

JOINT REGIONAL PLANNING PANEL

(Sydney West Region)

JRPP No	2011SYW062
DA Number	701/2011
Local Government Area	Campbelltown City Council
Proposed Development	Construction of a private rail siding
Capital Investment Value	\$9,350,000
JRPP Referral Criteria	Rail infrastructure facility exceeding \$5 million
Street Address	5 & 9 Culverston Road, Minto
Applicant/Owner	Rail Design & Survey Australia/Minto Properties Ltd
Number of Submissions	None
Recommendation	Approval with conditions of consent
Report by	Adam Coburn

Attachments

1. Conditions of consent
2. Site plan

Statutory Provisions:

State Environmental Planning Policy No. 1 Development Standards
 State Environmental Planning Policy (Major Development) 2005
 State Environmental Planning Policy No. 55 Remediation of Land
 State Environmental Planning Policy No. 19 – Urban Bushland
 Campbelltown (Urban Area) Local Environmental Plan 2002
 Campbelltown (Sustainable City) Development Control Plan 2009
 Campbelltown Section 94A Contributions Plan

Non-Statutory:

Campbelltown 2025 Looking Forward

Date Received:

19 April 2011

The purpose

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

The rail siding is categorised as “rail infrastructure facilities” in accordance with clause 13B of the Major Development State Environmental Planning Policy (SEPP)2005 and therefore due to its capital investment value exceeding \$5 million the application has been forwarded to the Joint Regional Planning Panel for determination.

Background and History

Council is in receipt of a development application from Rail Design & Survey Australia for a private rail siding to be accessed from the future Southern Sydney Freight Line. The site is owned by Minto Properties Pty Ltd and is used as a mass vehicle storage, processing and distribution centre.

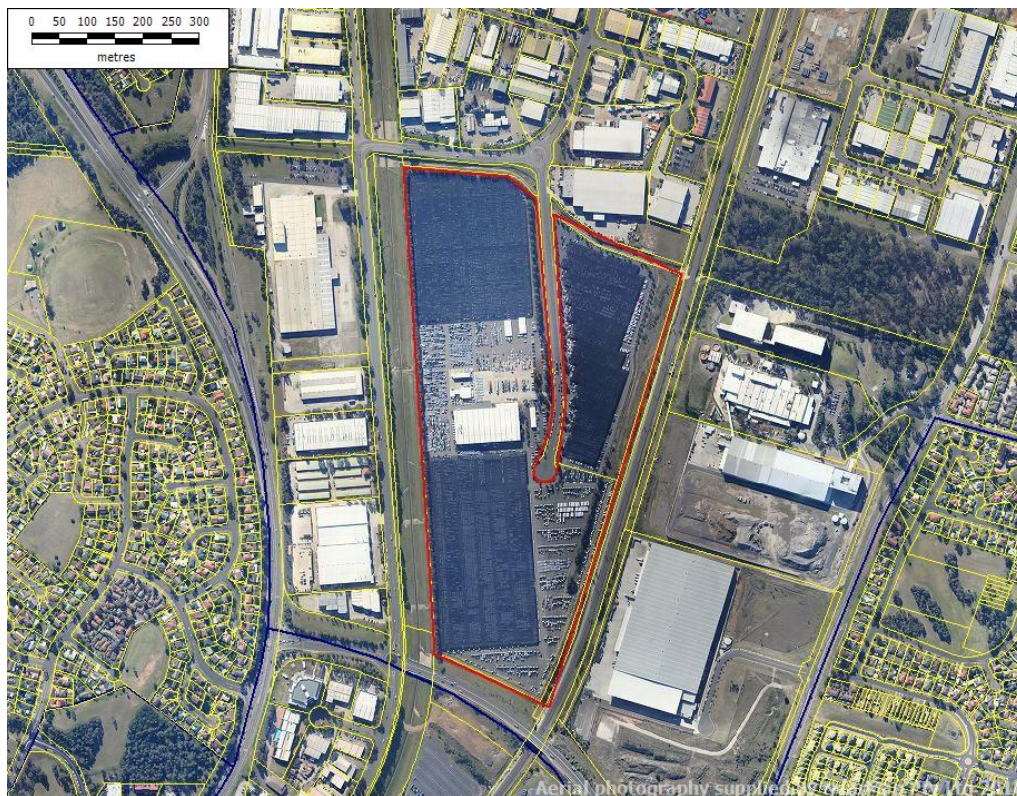
The site has an area of 39 hectares and has a storage capacity of 14,000 vehicles, 9000 of which can be accommodated undercover within a hail proof mesh structure. The vehicles are currently transported to the site by road from Port Kembla. The intent of the proposal is to allow for the future transportation of vehicles to and from the site by rail, however the operation of the proposed rail siding and associated buildings and infrastructure will be subject to a future and separate application.

The applicant seeks approval for the private rail siding only at this stage and intends to construct the siding at the same time as the construction of the Southern Sydney Freight Line.

The Site

The site is 29 hectares in size and is located between Airs Road and the Main Southern Railway, immediately to the north of Grange Road. The site is located approximately 1.2 kilometres from the town centre of Minto, 1.25 kilometres from the South Western Freeway and is located amongst an existing industrial precinct.

Figure 1 - Site locality



The subject site is identified as:

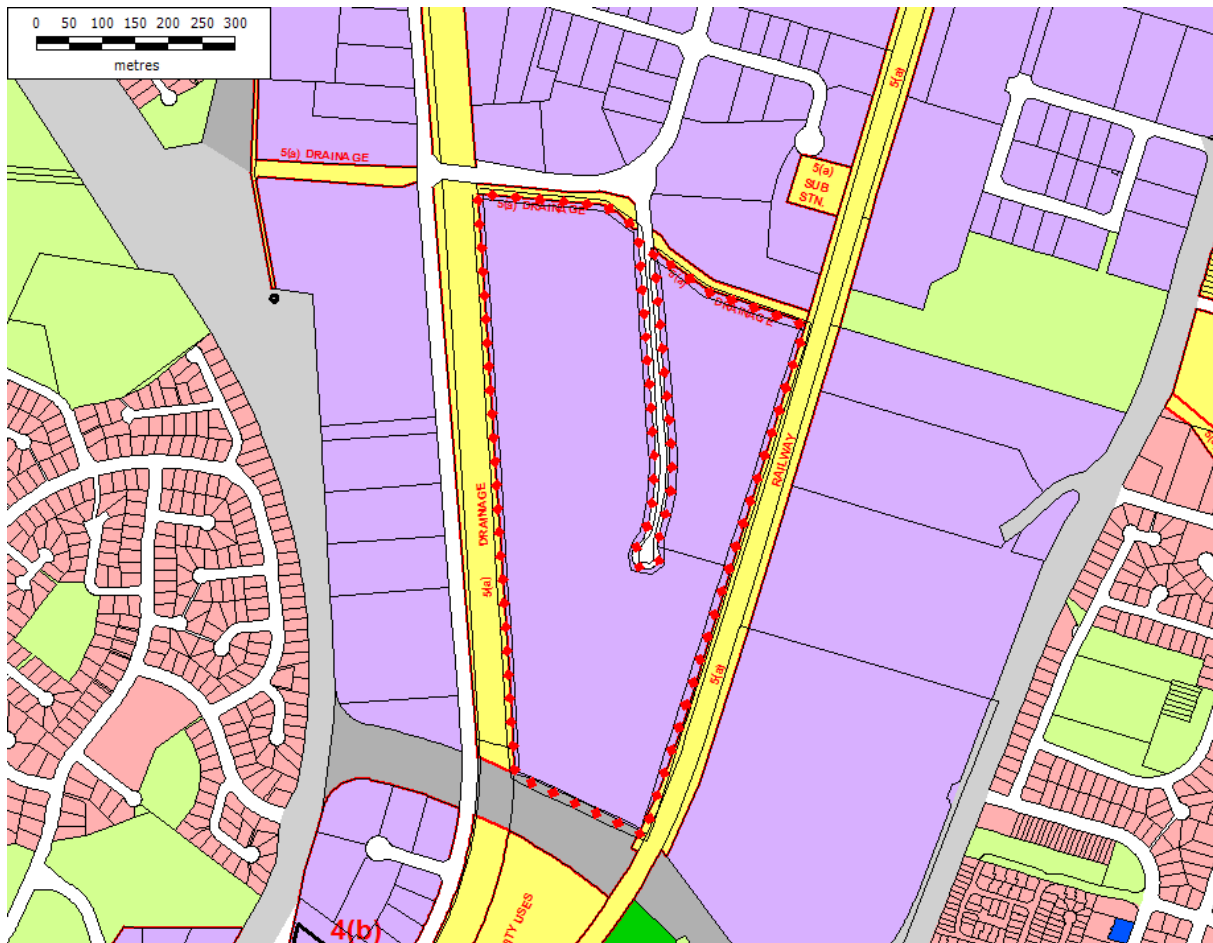
- 5 Culverston Road (Lot 3 DP 8177934)
- 9 Culverston Road, (Lot 400 DP 875711)

Both lots form part of a customs bonded site and they are surrounded by electrified fencing and onsite security personal. A hail proof fabric mesh structure covers a large proportion of the property.

Zoning

The site is zoned 4(a) General Industry zoning under Campbelltown (Urban Area) Local Environmental Plan 2002. Adjacent land uses are also zoned industrial as indicated in Figure 2 below.

Figure 2 - Site zoning



Proposed Development

The proposed development involves the construction of a private rail siding only. The rail siding will be 1km in length and will cater for a 48 class locomotive and other suitable trains up to 650m long. Rail turnouts are proposed at the northern and southern ends of the rail siding which will provide for a physical connection to the future Southern Sydney Freight Line. The construction also involves two bridge crossings over the adjacent drainage concrete channel and McBarron Creek to the east and north of the site.

No loading or unloading facilities are proposed as part of this proposal. This application seeks consent for the construction of a rail siding only. A future application will be required for the use of the siding as a freight terminal in the future.

The current use of the site for vehicular storage and distribution will be maintained, albeit with a reduced operating capacity given that the existing vehicle storage capacity of the land will be

reduced by approximately 10%. This land will be required to construct the proposed rail siding and the associated working cartilage.

Assessment

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

1. Environmental Impacts

1.1 Bushfire

A portion of the north eastern corner of the site is identified as bushfire prone land on Campbelltown City Council's Bushfire Fire Prone Land Map. The vegetation that potentially impacts upon the land is in Pembroke Park, which is located to the east of the site (other side of the rail corridor). Given the bushfire risk, the proposed development is subject to assessment and consideration under Section 79BA of the Environmental Planning and Assessment Act, 1979 and the NSW Rural Fire Service Planning for Bushfire Protection (PBP) Guidelines.

A bushfire assessment report accompanied the application and evaluated the application in accordance with the above requirements and determined the appropriate Asset Protection Zone (APZ) required for this development. The bushfire assessment report found that the development is required to have a minimum 20m APZ zone from the bushfire source. There is an existing 40m APZ, by virtue of the rail corridor, which satisfies the provisions under the PBP guidelines.

The proposed construction materials of concrete and steel have been assessed and comply with the construction standards incorporated into AS 3959-2009 Construction of buildings in bushfire-prone areas.

1.2 Heritage

The subject site is not identified as a heritage listed item, nor is it in the vicinity of a heritage item. The subject land has no known sites or places of Aboriginal heritage significance.

The geotechnical report that accompanied the application demonstrates that the site has been extensively filled and there is unlikely to be any remnants of Aboriginal or European artifacts. Notwithstanding this a precautionary condition has been included on the draft consent that will require any archaeological relics that may be discovered during construction works are properly managed in accordance with the relevant statutory requirements.

1.3 Stormwater

The site adjoins McBarron Creek (formed channel) to the north, the Bow Bowling Channel to the west and existing drainage lines (easements) adjoining the southern and eastern boundaries. The site itself contains a number of internal drainage lines, which collect stormwater and drain it into adjoining stormwater channels.

A concept stormwater plan has been submitted with the application. The proposed rail siding is considered to have an insignificant impact upon local drainage systems and proposes additional stormwater pits adjacent to and surrounding the siding.

The proposed rail siding will require the construction of two bridges. The first bridge crosses over McBarron Creek and the second bridge traverses the concrete channel which runs in a northerly direction along the eastern boundary of the site. The bridges have been designed to achieve to the minimum 600mm freeboard from the 100 year flood event to the under side of the bridge as required by Council's Floodplain Management Policy.

The development will involve up to 3 metres of excavation as part of the bridge construction. The results from the applicants bore sampling found that there is likely to be the presence of groundwater, at depths below 2m from existing ground level. Given this, an appropriate subsurface

dewatering system will be required to properly manage groundwater and stormwater during the construction period.

Having regard to the stormwater issues raised above and the investigations carried out by the applicant, stormwater and drainage can effectively be managed during construction and post development. Appropriate conditions have been accordingly included in the draft consent.

1.4 Salinity

The Salinity Potential Map for Western Sydney, prepared in 2002, prepared by the (then) Department of Infrastructure, Planning and Natural Resources, identifies the site as having moderate to high salinity potential across the site.

The geotechnical investigations undertaken for the project, revealed the presence of groundwater or seepage at depths of 2m or more below ground level. To mitigate the impacts of salinity a condition has been imposed regarding subsurface drainage systems.

1.5 Vegetation

The subject site contains vegetation of various types and conditions, such as native landscaping, weed dominated piles and cleared areas with occasional native shrub re-growth. An ecological assessment was conducted on behalf of the applicant and identified that vegetation on the site is not representative of any endangered ecological community. The remnant areas of disturbed native vegetation have been repeatedly cleared in the past, likely in response to ongoing and required maintenance of the rail line and power lines that run through the site.

The proposed development is not likely to have a significant impact upon vegetation or threatened or endangered ecological communities. Notwithstanding the above, a Vegetation Management Plan (VMP) has been prepared by the applicant that provides recommendations on stabilization, vegetation restoration and species selection. The VMP provides a suitable response to the proposed development and will include suitable compensatory planting to off-set the five trees that will be removed as a result of the proposed rail siding. Furthermore given the highly urban and disturbed areas, the approval of the development, with the implementation and maintenance of the VMP is considered a suitable and practical response to the development of the site.

1.6 Noise Impacts

The applicant has submitted a noise assessment report as part of this application. Whilst the noise report details and considers noise impacts associated with any future operation of the siding for loading and unloading freight, it also considers potential noise impacts associated with trains (locomotives) and rail cars moving along the rail siding.

Noise measurements and assessments were carried out in accordance with the relevant environmental standards and the report found that noise emitted from train movements along the siding would not cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997. In respect to the potential noise impacts from the future operation of the rail siding, this would have to be dealt with as part of a separate application and environmental assessment.

Applicable planning instrument and controls

Section 79C(1)(a) of the Act requires Council to consider any relevant environmental planning instrument, draft environmental planning instrument or development control plan.

2.0 State Environmental Planning Policies (SEPP) & Regional Environmental Plans (REP)

2.1 State Environmental Planning Policy 19 – Urban Bushland

SEPP 19 – Bushland is applicable. The general aims of the policy are to protect and preserve bushland within urban areas. The proposed development will not remove significant vegetation and

will not impact on the aesthetic, environmental, historical or scientific value of bushland within the Campbelltown area. As stated previously the removal of five existing trees will be off-set by replacement planting in accordance with the VMP.

2.2 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The REP applies to the land as the site falls within the Georges River Catchment. The REP aims to maintain and improve water quality within the catchment area and to protect and enhance the environmental quality of the catchment.

The development is located within an established urban area. Measures are proposed to manage stormwater quality and quantity during construction and operation as outlined in the stormwater management plan which accompanied the application. This includes improvements in stormwater treatment and management on the site, which comply with the aims, objectives and provisions of the REP. Conditions have been recommended to deal with sediment and erosion control during construction.

2.3 State Environmental Planning Policy No. 1 Development standards

The application seeks a variation under the provisions of State Environmental Planning Policy No. 1 - Development Standards. The variation sought is in respect of the 30m rail corridor setback contained within Campbelltown Local Environmental Plan 2002, which states that development "other than use of the land for landscaping, for access roads and for off street parking, on land within the 4(a) zone must maintain a 30m setback to the Main Southern Railway".

The objective of the setback control is to limit industrial buildings and associated structures built up to the edge of the railway corridor and to enable suitable opportunities for landscaping and screen planting. The proposed development protrudes only slightly into the 30 metre setback corridor, mainly where the siding interconnects onto the proposed freight line. Attachment 4 illustrates the setback variation, although it assumes the 30m setback from the railway line itself, rather than the rail corridor. Irrespective of where the 30m setback control applies, the existing setback corridor is maintained and there are ample opportunities for screen planting.

The departure from the technical standard in respect to the 30m setback to the railway corridor is required to provide a physical connection to the railway corridor, and strict compliance would prohibit any development for the purpose of the railway siding, which is contrary to the purpose of clause 57 of the LEP, which states that "nothing in this plan prohibits the construction and use of any railway siding designed to serve land within Zone 4 (a).

Accordingly, it is recommended that the SEPP 1 variation be supported on the basis that the objective of the 30m setback to the railway corridor is protected and as such despite the construction of the rail siding there will remain suitable opportunities for landscape screening adjacent to the railway corridor. Further to this, the siding will remove any future potential for the construction of buildings within the 30m setback area.

2.4 State Environmental Planning Policy (Major Development) 2005

State Environmental Planning Policy (Major Development) 2005 identifies the types of development for which Regional Planning Panels are to exercise the consent authority functions of Councils.

Part 3 of the SEPP (Major Development) identifies the types of development that Regional Planning Panels will be responsible for determining. Clause 13B provides that 'rail infrastructure facilities' with a capital investment value of more than \$5 million shall be determined by a Regional Panel. Given that the proposed development has a stated value of \$9.3 million, the Sydney West Joint Regional Planning has assumed Council's role of consent authority for the application.

2.5 State Environmental Planning Policy NO. 55 Remediation of Land

A site contamination assessment has been carried out to determine whether the soils present a risk of harm to human health and the environment as part of the proposed development.

The contamination assessment did not reveal any evidence of contamination of the site that would render the development unsuitable. There were no visible signs such as staining, dying or evidence of ash materials, asbestos, features associated with underground storage tanks, odour, discoloration or other evidence that would indicate the potential for contamination.

The development will involve excavation and minor filling and as part of these works minor remediation may be required if potentially contaminated soils are exposed as development occurs. Accordingly appropriate conditions have been included in the draft consent to ensure that appropriate remediation works are carried out should excavation and site filling works unveil any contaminated portions of the site.

3.0 Local Planning Controls

3.1 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(a) General Industry Zone under the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed rail siding is permissible with consent in the zone.

The proposal is consistent with the 4(a) zone objectives, particularly objective (a), (b) and (c) of the zone:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown,*
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.*

The proposed rail siding is consistent with the zone objectives and provides infrastructure to improve the viability and functionality of industrial land. The design of the rail siding has been sympathetic to existing site constraints, such as flooding, drainage and bushfire.

Relevant Provisions

Clause 37 relates to setbacks within industrial areas. It relevantly states:

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

- (a) 30 metres of the main southern railway line, the South Western Freeway, Ben Lomond Road between Pembroke Road and the Main Southern Railway, Campbelltown Road, Henderson Road, Pembroke Road, Rose Payten Drive or Williamson Road.*

The proposed development proposes to construct part of the rail siding within the 30 metre setback zone, but only where the siding connects onto the proposed Southern Sydney Freight Line. The vast majority of the siding sits outside the 30m setback zone. This is detailed within the SEPP 1 objection report. The variation to clause 37 is supported by a SEPP No. 1 Development Standard variation and is dealt with under separate heading within this report.

Clause 57 relates to railway sidings. It states:

“57 Development of railway sidings

Nothing in this plan prohibits the construction and use of any railway siding designed to serve land within Zone 4(a). “

The proposed development is for the purpose of a railway siding and is therefore permissible development, subject to consent.

Clause 39 – earthworks and preservation of trees; applies to the development application as it proposes earthworks and excavation. The excavation and cut & fill has been designed to be sympathetic to the topography of the site and will not cause an adverse impact upon the local drainage catchment or flood conditions.

Up to five trees are likely to be removed as part of the development, however this will be offset by replacement planting and the implementation and maintenance of a Vegetation Management Plan (VMP) and landscape plan that forms part of the recommended conditions of consent.

4.0 Development Control Plan

4.1 Campbelltown (Sustainable City) Development Control Plan 2009

Campbelltown (Sustainable City) Development Control Plan 2009 has been considered and the relevant environmental matters have been discussed under the respective sections of this report. Whilst the majority of the development standards and objectives of the DCP relate to the construction of industrial buildings and associated activities, the proposed development is consistent with the objectives of this plan, which ‘Aims’ include amongst others to promote ecologically sustainable development.

5.0 Other planning policies

5.1 Section 94A Development Contributions Plan

In accordance with the provisions of Campbelltown City Council's Section 94A Development Contributions Plan, the development will attract a levy of 1% of the capital cost of development. The levies are paid to Council and will be applied towards meeting the cost of provision of new public facilities or augmentation of existing facilities. This is included as a draft condition of consent.

5.2 Campbelltown 2025 Looking Forward

‘Campbelltown 2025 Looking Forward’ is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- *Responds to what Council understands people want the City of Campbelltown to look, feel and function like;*
- *Recognises likely future government policies and social and economic trends; and*
- *Sets down the foundations for a new town plan that will help achieve that future.*

The document establishes a set of strategic directions to guide decision making and development outcomes. These directions are broad in nature and form a prelude to a new statutory town plan for the City.

The strategic directions relevant to this application are:

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

- *Creating employment and entrepreneurial opportunities.*

The proposed development is generally consistent with these directions. The development contributes to the growth of the regional city of Campbelltown and improved infrastructure facilities.

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

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

The proposed rail siding has been assessed having regard to Campbelltown 2025 *Looking Forward*. It is considered that the development application is generally consistent with the Vision's desired outcomes and provides a sustainable outcome. The rail siding will make a significant contribution to the economic capacity of the site and improves longer term efficiencies should approval be sought and granted for use of the siding for unloading and loading of vehicles associated with existing site operations.

Impact of the development

Section 79C(1)(b) of the Act requires Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts in the locality.

The proposed development poses no adverse impacts on the built form of the locality. The proposed siding is appropriate and has been designed to accommodate a 'class 48' locomotive. The development proposed will not result in additional traffic impacts upon the locality and instead is expected to result in a net reduction in vehicle movements due to a loss of up to 10% of storage areas as a result of the construction of the rail siding.

Currently the site accommodates up to 200 truck (car carrier) movements per days, with a 10% reduction in vehicle storage capacity, there is expected to be a consequential reduction of up to 20 truck movements, bringing total truck movements down to 180 per day.

The development poses no adverse environmental impact. No threatened or endangered species or habitat will be adversely affected by the proposed development. A comprehensive ecological report was undertaken as part of the approval of the concept plan. This report established that no significant or endangered flora or fauna species or ecological communities were present within the project area and recommends that a Vegetation Management Plan be implemented for disturbed areas.

Suitability of the site

Section 79C(1)(c) of the Act requires Council to consider the suitability of the site to accommodate the development.

The site forms part of the Minto industrial area and has been zoned and approved for industrial development. In conjunction with the existing approved use for the mass storage and distribution of vehicles the rail siding has the potential to provide significant environmental and economic benefits to the site operations. This is of course subject to future consent being sought and granted for use of the siding for unloading and loading activities.

Extensive investigations have been undertaken in respect to soil, flora & fauna, hydrology and bushfire, which found that the site is suitable for development.

Submissions

Section 79C(1)(d) of the Act requires Council to consider submissions made in respect to the proposal.

Public exhibition

The application was advertised in accordance with the provisions of the Environmental Planning Assessment Act 1979. No submissions were therefore received in respect to the notification of the development.

Public authorities

The following submissions were received from public authorities.

(a) NSW Office of Water

The application is integrated development in accordance with section 90 of the Environmental Planning and Assessment Act, as it requires a controlled activity permit from the Office of Water in accordance with the Water Management Act 2000.

The Office of Water have issued General Terms of Approval, with a range of conditions relating to stormwater run-off, sediment and erosion control and vegetation within the riparian zone. These conditions have been incorporated into the consent and the applicant will be required to obtain a controlled activity permit prior to construction commencing.

(b) Railcorp

The application was referred to Railcorp for assessment and concurrence as landowner for the associated works within the rail corridor, where the siding will connect to the future Southern Sydney Freight Line.

Railcorp have provided in principle support for the application, subject to compliance with a number of construction requirements that meet Railcorp technical standards. Railcorp under separate cover have also provided owners consent for lodgment of the application to Council.

(c) Integral Energy

Integral Energy have been consulted in respect to the site containing a transmission line adjacent to the rail corridor. There are existing power poles within 4 metres of the proposed rail siding, which may require further amendments and mitigations to allow for the safe working on these assets should consent be granted. A condition has been included in the draft consent that requires approval from Integral Energy for any amendments to the existing electrical easement and that any adjustment to public utilities will be at the cost of the proponent.

(d) Campbelltown City Council

Comments were received from Council's Property Manager in respect to the location of a stormwater easement and the impact of the proposed rail siding on the ongoing maintenance of the easement. There are a number of easements that affect and restrict the use of the land, which the rail siding traverses. Whilst the siding has no physical impact upon the operation and performance of the drainage channel (easement), the rail siding has the potential to impact upon the ongoing maintenance of the easement due to restrictions on access.

The applicant has acknowledged the siding will have some impact upon accessibility into the drainage easement, however access can still be maintained and they would accept a condition that requires them to submit a plan of management for maintaining and providing ongoing access for maintenance purposes to the drainage easement. However should a variation to the terms of the easement be required, then this will be dealt with separately as a property matter with Council.

The Public interest

Section 79C(1)(e) of the Act requires Council to consider the public interest when determining an application.

The proposed development is considered to be in the public interest, particularly in regard to the environmental and economic benefit that the rail siding provides for the locality. The rail siding provides improved infrastructure to the locality and will improve the efficiency and operation of the site should further consent be obtained for use of the siding for unloading and loading of vehicles associated with existing site operations.

The proposal is in accordance with the requirements of the relevant planning instruments and policies and will not have a negative impact upon the environment, property values or public health. For the reasons identified above the proposal is considered to be in the public interest.

Conclusion

The development application is for the construction of private rail siding with two connections onto the proposed Southern Sydney Freight Line. The intent of the proposal is to allow for the future use of the siding for the unloading and loading of vehicles associated with the current use of the site for the mass storage and distribution of vehicles. The use and operation of the rail siding will be subject to a future application and this report in no way grants or implies approval for use of the rail siding.

The application is being determined by the Sydney West JRPP, under the provisions of the Major Development SEPP 2005, as the development is defined as a 'rail infrastructure facility', with a capital investment exceeding \$5 million.

The proposed development is permissible with consent and is consistent with relevant planning controls and zone objectives. The development poses no adverse environmental impact and is sympathetic and compatible with the use and operation of the industrial site. The promotion of industrial freight by rail is generally considered to be a more sustainable development outcome than road transport and therefore the longer term use of the site (subject to consent being obtained) is supported for this reason.

This report has assessed the proposal in accordance with the provisions of the Section 79C of the Environmental Planning and Assessment Act, 1979, and the development has been found to be satisfactory and worthy of support.

Officer's Recommendation

1. The SEPP 1 variation to clause 37 of for setbacks within industrial areas of Campbelltown (Urban Area) Local Environmental Plan 2002, be allowed, and
2. Development application 701/2011 for a private rail siding at 5 & 9 Culverston Road, Minto be approved subject to conditions of consent contained in attachment one.

ATTACHMENT 1
701/2011/DA-CW
Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

2. Rail siding only

This approval relates to the construction of a rail siding only as depicted on the stamped approved plans. Separate approval will be required for the use of the rail siding for purposes other than that of a rail siding and for the construction of any structures adjacent to or within the rail siding that are not integral to the operation of the rail siding.

3. Building Code of Australia

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

4. Landscaping

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

5. Shoring and Adequacy of Adjoining Property

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

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

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

6. Construction Certificate

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

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two (2) days prior to the commencement of any works

7. Surface and subsurface drainage

Any development of this site will require drainage to be accommodated in accordance with "Campbelltown (Sustainable City) Development Control Plan Volume 2 – Engineering Design for Development" (as amended).

The development shall employ suitable methods for dealing with subsurface (groundwater) water management during construction and once the development is completed.

8. Survey

The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Council and Railcorp's representative.

9. Plan of management for drainage easement

The applicant shall submit for approval to Council a plan of management that provides for ongoing unrestricted access to the existing Council benefited stormwater easements affecting the land. The plan of management shall detail how unrestricted access for Council vehicles, plant and equipment will be provided in perpetuity within the drainage easements affecting McBarron Creek and the concrete formed channel.

10. Impact of development within electrical easement

The applicant shall obtain approval from the appropriate electrical authority for works within or adjacent to the electrical easement that affects the land. Prior to the issue of a construction certificate written confirmation from the appropriate electrical authority is to be obtained and submitted to the Principal Certifying Authority.

11. Contamination

If any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos sheet(s)/pieces(s), ash material, etc) are encountered during any stage of earthworks and site preparation an appropriately qualified person shall undertake an assessment of the affected area. In the event of contamination, detailed assessment, remediation and validation will be necessary.

12. Aboriginal or European Relics or Artefacts

The applicant shall notify Council and the Office of Environment and Heritage should any Aboriginal or European Artefacts or Relics be discovered during earthworks or

construction activities on the site. In this instance work within and adjoining the affected area shall immediately cease until the appropriate approvals or permits are obtained.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

13. Contaminated Site Assessment

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and a remedial action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the Contaminated Land Management Act 1997 and shall be submitted to Council/PCA for approval.

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

14. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

15. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to (the drainage easement/channel. All proposals shall comply with the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

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

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

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

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

17. Controlled Activity Approval

A construction certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the Office of Environment and Heritage (OEH) has been provided to Council and the Principal Certifying Authority.

18. Bridge Design

Detailed design plans of the proposed bridges traversing McBarron Creek and the concrete lined channel will be required to be submitted to Council for approval prior to the issue of a construction certificate.

The bridge shall be designed to ensure that a minimum 600mm freeboard is available to the underside of the bridges.

19. Flood study

A comprehensive hydraulic analysis to determine the impact the proposed bridge piers will have on the existing flood levels during a 100 year ARI flood event (should

the piers be located within an area subject to flooding from a 100 year ARI flood event), is required in accordance with the “Campbelltown (Sustainable City) Development Control Plan Volume 2 – Engineering Design for Development” (as amended).

20. Services Search

Prior to the issue of a construction certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site the applicant must make appropriate arrangements with the Rail Authority for the relocation or incorporation of the services within the development.

21. Geotechnical, structural stability and integrity

The applicant is to submit a geotechnical engineering report to Council and Railcorp prior to the issue of a construction certificate. The report shall demonstrate that the development has no negative impact on the rail corridor and council drainage easements or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Railcorp and Council. The report shall include the potential impact of demolition and excavation, and demolition and excavation induced vibration in rail facilities, and loadings imposed on Railcorp and Council facilities by the development.

22. Construction Management

Prior to the issue of a construction certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to the Rail Authority for review and comment on the impacts on the rail corridor.

Included in the abovementioned plan shall be confirmation that no conductive material is to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

23. Crane and aerial operations

Prior to the issue of a construction certificate the applicant is to submit for the approval of Railcorp a plan showing all craneage and other aerial operations required for the development.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

24. Erosion and Sediment Control

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

25. Erection of Construction Sign

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

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

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

26. Toilet on Construction Site

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

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

27. Vehicular Access during Construction

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

28. Public Property

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

29. Footpath and Vehicular Crossing Levels

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

30. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

31. Dilapidation survey

Prior to works commencing a dilapidation survey report is to be submitted to Council and Railcorp. The dilapidation report shall establish any existing damage of Council assets (including the drainage channel) and rail infrastructure and enable any deterioration during construction to be observed

32. Fencing

Prior to works commencing appropriate fencing shall be installed along the rail corridor and adjoining public land to prevent unauthorised access to the rail corridor. Details of the type of fencing and method of erection are to be to the satisfaction of Council and the Rail Authority prior to fencing being erected.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

33. Fill Contamination

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

34. Construction Work Hours

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

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

35. Erosion and Sediment Control

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

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

36. Dust Nuisance

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

37. Rail corridor and drainage easement access

The developer shall make provision for easy and ongoing access by rail & Council vehicles, including plant and equipment within the rail corridor and drainage easement for the duration of the works.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

38. Council Fees and Charges

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

39. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the bridge and other structural works has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

40. Public Utilities

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

41. Works as Executed Plan

Upon completion of any development, it will be necessary that a "Work as Executed" plan be provided. A qualified surveyor must certify all information in this plan. The plan must be supplied in an electronic format as some of this information will be used for future inclusion in Council's flood model and asset management database.

42. Vegetation Management Plan

The Vegetation Management Plan (VMP) prepared by Taylor Brammer Australia and submitted as part of the development application is to be implemented and works completed prior to the issue of an occupation certificate.

CONTROLLED ACTIVITY CONDITIONS

The following conditions have been applied by the NSW Office of Water in accordance with their General Terms of Approval issued 15 July 2011.

- 43.** These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 701/2011 and provided by Council.:

(i) Site plans no. 42218_DA_301_A Sheets no 1 to 4 by Bowdens Group.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- 44.** Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

- 45.** The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Erosion and sediment control plan
- (iii) Soil and Water Management Plan

- 46.** All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

- (i) Vegetation Management Plans
- (ii) Riparian Corridors
- (iii) In-stream works
- (iv) Watercourse crossings

47. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
48. The consent holders must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
49. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
50. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
51. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
52. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
53. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
54. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
55. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
56. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
57. The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant

requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Deed of agreement with Railcorp

The developer is required to enter into an agreement with Railcorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on Railcorp, and the involvement of the Railcorp staff in ensuring appropriate safety and technical standards are complied with throughout the development.

Advice 3. Tree Preservation Order

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

A tree is defined as a perennial plant with self supporting stems that are more than 3 metres or has a trunk diameter more than 150mm measured 1 metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 4. Disability Discrimination Act

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

Advice 5. Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive

covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 6. Asbestos Warning

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

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

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

Advice 7. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act* 2000 (SFEA2000) or the *Smoke Free Environment Regulations* 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 8. Dial 1100 Before you Dig

Underground cable and pipes may exist in the area. In your own interest and for safety, telephone 1100 before excavation or erection of structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website - www.dialbeforeyoudig.com.au

END OF CONDITIONS

Attachment three – aerial with siding overlay

Attachment five bridge crossing