessment, it is recommended that the DA be approved (deferred commencement consent) subject to the terms and conditions attached to this report.

**KEY PLANNING CONTROL VARIATIONS**

Control	Response	Variation
Height of Building – 12m (maximum)	12.6m at the highest point (lift overrun)	600mm / 5%

**AERIAL PHOTO**



Figure 1: Aerial site image (Source: Nearmap)

**THE SITE**

The site is commonly known as 16 Heath Road, Leppington and legally described as Lot 39 in DP 1247512.

The site is irregularly shaped with a 43.37m frontage to Heath Road and a combined frontage of 84.26m to Batavia Avenue. The subject development is proposed on the front portion of the site (fronting Heath Road), with six attached dwellings currently under construction on the smaller section of the site that fronts Batavia Avenue.

The portion of the site on which the development is proposed has a site area of 2,027sqm (refer figure 2 below).

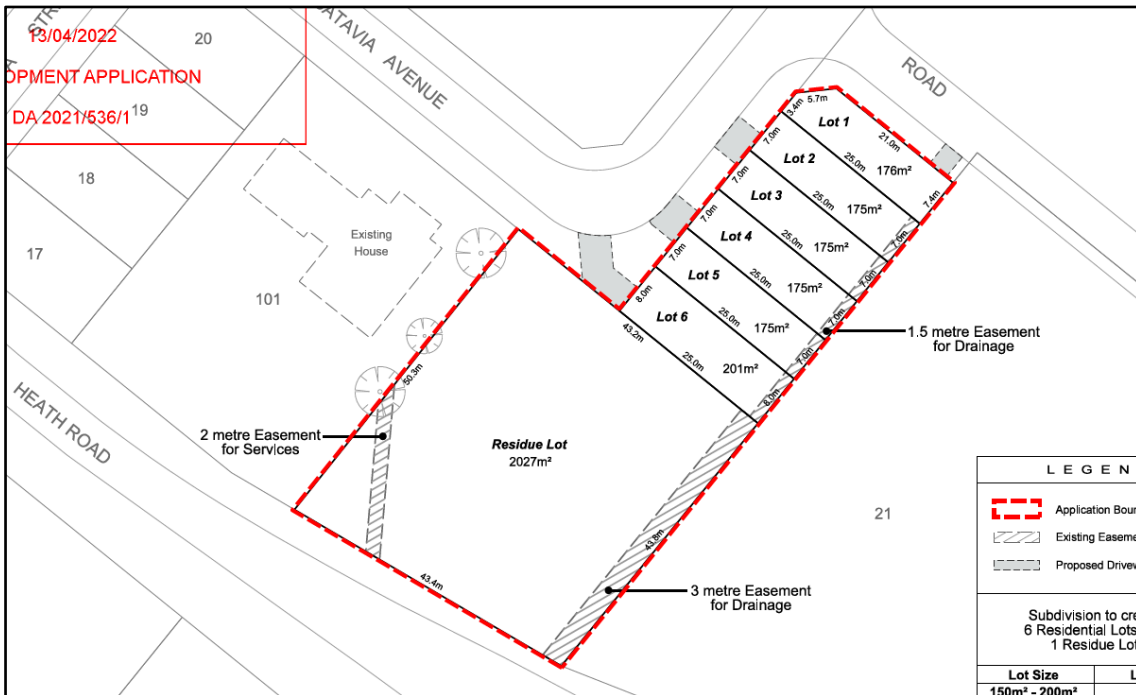


Figure 2: Site plan indicating development site (labelled “residue lot”), with six attached dwellings / lots to be created at the northern end of the site (currently under construction)

The site is located within the Leppington Precinct (Stage 1) and is zoned R3 Medium Density Residential under the Western Parkland City SEPP.



ZONING PLAN

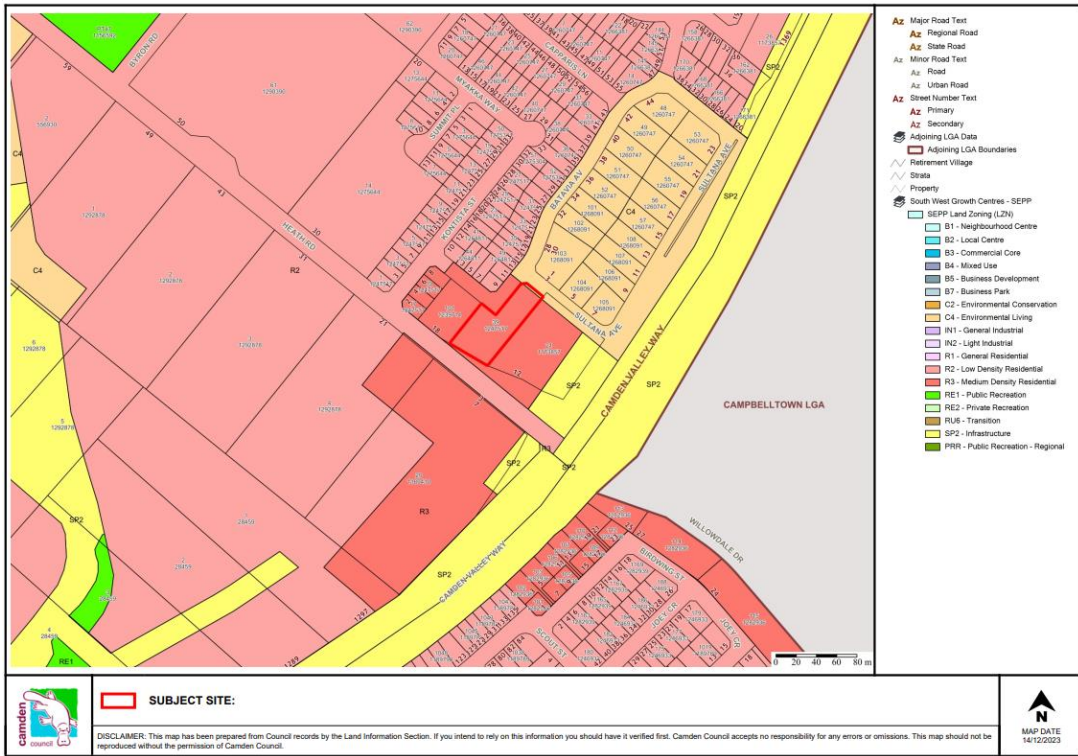


Figure 3: Zoning plan

AREA MASTER PLAN

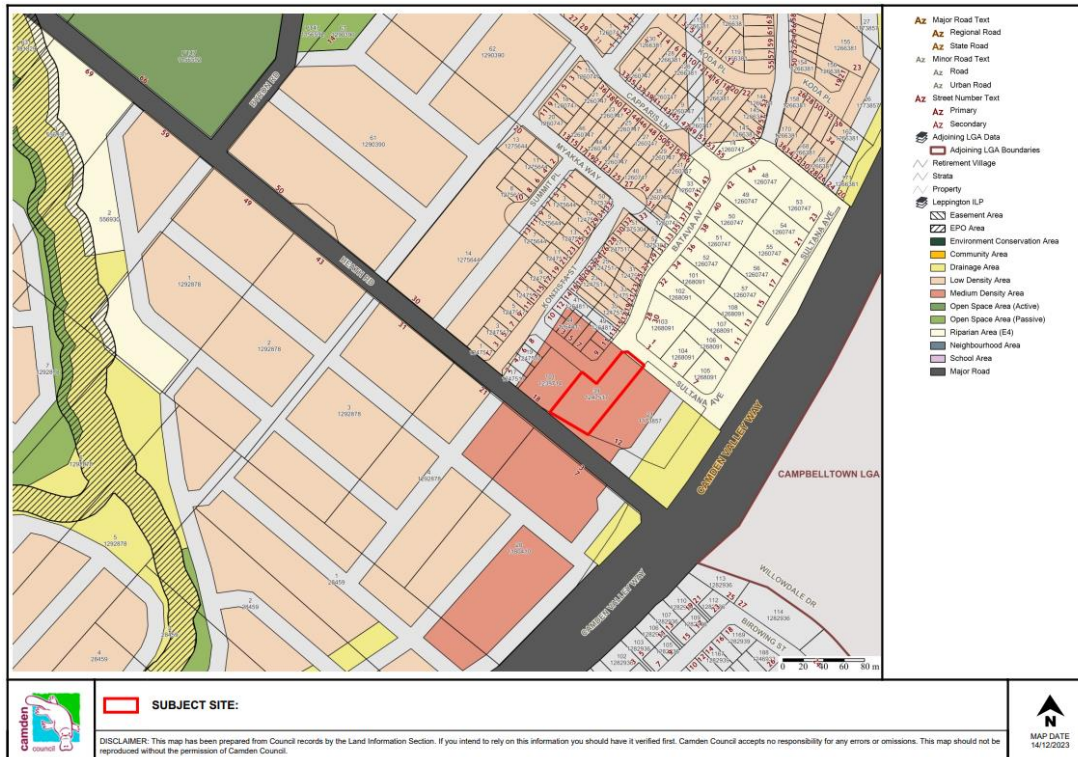


Figure 4: Leppington Indicative Layout Plan

**MAXIMUM BUILDING HEIGHT MAP**

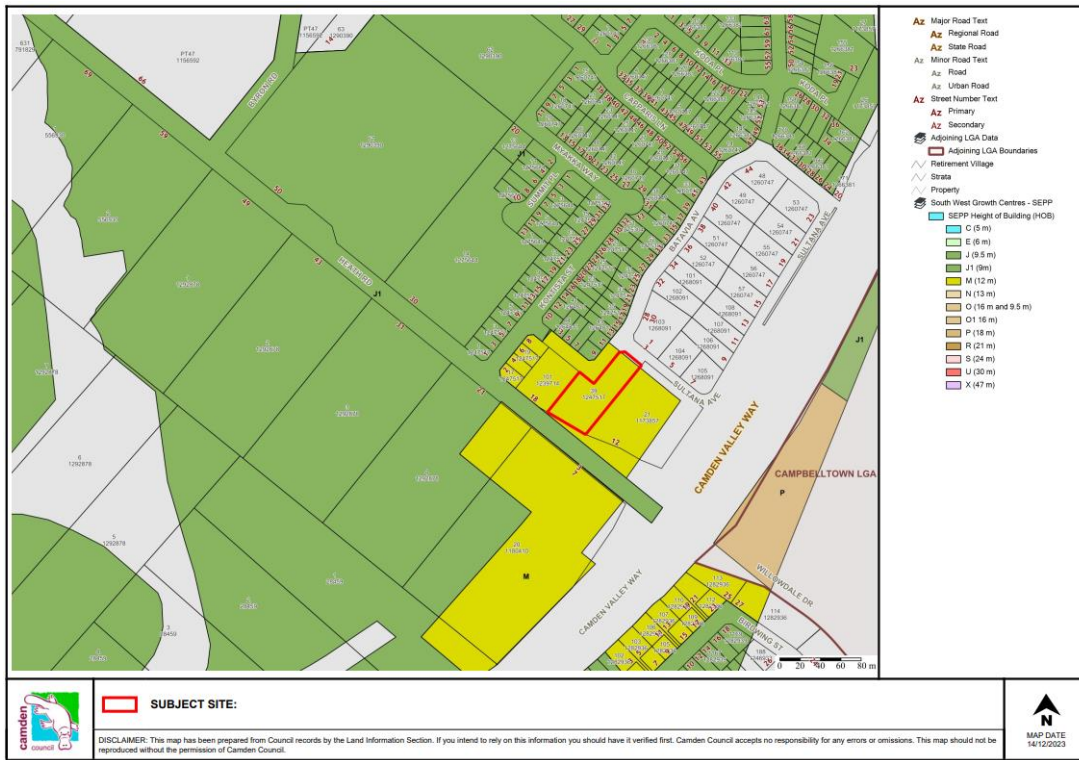


Figure 5: Building height map

**HISTORY**

The site has primarily been used for rural-residential purposes. The relevant development history of the site is summarised below:

Date	Development
20 July 2018	Approval of DA/2017/1135/1 for remediation of land, demolition of existing structures and tree removal, bulk earthworks, construction of new roads and a temporary bio detention basis, subdivision of land to create 36 residential lots, 1 super lot and 4 residue lots (including one existing house lot) and landscaping.
3 July 2019	Approval of DA/2017/1135/2 to amend subdivision layout, staging and creation of an additional superlot.
23 August 2019	Approval of DA/2018/925/1 for subdivision of Residue Lot 38 and 39 in DA/2017/1135/1 to create eight Torrens title lots, one residue lot and construction of new roads.
6 October 2020	Approval of DA/2018/925/2 to amend subdivision layout and stormwater drainage design.
6 November 2020	Approval of DA/2017/1135/3 to amend an approved subdivision to include the creation of three additional residential lots, removal of temporary road, extension of Kontista Street and Batavia Avenue.



22 February 2022	Approval of DA/2017/1135/4 to amend finished site levels and provision of retaining walls.
13 April 2022	Approval of DA/2021/536/1 to subdivide Lot 39 in DA/2017/1135/1 creating six x Torrens title lots and construction of six attached dwellings, landscaping, drainage works and associated site works.
30 November 2022	Approval of DA/2021/536/2 to amend drainage design and delete the temporary basin and replace with a permanent OSD tank.

**THE PROPOSAL**

DA/2023/69/1 seeks approval for the construction of a part three and part four storey residential flat building containing 24 apartments, basement car parking, landscaping and associated site works at 16 Heath Road, Leppington.

Specifically, the following works are proposed:

- Construction of a part three and part four storey residential flat building containing 24 units, comprising:
  - 5 x one-bedroom units
  - 16 x two-bedroom units
  - 3 x three-bedroom units
- Creation of rooftop open space
- Basement car park containing 32 car parking spaces, 4 motorcycle spaces and 13 bicycle spaces.
- Landscaping of private and communal open space areas.
- Associated site and drainage works.

The estimated cost of the development is \$9,049,327.

A site plan of the proposed development is shown below in **Figure 6**.

CLPP02

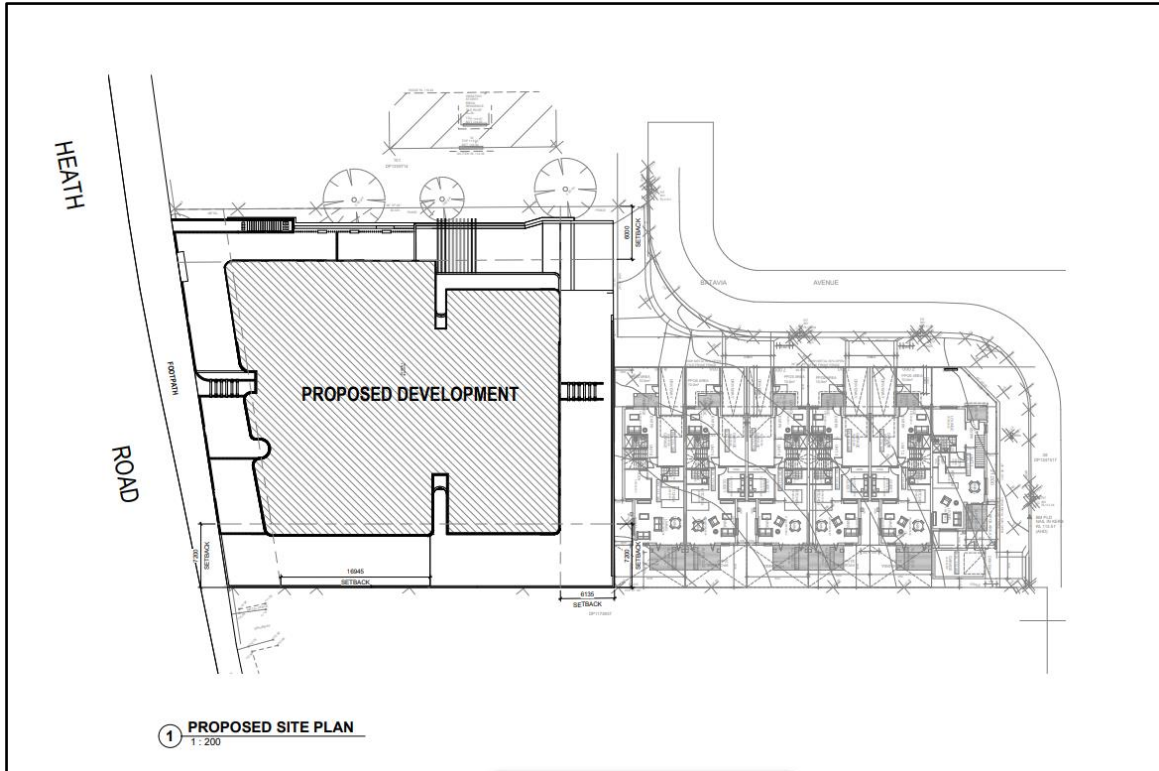


Figure 6: Proposed site plan (the development is contained to the portion of the site fronting Heath Road with six attached dwellings currently under construction on the smaller portion of the site fronting Batavia Avenue)

**ASSESSMENT**

**Environmental Planning and Assessment Act 1979 - Section 4.15(1)**

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

**(a)(i) the provisions of any environmental planning instrument**

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Precincts - Western Parkland City) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP)

The Western Parkland City SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.

The development site is subject to the relevant matters contained under Appendix 5 *Camden Growth Centres Precinct Plan* of the Precincts SEPP.

*Site Zoning*

The site is zoned R3 Medium Density Residential pursuant to Appendix 5, Section 2.2 of the Western Parkland City SEPP.

*Development Characterisation*

The development is characterised as a ‘residential flat building’ under the SEPP.

*Permissibility*

A ‘residential flat building’ is permitted with development consent in the R3 Medium Density Residential Zone pursuant to the land use table in Appendix 5 of the Western Parkland City SEPP.

*Planning Controls*

An assessment table in which the development is considered against the Western Parkland City SEPP’s planning controls is provided as an attachment to this report.

*Proposed Contravention – Clause 4.3 Height of Buildings*

The applicant proposes a contravention to the maximum height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 12m above existing ground level, while the proposed development has a maximum height of 12.6 metres. The contravention is sought to accommodate the lift overrun and a small portion of the roof over the centralised roof lobby area (refer **Figure 7** below).

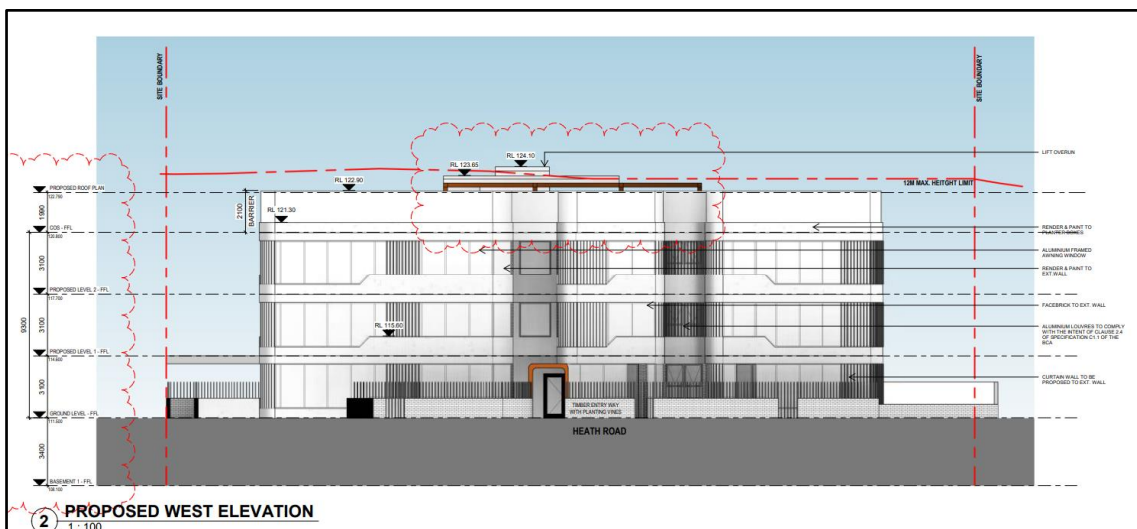


Figure 7: Heath Road elevation (showing extent of height breach)

On 1 November 2023, amendments were made to Section 4.6 (relating to variations to development standards) across all applicable environmental planning instruments. Pursuant to Section 2.45 State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023 (SEPP Amendment), a development application made

but not yet determined before the commencement of the SEPP Amendment must be determined as if the policy had not commenced. As such, the contravention has been assessed against the former (Section 4.6) provisions.

Section 4.6(3) states that development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- the applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 5, Section 4.6(3) of the Precincts SEPP, and
- the development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

In accordance with Section 4.6(3), the applicant requests that the height of buildings development standard be varied. The applicant's written request is attached to this report which addresses why compliance is unreasonable and unnecessary in the particular circumstances of the case and outlines the following key environmental planning grounds to justify contravening the development standard:

- the non-compliance is located centrally within the building footprint and therefore the perimeter and majority of the building complies with the maximum building height permitted by the SEPP.
- by design, the non-compliance in height would appear compliant when viewed from the public domain.
- the features exceeding the maximum building height are minimal and consist of the lift overrun and the roof located above a portion of the communal open space area.
- the breach in height is limited to the lift overrun which does not result in any additional overshadowing or privacy to adjoining developments.

A copy of the applicant's written request is provided as an attachment to this report.

Pursuant to Appendix 5, Section 4.6(4) of State Environmental Planning Policy (Precincts-Western Parkland City) 2021, Council staff are satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 5, Section 4.6(3) of the Western Parkland City SEPP; and
- The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- the development is consistent with the objectives of the development standard:
  - (a) *To establish the maximum height of buildings.*

A maximum building height of 12.6m is proposed, which exceeds the development standard by 600mm (5% contravention). The building height contravention is limited to ancillary structures on the building's rooftop (lift overrun and rooftop pergola) and the proposal will be perceived as a compliant built form.

- (b) *To minimize visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.*

The proposal has been designed to preserve the visual and acoustic amenity of adjoining development and minimise overshadowing of adjoining developments. Shadow diagrams were submitted with subject DA that demonstrate that adjoining developments will continue to receive solar access in accordance with relevant requirements. As demonstrated in the assessment contained in this report the proposed development will not result in any unreasonable amenity impacts (visual bulk, privacy or overshadowing) on adjoining properties.

- (c) *To facilitate higher density development in and around commercial centres and major transport routes.*

The site is located within 100m of Willowdale Shopping Centre which contains a supermarket, a variety of shops and the Willowdale Hotel (licensed premises). The site is also located within close proximity a number of active bus stops on Camden Valley Way which provide alternative transport routes to future residents.

- the development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:

*R3 Medium Density Residential*

1. *To provide for the housing needs of the community within a medium density residential environment.*

The development will provide twenty-four residential apartments with a mixture of one, two and three bedroom products which will contribute to the needs of the community.

2. *To provide a variety of housing types within a medium density residential environment.*

The proposed twenty-four residential apartments will contain a mixture of one, two and three bedroom units which will contribute to providing a variety of housing types within this Growth Centres region.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development proposes residential accommodation consistent with the character and vision of the R3 Medium Density zone which will provide facilities and housing that meets the day to need of residents within close proximity of local centres, neighbourhood shops and methods of public transport.



4. *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The development will contribute to the community by providing a range of residential apartments where residents will be able to utilise nearby educational, recreational and community facilities as expected within a medium density residential environment.

As noted above, the proposal results in an outcome that does not impact adjoining properties or the medium density character and adjoining land uses within the greater Leppington Precinct. The proposal is generally consistent with other built forms approved and constructed in the Leppington Precinct, contributing to the vision and development objectives set for the area. In addition, the application has been reviewed by Council's Design Review Panel and internal Urban Design Advisor, both of whom were supportive of the scheme, subject to design changes which have been implemented through the assessment of the application.

It is noted that the Panel may assume the concurrence of the Secretary pursuant to Planning Circular PS 20-002.

Consequently, it is recommended that the Panel support this proposed contravention to the Western Parkland City SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

*Referral to Endeavour Energy*

The DA was referred to Endeavour Energy for comment pursuant to Section 2.48 of the Transport and Infrastructure SEPP as overhead powerlines front the site. Endeavour Energy raised no objection to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour Energy technical guidelines and requirements is recommended.

*Referral to Sydney Water*

The DA was referred to Sydney Water for comment to determine serviceability of the site as a result of intensification on services. Sydney Water raised no objection to the development and have provided a letter containing conditions and upgrades required to existing services that will result in adequate servicing of the proposed development.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

The Resilience and Hazards SEPP provides a Statewide planning approach to the remediation of contaminated land. Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the

development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

The site has been remediated and validated under DA/2017/1135/1 and therefore the subject application does not require a contamination assessment. Council's Specialist Support Environmental Health Officer has reviewed the DA and raised no objection to the proposal. A standard contingency condition is recommended that requires any further contamination or unexpected finds found during works to be managed with development consent obtained for remediation.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring impacts of future land uses are considered in a regional context. Council staff are satisfied there will be no detrimental impact on the Hawkesbury-Nepean River system as a result of the development.

These considerations are demonstrated through this report and its accompanying attachments, including recommended conditions to manage erosion, sediment and water pollution control.

#### State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 aims to improve the design quality of residential apartment development and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

The SEPP requires consideration of any development application for residential accommodation meeting the application criteria of the SEPP against the nine design quality principles, including the advice obtained from a design review panel and the ADG.

A copy of the assessment of the proposed development against the design criteria and objectives of the ADG is provided as an attachment to this report, with the assessment revealing that the development is largely consistent with the ADG and the design quality principles.

The proposed development has been assessed against the SEPP's design quality principles as follows:

#### **Principle 1: Context and Neighbourhood Character**

The area is undergoing a transition from rural/rural residential, to an urban character. In consideration of the proposed built form and establishing the future character of Leppington, building height and length coupled with street wall height are essential to create a desired streetscape.

The development is located in a small pocket of R3 Medium Density Residential zoned land on the opposite side of Camden Valley Way from the Willowdale Shopping Centre. The site directly adjoins a number of other residential properties zoned C4 Environmental Living. These lots are larger in size at around 1,000m<sup>2</sup> and provide increased amenity and lifestyle to residents.

The proposed development provides an acceptable built form for the future urban character of the area and will make a positive contribution to that future context. This has been done by achieving general compliance with the relevant planning controls that will also guide the development of that future character and context.

**Principle 2: Built Form and Scale**

The roof design is integrated into the overall built form and massing of the proposal by adding a curved wave effect into the façade on both primary and secondary street frontages. In addition, the development provides varying façade design, colours and materials and horizontal and vertical architectural elements projecting from the main façade to provide articulation and visual interest. The development also accentuates the roof top areas by incorporating roof top planter boxes which will result in an overhanging green wall effect. Accordingly, the design is considered to be of a high standard and of architectural merit.

**Principle 3: Density**

The proposed density does not result in adverse impacts in respect to overshadowing or loss of visual privacy on adjoining properties, nor is the development considered to be an unacceptable built form. Higher densities are considered appropriate in this location given the sites good access to the Willowdale Shopping Centre and public transport.

**Principle 4: Sustainability**

The proposed development will incorporate a number of sustainability features including solar access and natural ventilation consistent with the ADG objectives, attractive landscaped and usable communal open spaces, and compliance with BASIX requirements.

Bicycle storage exists within the development to promote alternative and sustainable transport options to and from the site.

**Principle 5: Landscape**

Proposed landscaping will achieve deep soil zones consistent with the ADG and co-located at ground floor and on the rooftop communal open space areas. The ground floor landscaped area contains a mixture of deep soil zones and landscaped areas for communal open space which has a range of species to line and soften edges of hardstand areas. Amendments to the landscape design has been requested by condition of consent to improve the functionality of landscaped areas and the species and pot sizes proposed to ensure shading is achieved in communal areas. The communal open space area at both ground and rooftop levels include a combination of soft and paved surfaces, providing recreation and social interaction opportunities whilst being overlooked by the proposed apartments for safety and security. In addition, BBQ and picnic areas have been proposed on the rooftop communal open space area bordered by a mixture of species outlining the perimeter of the rooftop. The overall design of landscaped areas will result in functional communal open space areas considered to be inviting and will allow for a range of activities to be pursued.

**Principle 6: Amenity**

The apartment layouts and designs are generally compliant with the ADG design criteria and will provide reasonable amenity for future residents. Winter gardens are proposed

to units facing Heath Road to ensure balcony open space areas can retain visual and acoustic privacy. The winter gardens are provided with glazed openable louvres to allow sunlight to penetrate these areas and allow residents fresh air when desired and peace and quiet when closed, without limiting outlook to the public domain.

**Principle 7: Safety**

The proposed apartment private open space areas and communal open space areas are well defined and legible, defining which areas are private and for communal use. The proposed buildings provide active frontages to all public roads, maximising passive surveillance opportunities. Controlled access will be provided to the proposed buildings via intercoms and key card access. Secure resident parking areas will be provided in the proposed basement.

**Principle 8: Housing Diversity and Social Interaction**

The proposed development will provide a variety of apartment types and sizes, including three adaptable units. The development provides for ground floor and rooftop communal open space areas to allow for a variety of active and passive recreational uses to be enjoyed by the residents of the development.

**Principle 9: Aesthetics**

The development has an interesting and balanced built form, which has been established by varying façade design and horizontal and vertical architectural elements projecting from the main façade to provide articulation and visual interest. A variety of durable, high-quality materials are proposed, including bricked, stacked stone, polished concrete, render with painted finishes and timber vertical features.

***(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

**Draft Environment State Environmental Planning Policy (Draft Environment SEPP)**

The development is consistent with the Draft Environment SEPP in that there will be no unreasonable adverse impacts upon the Hawkesbury-Nepean Catchment as a result of it.

**Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)**

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

***(a)(iii) the provisions of any development control plan***

**Camden Growth Centre Precincts Development Control Plan (Growth DCP)**

An assessment table in which the development is considered against the Growth DCP is provided as an attachment to this report.



The following variations are proposed to the Growth DCP:

- a) *Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length.*

Section 4.3.5 of the Growth DCP (Controls for Residential Flat Buildings) and particularly Table 4-10 requires front setbacks of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length.

The proposed development includes balconies on the ground, first and second floor plus the third floor rooftop which encroaches 1.5m into the 6m front setback along the entire frontage to Heath Road. Whilst this is a non-compliance, the proposed balconies have been converted to winter gardens to achieve acoustic compliance requirements. With this in mind, the balconies will therefore achieve the required visual and acoustic privacy requirements and not be subject to increased noise levels from Heath Road.

The variation does not result in excessive visual bulk / mass, as the architectural design has been modulated and includes curvature in the building façade. Council’s Design Review Panel have reviewed the proposal and are supportive of the architectural form.

The site is constrained by vehicular access being denied to Heath Road and therefore the only option provided by the Leppington ILP is via the local road at the rear. This has limited the opportunities for the design and due to the narrowed entry/exit point on the bend of Batavia Avenue, the building footprint has been moved towards Heath Road.

The proposed variation to the DCP is considered acceptable for the reasons outlined above.

- (a)(iii) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4***

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

- (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

- (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

- (c) the suitability of the site for the development***

As demonstrated by the assessment, the site is considered to be suitable for the development.

As noted in Figure 2 above, there is an existing easement for services (2m wide) that traverses the south western corner of the development site. The proposed residential flat building encroaches across this easement. This matter was raised with the applicant who advised:

*“The easement for the services is no longer required. When we completed the subdivision, there was a power line that went diagonally across the lot which could not be disconnected until the new subdivision power was activated, then we connected the existing house to the new pillar box.”*

The image below provided by the applicant depicts the power line within the easement.



While the applicant submits that this power line is no longer required, for abundant caution and to ensure this matter is appropriately resolved the following deferred commencement condition is proposed:

**“Easement for Services** – *The existing easement for services 2m wide that traverses the south western corner of the site is to be relocated or extinguished. The applicant is to obtain the relevant service providers and/or land owners consent to complete these works (as required). A Section 88E application must be submitted to and approved by Council to facilitate the relocation or extinguishment of this easement. Proof of registration with NSW Land Registry Services must be provided to Council before the consent will be made operative.”*

**(d) any submissions made in accordance with this Act or the regulations**

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 7 March to 20 March 2023 and no submissions were received.

**(e) the public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control

plans and policies. Based on the assessment, the development is consistent with the public interest.

**EXTERNAL REFERRALS**

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Endeavour Energy.	No objection and conditions recommended.
Sydney Water.	No objection and conditions recommended.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval (deferred commencement consent) subject to the terms and conditions attached to this report.

**RECOMMENDED**

That the Panel:

- i. support the applicant’s written request lodged pursuant to Appendix 5 Section 4.6(3) of State Environmental Planning Policy (Precincts - Western Parkland City) 2021 to the contravention of the height of buildings development standard in Section 4.3 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021, and
- ii. approve DA/2023/69/1 for the construction of a part three and part four storey residential flat building containing 24 units with basement car parking and associated site works, subject to the terms and conditions attached to this report for the following reasons:
  - 1. The Panel has considered the written request to contravene State Environmental Planning Policy (Precincts - Western Parkland City) 2021 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Section 4.3 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard in Section 4.3 of State Environmental Planning Policy (Precincts - Western Parkland

City) 2021 and the objectives for development within the R3 Medium Density Residential zone.

2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Precincts - Western Parkland City) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Biodiversity and Conservation) 2021 26 and State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Developments.
3. The development is consistent with the objectives of the Camden Growth Centre Precincts Development Control Plan.
4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

### ATTACHMENTS

1. Recommended Conditions
2. ADG Assessment Table
3. Western Parkland City SEPP Assessment Table
4. Camden Growth Centre Precincts DCP Assessment Table
5. Clause 4.6 written request
6. Architectural Plans



## RECOMMENDED CONDITIONS

### Deferred Commencement Consent

This deferred commencement consent shall not operate until the applicant satisfies Council, in accordance with the *Environmental Planning and Assessment Regulation 2021*, in relation to the matters listed in Schedule A within 5 years of the date of this determination. Upon Council being satisfied as to the matters listed in Schedule A, Council will notify the applicant in writing that the consent has been made operative subject to the conditions listed in Schedule B.

Should Council not be satisfied as to the matters listed in Schedule A within the specified timeframe, this deferred commencement consent will be rendered permanently inoperative.

### Schedule A Condition

- (1) **Deferred Commencement** - The following matters must be complied with to Council's satisfaction:
  - (a) **Easement for Services** – The existing easement for services 2m wide that traverses the south western corner of the site is to be relocated or extinguished. The applicant is to obtain the relevant service providers and/or land owners consent to complete these works (as required). A Section 88E application must be submitted to and approved by Council to facilitate the relocation or extinguishment of this easement. Proof of registration with NSW Land Registry Services must be provided to Council before the consent will be made operative.
  - (b) **Retaining Wall Details** – Detailed information on the proposed retaining wall adjoining 12 Heath Road, Leppington (Lot 21 DP 1173857) must be submitted to and approved by Council. The retaining wall must have a maximum height of 1 metre where it is proposed on the boundary. Should the retaining wall exceed 1 metre in height it must be designed in such a manner that any parts of the retaining wall in excess of 1 metre are setback a minimum of 900mm from the boundary.

### Schedule B Conditions

#### 1.0- General Conditions of Consent

- (1) **Requirements of Infrastructure Authorities** - The requirements from relevant infrastructure authorities must be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Sydney Water: letter dated 6 April 2023; Reference: 205637
  2. Endeavour Energy letter dated 1 March 2023; Reference: CNR-52473
- (2) **Approved Plans and Documents** – The development must be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA000 - Rev: C	Cover Sheet	IDA Design Group	15 December 2023
DA001 - Rev: C	Calculation Sheet		
DA003 - Rev: C	Contextual Analysis		
DA004 - Rev: C	Detailed Site Analysis		
DA005 - Rev: C	ADG Diagrams		
DA006 - Rev: C	ADG Diagrams		
DA008 - Rev: C	Sedimentation Plan		
DA009 - Rev: C	Existing Site Plan		
DA0100 - Rev: C	Proposed Site Plan		
DA101 - Rev: C	Proposed Basement Plan		
DA102 - Rev: C	Proposed Ground		
DA103 - Rev: C	Proposed Level 1 Plan		
DA104 - Rev: C	Proposed Level 2 Plan		
DA105 - Rev: C	Proposed – Communal Open Space		
DA106 - Rev: C	Proposed Roof Plan		
DA201 - Rev: C	Elevations Sheet 1		
DA202 - Rev: C	Elevations Sheet 2		
DA301 - Rev: C	Sections Sheet 1		
DA302 - Rev: C	Sections Sheet 2		
DA400 - Rev: C	Adaptable Unit Layout		
DA501 - Rev: C	Solar Access Plan		
DA502 - Rev: C	Ventilation Diagrams		
DA503 - Rev: C	Dimensioned Plans		
DA504 - Rev: C	Proposed Strata Plan		
DA701 - Rev: C	Shadow Diagrams		
DA801 - Rev: C	Details 1		
DA802 - Rev: C	Details 2		
DA803 - Rev: C	Details 3		
LPDA22-395 Sheet 1- Rev: E	Landscape Plan	Concept Landscape Architect	4 October 2023
LPDA22-395 Sheet 2 -Rev: E	Landscape Plan		
LPDA22-395 Sheet 3 - Rev: E	Landscape Plan		
LPDA22-395 Sheet 4 - Rev: E	Planting Images		
LPDA22-395 Sheet 5 - Rev: E	Detail + Specification		
U22-06-EW01 Rev: A	Bulk Earthworks Plan	Urban Consulting Engineers	7 February 2023
U22-06-SK01 Rev: F	Conceptual Stormwater Plan		2 September 2023
U22-06-SK02 Rev: E	Concept Stormwater Plan Treatment Details		2 September 2023

Document Title	Prepared by	Date
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BCA Report - Ref: BCA23250-R1-1 - Rev: 1.1	Northwest Services	25 January 2023
Waste Management Plan Ref: 1024 - Rev: A	S5 Group Pty Ltd	23 November 2023
Stormwater Management Report Ref: U22-06-SMP - Rev: D	Urban Consulting Engineers	21 November 2022
Traffic and Parking Assessment Report - Ref: 22-069-2	Stanbury Traffic Planning	November 2022
Acoustic Report - Ref: 210685R1 Rev: 6	Rodney Stevens Acoustics	15 December 2023

- (3) **Modified Documents and Plans** - The architectural plans are to be amended as follows:
- a) The north-eastern boundary fence adjoining the medium density development (i.e. six attached dwellings) and the north-western boundary fence adjoining 18 Heath Road is to have a height of 1.8m (reduced from 2.1m).
  - b) A minimum of three electric vehicle charging stations must be provided in the basement level of car parking.
- Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of a Construction Certificate.
- (4) **BASIX Certificate** - The applicant must undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (5) **National Construction Code - Building Code of Australia (BCA)** - All building work must be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (6) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates has given Council written notice of the following:
- a) for work that requires a principal contractor to be appointed:
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
  - b) for work to be carried out 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 the *Home Building Act 1989*, the number of the owner-builder permit.



If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (7) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

- (8) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (9) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (10) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (11) **Construction of Permanent Water Quality Facilities** - Permanent water quality facilities must be constructed:
- a) in accordance with the approved plans; and
  - b) to Council's standards.
- (12) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing

vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (13) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

- (14) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (15) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (16) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (17) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (18) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

**Note.** The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

- (19) **Safer by Design** – The following safer-by-design features shall be incorporated into the approved development:
- a) Effective lighting is to be installed in and around the car parking areas as well as the public / private areas internal and external.
  - b) Doors into Electrical Meter Rooms, to have approved Power Company locks and doors to be kept locked at all times.
  - c) Intercom facilities should be incorporated into the entry/exit points at the front and back of the building to enable residents to communicate and identify with people prior to admitting them to the premises. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
  - d) Bench seating and Common Open space BBQ areas to be maintained.
  - e) Signage needs to be provided at entry/exit points indicating public and private access points and areas throughout the development, to assist users and warn intruders that they will be prosecuted.
  - f) Landscaping close to and around the dwelling should be regularly maintained.
  - g) Lighting should be designed to the Australian and New Zealand Lighting Standards.

## 2.0 - Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.



**Note.** Fees are payable for the lodgement and refund of the bond.

- (2) **Structural Engineer's Details** - The proposed underground OSD & all non-standard (including drainage pits in excess of 2m) structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the impact of Loads imposed and hydraulic flows on the OSD.

The design shall also take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the certifier including a current copy of the Structural Engineer's Professional Indemnity Insurance.

- (3) **Detailed Drainage Design** - A detailed drainage plan and report is to be provided to the certifying authority. All pipe grades, pipe covers, levels and all associated drainage infrastructure are to be designed in accordance with Camden Council Design Specifications and AS3500.

The following detailed drainage information shall be included but not limited to,

- a) Detailing the demolition of drainage infrastructure approved under DA/2021/536 and redirection of this stormwater to permanent facilities;
  - b) Updated and revised plans by Urban consulting engineers and Rise Consulting Engineers titled "16 Heath road" to show consistency in hydraulic/drainage infrastructure;
  - c) OSD outlet information including orifice plate details;
  - d) Connection of basement drainage to water quality facility.
- (4) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
  - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
  - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
  - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (5) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.
- (6) **New Inter-Allotment Drainage Connection Pit** – The following information shall be provided to the accredited certifier with the Construction Certificate application:
- a) a stormwater plan designed by a suitably qualified civil/hydraulic engineer that includes a new pit to be constructed within the easement of lot 39. The plan is to include details of the pit construction, connections to the pit and the drainage lines to the pit, and
  - b) a design certificate from the suitably qualified civil/hydraulic engineer certifying that the stormwater plan complies with all relevant aspects of Council's Engineering Specifications and AS 3500.3 and that it will not adversely impact upon the drainage capability of the existing stormwater system within the drainage easement.
- (7) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.
- Note.** Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.
- (8) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the certifier with the Construction Certificate application.
- (9) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book')'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (10) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Works Application shall be obtained from the roads authority in accordance with Section 138 of the *Roads Act 1993*.

- (11) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
- (12) **Car Park Noise Control** – All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.
- Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (13) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

- a) Trees shall be sourced in minimum of 100 litre container stock.
- b) *Syzygium paniculatum* to be substituted with either *Corymbia citriodora* 'Scentuous', *Corymbia eximia* 'Nana' or *Acer rubrum* 'October Glory'.
- c) Trees sourced in accordance with the tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use.
- d) Landscaping shall incorporate the relevant ESD and WSUD principals as outlined in Camden Growth Centres DCP Cl. 6.5, and co-ordinate this with stormwater.
- e) Installation of trees to be in accordance with clause B.2.3, Appendix B of Camden DCP 2019 and Council's Engineering Design Specifications including root barrier installed 450-600 mm deep by minimum of 1.5 m wide, installed between tree and kerb and footpaths.
- f) Green walls are to be incorporated into landscape treatment. They must be maintained by building management in perpetuity.
- g) Trees planted within or adjacent to hardstand areas to include StrataCell (or equivalent root management systems) or structural soil or be substituted with an alternative. Where a StrataCell is used it must be provided with integrated sub-surface irrigation and conditioned soil to a minimum cell area of 30m<sup>3</sup> (the exact soil volume is to be calculated based on the relevant species using the manufacturer's specifications), and within the projected mature canopy spread/dripline of proposed trees, or no less than 5m from trunks. Where tree spacing is less than 5m, the StrataCell system must be provided to the entire hardstand area.

- h) Trees must be True to type, healthy and free from any active pests or diseases, the crown is to be symmetrical and has not suffered any significant injury that will impact growth habit.
  - i) Trees when installed must have a clean stem height that is less than 40% of total tree height and that branches are smaller than the stem.
- (14) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:
- a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
  - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier.

- (15) **Plumbing and Ductwork** – All plumbing and ductwork (including stormwater downpipes) must be concealed within the outer walls of the building so that it is not visible. Plans and elevations detailing the method of concealment must be submitted to the certifier with the Construction Certificate application.
- (16) **Design Quality Statement (Construction)** - A statement from a qualified designer verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, must be submitted to the certifier with the Construction Certificate application.
- (17) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.
- Note.** A fee is payable for the lodgement of the bond.
- (18) **Long Service Levy** - In accordance with the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council. This applies to building and construction works with a cost of \$250,000 or more.
- (19) **Fill Plan** - If at any time the neighbouring development DA/2021/536/1 completes the construction of their temporary basin, an amended fill plan addressing new levels will be required to be submitted to the certifying authority.



- (20) **Section 7.11 Contributions – Monetary (Leppington Precinct)** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Growth Areas Contributions Plan (Leppington Precinct (LP)) - Essential Infrastructure	<i>Open Space &amp; Recreation - Land</i>	\$17,826 per lot or dwelling	\$427,824.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	<i>Open Space &amp; Recreation - Works</i>	\$4,947 per lot or dwelling	\$118,728.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Community Facilities Land	\$785 per lot or dwelling	\$18,840.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Roads Land	\$62,066 per net developable hectare	\$12,581.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Roads Works	\$282,764 per net developable hectare	\$57,316.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Drainage Land	\$410,136 per net developable hectare	\$83,135.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Drainage Works	\$154,505 per net developable hectare	\$31,318.00
		\$9,006	\$1,826.00

Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Plan Administration Allowance	per net developable hectare	
<b>TOTAL CONTRIBUTIONS</b>			<b>\$751,568.00</b>

A copy of the Leppington Precinct Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue, Oran Park or can be accessed on Council's website at [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (21) **Section 7.11 Contributions – Works In Kind** - Section 7.11 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.
- (22) **Special Infrastructure Contribution** - A special infrastructure contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Evidence of payment of the SIC shall be provided to Council and the certifier.

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

#### **More information**

A request for assessment by the Department of Planning and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).

### **3.0 - Prior to Commencement of Works**

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.

- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
  - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
  - b) a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;

- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builders intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
  - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report – Adjoining Property** – A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.
- a) 18 Heath Road, Leppington
  - b) 12 Heath Road, Leppington

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the principal certifier in such circumstances.

- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure



within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (12) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.
- (13) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (14) **Site and Environmental Management Plans** – In accordance with the approved remediation action plan, an environmental management plan and occupational health and safety plan that addresses all relevant legislative requirements and environmental effects is required to be completed prior to the commencement of remediation works. The plan is to be provided by the remediation contractor and recognise all remediation requirements of the remediation action plan.
- (15) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;
- g) work, health and safety; and

- h) community consultation.
- (16) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- a) noise mitigation measures;
  - b) noise and/or vibration monitoring;
  - c) use of respite periods;
  - d) complaints handling; and
  - e) community liaison and consultation.
- (17) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (18) **Salinity Management Plan** – A Salinity management plan to address the future construction of the residential flat building, including basement car parking must be provided prior to works commencing. The plan must reflect identified salinity characteristics that includes aggressivity of soils to concrete and steel. Development that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the final approved Salinity Management Plan.

#### 4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
  - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks. The stormwater drainage is to be installed as per the approved hydraulic drainage plan. Stormwater must be clear of and not impact upon the effluent management area as shown on the approved sustainable effluent management plan.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **Site Management** - The following practices are to be implemented during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;

- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
    - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond ground floor level stage.
- (6) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the principal certifier prior to the development proceeding beyond frame stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (9) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
- "WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."*
- The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (10) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (11) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;



- the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (12) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (13) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (14) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (15) **Noise During Work** - Noise levels emitted during works must comply with:
- (a) Construction period of 4 weeks and under:
- The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- (b) Construction period greater than 4 weeks and not exceeding 26 weeks:
- The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- (c) Construction period greater than 26 weeks:
- The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).
- Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.
- (16) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (19) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, an assessment report and sampling location plan for such material must be provided to and approved by the principal certifier.

The assessment report and associated sampling location plan must:

- a) be prepared by a contaminated land specialist; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
  - i) provides no unacceptable risk to human health and the environment;
  - ii) is free of contaminants;
  - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
  - iv) is suitable for its intended purpose and land use; and
  - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m<sup>3</sup> - 3 sampling locations; and
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

**Note** – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (20) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (21) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the approved Construction Noise Management Plan.
- (22) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (23) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (24) **Salinity Management Plan** - The residential flat building shall be constructed in accordance with the salinity management plan approved by the consent authority.
- (25) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
  - any requirements of Heritage NSW must be implemented.
- (26) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
- all excavation or disturbance of the area must stop immediately in that area,

- Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and
  - any requirements of Heritage NSW must be implemented.
- (27) **Noise Attenuation to Ground and Basement Car Parking** - The ground and basement car park ceiling should be fitted with absorption material/panels with a Noise Coefficient NCR of 0.7 to absorb noise emissions from the car park and people noise.
- (28) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

### 5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **Compliance with Acoustic Requirements** - Compliance with Acoustic Requirements Noise Assessment proposed residential Multi Storey Residential Development - 16 Heath Road, Leppington, prepared by Rodney Stevens Acoustics Report 210685R1 (Revision 6), dated 15 December 2023.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval.
- (4) **Work As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94 / MGA Zone 56.
- (5) **Section 88E Instrument** - The applicant shall prepare a Section 88E Instrument of the *Conveyancing Act 1919* for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) Easement to Drain Water
  - b) Easement to Onsite Detention
- (6) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (7) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** – A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.



The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures.
- b) the proprietor shall have the facilities inspected annually by a competent person.
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with NSW Land Registry Services shall be provided to and approved by the principal certifier prior to the issue of an Occupation Certificate.

- (8) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (9) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminum composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

- (10) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The

POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the principal certifier for approval.

- (11) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (12) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the principal certifier stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate shall accompany the Works as Executed plans.
- (13) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (14) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (15) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (16) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (17) **Design Quality Statement (Occupation)** - A statement from a qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, must be submitted to the principal certifier.
- (18) **Rooftop Communal Area** – A 1m high barrier on the northern, eastern and southern side of the rooftop shall be constructed with a surface density of 10-15kg/m<sup>2</sup> as detailed in the approved acoustic report titled "Noise Assessment proposed residential Multi Storey Residential Development -16 Heath Road, Leppington prepared by Rodney Stevens Acoustics Report 210685R1 (Revision 6), dated 15 December 2023" section 5.4 and figure 5-1.
- (19) **Electric Vehicle Charging** – Electric vehicle charging stations must be provided for at least three car parking spaces within the basement level in accordance with the approved plans.

#### 6.0 - Prior to Issue of a Strata Plan of Subdivision

The following conditions of consent shall be complied with prior to the issue of a Strata Plan.

- (1) **Strata Plan of Subdivision** - Sections 37 and 37A of the *Strata Schemes (Freehold Development) Act 1973* require an application to be provided to Council or a principal certifier for approval prior to the issue of the certified strata plan of subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent DA/2023/69/1, and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

**Note:** The final strata plan of subdivision shall be prepared to a quality suitable for lodgement with the NSW Land Registry Services.

- (2) **Restriction on Issue of Strata Plan of Subdivision** - Prior to the issue of any strata plan of subdivision associated with this development consent DA/2023/69/1 an Occupation Certificate for the building must be issued by the principal certifier. Documentary evidence of the issue of the Occupation Certificate must be provided in conjunction with the application for the strata plan of subdivision.
- (3) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (4) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.

#### 7.0 - Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock shall be used for loading and unloading operations in connection with the approved use.
- (4) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (5) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (6) **No Waste to Be Stored Outside of the Site** - No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (7) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.

- (8) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (9) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (10) **Rooftop Communal Area** – That the rooftop communal area shall have no more than 70 people at any one time. The area shall only be open during the day and evening periods of 7am-10pm. No Speakers shall be used after 6.00pm.
- (11) **Electric Vehicle Charging** – The electric vehicle charging stations must be maintained for the life of the development.
- (12) **Waste Collection Vehicles** - Waste collection vehicles must not obstruct the basement ramp at any time.
- (13) **Vehicle Access Denied** – Vehicle access to Heath Road is denied. Access via Heath Road is limited to pedestrians.



## Apartment Design Guide (ADG) Assessment Table

Objective	Assessment	Achieved?
<p><b>3A-1 Site Analysis</b> Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</p>	<p>The DA was accompanied by a Site Analysis Plan which denotes the following key features within the development site:</p> <ul style="list-style-type: none"> <li>• Providing driveway access via Batavia Avenue as Heath Road is access denied (given proximity of slip lane to Camden Valley Way intersection).</li> <li>• Providing a pedestrian connection through the site to provide stronger connections to adjoining land uses. This will increase pedestrian activity through and around the site, contributing to passive surveillance.</li> <li>• As the site is located near Willowdale Shopping Centre, sufficient bicycle parking will be made available to residents, reducing the reliance for private motor vehicles.</li> </ul>	Yes
<p><b>3B-1 Orientation</b> Building types and layouts respond to the streetscape and site whilst optimising solar access within the development.</p>	<p>The building will have street frontage / presentation to Heath Road on the southern elevation and Batavia Avenue to the north.</p> <p>The development has been orientated to allow sunlight to penetrate the perimeter communal open space areas located on the ground and the rooftop as, well as private courtyards/balconies on all elevations.</p> <p>South facing ground floor apartments will have direct street access through individual courtyards to Heath Road.</p>	Yes
<p><b>3B-2 Orientation</b> Overshadowing of neighbouring properties is minimised during mid-winter.</p>	<p>The development site has a north / south orientation to Heath Road and Batavia Avenue, which will result in some overshadowing to adjoining properties to the south-east, however the majority of the overshadowing will be over Heath Road.</p>	Yes
<p><b>3C-1 Public Domain Interface</b> Transition between private and public domain is achieved without compromising safety and security.</p>	<p>Front fencing consisting of a 1m masonry and 500mm aluminium slats to be partially open styled to ensure that the public domain is not dominated by solid fencing. This will also assist in differentiating between private and public areas of the development.</p>	Yes
<p><b>3C-2 Public Domain Interface</b> Amenity of the public domain is retained and enhanced.</p>	<p>The surrounding sites are mostly vacant or contain existing dwellings (prior to rezoning), with the exception being the six attached dwellings being constructed to the northwest.</p> <p>All surrounding ILP roads are constructed. Heath Road is a collector road which the site does not have vehicular access to or from. Vehicular access is gained from Batavia Avenue.</p>	Yes

	The development will result in the amenity being retained to its envisaged medium density character.	
<b>3D-1 Communal and Public Open Space</b> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Several areas for communal open space are proposed both at ground floor and on the rooftop. Sufficient landscaping has been provided around the perimeter of the building.	Yes
<b>3D-1 Communal and Public Open Space - Design Criteria</b> Communal open space has a minimum area equal to 25% of the site area.  Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (mid-winter).	Site Area – 2,027m <sup>2</sup> Minimum requirement – 506.75m <sup>2</sup>  Proposed area – 893.75m <sup>2</sup> / 2,027m <sup>2</sup> = 44.02%  50% of the principal usable part of the communal open space area (when combined ground/rooftop) will receive sunlight between 9am and 12pm.	Yes
<b>3D-2 Communal and Public Open Space</b> Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Communal open space provides a paved area to allow for passive and active recreation, hardstand areas, BBQ facilities and outdoor covered seating, with trees proposed throughout for shading opportunities. The design of the communal open space area is considered to be inviting and will allow for a range of activities to be pursued.	Yes
<b>3D-3 Communal and Public Open Space</b> Communal open space is designed to maximise safety.	Communal open space areas are defined and legible and are overlooked by upper apartments and other lobby areas reinforcing safety through casual surveillance.	Yes
<b>3E-1 Deep Soil Zones</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Deep soil zones are located along the north-eastern/south-eastern perimeter of buildings, including a large continuous pocket of deep soil co-located within the eastern communal open space area.	Yes
<b>3E-1 Deep Soil Zones - Design Criteria</b> Deep soil zones are to meet the following minimum requirements:  <u>Site area &gt;1,500m<sup>2</sup></u>  Minimum dimensions of 6m and 7% of site area.	Site Area – 2,027m <sup>2</sup> Minimum Requirement – 141m <sup>2</sup> Minimum dimensions – 6m  Proposed Area – 125m <sup>2</sup> / 6.7% Minimum dimensions – 6m x 20.83m  A minor non-compliance to this control is considered acceptable as the area where deep soil zones are proposed could have been extended and increased in size however this area was the most suitable for the underground OSD tank required to service the development.	<b><u>No – minor non-compliance</u></b>
<b>3F-1 Visual Privacy</b>		Yes

<p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p>	<p>With the exception of a minor encroachment on the Heath Street frontage, the development achieves all required building setbacks (as per the DCP) and has preserved the visual and acoustic privacy of new residents and existing properties through the building design.</p>	
<p><b>3F-1 Visual Privacy - Design Criteria</b>          Separation distance between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distance from buildings to the side and rear boundaries are as follows:</p> <p><u>Building up to 12m (4 storeys)</u>          6m between habitable rooms and balconies, 3m between non-habitable rooms.</p> <p>Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distance between neighbouring properties.</p>	<p>Only one residential flat building is proposed. The adjoining attached dwellings are located 7.035m to the nearest point of the residential flat building.</p> <p>All habitable rooms between both the residential flat building and the adjoining attached dwellings have at least 7.035m of separation from balconies and 9.035m from habitable rooms.</p> <p>The nearest adjoining attached dwelling was designed with the expectation of a residential flat building being built on the subject site. The design of that dwelling ensured that no bedrooms or living areas are overlooked by the residential flat building.</p>	<p>Yes</p>
<p><b>3F-2 Visual Privacy</b>          Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>The building design allows for the development to maintain suitable privacy to habitable rooms by way of building setbacks and window placement.</p> <p>Ground floor terrace areas contain private courtyards which are accessed through enclosed winter gardens (Heath Road facing units) or side/rear facing balconies which are separated from communal open space areas through fencing and landscaping.</p> <p>Upper floors contain balconies around the exterior which are protected by private balconies reducing overlooking into bedrooms from the public domain.</p>	<p>Yes</p>
<p><b>3G-1 Pedestrian Access and Entries</b>          Building entries and pedestrian access connects to and addresses the public domain.</p>	<p>Building entries are provided from both primary and secondary street frontages. Pedestrian pathways connecting communal open space areas lead to pedestrian footways within the road reserves and into the public domain with easy wayfinding from lobby areas.</p>	<p>Yes</p>
<p><b>3G-2 Pedestrian Access and Entries</b>          Access, entries and pathways are accessible and easy to identify.</p>	<p>All building entrances are well defined through architectural elements. All entrances are level to the footpaths to provide equitable access. Wayfinding is</p>	<p>Yes</p>

	centralised from lift and lobby areas at ground floor for easy access.	
<p><b>3H-1 Vehicle Access</b></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The proposed vehicle access to the basement (entry/exit) is located off the secondary street, namely Batavia Avenue.</p> <p>This site has limited vehicular access due to Heath Road being access denied and the sites irregular frontage to Batavia Avenue.</p> <p>Pedestrian and vehicle movements have been separated by design for improved safety.</p>	Yes
<p><b>3J-1 Bicycle and Car Parking</b></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</p>	<p>A single level of basement parking is proposed, which provides for occupant and visitor parking. 13 bicycle spaces are provided along with storage cages for units.</p>	Yes
<p><b>3J-1 Bicycle and Car Parking - Design Criteria</b></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area, or</li> <li>on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.</li> </ul> <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking need for a development must be provided off-street.</p>	<p>The development site is zoned R3 Medium Density Residential and is greater than 800 metres from Leppington Railway Station.</p> <p>Car parking on site has been provided in accordance with Camden Growth Centre Precincts Development Control Plan.</p>	Yes
<p><b>3J-2 Bicycle and Car Parking</b></p> <p>Parking and facilities are provided for other modes of transport.</p>	<p>13 bicycle spaces are allocated in the basement.</p> <p>4 motorcycle spaces are allocated in the basement.</p>	Yes
<p><b>3J-3 Bicycle and Car Parking</b></p> <p>Car park design and access is safe and secure.</p>	<p>All car parking is provided within the basement level, located behind roller shutters with controlled access points to gain entry.</p>	Yes
<p><b>3J-4 Bicycle and Car Parking</b></p> <p>Visual and environmental impacts of underground car parking are minimised.</p>	<p>All parking is proposed within the basement level, mitigating visual impacts of large hardstand areas from the streetscape.</p>	Yes
<p><b>4A-1 Solar and Daylight Access</b></p> <p>To optimise the number of apartments receiving sunlight to habitable rooms,</p>	<p>This objective has been achieved through compliance with the applicable design criteria, supplemented by consistency with the applicable design guidance.</p>	Yes



primary windows and private open space.		
<p><b>4A-1 Solar and Daylight Access - Design Criteria</b> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.</p>	<p>18/24 = 75%</p> <p>2/24 = 8% - Units 1.07 and 2.07 will not receive direct sunlight mid-winter between 9am and 3pm for a period of 2 hours between 9am and 3pm.</p>	Yes
<p><b>4A-3 Solar and Daylight Access</b> Design incorporates shading and glare control, particularly for warmer months.</p>	The building design contains wrap around balconies which assist in ensuring that sufficient shading to habitable rooms is achieved.	Yes
<p><b>4B-1 Natural Ventilation</b> All habitable rooms are naturally ventilated.</p>	The depths for all proposed habitable rooms are reasonable to support natural ventilation.	Yes
<p><b>4B-2 Natural Ventilation</b> The layout and design of single aspect apartments maximises natural ventilation.</p>	A combination of single aspect and cross through units are proposed, including corner units.	Yes
<p><b>4B-3 Natural Ventilation</b> The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.</p>	A combination of single aspect and cross through units are proposed, including corner units.	Yes
<p><b>4B-3 Natural Ventilation - Design Criteria</b> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be naturally ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	At least 60% have demonstrated that they will be naturally cross ventilated.	Yes
<p><b>4C-1 Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access.</p>	This objective has been achieved through compliance with the applicable design criteria, supplemented by consistency with the applicable design guidance.	Yes
<p><b>4C-1 Ceiling Heights - Design Criteria</b> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>		

<p><u>Habitable rooms</u> 2.7m.</p> <p><u>Non-habitable rooms</u> 2.4m.</p> <p><u>Two storey apartments</u> 2.7m for main living area floor.</p> <p>2.4m for second floor, where its area does not exceed 50% of the apartment area.</p>	<p>3.1m floor to floor heights are proposed on habitable levels.</p> <p>3.1m ceiling height indicates that a minimum 2.7m ceiling height is achieved on all habitable floor levels.</p>	<p>Yes</p> <p>Yes</p>
<p><b>4C-2 Ceiling Heights</b> Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>All habitable floors contain a minimum ceiling height of 2.7m as 3.1m are shown between floor to floor heights on section plans. Bulkheads will be minimised as much as possible. Flat ceilings will exist in living areas and bedrooms.</p>	<p>Yes</p>
<p><b>4D-1 Apartment Size and Layout</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p>	<p>This objective has been achieved through compliance with the applicable design criteria.</p>	<p>Yes</p>
<p><b>4D-1 Apartment Size and Layout - Design Criteria</b> Apartments are required to have the following minimum internal areas:</p> <p><u>Studio</u> 35m<sup>2</sup>.</p> <p><u>One bedroom</u> 50m<sup>2</sup>.</p> <p><u>Two bedroom</u> 70m<sup>2</sup>.</p> <p><u>Three bedroom</u> 90m<sup>2</sup>.</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>Every habitable room must have a window in an external wall with a total</p>	<p>No studio units proposed.</p> <p>One bedroom: All one-bedroom apartments exceed 50m<sup>2</sup>, on ground floor Unit 1.02 is a one bedroom + study and is 90m<sup>2</sup> which exceeds requirements.</p> <p>Two bedrooms: All two-bedroom apartments exceed the 70m<sup>2</sup> requirement. All two-bedroom units contain two bathrooms and provide an additional 5m<sup>2</sup> as required by the ADG and therefore all exceed 75m<sup>2</sup> in area.</p> <p>Three bedrooms: All three-bedroom apartments exceed the 90m<sup>2</sup> requirement. All three-bedroom units contain two bathrooms and provide an additional 5m<sup>2</sup> as required by the ADG and therefore all exceed 95m<sup>2</sup> in area.</p> <p>Achieved as per above.</p> <p>No four-bedroom units are proposed.</p>	<p>Yes</p>

minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have external walls containing glazing with a total minimum glass area of not less than 10% of the floor area of the room.	
<b>4D-2 Apartment Size and Layout</b> Environmental performance of the apartment is maximized.	All apartments have demonstrated compliance with the requires sizes and produce functional layouts that improve liveability for future occupants.	Yes
<b>4D-2 Apartment Size and Layout - Design Criteria</b> Habitable room depths are limited to a maximum of 2.5 x the ceiling height.  In open plan layout (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The proposed habitable room ceiling heights are 2.7m. 2.5m x 2.7m = 6.75m maximum permitted habitable room depth.  Units all demonstrate open plan layouts which show the maximum habitable room depth is 8m from a window.	Yes
<b>4D-3 Apartment Size and Layout</b> Apartment layouts are designed to accommodate a variety of household activities and needs.	This objective has been achieved through compliance with the applicable design criteria.	Yes
<b>4D-3 Apartment Size and Layout - Design Criteria</b> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space), Bedrooms have a minimum dimension of 3m (excluding wardrobe space).  Living rooms or combined living/dining rooms have a minimum width of:  <u>One bedroom apartments</u> 3.6m.  <u>Two or three bedroom apartments</u> 4m.  The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All units provide a minimum 10m <sup>2</sup> for master bedrooms.  All other bedrooms are a minimum 3m x 3m clear of the wardrobe equalling 9m <sup>2</sup> in size.  All one bedroom units demonstrate a minimum width of 3.6m to living areas.  All two or three bedroom units demonstrate a minimum width of 4m to living areas.  Achieved by design.	Yes  Yes  Yes  Yes
<b>4E-1 Private Open Space and Balconies</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	This objective has been achieved through compliance with the applicable design criteria to ensure residential amenity is achieved.	Yes
<b>4E-1 Private Open Space and Balconies - Design Criteria</b> All apartments are required to have primary balconies as follows:  <u>Studio apartments</u> 4m <sup>2</sup> .  <u>One bedroom apartments</u>	N/A	N/A

8m <sup>2</sup> with a minimum depth of 2m.	All one bedroom balconies have a minimum balcony area of 8m <sup>2</sup> and depth of 2m and exceed requirements.	Yes
<u>Two bedroom apartments</u> 10m <sup>2</sup> with a minimum depth of 2m.	All two bedroom balconies have a minimum balcony area of 10m <sup>2</sup> and 2m depth, with the exception of three units (U1.06, U2.06 and U3.06) which propose a balcony size of 15m <sup>2</sup> (in excess of the requirement) but propose minor breaches to this control as the balcony depth varies from 2.1m down to 1m.  In addition to the 15m <sup>2</sup> balcony U1.06 has a private courtyard of 32m <sup>2</sup> for POS and open space activity.  In addition to the 15m <sup>2</sup> balcony U3.06 has a private courtyard on the rooftop of 60m <sup>2</sup> for POS and open space activity.	Yes
<u>Three+ bedroom apartments</u> 12m <sup>2</sup> with a minimum depth of 2.4m.	All three bedroom balconies exceed the minimum 12m <sup>2</sup> and propose 30m <sup>2</sup> balconies for POS. Whilst the dimensions are only 2m, the sizes of the balcony are excessive and make up for the shortfall in width.  In addition to the 30m <sup>2</sup> balcony U1.08 has a private courtyard of 110m <sup>2</sup> for POS and open space activity.  In addition to the 30m <sup>2</sup> balcony U3.08 has a private courtyard on the rooftop of 110m <sup>2</sup> for POS and open space activity.	Yes
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	The ground floor balconies facing Heath Road (U1.01, U1.06, U1.07 and U1.08) all meet the minimum 15m <sup>2</sup> balcony size however fall short of the 3m depth. To make up for this they all have private courtyards with a minimum additional 3m depth for POS activity.  The remaining ground floor units (U1.02, U1.03, U1.04 and U1.05) have balconies of the size required by the ADG however are only 2 – 2.1m in depth. Whilst these units do not have private courtyards, they do benefit from fronting communal open space to provide additional amenity.	Yes
<b>4E-2 Private Open Space and Balconies</b> Primary private open space and balconies are appropriately located to enhance liveability for residents.	The apartment terraces and balconies will be located adjacent to living areas, therefore extending the apartments' living spaces.	Yes
<b>4E-3 Private Open Space and Balconies</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	The location and design of balconies been used to articulate the building facades, to promote visual interest, and to reinforce vertical and horizontal architectural elements projecting from the façade.	Yes
<b>4E-4 Private Open Space and Balconies</b> Private open space and balcony design maximizes safety.	The design of the proposed balconies and terraces will achieve a good level of safety.	Yes
<b>4F-1 Common Circulation and Spaces</b>		



Common circulation spaces achieve good amenity and properly service the number of apartments.	This objective has been achieved through compliance with the applicable design criteria, supplemented by consistency with the applicable design guidance.	Yes
<b>4F-1 Common Circulation and Spaces - Design Criteria</b> The maximum number of apartments off a circulation core on a single level is eight.	8 are proposed.	Yes
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A
<b>4F-2 Common Circulation and Spaces</b> Common circulation spaces promote safety and provide for social interaction between residents.	Ground floor lobbies allow direct, clear and legible access from the street and through to the central communal open space area. Adjacent to building lobbies are mailboxes and circulation areas to enable social interaction between residents.	Yes
<b>4G-1 Common Circulation and Spaces</b> Adequate, well designed storage is provided in each apartments.	Adequate storage areas exist for all apartments.	Yes
<b>4G-1 Common Circulation and Spaces - Design Criteria</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <u>Studio apartments</u> 4m <sup>3</sup> . <u>One bedroom apartments</u> 6m <sup>3</sup> . <u>Two bedroom apartments</u> 8m <sup>3</sup> . <u>Three+ bedroom apartments</u> 10m <sup>3</sup> . At least 50% of the required storage is to be located within the apartment.	All apartments meet the minimum storage requirements for their respective number of bedrooms, however not all units comply with the 50% of the required storage being located within the apartment. There are minor non-compliances with this control between 1-2m <sup>2</sup> shortfall within the apartment.	Yes – with minor breaches.
<b>4G-2 Common Circulation and Spaces</b> Additional storage is conveniently located, accessible and nominated for individual apartments.	Secure basement storage is provided at the rear of all car parking spaces and throughout the basement level.	Yes
<b>4H-1 Acoustic Privacy</b> Noise transfer is minimized through the siting of buildings and building layout.	Internally, similar room types have been co-located where possible to mitigate noise transfer.	Yes
<b>4H-2 Acoustic Privacy</b> Noise impacts are mitigated within apartments through layouts and acoustic treatments.	The proposed layouts will adequately mitigate any potential noise impacts within apartments.	Yes
<b>4J-1 Noise and Pollution</b> In noisy or hostile environments the impacts of external noise and pollution are minimized through the careful siting and layout of buildings.	Units with balconies to Heath Road will be subject to road noise. Enclosed balconies / winter gardens are proposed for units fronting Heath Road to ensure road noise does unreasonably impact on residential amenity.	Yes
<b>4J-2 Noise and Pollution</b>		

Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	To mitigate noise from Camden Valley Way and Heath Road, winter gardens are proposed to reduce acoustic noise to units.	Yes
<b>4K-1 Apartment Mix</b> A range of apartment types and sizes is provided to cater for different household types now and into the future.	The proposed development consists of the following unit mix: 5 x 1 bedroom units 16 x 2 bedroom units 3 x 3 bedroom units	Yes
<b>4K-2 Apartment Mix</b> The apartment mix is distributed to suitable locations within the building.	Apartment types are mixed throughout the development.	Yes
<b>4L-1 Ground Floor Apartments</b> Street frontage is maximized where ground floor apartments are located.	Direct street access to ground floor terraces is provided where fronting Heath Road. All other ground floor apartments have easy access through central corridors and pedestrian pathways to both street frontages.	Yes
<b>4L-2 Ground Floor Apartments</b> Design of ground floor apartments delivers amenity and safety for residents.	Each ground floor terrace is provided with fencing and landscaping to reinforce private areas from communal areas.	Yes
<b>4M-1 Facades</b> Building facades provide visual interest along the street while respecting the character of the local area.	The development includes compliant setbacks to all boundaries, varying façade design and horizontal and vertical architectural elements projecting from the main façade to provide articulation and visual interest.	Yes
<b>4M-2 Facades</b> Building functions are expressed by the façade.	All building entrances are well defined through architectural elements to enable easy identification from both street frontages. The development accentuates the corners of the building and at ground floor contains glazed winter gardens creating urban markers at these corners.	Yes
<b>4N-1 Roof Design</b> Roof treatments are integrated into the building designed and positive respond to the streets.	The roof design is integrated into the overall built form and massing demonstrating corner elements and the grouped winter gardens and balconies (side and rear elevations) along the ground floor units fronting Heath Road.	Yes
<b>4N-2 Roof Design</b> Opportunities to use roof space for residential accommodation and open space are maximized.	The development proposes to utilise the rooftop for both communal open space and allocated courtyards for third floor unit owners.	Yes
<b>4N-3 Roof Design</b> Roof design incorporates sustainability features.	Roof areas will be thermally insulated to maximise thermal comfort to the upper most apartments.	Yes
<b>4O-1 Landscape Design</b> Landscape design is viable and sustainable.	Council staff have assessed the proposed landscaping design and are generally satisfied with the scheme (subject to the submission of an amended landscape plan with minor amendments prior to the issue of any Construction Certificate).	Yes
<b>4O-2 Landscape Design</b> Landscape design contributes to the streetscape and amenity.	The landscape plan provides sustainable plant species to both the rooftop and ground floor communal	Yes

	and private open space areas. The landscape design contributes to streetscape and amenity of the direct locality with the addition of street trees and private courtyard landscaping.	
<b>4P-1 Planting on Structures</b> Appropriate soil profiles are provided.	The landscape plan meets all ADG and Council DCP landscaping controls.	Yes
<b>4P-2 Planting on Structures</b> Plant growth is optimized with appropriate selection and maintenance.	Suitable species have been chosen.	Yes
<b>4P-3 Planting on Structures</b> Planting on structures contributes to the quality and amenity of communal and public open spaces.	The landscape plan demonstrates overhanging green species to the perimeter of the rooftop.	Yes
<b>4Q-1 Universal Design</b> Universal design features are included in apartment design to promote flexible housing for all community members.	Apartments are capable of achieving compliance with this control. All units have demonstrated they have adequate access to communal and public areas, best available access to solar access, preserved privacy and functional layout.	Yes
<b>4Q-2 Universal Design</b> A variety of apartments with adaptable designed are provided.	3 units have been designed to be adaptable.	Yes
<b>4Q-3 Universal Design</b> Apartment layouts are flexible and accommodate a range of lifestyle needs.	The development offers a diverse range of apartment types and areas.	Yes
<b>4U-1 Energy Efficiency</b> Development incorporates passive environmental design.	Passive environmental design features include large tree plantings for shading and enabling natural light to penetrate living rooms.	Yes
<b>4U-2 Energy Efficiency</b> Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.	Buildings have been orientated to the existing road network being Heath Road and Batavia Avenue. This enables facades to face different aspects and to receive solar gain and shading at different times of the day.	Yes
<b>4U-3 Energy Efficiency</b> Adequate natural ventilation minimises the need for mechanical ventilation.	Natural ventilation is the predominant source of air intake. Some mechanical ventilation may be required to some units when windows are closed to meet internal noise criteria.	Yes
<b>4V-1 Water Management and Conservation</b> Potable water use is minimised.	Water efficient devices are proposed through BASIX Commitments.	Yes
<b>4V-2 Water Management and Conservation</b> Urban stormwater is treated on site before being discharged to receiving waters.	MUSIC Modelling results indicate that the development will well exceed water targets required by Camden Growth Centre Precincts Development Control Plan.	Yes
<b>4W-1 Waste Management</b> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	A bin holding room is located on the eastern façade at the ground level which is accompanied by basement waste storage rooms to service the development.  This particular site has limited options for waste collection due to Heath Road having denied vehicle	Yes

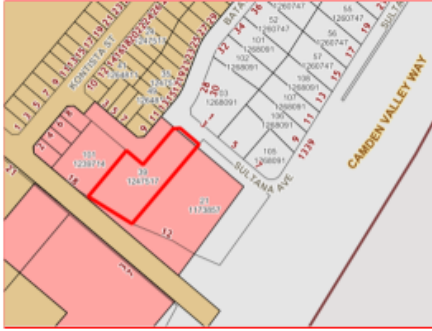
	<p>access and given the limited frontage to Batavia Avenue.</p> <p>The design has been amended to ensure the waste vehicle will not block the entry/exit ramp to the basement and is safe when considering vehicle manoeuvres and pedestrians.</p>	
<p><b>4W-2 Waste Management</b> Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>Separate recycling cupboards and waste chutes are provided within the development to allow the transfer of waste to storage areas within the basement for collection.</p>	Yes
<p><b>4X-1 Building Maintenance</b> Building design detail provides protection from weathering.</p>	<p>Robust building materials consisting of glazing and masonry have been selected for maintenance and durability. External materials have been applied to the balconies to provide additional protection from weathering.</p>	Yes
<p><b>4X-2 Building Maintenance</b> Systems and access enable ease of maintenance.</p>	<p>Service areas of the development, which include lifts, plant rooms and waste rooms are easily accessible to allow routine maintenance to be undertaken.</p>	Yes
<p><b>4X-3 Building Maintenance</b> Material selection reduces ongoing maintenance costs.</p>	<p>A combination of finished and pre-finished materials have been chosen for external façade. This includes large areas of brickwork.</p>	Yes



**State Environmental Planning Policy (Precincts – Western Parklands City) 2021 – Appendix 5 Camden Growth Centres Precinct Assessment Table**

State Environmental Planning Policy (Precincts – Western Parklands City) 2021 – Appendix 5 Camden Growth Centres Precinct		
Section	Assessment	Compliance
<p><b>2.2 Zoning of land to which Precinct Plan applies</b>  <i>For the purposes of this Precinct Plan, land is within the zones shown on the Land Zoning Map.</i></p>	<p>The site is zoned R3 Medium Density Residential where the proposed development is permitted with consent.</p>	<p>Yes</p>
<p><b>2.3 Zone Objectives and Land Use Tables</b>  <i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p>	<p>An assessment against the relevant objectives of the R3 Medium Density Residential zone is provided below.</p>	<p>Yes</p>
<p><b>R3 Medium Density Residential</b></p> <ul style="list-style-type: none"> <li>- <i>To provide for the housing needs of the community within a medium density residential environment.</i></li> <li>- <i>To provide a variety of housing types within a medium density residential environment.</i></li> <li>- <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>- <i>To support the well being of the community by enabling education, recreational, community religious and other activities where compatible with the amenity of a medium density residential environment.</i></li> </ul>	<p>The proposal will allow for additional housing within the community and its surrounding medium density character/locality.</p> <p>The development provides a variety of housing and units (i.e. a range of one, two and three bedroom units).</p> <p>The proposal is located adjacent a local neighbourhood centre which provides a range of neighbourhood shops and access to public transport.</p> <p>The site will support the well being of the community with prominent locality to neighbourhood shops, public transport connections, educational facilities and public places of worship.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and R3 Medium Density Residential</b></p> <p>On land zoned:</p> <ul style="list-style-type: none"> <li>• R2 Low Density Residential, or</li> <li>• R3 Medium Density Residential,</li> </ul> <p>The minimum lot size for a residential flat building is 2,000m<sup>2</sup></p>	<p>The site is zoned R3 Medium Density Residential and was subdivided/created under DA/2021/536/1 as a residue lot with a total area of 2,027m<sup>2</sup>.</p>	<p>Yes</p>

**State Environmental Planning Policy (Precincts – Western Parklands City) 2021 –  
Appendix 5 Camden Growth Centres Precinct Assessment Table**

<p>if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.</p> <p><b>4.1B Residential Density – Camden Growth Centres Precinct</b> The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the Residential Density Map if the development will result in the density of dwellings on the land being-</p> <p>a) Less than the minimum density specified by the dwelling density range, or</p> <p>b) More than the maximum density specified by the dwelling density range.</p>	<p>The subject proposal provides 24 dwellings.</p>  <p>The residential density map does not prescribe a maximum density range for this site, however a minimum density of 25 dwellings per hectare is prescribed. The proposed development provides an approximate NDA area of (0.2027ha NDA area / 24 Dwellings) which = 118.98 dwellings per hectare.</p>	<p align="center">Yes</p>
<p><b>4.3 Height of Buildings</b> Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map. M – 12m</p>	<p>12.6 metres at its highest point (lift overrun at RL124.1).</p> <p>The building height contravention is limited to the area of the lift overrun and communal open space rooftop structure.</p>	<p align="center">No (Clause 4.6 written request submitted)</p>
<p><b>4.6 Exceptions to Development Standards</b> Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p>	<p>A Clause 4.6 written request has been submitted with the application.</p> <p>Consideration of the written request has been made in the main body of the assessment report.</p> <p>The reasons outlined in the Clause 4.6 written request relate to the contravention of building height being limited to the lift overrun and communal roof top open space roof structure.</p>	<p align="center">Yes</p>

**State Environmental Planning Policy (Precincts – Western Parklands City) 2021 – Appendix 5 Camden Growth Centres Precinct Assessment Table**

<p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of development standard contraventions for certain subdivisions of land in some rural and environmental zones.</p>	<p>The development proposes a 600mm exceedance to the 12m building height development standard, which is a 5% contravention.</p> <p>The justification provided by the applicant is considered reasonable and the development is considered to be in the public interest as it is consistent with the objectives of the standard and the zone.</p>	
<p><b>5.9 Preservation of trees and vegetation</b> Development consent is required for tree removal and tree related works.</p>	<p>The site is currently vacant and tree removal was carried out under the previous development consents (DA/2018/925/1 and DA/2017/1135/1).</p>	<p align="center">Yes</p>

**State Environmental Planning Policy (Precincts – Western Parklands City) 2021 – Appendix 5 Camden Growth Centres Precinct Assessment Table**

<p><b>5.10 Heritage Conservation</b>                  Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.                  Before granting consent to the carrying out of development in an Aboriginal place of heritage significance the consent authority must:                  (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and;                  (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p>	<p>No items of European heritage exist on the site or are located within immediate proximity to the development site.</p> <p>In respect to Aboriginal heritage, a due diligence assessment report was considered and found to be satisfactory at the time of subdivision (under DA/2021/536/1). The report concluded that the site is not an Aboriginal place of heritage significance and does not contain Aboriginal objects.</p>	<p>Yes</p>
<p><b>6.1 Public Utility Infrastructure</b>                  Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	<p>Evidence that the development is able to be serviced by public utility infrastructure was confirmed under the parent subdivision application.</p> <p>Referrals were issued to Sydney Water and Endeavour Energy who have provided letters of feasibility advising there is sufficient capacity to service the development as proposed.</p>	<p>Yes</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance?
<p><b>2.2</b> <b>Indicative Layout Plan (ILP)</b></p> <p>Development to be undertaken generally in accordance with the ILP.</p>	<p>The ILP identifies this site as being for medium density residential development. The proposed development is generally consistent with the ILP and will provide medium density residential development with access to a public road. No additional ILP roads are required to be built as a part of this application.</p>	Yes
<p><b>2.3.2</b> <b>Water Cycle Management</b></p> <p>Consistency with Council's engineering specifications.</p> <p>Compliance with the Precinct's Water Cycle Management and Ecology Strategy.</p> <p>Compliance with the Growth DCP's water quality and environmental flow targets.</p> <ul style="list-style-type: none"> <li>- Gross Pollutants 90%</li> <li>- Total suspended solids 85%</li> <li>- Total phosphorous 65%</li> <li>- Total nitrogen 45%</li> </ul>	<p>The Growth DCP's water quality and environmental flow targets have been demonstrated as being achieved.</p> <ul style="list-style-type: none"> <li>- Gross pollutants 100%</li> <li>- Total suspended solids 85%</li> <li>- Total phosphorous 77.5%</li> <li>- Total nitrogen 54.2%</li> </ul>	Yes
<p><b>2.3.3</b> <b>Salinity and Soil Management</b></p> <p>A salinity assessment and compliance with the Growth DCP's Appendix B is required.</p> <p>Sediment and erosion control measures must be implemented.</p>	<p>Council's Specialist Support Environmental Health Officer (SSEHO) has reviewed the salinity investigations carried out under previous consents and has requested an updated SMP be provided detailing the existing site conditions. An appropriate condition has been included in the recommended conditions.</p> <p>Appropriate conditions have been included in the recommended conditions requiring the installation of sediment and erosion controls.</p>	Yes  Yes
<p><b>2.3.4</b> <b>Aboriginal and European Heritage</b></p> <p>DAs must consider the requirements of the National Parks and Wildlife Act 1974. An Aboriginal Heritage Impact Permit may be required were Aboriginal heritage will be impacted.</p> <p>Applications for subdivision and building on the properties identified on the European cultural heritage sites figure, are to be accompanied by a heritage management document.</p>	<p>In respect to Aboriginal heritage, a due diligence assessment was submitted (and considered satisfactory) under an earlier DA/2021/536/1 for the site. The Report concluded that the site is not an Aboriginal place of heritage significance and does not contain Aboriginal objects. Accordingly, an AHIP is not required in this instance.</p> <p>No items of European heritage exist on the site or are located within immediate proximity to the development site.</p>	Yes  Yes
<p><b>2.3.5</b> <b>Native Vegetation and Ecology</b></p>		



<p>Council is to consider a number of matters when assessing proposed tree removal.</p> <p>The eradication and minimisation weed dispersal is to be considered.</p> <p>A suitable landscaping plan must be submitted.</p>	<p>The site is void of vegetation and no tree removal is proposed as part of the subject DA.</p> <p>A standard condition is recommended to address this matter.</p> <p>An amended / detailed landscape plan is required prior to the issue of a construction certificate to ensure a better outcome is achieved with respect to landscaping. This condition has ensured that the correct species, pot size and impacts on TPZ's are all considered satisfactory prior to commencement of works.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
<p><b>2.3.7 Site Contamination</b></p> <p>A contamination assessment (and remediation action plan if required) must be submitted.</p>	<p>The site was appropriately remediated under an earlier consent (DA/2017/1135/1). Council's SSEHO raises no objection to the proposal subject to the imposition of appropriate conditions (that have been included in the recommended conditions).</p>	<p>Yes</p>
<p><b>2.3.8 Development on and adjacent to electricity and gas easements</b></p> <p>Where development is proposed on land containing or adjacent to easements, applicants are to consult with the organisation responsible for management of the easement as part of the process of preparing subdivision or other development plans</p>	<p>The site contains a 2m easement for services which encroaches on the footprint of the building and basement car park.</p> <p>The person acting on the consent will be required (via a deferred commencement condition) to relocate or extinguish the easement (with the relevant written owners consent) prior to the consent being made operative.</p>	<p>Yes – by condition.</p>
<p><b>2.3.9 Noise</b></p> <p>An acoustic report, demonstrating that the Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008) and Council's Environmental Noise Policy have been considered, must be submitted.</p>	<p>An Acoustic Report was submitted with the application and has been reviewed by Council's SSEHO. As part of the assessment, additional information was requested from the applicant to demonstrate how the courtyard areas/balconies for each level will comply with the principal private open space criteria of 57dB(A) (in accordance with the Growth Centres DCP and Councils Environmental Noise Policy).</p> <p>Following that request, the design was amended with balconies for Units 1.06 and 1.07 and 2.06 and 2.07 being enclosed as wintergardens to comply with 57dB(A) criteria. In turn, the previously proposed acoustic wall along Heath Road (which was 1.8m in height) has been amended to be 1.5m in height (made up of 1m masonry and 500mm aluminium slats) with landscaping on both sides. This is considered more suitable from a streetscape and amenity perspective.</p> <p>Appropriate conditions are recommended to address acoustic amenity.</p>	<p>Yes</p>

<p><b>2.3.10 Odour Assessment and Control</b></p> <p>Odour impacts, and the need for an odour assessment, must be considered.</p>	<p>The site sits below the 4.5 OU contour. Accordingly, the development is not significantly impacted by nearby odour sources and a site specific odour assessment is not required.</p>	<p>Yes</p>
<p><b>2.4 Demolition</b></p> <p>A number of demolition controls are to be implemented.</p>	<p>No demolition is proposed under the subject application. Separate demolition consent was obtained under DA/2017/1135/1 and DA/2018/925/1.</p>	<p>N/A</p>
<p><b>2.5 Crime prevention through environmental design</b></p> <p>Buildings should be designed to overlook streets, lanes and other public or communal areas to provide casual surveillance.</p> <p>The design of all development is to enhance public surveillance of public streets.</p> <p>For residential development, the use of roller shutters other than garages is not permitted on doors and windows facing the street. Any security railings must be designed to complement the architecture of the building.</p> <p>Developments are to avoid creating areas for concealment and blank walls facing the street.</p> <p>Pedestrian and communal areas are to have sufficient lighting to secure a high level of safety</p> <p>All developments are to incorporate CPTED principles.</p>	<p>The proposed development will allow for the passive surveillance of both street frontages and the public domain.</p> <p>Public surveillance has been enhanced to both Heath Road and Batavia Ave as a result of the development.</p> <p>No roller shutters are proposed to face the street.</p> <p>No blank walls are proposed to face the street. The development has proposed a high quality mix of finishes to all building elevations.</p> <p>A standard condition of consent is recommended to address this control.</p> <p>The development is consistent with CPTED principles.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>2.6 Earthworks</b></p> <p>Subdivision and building work is to be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill both during subdivision and when buildings are constructed. Finished levels must be integrated with nearby land and facilitate appropriate drainage.</p>	<p>Civil engineering plans have been provided. The basement car park has been designed in a manner where the excavations are setback from adjoining property boundaries. The finished levels on the perimeter of the site will not be altered significantly.</p>	<p>Yes</p>

A validation report must be submitted prior to the placement of any imported fill on the site.	A standard condition is recommended to address this matter.	Yes
Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the Noxious Weeds Act 1993.	A standard condition is recommended to address this matter.	Yes

<b>4.0 Development in Residential Areas</b>		
<b>4.1.1 Site Analysis</b>		
Development proposals need to illustrate design decisions which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for development can be understood and addressed in the design.	A site analysis plan has been provided and is considered satisfactory as it shows all aspects of the site conditions.	Yes
<b>4.1.2 Cut and Fill</b>		
DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.	Cut is required to facilitate the proposed basement car park. Minor fill is required to level the site. The proposed earthworks are considered reasonable.	Yes
The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.	Cut will exceed 1m for the purposes of the basement car park only. No proposed fill will exceed 1m.	Yes
<b>4.1.3 Sustainability Building Design</b>		
The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.	An amended landscape plan condition has been recommended to ensure compliance with this control.	Yes
The provisions of BASIX will apply with regards to water requirements and usage.	BASIX certificates are considered satisfactory.	Yes
The design of dwellings is to maximise cross flow ventilation.	Cross flow ventilation has been provided through building design.	Yes
The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and	The orientation of rooms and position of windows to ensure that sunlight is maximised has been displayed through the building design. All units will be airconditioned for heating and cooling however this will not be essential as they will receive sufficient air flow by floor plan design.	Yes

<p>to minimise the need for mechanical heating and cooling.</p> <p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Design and construction of dwellings is to make use of locally sourced materials where possible.</p> <p>Residential building design is to use, where possible, recycled and renewable materials.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation</p>	<p>All balconies will have sufficient area for clothes drying to take place.</p> <p>The materials proposed are satisfactory with respect to ongoing sustainability of the building.</p> <p>The building design has considered this where possible.</p> <p>The roof and hardstand paved areas have been designed with colours and materials that will minimise the retention of heat from the sun.</p> <p>All units will be air conditioned to achieve suitable ventilation and avoid the need to open windows in high noise areas (i.e. fronting Heath Road).</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.1.4 Salinity, Sodicity and Aggressivity</b></p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p>	<p>A salinity management plan has been provided and is considered satisfactory. A condition of consent requires ongoing compliance with the salinity management plan throughout construction.</p>	<p>Yes</p>
<p><b>4.3.5 Controls for Residential Flat Buildings, Manor Homes and Shop Top Housing</b></p> <p>Residential flat buildings are to be located on sites with a minimum street frontage of 30m, have direct frontage to an area of the public domain and not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted. Residential flat buildings are to be consistent with SEPP 65 and the DCP. Note that Table 4-10 takes precedence over SEPP 65 where there is an inconsistency.</p>	<p>Heath Road – 43.4m Batavia Avenue (local road) – 18.3m</p> <p>The development has direct frontage to areas of public domain on both street frontages and will not adversely impact on the existing or future amenity of the medium density zoned land in its vicinity.</p> <p>The residential flat building is generally consistent with the design principles of SEPP 65 and the numerical requirements of Table 4-10.</p>	<p>Yes</p> <p>Yes</p>

A minimum of 10% of all apartments are to be designed as adaptable apartments in accordance with AS 4299.	Three adaptable units are proposed which equals 12.5% of apartments and three disabled car spaces are proposed.	Yes
Where possible, adaptable dwellings are to be located on the ground floor. Adaptable dwellings located above the ground level of a building are only permitted where lift access is available within the building. The lifts access must provide access from the basement to allow access for people with disabilities.	Only one adaptable unit (U1.03) is proposed on the ground level, with the remaining two of adaptable units proposed on upper levels (U2.03 and U3.03). This is satisfactory in this instance as all adaptable units have direct lift access to the basement for suitable access to and from the building.	Yes
DAs must be accompanied by certification from an accredited access consultant that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 4299.	An access report has been submitted with the development application that advises that all access requirements can achieve compliance, with further work required at detailed design stage.	Yes
Car parking allocated to adaptable dwellings must comply with the Australian Standards for disabled parking spaces.	Three (3) adaptable units are proposed and three disabled car spaces are provided in the basement.	Yes
A landscape plan is to be submitted with DAs for residential flat buildings.	A landscape plan was provided with the DA and a recommended conditions requires a detailed landscape plan to be provided as part of the construction certificate (with further details and amendments prior to commencement of any physical works).	Yes
<b>Table 4-10 – Note site area 2,007m<sup>2</sup></b>		
Site coverage of less than 50% (Max – 1,003.5m <sup>2</sup> )	828m <sup>2</sup> / 2,000m <sup>2</sup> = 41.40%	Yes
Landscaped area of at least 30% (Min – 666m <sup>2</sup> )	687.38m <sup>2</sup> / 2,000m <sup>2</sup> = 34.36%	Yes
Communal open space area of at least 15% (Min – 250m <sup>2</sup> )	901.17m <sup>2</sup> / 2,000m <sup>2</sup> = 45.05%	Yes
Principal private open space of 10m <sup>2</sup> per dwelling with a minimum dimension of 2.5m	All units have a minimum of 10sqm of PPOS with minimum dimensions of 2.5m.	Yes
Front setback of at least 6m with 1.5m balcony/articulation encroachments permitted for the first three storeys for 50% of the façade length	A 6m setback is provided to all units. Balcony encroachments span the entire width of the façade fronting Heath Road for units 1.06, 1.07, 1.08, 2.06, 2.07, 2.08, 3.06, 3.07 and 3.08.	<b>No – variation supported (refer main body of report)</b>
Side setback – Minimum 3m	All units provide a side setback in excess of 3m to any side boundary.	Yes



Residential flat buildings in the R3 zone require;		
Car parking spaces	Car parking spaces	
Residents required – (1 per unit) = 24 spaces (+ 0.5 spaces per 3 bedroom) = 1.5 spaces Required = 25.5	Residents: 24 spaces +3 accessible spaces = 27	Yes
Visitors required – (1 per 5 apartments) = 4.8 spaces	Visitors – 5	Yes
Total required – 30.3 spaces	Total car parking spaces = 32	Yes
Bicycle spaces required – $24/3 = 8$ spaces	Bicycle spaces = 13	Yes
Car parking spaces and aisle widths must comply with AS 2890.1.	Spaces are 2.4m x 5.4m which are consistent with the AS2890.1.	Yes

# Developable

Town Planning

16 HEATH ROAD,  
LEPPINGTON

18 . 12 . 2022



CLAUSE 4.6 VARIATION REQUEST  
CLAUSE 4.3 - HEIGHT OF BUILDINGS  
CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING  
COMPRISING OF 24 UNITS WITH ANCILLARY WORKS

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**Contents**

**Introduction** ..... **3**

**Proposed Variation** ..... **3**

**Clause 4.6 Assessment** ..... **4**

    Clause 4.6(1) - Objectives ..... 4

    Clause 4.6(2) - Development Consent May be Granted ..... 4

    3.1.3 Clause 4.6(3) - Consent Authority to Consider Written Submission ..... 4

    Clause 4.6(4) - Consent Authority is to be Satisfied ..... 5

        Clause 4.6(4)(a)(i) Written Request to Address Matters Required by 4.6(3) ..... 5

        Clause 4.6(4)(a)(ii) Written Request to Address Matters Required by 4.6(3) ..... 6

        Clause 4.6(b) Concurrence of the Secretary ..... 7

    Clause 4.6(5) - Concurrence Considerations ..... 7

    Clause 4.6(6) - Subdivision of Certain Land ..... 7

    Clause 4.6(7) - Keeping of Records ..... 7

    Clause 4.6(8) - Exclusions from use of Clause 4.6 ..... 8

**Conclusion** ..... **8**

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### 1. Introduction

This variation request is prepared pursuant to Clause 4.6 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021: Appendix 5 (WPC SEPP 2021) and considers several New South Wales Land and Environment Court (NSW LEC) planning principles and judgements that have refined the manner in which variations to development standards are to be approached. The development in question relates to the construction of a new residential flat building containing 24 units with ancillary works at 16 Heath Road, Leppington.

### 2. Proposed Variation

Clause 4.3(2) of the WPC SEPP 2021: Appendix 5 refers to the Building Height Map with the subject site located within Area 'M' illustrated below of which prescribes a maximum building height of 12m.



The dictionary of the WPC SEPP 2021: Appendix 5 defines building height as follows:

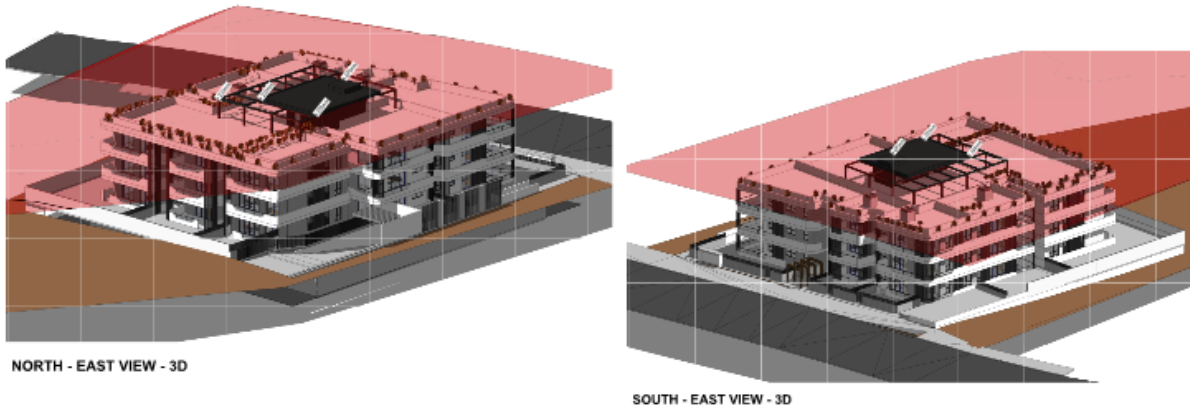
*building height (or height of building) means -*

*(a) in relation to the height of a building in metres - the vertical distance from ground level (existing) to the highest point of the building, or*

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*(b) in relation to the RL of a building - the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed dwelling has a maximum 12.67m height, noting existing natural ground level (111.43AHD) and roof height (124.1AHD), which represents a 670mm non-compliance or 5.6% variation to the control. With respect to the extent of the non-compliance it relates to the lift overrun and roof above the communal open on the 3rd floor as illustrated below.



### 3. Clause 4.6 Assessment

#### 3.1 Clause 4.6(1) - Objectives

Clause 4.6(1) outlines objectives that underly the clause as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Reference is made to Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 in which Preston CJ ruled that there is no provision that requires compliance with the objectives of the clause and that cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). It was also noted that in particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard "achieve better outcomes for and from development".

Given the above the remaining considerations of clause 4.6 form the basis for which the consent authority is to be satisfied that the request for variation of the development standard is acceptable.

#### 3.2 Clause 4.6(2) - Development Consent May be Granted

Clause 4.6(2) states that *... 'development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause'.*

Building height is a development standard as defined in Section 1.4 of the Environmental Planning & Assessment Act 1979 to which variations can be granted under cl 4.6.

#### 3.3 3.1.3 Clause 4.6(3) - Consent Authority to Consider Written Submission

Clause 4.6(3) provides that *... 'development consent must not be granted for development that contravenes a*



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development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating -

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard'.

This submission and information contained within, constitutes a written request for the purposes of Clause 4.6(3) and the following subsections address the justifications required under that subclause.

### 3.4 Clause 4.6(4) - Consent Authority is to be Satisfied

Clause 4.6(4) provides that ...'development consent must not be granted for development that contravenes a development standard unless' -

- (a) the consent authority is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained'.

Each of the above mentioned matters has been addressed individually under the following subheadings.

#### 3.4.1 Clause 4.6(4)(a)(i) Written Request to Address Matters Required by 4.6(3)

Clause 4.6(3) requires the applicant to justify contravention of development standard by demonstrating -

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard'.

With respect to clause 4.6(3)(a) the common ways in which an Applicant may demonstrate that compliance with a development standard is unreasonable or unnecessary are listed in the 'five-part test' outlined by Preston CJ in *Wehbe v Pittwater* [2007] NSWLEC 827. In this respect an Applicant does not need to establish all of the tests or 'ways', rather it may be sufficient to establish only one, although if more are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

The five possible ways are as set out below:

<b>First</b>	<i>The objectives of the standard are achieved notwithstanding non-compliance;</i>
<b>Second</b>	<i>The underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary;</i>
<b>Third</b>	<i>The underlying object of purpose be defeated or thwarted if compliance was required and therefore compliance is unreasonable;</i>
<b>Fourth</b>	<i>The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;</i>
<b>Fifth</b>	<i>The zoning of the particular land unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.</i>

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With respect to the subject application, the first way is utilised with the sole objective underlying the building height development standard contained within clause 4.3(1) of WPC SEPP 2021: Appendix 5 addressed as follows:

Objective	Comment
(a) to establish the maximum height of buildings,	The non-compliances are located centrally within the building footprint and therefore the perimeter of the roof flood will be located under the maximum building height permitted under the SEPP. This establishes a maximum height of buildings that are suitable for the area as the development will appear to be compliant when viewed from the public domain. The features exceeding the building height are minimal and consistent of the lift overrun and the roof located above a portion of the communal open space area.
(b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,	The positioning of the non-compliant components (lift overrun and roof located above a portion of the communal open space area) are located centrally within the building footprint and do not result in any additional overshadowing or privacy concerns because: <ul style="list-style-type: none"> <li>• Overshadowing from these components fall within the roof area of the development and not on the adjoining properties.</li> <li>• As a result, the open space and solar access to adjoining developments will not be impacted by the structures that breach the 12m SEPP building height development standard.</li> </ul>
(c) to facilitate higher density development in and around commercial centres and major transport routes.	Having the lift overrun and roof above a portion of the communal open space allows the development to facilitate a higher density of people near a major transport route. In addition, it improves the residents amenity by providing shade to the communal open space area.

With respect to clause 4.6(3)(b) the above demonstrates that the environmental impacts of the proposed development are acceptable notwithstanding non-compliance with the building height standard.

### 3.4.2 Clause 4.6(4)(a)(ii) Written Request to Address Matters Required by 4.6(3)

As discussed by Preston CJ in Initial Action, if the development is consistent with the objectives of the development standard and the objectives of the zone, the consent authority can be satisfied that the development will be in the public interest. Objectives of the Building Height development standard have been previously addressed with those of R3 Medium Density Residential Zone outlined and addressed below.

Zone Objective	Comment
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	The construction of the residential flat building provides diversity in the housing stock available in Camden that is characteristic and permissible within the medium-density zone.

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<i>To provide a variety of housing types within a medium density residential environment.</i>	The residential flat building comprises of 1, 2 and 3 bedroom units to provide a variety of apartment sizes within a medium density residential environment.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The land use for this development only comprises of residential accommodation, however other services are located nearby to service the day to day needs of the residents.
<i>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.</i>	The site is located close to other zones such as RE1 that support the well-being of the community.

As detailed the proposed building height variation does not contravene any of the zone objectives.

### 3.4.3 Clause 4.6(b) Concurrence of the Secretary.

Planning Circular (PS 18-003) dated 21 February 2018 provides that concurrence can be assumed when a Local Planning Panel (LPP) is the consent authority where a variation exceeds 10% or is to a non-numerical standard, because of the greater scrutiny that the LPP process and determinations are subject to.

Accordingly, concurrence of the Secretary can therefore be assumed in this case.

### 3.5 Clause 4.6(5) - Concurrence Considerations

Clause 4.6(5) provides that ...'In deciding whether to grant concurrence, the Secretary must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by Secretary before granting concurrence'.*

N/A - As detailed above, concurrence of the secretary can be assumed in this instance.

### 3.6 Clause 4.6(6) - Subdivision of Certain Land

Clause 4.6(6) provides that ...'Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if -

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Development does not seek subdivision.

### 3.7 Clause 4.6(7) - Keeping of Records



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Clause 4.6(7) provides that ...'After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3)'.

Penrith City Council are required to keep a register of Clause 4.6 variations publicly available. Should this application be supported it would be added to the register along with specific factors as required.

### 3.8 Clause 4.6(8) - Exclusions from use of Clause 4.6

Clause 4.6(8) provides that ...*'this clause does not allow development consent to be granted for development that would contravene any of the following -*

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated listed in the table to this clause,*
- (c) section 4.1B,*
- (d) section 5.4.*

The development seeks variation to Clause 4.3 of the WPS SEPP 2021: Appendix 5 and does not contravene any of the listed clauses, standards related to the BASIX SEPP or a development standard under complying development.

## 4. Conclusion

The proposed development seeks variation to the 12m building height control prescribed by Clause 4.3(2) of the WPC SEPP 2021: Appendix 5 and thus the subject clause 4.6 submission has been provided.

The application to vary the building height development standard is well founded and as addressed meets the objectives of the building height development standard. The proposal achieves an acceptable design outcome and one that does not result in unreasonable amenity impacts towards surrounding properties.

Consequently, strict compliance with the development standard is unreasonable and unnecessary in this instance and that the use of Clause 4.6 of the WPC SEPP 2021: Appendix 5 to vary the control is appropriate.

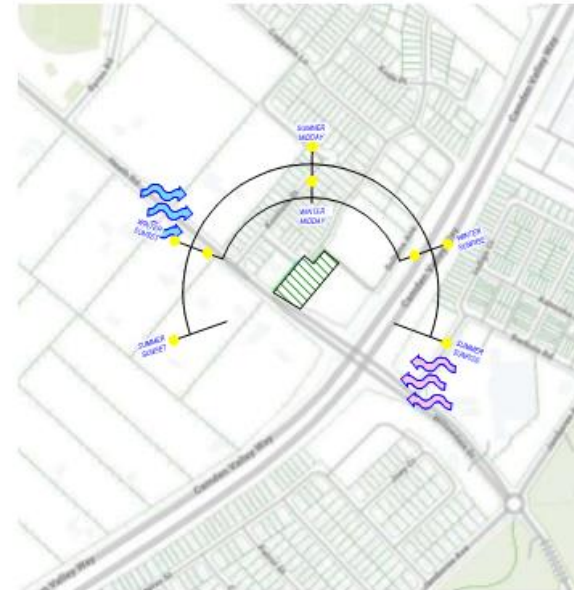








1 SITE ANALYSIS - ZONING  
NTS



2 SITE ANALYSIS - EXISTING FEATURES  
NTS

**LEGEND - LAND ZONING**

	RESIDENTIAL MEDIUM DENSITY (RMD)
	RESIDENTIAL SINGLE-FAMILY (RSF)
	PUBLIC COMMERCIAL (PC)
	INDUSTRIAL (I)
	INSTITUTIONAL (IN)
	UNDEVELOPED

**LEGEND - SITE ANALYSIS**

	EXISTING BUILDING
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY
	EXISTING DRIVEWAY

**IDA DESIGN GROUP**

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**PROJECT INFORMATION**

PROJECT: 18 HEATH ROAD, LEPPINGTON, NJ 08109  
 CLIENT: CAMDEN COUNCIL  
 DATE: 02/2024

**SCALE**  
 1" = 20' (GENERAL)  
 1" = 10' (SITE PLAN)

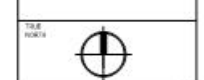
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17	02/20/24	ISSUED FOR PERMIT
18	02/20/24	ISSUED FOR PERMIT
19	02/20/24	ISSUED FOR PERMIT
20	02/20/24	ISSUED FOR PERMIT

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PROJECT: 18 HEATH ROAD, LEPPINGTON, NJ 08109  
 CLIENT: CAMDEN COUNCIL  
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**SCALE**  
 1" = 20' (GENERAL)  
 1" = 10' (SITE PLAN)



**FOR DEVELOPMENT APPLICATION**

PROJECT: 18 HEATH ROAD, LEPPINGTON, NJ 08109  
 CLIENT: CAMDEN COUNCIL  
 DATE: 02/2024

**SCALE**  
 1" = 20' (GENERAL)  
 1" = 10' (SITE PLAN)

**PROJECT NUMBER**  
 DA003

**REVISIONS**

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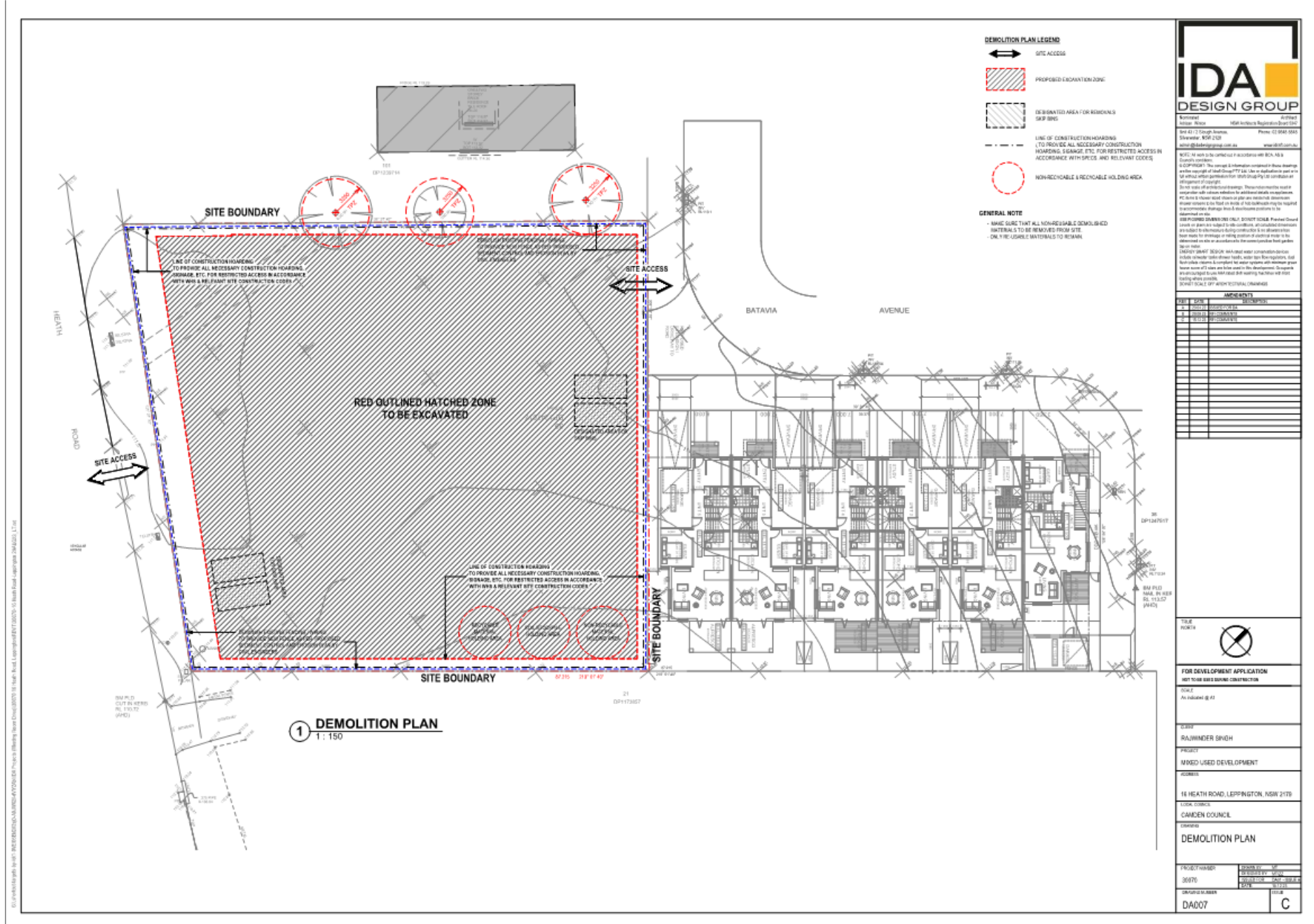


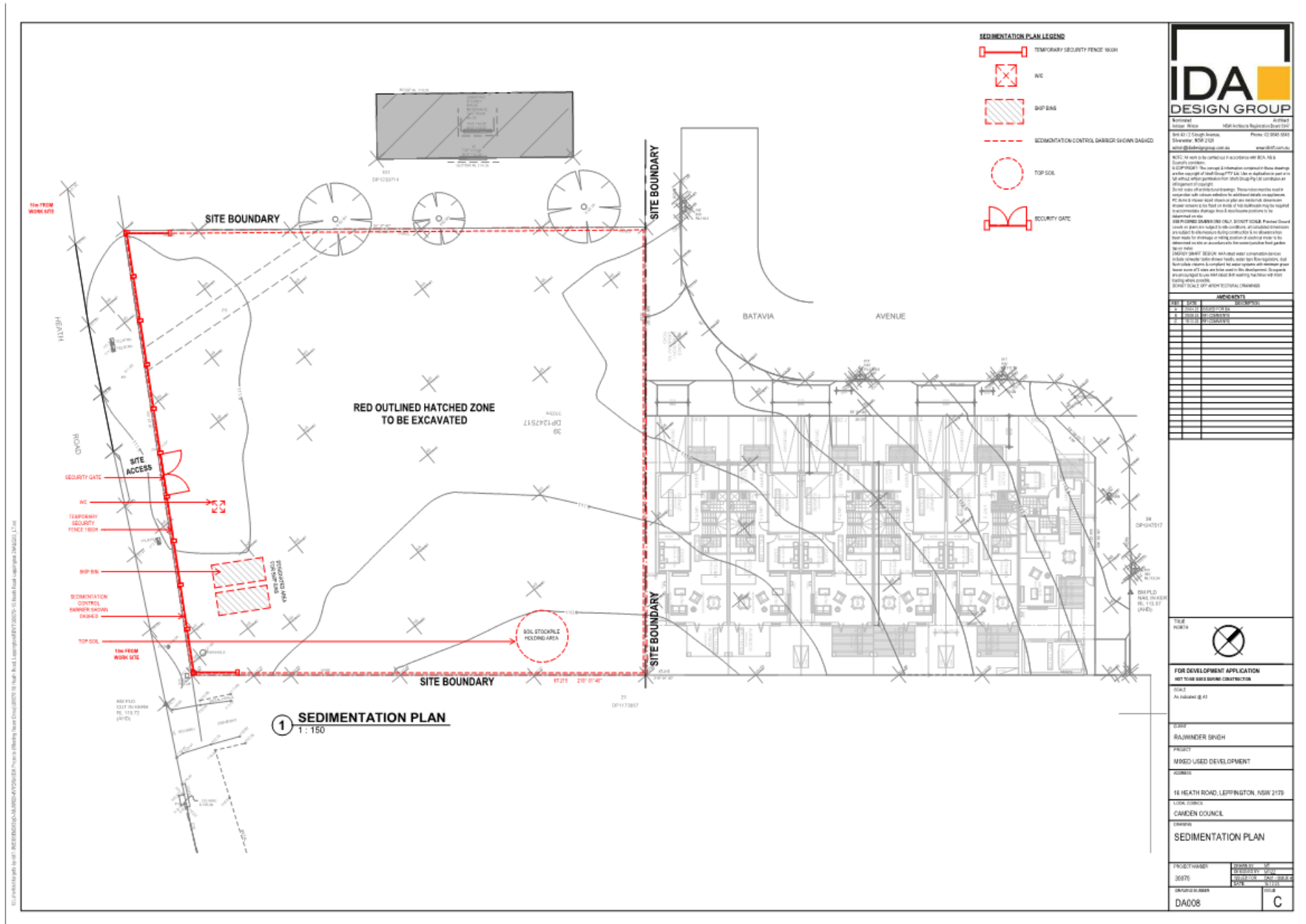




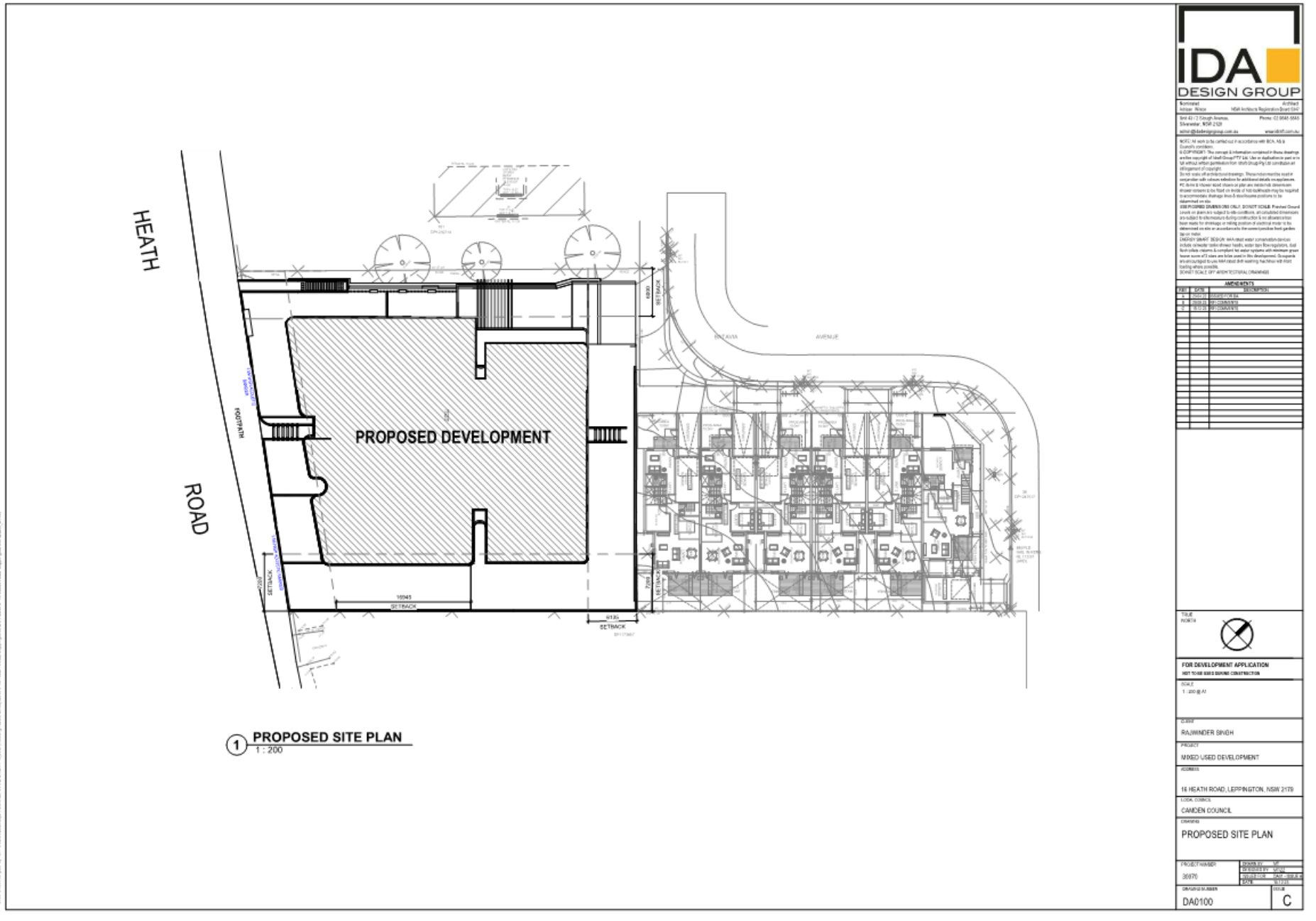
































**MATERIAL & COLOUR SCHEDULE**

**FACEBRICK - AUSTRAL HAWTHORN TAN OR SIMILAR TO EXT. WALL**

**CONCRETE - POLISHED CONCRETE OR SIMILAR TO EXT. WALL & BALUSTRADES**

**RENDER & PAINT - DULUX BLACK OR SIMILAR TO EXT. WALLS & AWNING**

**ALUMINIUM LOUVRES - DULUX CHALKY FINISH VINTAGE CHARCOAL OR SIMILAR**

**STACKED STONE - CLOUDY GREY OR SIMILAR TO EXT. WALLS**

**ENTRYWAY & AWNING - TIMBER POST WITH PLANTING VINES OR SIMILAR - TIMBER POST WITH PLANTING VINES OR SIMILAR**

RFI DATED 16/09/23 - POINT 3 - FLOOR TO FLOOR IS 3.0M AS PER THE ADG REQUIREMENT. AS SHOWN WE HAVE PLACED THE ABBREVIATION OF "RFL" FOR REFERENCE.

RFI DATED 16/09/23 - URBAN DESIGN POINT 4 - THE RENDER MATERIAL HAS BEEN REPLACED WITH POLISHED CONCRETE SO IT IS EASIER TO MAINTAIN.

RFI DATED 16/09/23 - URBAN DESIGN POINT 10 - THE ROOFTOP HAS BEEN AMENDED TO SHOW A LIGHT COLOUR RENDER AND A TIMBER AWNING FINISH.

**1 PROPOSED NORTH ELEVATION**  
1 : 100

**2 PROPOSED SOUTH ELEVATION**  
1 : 100

**IDA DESIGN GROUP**

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REV	DATE	DESCRIPTION
1	16/09/23	ISSUED FOR DEVELOPMENT APPLICATION
2	16/09/23	ISSUED FOR DEVELOPMENT APPLICATION
3	16/09/23	ISSUED FOR DEVELOPMENT APPLICATION

**FOR DEVELOPMENT APPLICATION**  
ART 100B B10 B10A B10B CONSTRUCTION

SCALE: 1:100 @ A4

DESIGNER: RAJINDER SINGH

PROJECT: MIXED USE DEVELOPMENT

18 HEATH ROAD, LEPPINGTON, NSW 2179

CAMDEN COUNCIL

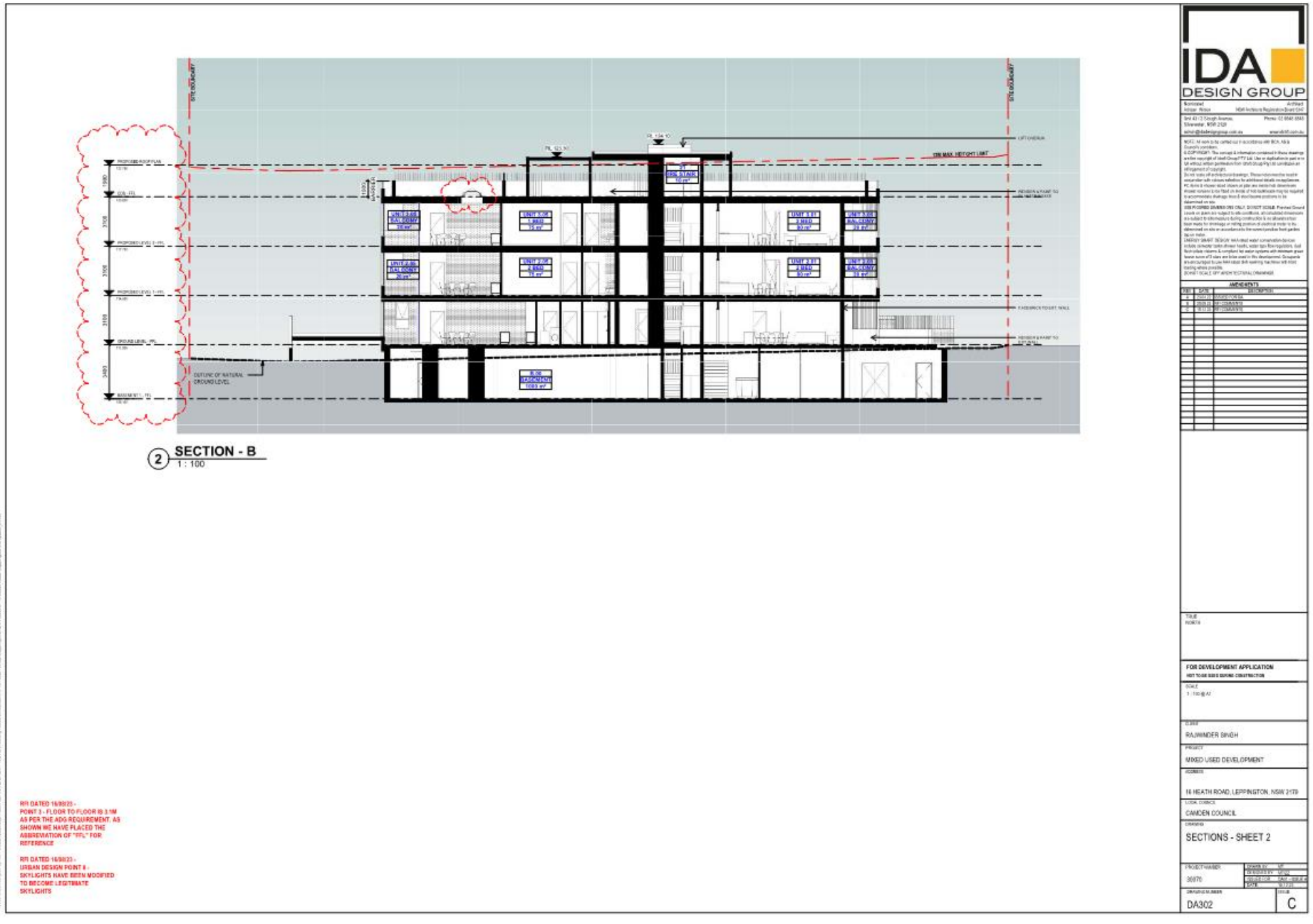
**ELEVATIONS - SHEET 1**

PROJECT NUMBER: DA201	DATE: 16/09/23	SCALE: 1:100
DRAWN BY: RAJINDER SINGH	CHECKED BY: RAJINDER SINGH	DATE: 16/09/23









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**PROJECT INFORMATION**

PROJECT: RAJINDER SINGH  
 PROJECT TYPE: MIXED USE DEVELOPMENT  
 ADDRESS: 18 HEATH ROAD, LEPPINGTON, NJN 07179  
 LOCAL AUTHORITY: CAMDEN COUNCIL  
 SHEET: SECTIONS - SHEET 2

**REVISIONS**

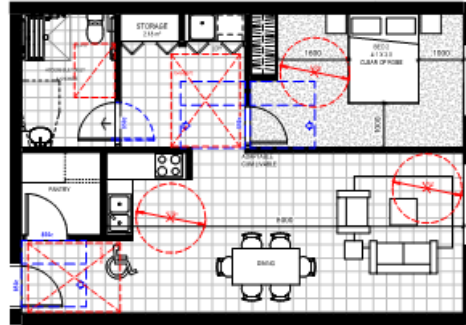
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3	18/02/24	ISSUED FOR PERMIT
4	18/02/24	ISSUED FOR PERMIT

PROJECT NUMBER: DA302  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 18/02/24

**SCHEDULE OF FEATURES FOR ADAPTABLE HOUSING**  
**ADAPTABLE HOUSE CLASS C**  
All essential features incorporated

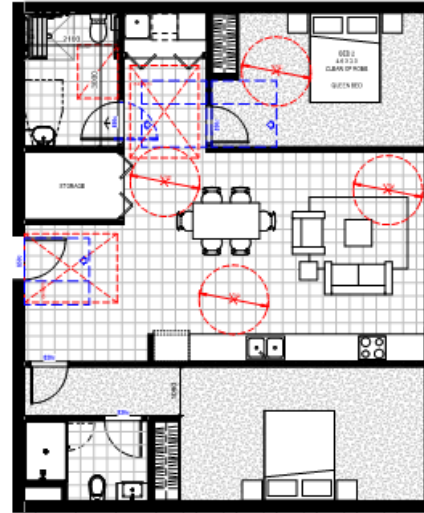
CLAUSS	DESCRIPTION	CLAUSS
1	Position of drawings showing the housing unit in its pre-construction and post-construction stages	2.3
<b>SITING</b>		
3	A maximum accessible path of travel from street frontage and vehicle parking to entry complying with AS 1428.1	3.3.2
<b>LETTERBOXES IN ESTATE DEVELOPMENTS</b>		
11	Letterboxes to be on hand standing area connected to accessible pathway	3.8
<b>PRIVATE CAR ACCOMMODATION</b>		
14	Car spaces, open or garage, min. area 6.0m x 3.0m	3.7.2
<b>ACCESSIBLE ENTRY</b>		
20	Accessible entry	4.3.1
22	Accessible entry to be level (p.a. max. 140 mm)	4.3.2
24	Leveling to enable wheelchair manoeuvrability	4.3.2
25	Accessible entry door to have 650mm min clearance	4.3.1
26	Door level thresholds and handrails as AS 1428.1	4.3.4
<b>INTERIOR GENERAL</b>		
30	Internal doors to have 620 mm min clearance	4.3.3
31	Internal corridors min. width of 1.00m	4.3.7
34	Provision for compliance with AS 1428.1 for door openings	4.3.7
<b>LIVING ROOM &amp; DINING ROOM</b>		
36	Provision for circulation space of min 2.00m clear width	4.3.1
38	Tabletop to be adjacent to GPC	2.7.4
41	Provision for wheelchair level view 300 mm	4.3.2
<b>KITCHEN</b>		
42	Minimum width 2.7m (2.00m clear between benches)	4.3.2
43	Provision for circulation clearances to comply with AS 1428.1	4.3.1
44	Provision for benches/plaques to include at least one worktop area of 800mm length, adjustable in height from 700mm to 850mm or, alternatively, refer to Figure 4.3	4.3.5
45	Refrigerator adjacent to work surface	4.3.5
46	Refrigerator adjustable in height from 700mm to 850mm or, alternatively	4.3.5
47	Refrigerator bench min. 1.00m deep	4.3.4
48	Top set adjacent to lower benches or lower counter	4.3.4
49	Top set located within 300mm of front of sink	4.3.4
51	Countertop to include wheel-free zone or side counter with raised cross bar	4.3.7
52	Countertop to include wheelchair access	4.3.7
53	Shower area min 800mm length adjacent to usability of same height	4.3.7
54	Overhead adjacent to an adjustable height or repositionable work surface	4.3.8
55	GPC to comply with AS 1428.1. At least one double GPC with 300mm of front of worktop area	4.3.11
56	GPC for refrigerator to be readily reachable when the refrigerator is in its operating position	4.3.11
57	Slip-resistant floor surface	4.3.4
<b>MAIN BEDROOM</b>		
61	At least one bedroom of area sufficient to accommodate queen size bed and wardrobe and include space requirements of AS 1428.2	4.6.1
<b>BATHROOM</b>		
71	Shower area for bathroom area to comply with AS 1428.1	4.4.1
72	Shower pan to be level	4.4.2
73	Shower pan waterproofed to AS 2718 with floor to fall to waste	4.4.2
74	Recessed trap holder	4.4.2
75	Shower tray positioned for easy reach to access side of shower sliding track	4.4.2
76	Provision for adjustable, side-swinging hand track shower tray mounted on a roller or grab rail or fixed track grab rail, and self-storing grab rail (optional)	4.4.4
77	Provision for grab rails in shower to comply with AS 1428.1	4.4.4
78	Top sets to be adjacent to lower benches with single outlet	4.4.4
79	Provision for wheelchair access to comply with AS 1428.1	4.4.4
80	Double GPC nearby toilet	4.4.4
<b>TOILET</b>		
80	Provision of either 'variable width' or accessible toilet	4.4.3
81	Provision to comply with AS 1428.1	4.4.3
82	Location of WC pan at corner adjacent from hand rails	4.4.3
83	Provision for grab rail on wall	4.4.4
84	Slip resistant floor surface (vitreous tiles or similar)	4.4.3
<b>LAUNDRY</b>		
88	Location of rooms to comply with AS 1428.1	4.8
89	Provision for accessible circulation space in front of or beside appliances (min 900 mm depth)	4.8
100	Provision for automatic-washing machines	4.8(2)
101	Wheelchair access to be provided an accessible path of travel to this	4.8(2)
102	Double GPC	4.8(2)
103	Slip resistant floor surface	4.8(1)
<b>DOOR LOCKS</b>		
110	Internal doors to have hand-operated lockset 1100mm above floor	4.3

**REQUIRED ADAPTABLE UNITS 10% OF 24 UNITS = 2.4 UNITS**  
**PROVIDED 03 UNITS AS FOLLOWS:**  
**TYPICAL ADAPTABLE UNIT 1.03, 2.03 & 3.03**



1 ADAPTABLE UNIT - GROUND  
1:50

**REQUIRED ADAPTABLE UNITS 10% OF 24 UNITS = 2.4 UNITS**  
**PROVIDED 03 UNITS AS FOLLOWS:**  
**TYPICAL ADAPTABLE UNIT 1.03, 2.03 & 3.03**



2 ADAPTABLE UNIT  
1:50

CONTRACTOR TO ENSURE THE FOLLOWING PROVISIONS ALLOWED FOR ADAPTABLE UNIT REFER TO ARCH FOR FURTHER DETAILS

- 1.0 Door Thresholds to be level
- 2.0 Accessible entry door to have 620 mm min. clearance
- 3.0 Door lower thresholds and handrails as AS 1428.1
- 4.0 Threshold max. thickness level 300 mm or of space
- 5.0 Internal doors to have 620 mm min. clearance
- 6.0 Internal partitions min. width of 900 mm
- 7.0 Provision for compliance with AS 1428.1 for door approach
- 8.0 Handrails adjacent to GPC
- 9.0 Provision for benches planned to include at least one worktop area of 800 mm length, adjustable in height from 700 mm to 850 mm or, alternatively
- 10.0 Refrigerator adjacent to work surface
- 11.0 GPC for sink adjustable in height from 700 mm to 850 mm or, alternatively
- 12.0 GPC for sink door max. 150 mm deep when adapted
- 13.0 Top set adjacent to lower benches or lower counter
- 14.0 Top set located within 300 mm of front of sink
- 15.0 Countertop to include wheel-free zone or side counter with raised cross bar
- 16.0 Countertop to include wheelchair access
- 17.0 Shower area min 800mm length adjacent to usability of same height
- 18.0 Overhead adjacent to an adjustable height or repositionable work surface
- 19.0 GPC to comply with AS 1428.1. At least one double GPC with 300 mm of front of worktop area
- 20.0 GPC for refrigerator to be readily reachable when the refrigerator is in its operating position
- 21.0 Slip-resistant floor surface
- 22.0 Double GPC nearby toilet
- 23.0 Shower pan to be level
- 24.0 Recessed trap holder
- 25.0 Shower tray positioned for easy reach to access side of shower sliding track
- 26.0 Provision for adjustable, side-swinging hand track shower tray mounted on a roller or grab rail or fixed track grab rail, and self-storing grab rail (optional)
- 27.0 Provision for grab rails in shower to comply with AS 1428.1
- 28.0 Top sets to be adjacent to lower benches with single outlet
- 29.0 Provision for wheelchair access to comply with AS 1428.1
- 30.0 Location of WC pan at corner adjacent from hand rails

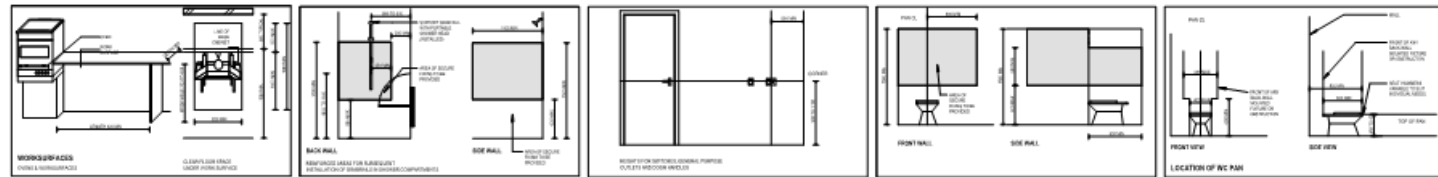


**IDA DESIGN GROUP**  
15/16 Heath Road, Leppington, NSW 2157  
Phone: 02 9848 5555  
www.idadesigngroup.com.au

NO.	DATE	REVISIONS
1	15/02/2024	ISSUED FOR CONSTRUCTION
2	15/02/2024	ISSUED FOR CONSTRUCTION
3	15/02/2024	ISSUED FOR CONSTRUCTION

TITLE	SCALE
ADAPTABLE UNIT LAYOUT	1:50

FOR DEVELOPMENT APPLICATION AND TOWN BOARD CONSTRUCTION		
TITLE: As Indicated @ A1		
DESIGNER: RAJWINDER SINGH		
PROJECT: MIXED USED DEVELOPMENT		
ADDRESS: 15 HEATH ROAD, LEPPINGTON, NSW 2157		
LOCAL GOVERNMENT: CAMDEN COUNCIL		
DRAWING: ADAPTABLE UNIT LAYOUT		
PROJECT NUMBER: DA400	DESIGNED BY: RAJWINDER SINGH	CHECKED BY: RAJWINDER SINGH
DATE: 15/02/2024	SCALE: 1:50	STATUS: C

















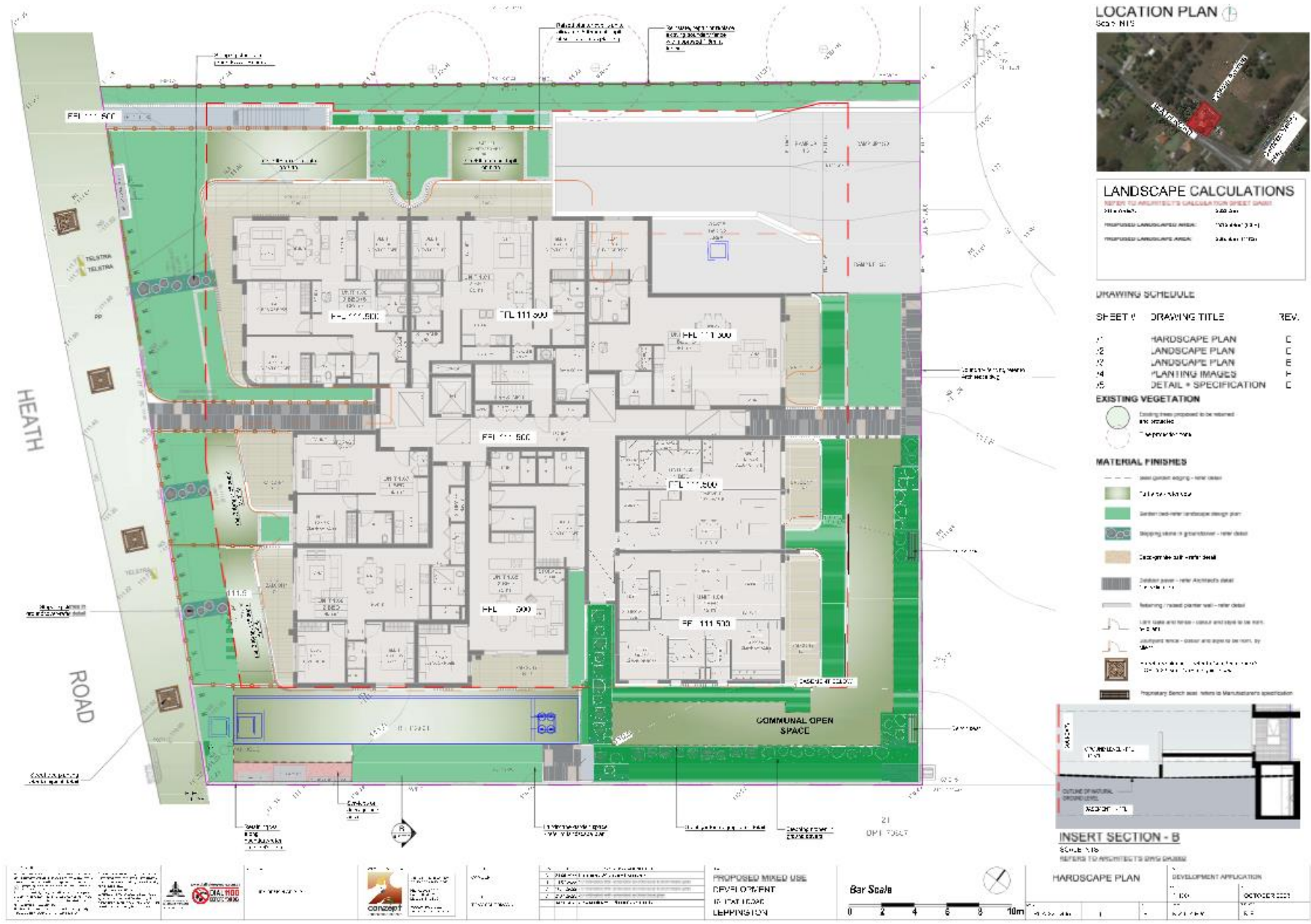












**LOCATION PLAN**  
SCALE: 1:10



**LANDSCAPE CALCULATIONS**  
REFER TO ARCHITECT'S CALCULATION SHEET DRAWING

PROPOSED LANDSCAPED AREA:	3,000 sqm
PROPOSED LANDSCAPE AREA:	2,844 sqm (94.8%)

**DRAWING SCHEDULE**

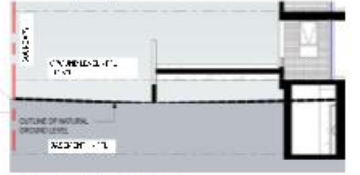
SHEET #	DRAWING TITLE	REV.
01	HARDSCAPE PLAN	C
02	LANDSCAPE PLAN	C
03	LANDSCAPE PLAN	C
04	PLANNING IMAGES	C
05	DETAIL + SPECIFICATION	C

**EXISTING VEGETATION**

- Existing trees proposed to be retained
- NEW PLANTING
- PROPOSED PLANTING

**MATERIAL FINISHES**

- Dark green edging - 100mm deep
- Turfgrass - 100mm
- Selected hard-wear landscape design plant
- Stepping stone in granite - 100mm deep
- Decorative tiles - 100mm thick
- Dark grey stone - 100mm thick
- Retaining - 100mm concrete wall - 100mm deep
- 100mm concrete and stone - 100mm and 100mm to be used
- 100mm concrete - 100mm and 100mm to be used
- Proprietary Bench seat - Refer to Manufacturer's specification

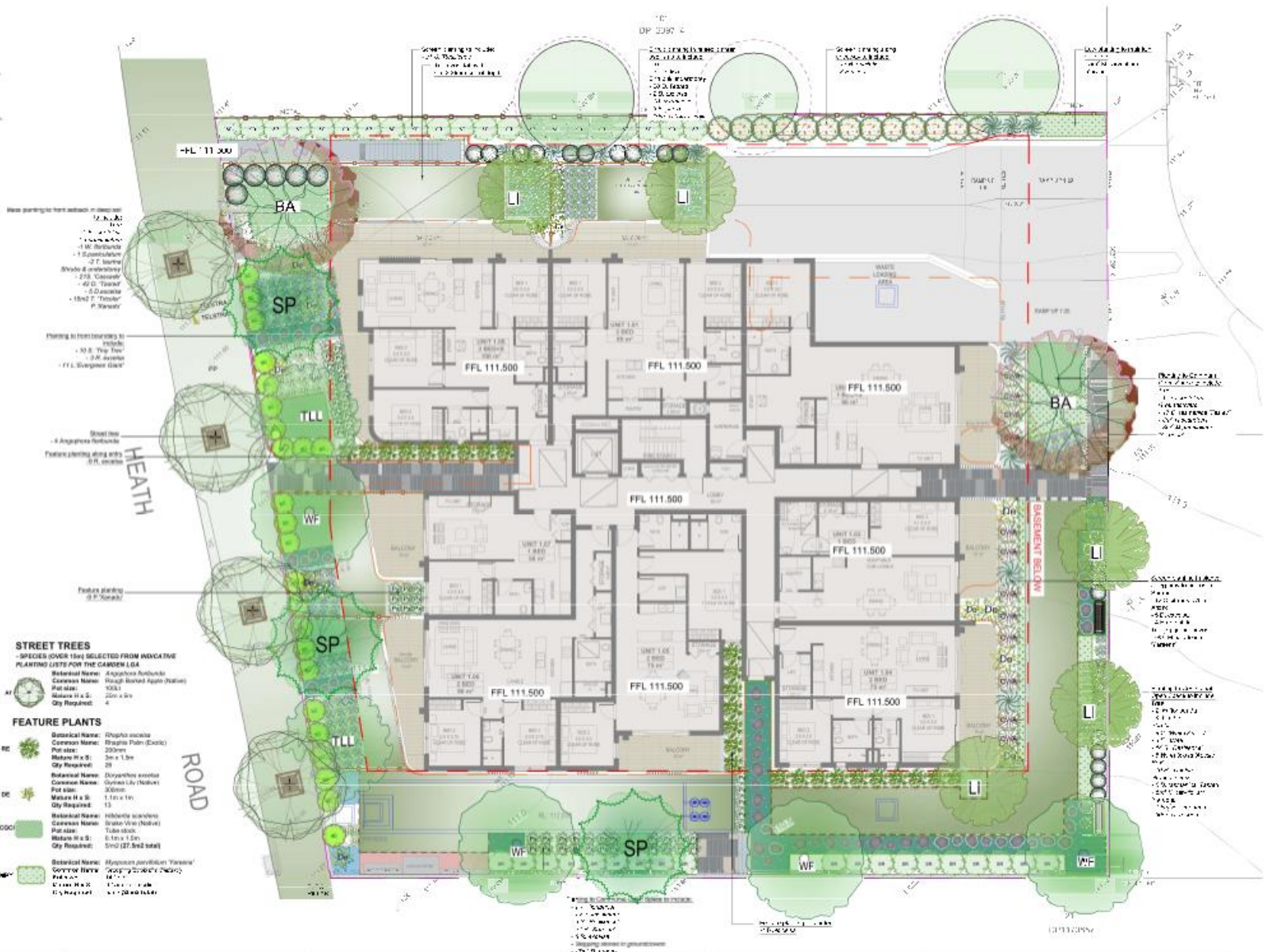


<p><b>PROPOSED MIXED USE DEVELOPMENT</b> 15 CAT 16/20 LEPPINGTON</p>	<p>Bar Scale 0 2 4 6 8 10m</p>	<p><b>HARDSCAPE PLAN</b></p>	<p>DEVELOPMENT APPLICATION</p> <p>15/20</p> <p>15/20</p>
			<p>OCTOBER 2021</p>



LEGEND & SCHEDULE

- TREES**
- BA** Botanical Name: *Brachylaena obliquata* (Native)  
Common Name: Brachylaena  
Pot size: 100L  
Mature H x S: 12m x 12m  
City Required: 4
  - LI** Botanical Name: *Leucadendron laurifolium* (Native)  
Common Name: Leucadendron  
Pot size: 100L  
Mature H x S: 8m x 8m  
City Required: 5
  - TLL** Botanical Name: *Tristania laurina* (Native)  
Common Name: Tristania  
Pot size: 100L  
Mature H x S: 8m x 8m  
City Required: 2
  - SP** Botanical Name: *Syzygium paniculatum* (Native)  
Common Name: Syzygium  
Pot size: 100L  
Mature H x S: 7m x 4m  
City Required: 8
  - WF** Botanical Name: *Walteria fordiana* (Native)  
Common Name: Walteria  
Pot size: 100L  
Mature H x S: 5m x 5m  
City Required: 4
- SHRUBS & SCREEN PLANTING**
- BA** Botanical Name: *Brachylaena obliquata* (Native)  
Common Name: Brachylaena  
Pot size: 300mm  
Mature H x S: 1.5m x 1.5m  
City Required: 15
  - WF** Botanical Name: *Walteria fordiana* (Native)  
Common Name: Walteria  
Pot size: 300mm  
Mature H x S: 1.5m x 1.5m  
City Required: 24
  - SP** Botanical Name: *Syzygium paniculatum* (Native)  
Common Name: Syzygium  
Pot size: 300mm  
Mature H x S: 1m x 1m  
City Required: 13
  - WF** Botanical Name: *Walteria fordiana* (Native)  
Common Name: Walteria  
Pot size: 300mm  
Mature H x S: 3m x 3m  
City Required: 40
  - SP** Botanical Name: *Syzygium paniculatum* (Native)  
Common Name: Syzygium  
Pot size: 300mm  
Mature H x S: 3m x 3m  
City Required: 21
  - DWA** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 300mm  
Mature H x S: 0.5m x 1m  
City Required: 12
- GROUNDCOVERS & GRASSES**
- DT** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - DT** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - DASH** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - LLT** Botanical Name: *Lonicera ligustrina* (Native)  
Common Name: Lonicera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30
  - PK** Botanical Name: *Paspalum conjugatum* (Native)  
Common Name: Paspalum  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30
  - II** Botanical Name: *Ischaemum polystachyon* (Native)  
Common Name: Ischaemum  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30
- STREET TREES**  
- SPECIES (OVER 15m) SELECTED FROM INVIGORATE PLANTING LIST FOR THE GARDEN LGA
- BA** Botanical Name: *Brachylaena obliquata* (Native)  
Common Name: Brachylaena  
Pot size: 100L  
Mature H x S: 12m x 12m  
City Required: 4
  - LI** Botanical Name: *Leucadendron laurifolium* (Native)  
Common Name: Leucadendron  
Pot size: 100L  
Mature H x S: 8m x 8m  
City Required: 5
  - TLL** Botanical Name: *Tristania laurina* (Native)  
Common Name: Tristania  
Pot size: 100L  
Mature H x S: 8m x 8m  
City Required: 2
  - SP** Botanical Name: *Syzygium paniculatum* (Native)  
Common Name: Syzygium  
Pot size: 100L  
Mature H x S: 7m x 4m  
City Required: 8
  - WF** Botanical Name: *Walteria fordiana* (Native)  
Common Name: Walteria  
Pot size: 100L  
Mature H x S: 5m x 5m  
City Required: 4
- FEATURE PLANTS**
- DT** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - DT** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - DASH** Botanical Name: *Drosera rotundifolia* (Native)  
Common Name: Drosera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 4
  - LLT** Botanical Name: *Lonicera ligustrina* (Native)  
Common Name: Lonicera  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30
  - PK** Botanical Name: *Paspalum conjugatum* (Native)  
Common Name: Paspalum  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30
  - II** Botanical Name: *Ischaemum polystachyon* (Native)  
Common Name: Ischaemum  
Pot size: 100L  
Mature H x S: 0.5m x 0.5m  
City Required: 30



PROPOSED MAJOR USE DEVELOPMENT IN THE NAME OF LEPPINGTON

Bar Scale 0 2 4 6 8 10m

LANDSCAPE PLAN

DEVELOPMENT APPLICATION

DATE: 10/11/2023

SCALE: 1:200

PROJECT: CLPP02

CLIENT: [REDACTED]

DESIGNER: [REDACTED]

DATE: 10/11/2023

LEGEND & SCHEDULE

1. THIS PLAN HAS BEEN PREPARED BY REGISTERED ARCHITECTS AND ENGINEERS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE ARCHITECTS ACT 1997 AND THE ENGINEERS ACT 1994.

ACCENT PLANTS

- Plants listed in this section are to be used as accent plants in the landscape design.
- Plant Name: ...
- Common Name: ...
- Height: ...
- City Selection: ...

SHRUBS & SCREEN PLANTING

- Plants listed in this section are to be used as shrubs and screen planting in the landscape design.
- Plant Name: ...
- Common Name: ...
- Height: ...
- City Selection: ...

MATERIAL FINISHES

- Material finishes for paving, walls, and furniture.
- Material Name: ...
- Description: ...

Communal Open Space Rooftop Terraces

GENERAL NOTE

Building codes and standards are established as a Federal law by the nationally recognized Building Code of Australia (BCA), and these apply to all projects of construction, including residential design and specifications. Specifically, BCA 2019 Parts 3.9.3 (stairs) and 3.9.2 (balustrades) and Australian Standard 1570.1 cover regulations for balustrades on stairways, balconies, rooftop terraces and other walkways.

GENERAL NOTE

BCA Balustrade Regulations and Standards

A balustrade is defined as a rail and its balusters (posts or other supporting members). BCA regulations state:

- It shall be at least 1 metre high as measured from the finished floor.
- It shall have openings between rails or posts not greater than 120mm.

- It shall be able to withstand loads and impacts as determined by AS 1570.1.

The height regulation of 1 metre ensures the balustrade is high enough to provide protection against falling over the balustrade. The openings between rails or posts cannot be greater than 120mm to prevent children from falling between them. Load and impact regulations are designed to ensure balustrades can resist impact or wind load collapse when pressure is applied to them from any direction.

Balustrade Safety & Planners

BCA regulations state that the balustrade must be 1 metre or more higher than the finished floor. On rooftop terraces, perimeter & furniture are often incorporated in the landscape design. It's important for compliance and safety that these elements do not undermine the safety of communal open space (COS) terraces and rooftops, and the compliance with the BCA and AS's are maintained.

FURNITURE PLANNING

- Outdoor furniture such as tables, benches, and seating should be fixed and located a minimum 2m away from the balustrade.
- Where furniture is proposed to be fixed or adjacent to COS terrace planners which form the balustrade, then a compliant handrail will be required to be fixed to the edge/corner of the plan.

A system for COS areas on rooftops or terrace areas is that the owner will add back furniture which already could undermine the safety of the enclosed rooftop terrace. In this case, it shall be the state bodies responsibility to manage the safety of these areas.

Ultimately, the compliance and safety of the COS area shall be the responsibility of the builder, and carefully inspected and certified at the Occupation Certificate (OC) stage of the development.

Maintenance of COS area

Communal open space terrace and rooftop areas are exposed to extreme wind, sun, and moisture, therefore its maintenance is important. The following items should be included or considered:

- All planters shall be structurally water-proofed with this work certified and periodically inspected. Trickle drains should be clearly maintained or they do not subsequently damage completed waterproofing.
- All planters shall be irrigated with an automated system with an appropriate watering program. Moisture gauges should be installed in some planters to measure overwatering.
- Tree supports shall be installed in high wind areas to target plants, such as palms & small trees.
- Compliance for non-slip surfaces and handrails should be maintained regularly.

For the maintenance of large rooftop areas and planters without external balustrades, surface painting for slip-off treatment is to be used. Maintenance workers are essential.



EXPLANATORY NOTES:
1. BALUSTRADES SHALL BE 1.0M HIGH AS MEASURED FROM THE FINISHED FLOOR.
2. BALUSTRADES SHALL HAVE OPENINGS BETWEEN RAILS OR POSTS NOT GREATER THAN 120MM.
3. BALUSTRADES SHALL BE ABLE TO WITHSTAND LOADS AND IMPACTS AS DETERMINED BY AS 1570.1.
4. FURNITURE SHOULD BE FIXED AND LOCATED A MINIMUM 2M AWAY FROM THE BALUSTRADE.
5. WHERE FURNITURE IS PROPOSED TO BE FIXED OR ADJACENT TO COS TERRACE PLANNERS WHICH FORM THE BALUSTRADE, THEN A COMPLIANT HANDRAIL WILL BE REQUIRED TO BE FIXED TO THE EDGE/CORNER OF THE PLAN.
6. A SYSTEM FOR COS AREAS ON ROOFTOPS OR TERRACE AREAS IS THAT THE OWNER WILL ADD BACK FURNITURE WHICH ALREADY COULD UNDERMINE THE SAFETY OF THE ENCLOSED ROOFTOP TERRACE. IN THIS CASE, IT SHALL BE THE STATE BODIES RESPONSIBILITY TO MANAGE THE SAFETY OF THESE AREAS.
7. ULTIMATELY, THE COMPLIANCE AND SAFETY OF THE COS AREA SHALL BE THE RESPONSIBILITY OF THE BUILDER, AND CAREFULLY INSPECTED AND CERTIFIED AT THE OCCUPATION CERTIFICATE (OC) STAGE OF THE DEVELOPMENT.
8. MAINTENANCE OF COS AREA: COMMUNAL OPEN SPACE TERRACE AND ROOFTOP AREAS ARE EXPOSED TO EXTREME WIND, SUN, AND MOISTURE, THEREFORE ITS MAINTENANCE IS IMPORTANT. THE FOLLOWING ITEMS SHOULD BE INCLUDED OR CONSIDERED:
- ALL PLANTERS SHALL BE STRUCTURALLY WATER-PROOFED WITH THIS WORK CERTIFIED AND PERIODICALLY INSPECTED. TRICKLE DRAINS SHOULD BE CLEARLY MAINTAINED OR THEY DO NOT SUBSEQUENTLY DAMAGE COMPLETED WATERPROOFING.
- ALL PLANTERS SHALL BE IRRIGATED WITH AN AUTOMATED SYSTEM WITH AN APPROPRIATE WATERING PROGRAM. MOISTURE GAUGES SHOULD BE INSTALLED IN SOME PLANTERS TO MEASURE OVERWATERING.
- TREE SUPPORTS SHALL BE INSTALLED IN HIGH WIND AREAS TO TARGET PLANTS, SUCH AS PALMS & SMALL TREES.
- COMPLIANCE FOR NON-SLIP SURFACES AND HANDRAILS SHOULD BE MAINTAINED REGULARLY.
9. FOR THE MAINTENANCE OF LARGE ROOFTOP AREAS AND PLANTERS WITHOUT EXTERNAL BALUSTRADES, SURFACE PAINTING FOR SLIP-OFF TREATMENT IS TO BE USED. MAINTENANCE WORKERS ARE ESSENTIAL.

EXPLANATORY NOTES:
1. BALUSTRADES SHALL BE 1.0M HIGH AS MEASURED FROM THE FINISHED FLOOR.
2. BALUSTRADES SHALL HAVE OPENINGS BETWEEN RAILS OR POSTS NOT GREATER THAN 120MM.
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- ALL PLANTERS SHALL BE IRRIGATED WITH AN AUTOMATED SYSTEM WITH AN APPROPRIATE WATERING PROGRAM. MOISTURE GAUGES SHOULD BE INSTALLED IN SOME PLANTERS TO MEASURE OVERWATERING.
- TREE SUPPORTS SHALL BE INSTALLED IN HIGH WIND AREAS TO TARGET PLANTS, SUCH AS PALMS & SMALL TREES.
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- ALL PLANTERS SHALL BE IRRIGATED WITH AN AUTOMATED SYSTEM WITH AN APPROPRIATE WATERING PROGRAM. MOISTURE GAUGES SHOULD BE INSTALLED IN SOME PLANTERS TO MEASURE OVERWATERING.
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Project information block including:
- PROJECT NAME: PROPOSED MIXED USE DEVELOPMENT TO BE BUILT ON LOT 1570/1571 LEITCHTON
- BAR SCALE: 0 2 4 8 10m
- LANDSCAPE PLAN
- DEVELOPMENT APPLICATION NO: 2024/0001
- DATE: 14 FEBRUARY 2024

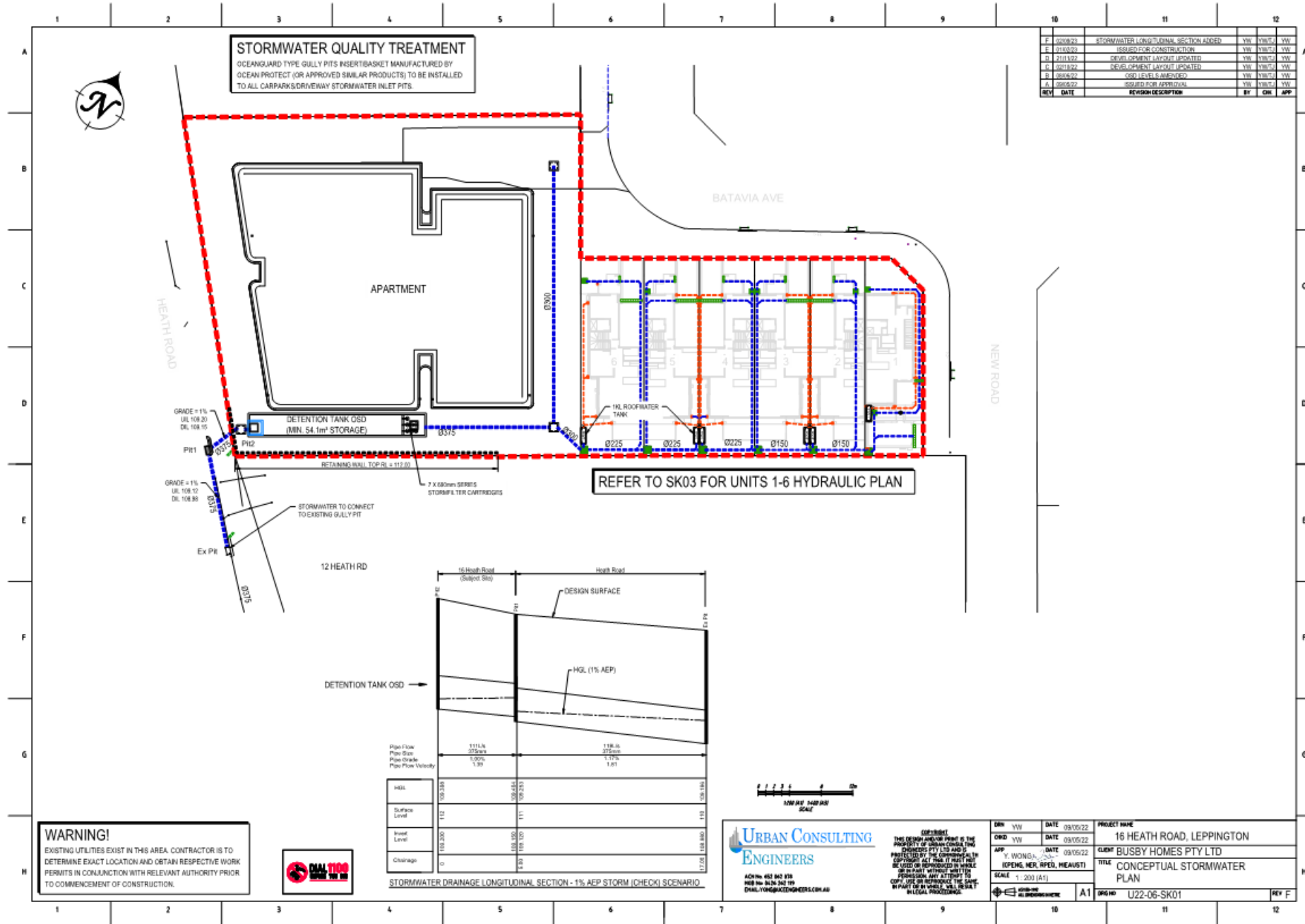


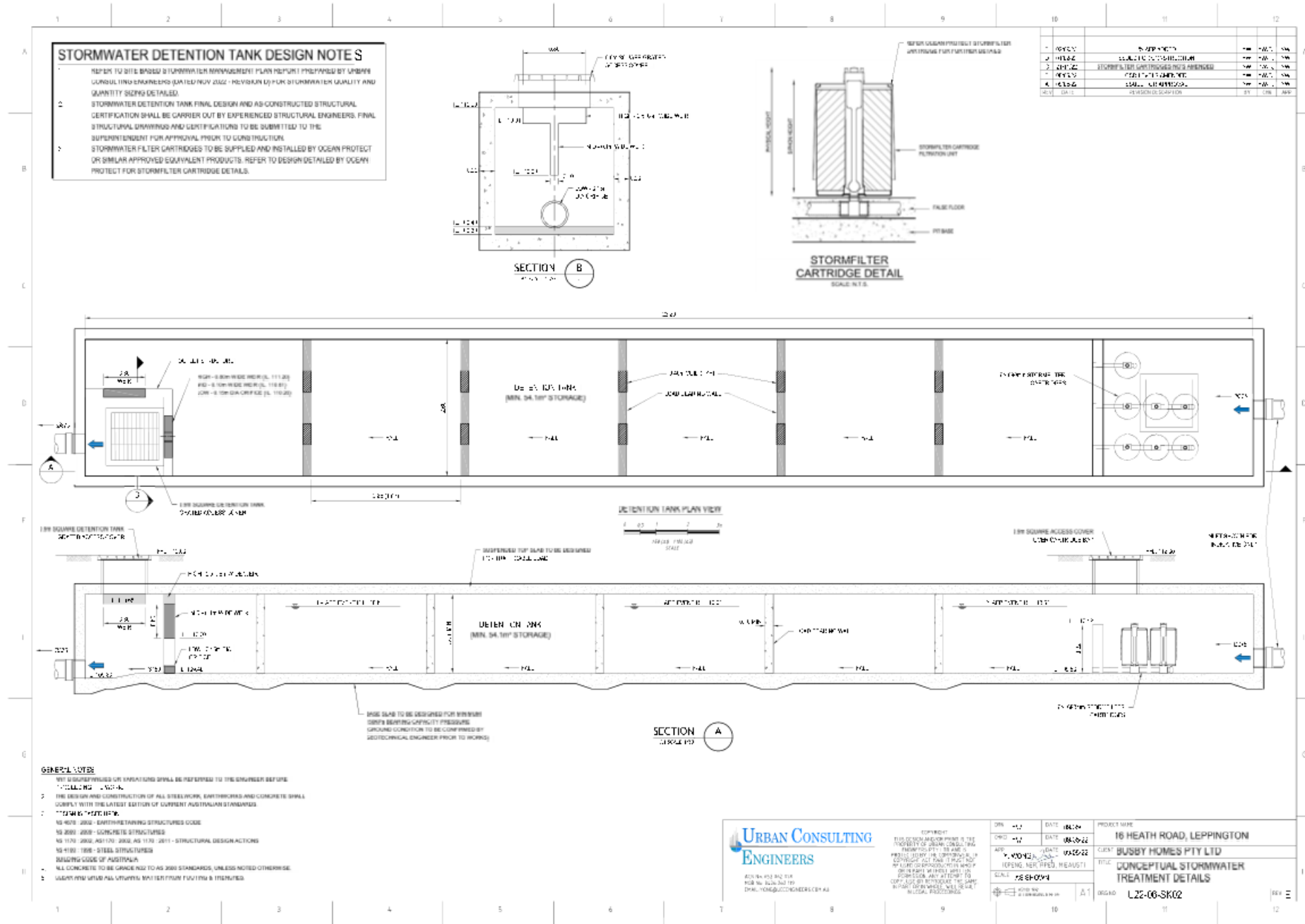












REV	DATE	DESCRIPTION	BY	CHK	APP
1	18/09/22	ISSUED FOR PERMIT	Y. VONCE	Y. VONCE	
2	20/11/22	STORMWATER FILTER CARTRIDGE PERMITS	Y. VONCE	Y. VONCE	
3	02/02/23	PERMITS - 15/04/23, 15/04/23	Y. VONCE	Y. VONCE	
4	02/02/23	ISSUED FOR PERMIT	Y. VONCE	Y. VONCE	
REV	DATE	DESCRIPTION	BY	CHK	APP




**URBAN CONSULTING ENGINEERS**

10/11/2018 10/11/2018  
10/11/2018 10/11/2018  
10/11/2018 10/11/2018

DRN	1:1	DATE	18/09/22	PROJECT NAME	16 HEATH ROAD, LEPPINGTON
DRW	1:1	DATE	18/09/22	CUSTOMER	BUSBY HOMES PTY LTD
APP	Y. VONCE	DATE	09/02/23	TITLE	CONCEPTUAL STORMWATER TREATMENT DETAILS
SCALE	AS SHOWN	DESIGN	Y. VONCE	DESIGN	L22-06-SK02

 70 Central Ave,  
Oran Park NSW 2570

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 13 CAMDEN (13 226336)

 [www.facebook.com/camden council](https://www.facebook.com/camden council)

 ABN: 31 117 341 764



camden  
council