

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2011SYW073
DA Number	DA 660/2011
Local Government Area	Camden Local Government Area
Proposed Development	Construction of a purpose built research and education facility, road infrastructure, surface car parking, garden maintenance facilities and associated site works.
Street Address	362 Narellan Road, Mount Annan
Applicant/Owner	Royal Botanic Gardens and Domain Trust
Number of Submissions	1
Recommendation	Approval with Conditions
Report by	Name: Mairead O' Connell Title: Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek a determination by the Joint Regional Planning Panel (the Panel) of a development application for the erection of a purpose built research and education facility, garden maintenance facilities, road infrastructure, surface car parking and associated site works at the abovementioned premises.

The Joint Regional Planning Panel is the determining authority for this development application as the development:-

1. pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Projects) 2005 (SEPP), has a Capital Investment Value (CIV) of \$18.5 million which exceeds the CIV threshold of \$10 million for Council to determine the application;
2. pursuant to Clause 13B(1)(b)(i) of the SEPP, the Panel is the determining authority as the development has a CIV that exceeds the CIV threshold of \$5 million (for research stations) for Council to determine the application; and.
3. pursuant to Clause 13B(1)(c) of the SEPP, the Panel is the determining authority as the development is classed as Crown development and has a CIV that exceeds the CIV threshold of \$5 million (for Crown Development) for Council to determine the application.

SUMMARY OF RECOMMENDATION

It is recommended that the Panel approve Development Application 660/2011 subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

The Royal Botanic Gardens and Domain Trust is a statutory body established under the Royal Botanic Gardens and Domain Trust Act 1980. It is responsible for the management and stewardship of the Royal Botanic Garden, the Domain, the Australian Botanic Gardens Mount Annan and the Blue Mountains Botanic Garden Mount Tomah.

In 2016, the Royal Botanic Gardens and Domain Trust will celebrate its 200th anniversary and to commemorate the occasion it has developed a range of projects covering science, sustainability, new visitor experiences, children and gardens and memorable events in celebration of the bicentenary. PlantBank, the subject of this DA, is one of the key features of its bicentennial programme.

It is envisaged that the proposed PlantBank facility will encourage research collaborations both locally and internationally to establish a centre of excellence for research and learning about Australian biodiversity and ecosystems. It is anticipated that PlantBank will provide guaranteed protection for the seedbank collection and capacity for future Australian and regional collections.

Key components of PlantBank include a secure repository for Australian plant species, a research facility and a centre of information and innovative education. This is to be achieved through the construction of a part one/part two storey research and education facility which will accommodate the New South Wales seedbank, research facilities, a teaching laboratory, conference facilities and offices for research staff.

The subject development application was received on 10 June 2011. It was publicly exhibited between 7 and 21 July 2011 with no submissions being received from the public.

The application has been assessed in accordance with the Environmental Planning and Assessment Act 1979 (the Act) and is now able to be referred to the Panel for determination.

THE SITE

The site comprises land within the Australian Botanic Garden at 362 Narellan Road, Mount Annan. The site has an area of 416 hectares and is located adjacent to the Camden/Campbelltown LGA boundary. The subject site is bounded by Mount Annan Drive to the west, the South Western Freeway (F5) to the east, Narellan Road to the north and the northern boundary of the former national Equestrian Sports Centre to the south.

The proposed development will take place on lands within the existing nursery precinct in the eastern portion of the gardens site adjacent to the current main entrance off Mount Annan Drive. This gated entrance to the PlantBank facility is approximately 1.5km from the junction of Mount Annan Drive and Narellan Road.

Mount Annan Drive connects into an internal road system within the overall gardens site that allows for one way vehicular movement around the site.

The site currently comprises a range of existing laboratories, glasshouses and other facilities associated with the Botanic gardens. These buildings were adapted in 1987 from existing farm buildings. The majority of these buildings are to be retained and will continue to be used for their existing functions.

The surrounding area is characterised by predominantly low density residential development, with the suburbs of Currans Hill to the north, Narellan Vale to the north west and Spring Farm and Elderslie to the west. The nearest residential properties to the nursery precinct are located on the western side of Mount Annan Drive approximately 250 metres (m) to the west.

THE PROPOSAL

Development consent is sought for the following development:

1. the erection and use of a purpose built research and educational facility (PlantBank) with a floor space of 2,818 m²;
2. construction of garden maintenance facilities including a research and propagation glasshouse and bulk store;
3. associated site works including the construction of surface car parking spaces, road infrastructure (fully contained within the Botanic gardens site), stormwater drainage and landscaping.

PlantBank comprises two interconnected wings, east and west, which are framed by landscaped spaces.

The eastern wing contains two levels. The upper ground floor of the wing is the administrative hub of the facility and will accommodate office space, staff amenities, a lecture theatre and meeting rooms. Ancillary building plant and equipment will be located on the lower ground floor of this wing.

The western wing contains one level and this portion of the building will house the facility's main research functions and will include laboratories and storage rooms.

It is noted that the proposed facility will also store several accessions of *Pimelea spicata*. The Australian Botanic Garden currently has two collections of *Pimelea spicata* growing from cutting materials.

EXTERNAL REFERRALS

The development was referred to the Sydney Catchment Authority (SCA) due to its proximity to part of the Sydney Catchment Authority upper canal. The SCA has provided feedback and is satisfied that the construction and operation of the facility will not negatively impact on the upper canal.

The development was also referred to the Rural Fire Service (RFS) as the land is mapped as bush fire prone. The RFS have recommended a number of design, construction and landscaping conditions. All of the RFS recommendations are recommended as development consent conditions.

The development was also referred to the Camden Local Area Command of the NSW Police for comment. The Police have recommended several Crime Prevention Through Environmental Design features for this development, including anti-vandal type lighting, an intruder alarm system and security gates.

The majority of the issues raised by the Police are recommended as development consent conditions. However, Council recommends that a condition requiring a 3-5 metre landscape free zone adjacent to the proposed paths be modified to allow landscaping however limit it to only 0.5m high shrubs and upper canopy trees. This will ensure that appropriate sight lines are maintained and that the development is suitably softened and screened.

NOTIFICATION

The application was publicly notified to surrounding property owners between 7 and 21 July 2011. An advertisement was also placed in the local press. No submissions from the public were received in response to this notification.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.33 – Hazardous and Offensive Development
- State Environmental Planning Policy – (Major Development) 2005
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Act. The following comments are made with respect to the proposal:

(1)(a)(i) The provisions of any Environmental Planning Instrument

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Division 16 of the SEPP relates to the development of “Research and Monitoring Stations” and permits the development of such by, or on behalf of, a public authority within various zones including the SP1 Special Activities zone. Research stations are defined by the SEPP as:

“a facility operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.”

The proposed development is considered to be a “research and monitoring station” within the meaning of the SEPP. The subject site is zoned SP1 Special Activities and the development is therefore permissible with consent under the SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP)

Under the SEPP, a consent authority must not approve to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable for its intended use in its contaminated state.

In accordance with the SEPP, the applicant has submitted a Stage 1 Environmental Site Assessment which assesses soil contamination conditions at the site. Council is satisfied with the findings of the assessment which concludes that no contaminants of concern are present and therefore no remediation of land is required.

State Environmental Planning policy No.33 – Hazardous and Offensive Development (SEPP)

The applicant has advised that the quantities of dangerous goods to be stored within this development will be less than the SEPP's screening threshold. It is also a recommended development consent condition that the transport quantities and frequencies of dangerous goods transported to and from the site are kept below the SEPP's screening threshold. On this basis, the development is not considered to be hazardous or offensive as defined by the SEPP.

State Environmental Planning Policy – Major Development 2005

The Joint Regional Planning Panel is the determining authority for this development application as the development:-

- pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Projects) 2005 (SEPP), has a Capital Investment Value (CIV) of \$18.5 million which exceeds the CIV threshold of \$10 million for Council to determine the application;
- pursuant to Clause 13B(1)(b)(i) of the SEPP, the Panel is the determining authority as the development has a CIV that exceeds the CIV threshold of \$5 million (for research stations) for Council to determine the application; and.
- pursuant to Clause 13B(1)(c) of the SEPP, the Panel is the determining authority as the development is classed as Crown development and has a CIV that exceeds the CIV threshold of \$5 million (for Crown Development) for Council to determine the application.

Camden Local Environmental Plan 2010 (LEP)

The land is zoned SP1 Special Activities pursuant to the LEP. The objectives of the SP1 zone are:

1. To provide for special land uses that are not provided for in other zones.
2. To provide for sites with natural characteristics that are not provided for in other zones.
3. To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

It is considered that the proposed development is consistent with the above objectives of this zone. The development is compatible with the existing uses on the site, provides additional infrastructure for related uses and is compatible with and does not negatively impact on existing infrastructure on the land.

Pursuant to the LEP's Clause 6.2, Council is satisfied that all public utility infrastructure necessary for the proposed development will be available for it and this is reinforced in the recommended development consent conditions provided at the end of this report.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no draft environmental planning instruments that are applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

The following parts of Camden Development Control Plan 2011 (DCP) are relevant to this proposal:

B1.1 – Erosion and Sedimentation

The applicant has submitted an erosion and sediment control plan which has been developed to minimise any impacts on the surrounding environment. It is a recommended development consent condition that this development complies with the submitted erosion and sediment control plan. This will help minimise the potential for sediment discharge to surrounding properties and the environment.

B1.2 – Earthworks

Some minor cut and fill is proposed however this is relatively minor and is considered to be acceptable. A retaining wall will be constructed along the southern elevation of the building, and is deemed satisfactory after having been assessed by Council's engineering officer. Construction details relating to earthworks management have been included within the erosion and sediment control plan.

B1.3 – Salinity Management

The applicant has submitted a salinity management plan in support of the application. This document makes several recommendations on how the proposed development can be constructed in order to minimise the impact of saline soils. Council staff have reviewed this document, agree with the recommendations therein and recommend that compliance with the salinity management plan be made a development consent condition.

B1.4 – Water Management

The applicant has submitted a stormwater management plan for the proposed development. Council staff have reviewed this plan and consider it appropriate to

manage the stormwater generated by the proposed works. It is a recommended development consent condition that the design and construction of the development comply with Council's engineering specifications.

B1.5 – Trees and Vegetation

The proposed development is sited within a portion of the Botanic Garden that has previously been largely cleared of native vegetation. The development does necessitate the removal of 9 trees, however, new trees and landscaped areas are proposed to compensate for the loss of this vegetation.

On balance, Council considers that the loss of some trees is considered to be acceptable given the significant environmental benefits associated with the development and the extent of new planting proposed. It is a recommended development consent condition that the removal of any trees or vegetation must be compensated for by the replanting, recreation and addition of landscaped spaces within the development site.

B1.9 – Waste Minimisation and Management

A waste management plan was lodged with the application relating to construction waste and ongoing management of operational waste. This plan is considered to be satisfactory and it is a recommended development consent condition that all waste management complies with the submitted waste management plan.

B1.10 – Bushfire Risk Management

A bush fire protection assessment has been submitted as part of this development application which illustrates that part of the development site is mapped as bush fire prone land. The nearest bush fire prone vegetation is an area of Cumberland Plain Woodland to the north of the subject site.

This assessment has been considered by both Council and the Rural Fire Service and, subject to the recommended development consent conditions, the development is considered to be acceptable in terms of bush fire risk management.

B1.13 – Mine Subsidence

The subject site is situated within the South Campbelltown Mine Subsidence District. The applicant has consulted directly with the Mine Subsidence Board and the Board has provided guidelines to any development being carried out on the site. It is a recommended development consent condition that all proposed construction works comply with these guidelines.

B1.14 – Development adjoining Sydney Catchment Authority Controlled Areas – The Upper Canal

The Upper Canal extends through the Botanic Gardens and is a State Heritage item. However, the proposed development works will take place some considerable distance from the Upper Canal (which is located approximately 100m from the proposed PlantBank building). The SCA has stated that they are satisfied that construction and operation of the PlantBank facility will not impact on the Upper Canal, provided construction is consistent with the statement of environmental effects submitted in support of the application.

Both Council and the SCA are satisfied that the proposed development will not result in adverse heritage impacts upon the Upper Canal. It is a recommended development consent that the proposed development will comply with the submitted statement of environmental effects.

B2 – Landscape Design

The applicant has provided a landscape plan and a landscape design statement which addresses the landscape requirements set out under the DCP. Council has reviewed these documents, agrees with the recommendations therein and recommends compliance with the landscape plan and landscape design statement as a development consent condition.

B5 – Access and Parking

The DCP does not provide a car parking rate for research stations or similar uses. However, a traffic assessment report has been submitted with the development application and has been assessed by Council's traffic engineer.

The traffic assessment highlights that both the existing staff car park, located to the south of the site, and the main visitor car park both operate with significant spare capacity. The nursery precinct currently contains a number of existing staff car parks which provide parking for 59 vehicles. A supplementary car park with an additional 14 spaces is located to the west of the nursery precinct. In addition an existing dedicated visitor car park is located further south. This car park provides parking for 155 cars and 6 buses.

The proposed development involves the modification of the main staff car park to accommodate additional spaces, including a disabled parking bay and a new visitor car park adjacent to the proposed PlantBank building. This will allow for the addition of 7 car parking spaces and 1 disabled space. Staff levels are not anticipated to rise significantly as a direct result of the proposed development.

On the basis of the above, Council is satisfied that ample car parking spaces currently exist and will be provided to cater for the proposed development.

(1)(a)(iia) The provisions of any Planning Agreement

There are no planning agreements applicable to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations prescribe several development consent conditions that are provided as part of recommended development consent conditions provided at the end of this report.

(1)(b) The likely impacts of the development

The development is unlikely to have any significant negative impacts on adjoining and surrounding properties.

Bio-security measures proposed for the PlantBank facility have been designed to ensure all potential natural disasters are mitigated against. The PlantBank seed stores will house seed in double walled hermetically sealed packets and will then

be secured within a vault wall purpose built to protect the seeds from destruction. The block-work wall and concrete ceiling and floor, in conjunction with a double layer electronic security access system, will provide safety from fire (rated to four hours), flood, earthquakes and theft. In addition the vault and security mechanisms will provide restricted access to only authorised and trained personnel.

PlantBank will provide safe and secure storage for the NSW seedbank thus enabling the collection and storage of all NSW seed bearing species. PlantBank will also create a centre of learning about NSW ecosystems and facilitate formal teaching programmes for future generations. It will further provide a platform to engage the public in discourse and action on the issues and solutions to changing environmental conditions.

All other likely impacts of this development have been assessed in other sections of this report.

(1)(c) The suitability of the site for the development

This site is considered to be suitable for the proposed development as it is an extension of, and continuation to, the existing land use. The applicable SEPP and LEP for this site provide for such a development and it is consistent with the relevant development objectives that they seek to achieve. The development will fit in well with the existing characteristics of the site and will not result in any significant impacts upon surrounding properties or the environment.

(1)(d) Any submissions

The application was publicly notified to surrounding property owners between 7 and 21 July 2011. An advertisement was also placed in the local press. No submissions from the public were received in response to this notification.

(1)(e) The public interest

This development is considered to be within the public interest. It achieves the objectives of the relevant SEPP and LEP and is generally consistent with all relevant development controls that apply to it. The development will encourage research collaborations, both locally and internationally, to establish a centre of excellence for research and learning about Australian biodiversity and ecosystems. It is anticipated that PlantBank will provide guaranteed protection for the seedbank collection and capacity for future Australian and regional collections. These achievements are considered to be within the public interest.

CONCLUSION

Camden Council has received a development application for the erection of a purpose built research and education facility, garden maintenance facilities, road infrastructure, surface car parking and associated site works. The application has been publicly exhibited with no submissions from the public being received. The application has also been assessed in accordance with Section 79C of the Act.

It is considered that the proposed development represents a suitably designed research and education facility on an appropriate site that will not have any significant impacts on any adjoining properties or the surrounding environment.

Consequently the development is able to be recommended to the Panel for approval subject to the draft development consent conditions provided at the end of this report.

RECOMMENDATION

It is recommended that the Panel approve Development Application 660/2011 for the erection of purpose built research and education facility, garden maintenance facilities, road infrastructure, surface car parking and associated site works at 362 Narellan Road, Mount Annan subject to the draft development consent conditions provided at the end of this report.

MOCO:5800.730

Royal Botanic Gardens and Domain Trust
C/o URBIS
Level 21, 321 Kent St
Sydney NSW

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION No.
660/2011**

Issued under Section 81 (1) (a) of the
Environmental Planning and Assessment Act, 1979
(For privacy reasons, the applicant's details only appear in the notice)

LAND TO BE DEVELOPED:	362 Narellan Road Mount Annan LOT: 132 DP: 825469
PROPOSED DEVELOPMENT:	Erection of a purpose built research and education facility and associated site works

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES:

DATE THE CONSENT EXPIRES:
(unless works commenced)

DATE OF THIS DECISION:

INFORMATION ATTACHED TO THIS DECISION:

➤ Advice listed in Attachment A.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Erection of purpose built research and education facility, garden maintenance facilities, road infrastructure, surface car parking and associated site works.

Details of Conditions:

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
A001 K	Site Plan	BVN Architecture	8 June 2011
A003 C	Demolition Plan	BVN Architecture	8 June 2011
D00 L	Ground Floor Plan	BVN Architecture	8 June 2011
D01 R	Level 01 Plan	BVN Architecture	8 June 2011
D02 I	Roof Plan	BVN Architecture	8 June 2011
E01 G	Elevations	BVN Architecture	8 June 2011
E03 H	Elevations	BVN Architecture	8 June 2011
E02 G	Elevations	BVN Architecture	8 June 2011
F01 H	Sections	BVN Architecture	8 June 2011
F02 H	Sections	BVN Architecture	8 June 2011
Q200 C	Bulkstore	BVN Architecture	8 June 2011
U01 B	Materials and Finishes	BVN Architecture	8 June 2011
Z01 C	Woodland garden View	BVN Architecture	8 June 2011
Z02 C	East Entry View North Entry View	BVN Architecture	8 June 2011
Z03 C	Woodland Entry View	BVN Architecture	8 June 2011
CH5024.001	Detail Survey	William L.Backhouse	22 October 2010
Statement of Environmental Effects	Statement of Environmental Effects	URBIS	June 2011
Appendix C	Flora and Fauna	Australian Botanic	May 2011

	Report	garden, Mount Annan	
Appendix D	Cultural heritage Assessment Report	Navin Officer Heritage Consultants	April 2009
Appendix E	Geotechnical Investigation Report	Jeffery and Katauskas Pty Ltd	23 May 2011
Appendix F	Stage 1 Environmental Site Assessment Report	Environmental Investigation Services	24 may 2011
Appendix G	Bushfire Assessment Report	Eco Logical	24 May 2011
Appendix H	Acoustic Assessment	AECOM	2 June 2011
Appendix I	Traffic Assessment Report	AECOM	8 June 2011
Appendix J	Stormwater Management Plan	AECOM	6 may 2011
Appendix K	Waste Management Plan	Thinc Projects	June 2011
Appendix L	Construction Management Plan	Thinc Projects	2 May 2011
Appendix M	Landscape Plan and Landscape Design Statement	360 Degrees	January 2011
Appendix N	Mine Subsidence Board Correspondence	Mine Subsidence Board	17 February 2011

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Landscaping Maintenance and Establishment Period** - For a period of 12 months, commencing from the Date of Practical Completion (DPC), the Applicant will have the maintenance responsibility for all landscaping works associated with this Consent. The Applicant will also be responsible to ensure the landscaping works are successfully established during this 12 month period.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment, initial weed control and completion of all planting, turf installation and mulching.

The DPC will be that date when the Applicant agrees that the landscaping works have been satisfactorily completed.

It is the applicant's responsibility to arrange a site inspection upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the landscaping maintenance and establishment period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, must have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

- (3) **Disability Discrimination Act** - This approval does not necessarily guarantee compliance with the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under the Act.
Your attention is drawn to AS1428 parts 2, 3 and 4 inclusive. This may be used as a comprehensive guide for disability access.
- (4) **Salinity Management Plan** - That bulk earthworks, roads, buildings and services shall be constructed in accordance with the Salinity Management Plan, contained within the Stage 1 Environmental Site Assessment prepared by EIS dated 24 May 2011.
- (5) **Installation of Cooling Towers** - Should cooling towers be installed in premises, the water cooling system shall be designed, constructed and installed in accordance with AS 3666.1:2002, the Public Health Act 1991 and Public Health (Microbial Control) Regulation 2000 before being commissioned. A separate development application shall be submitted to council prior to installation.
- (6) **Use of rainwater** - Rainwater is only permitted to be used for the flushing of toilets associated with the proposed Plantbank building.
- (7) **Rainwater Reuse** – With regard to the collection of rainwater and its reuse the following points must be complied with:
 - (a) Rain water to be collected and re-used on-site shall be collected from the roof only.
 - (b) All plumbing and drainage work is to be undertaken by a licensed plumber in accordance with the requirements of the water supply and drainage authority.

- (c) Where reticulated water supply is available, cross connection control and backflow prevention shall be in accordance with the requirements of the water supply and drainage authority.
- (d) Overflow from the rainwater tank is to be directed to the stormwater drainage system in accordance with Council's requirements.
- (e) Rainwater tank inlets should be screened and tanks provided with tight fitting access covers to prevent ingress of foreign matter.
- (f) Rainwater tanks are to be child proofed.
- (g) Rainwater tanks are to be mosquito proofed.
- (h) Ongoing maintenance and occupational health and safety aspects should be considered in the design and placement of tanks.
- (i) Signage for rainwater tank outlets and pipes shall be in accordance with the requirements of the water supply and drainage authority.
- (j) The use and maintenance of the rainwater collection system is to be in accordance with NSW Health Department Guideline GL 2007_009 Titled 'Use of Rainwater Tanks Where a public Supply is Available'
- (k) Operation and maintenance requirements of the water supply and drainage authority and rainwater tank manufacturer are also to be followed.

(8) **Crime Prevention Through Environmental Design (CPTED)** – The following CPTED features must be included in this development:

1. A lighting maintenance policy must be established for the development.
2. Lighting must be provided for the entirety of the car park areas that complies with AS 1158.1.
3. All outdoor lighting proposed for;
 - (i) the southern staff car park;
 - (ii) the pathway between the southern staff car park and the staff entrance to the Plantbank building;
 - (iii) the back of house hard stand area to the west of the Plantbank building; and
 - (iv) staff entrance to the PlantBank building (southern entrance)
 must be anti-vandal high type lighting and not bollard type lighting. It must also be bright and even to permit facial recognition of approaching persons at 15 metres.
4. Any proposed underpasses must have adequate lighting in accordance with AS 1158.1

5. All landscaping close to the building must be regularly maintained so as to ensure sight lines are not interfered with.
 6. All landscaping adjacent to any proposed paths must be designed, installed and maintained to maximise sight lines. This landscaping must be restricted to shrub type landscape with a maximum height of 0.5 metres and upper canopy trees.
 7. Signage must be provided that identifies the function of each area of the development.
 8. An intruder alarm system must be provided for the building.
 9. The fences around the boundary should not restrict surveillance opportunities and should be constructed of optically permeable materials.
 10. Definite boundaries must be established to identify and distinguish public and private areas.
 11. Security gates must be fitted to the main vehicle entry/exit point to restrict unauthorised access to buildings and car park areas after hours.
- (9) **Asset Protection Zone Maintenance Plan** – An Asset Protection Zone Maintenance Plan shall be prepared in accordance with Section 4 (page 6) of the Bushfire Protection Assessment prepared for the proposed Plantbank Facility (Ecological Australia, 24 May 2011). It must include the removal of the shrub under-storey of the native landscaped area in the northern part of the development area.
- (10) **Bush Fire Protection** – New construction on the northern elevation(s) shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- New construction on the southern, eastern and western elevation(s) shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- Landscaping to the site must comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- (11) **State Environmental Planning Policy 33** – This development is prohibited from storing any dangerous goods on the site which exceed the quantities listed in "Table 1". Screening method to be used on page 21 of the Applying SEPP 33 (Hazardous and offensive Development Application Guidelines – Second edition dated 1997).

Furthermore, this development is prohibited from transporting to and from this site any dangerous goods which exceed the quantities listed in "Table 2. Transportation screening thresholds" on page 21 of the Applying SEPP 33 (Hazardous and Offensive Development Application Guidelines – Second edition 1997)

- (12) **Bio-Security** – Bio-security measures as set out in the letters received from Urbis dated 5 August 2011 and 30 August 2011 must be adhered to at all times in order to mitigate against any potential natural disaster that may occur.
- (13) **Mine Subsidence Board** – The entire development must comply with the requirements of the Mine Subsidence Board contained within the letter dated 17 February 2011 (contained within appendix N of the statement of environmental effects dated June 2011 by URBIS).

2.0 - Prior To Works Commencing

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

- (1) **Technical Provisions of the State's Building Laws** - Subject to the provisions of Section 109R of the Environmental Planning and Assessment Act 1979, the building work cannot be commenced to be carried out unless the work is certified by or on behalf of the Crown to comply with the technical provisions of the State's buildings laws.
- (2) **Protection for Existing Trees and Other Landscape features on site** - 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.

- (3) **Sydney Water Requirements** - Prior to works commencing, written evidence from Sydney Water stating that they agree to accept the following wastewater must be obtained;
- (a) waste liquids and solids being discharged to sewer;
You are advised to contact Sydney Water for further advice in relation to this matter.
- If Sydney Water will not accept the wastewater, details of how the waste will be disposed must be prepared prior to the building being occupied.
- A copy of the trade waste contact is to be prepared prior to the building being occupied.
- (4) **Sydney Water Approval** - Prior to works commencing, the approved development plans must also receive concurrence from Sydney Water.
- (5) **Acoustic Requirements** – An acoustic barrier shall be constructed around the chiller plant. The barrier must extend to a maximum of 0.5m above the highest point of the chiller plant and be located within 2m of the chiller plant. Acoustic barriers must be of solid construction and free of air gaps. The barrier shall be constructed of a material with surface density of at least 3kg/m². The acoustic barrier must be designed to match in with and complement the overall design of the PlantBank building.
- (6) **Environmental Management Plan** - An Environmental Site Management Plan must be prepared prior to works commencing. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 - 2005 and must address, but not be limited to, the following issues:
- (a) All matters associated with Council's Erosion and Sediment Control Policy.
- (b) All matters associated with Occupational Health and Safety.
- (c) All matters associated with Traffic Management/Control during construction, which should address issues of access of construction traffic, storage of material, location of site office, and parking for workers, use of equipment and other matters which has an impact on the road network or immediate environment.
- (d) All other environmental matters associated with the site works such as noise control, dust suppression, waste management and the like.
- (e) Any construction work which involves access to a public road shall be subject to an approval of a Public Road Activity Application to Council accompanied by a Traffic Control Plan prepared by a RTA accredited Certifier.

- (7) **Pavement Details** – Pavement details of the “grass cell” parking area shall be provided so that the long term softening of the sub-grade is addressed due to the infiltration of stormwater.
- (8) **Bus Bay Requirements** – Any proposed bus bays shall be designed and constructed in accordance with Council’s engineering specifications.
- (9) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Council’s Development Control Plan 2011 and Engineering Specifications for road works, drainage and other works associated with subdivisions and other developments.
- (10) **Civil Engineering Details** - The developer must prepare details of all engineering works on engineering plans prior to works commencing.
- (11) **Drainage Design** - A Stormwater Management Plan is to be prepared to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (12) **Overland Flow Path** – The overland flow path from the on-site detention facilities shall be directed away from the building to the creek.
- (13) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority’s (i.e. Camden Council) “Soil Erosion and Sediment Control Policy”.

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared prior to works commencing.

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries

- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - (j) location of topsoil or other stockpiles
 - (k) signposting
 - (l) diversion of uncontaminated upper catchment stormwater around areas to be disturbed
 - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) procedures for maintenance of erosion and sediment controls
 - (o) details for staging of works
 - (p) details and procedures for dust control.
- (14) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. Such pre-treatment devices shall control the discharge of hydrocarbons and heavy metals to the Council's drainage system and the system shall be maintained in good order at all times. A maintenance strategy must be prepared prior to works commencing.
- (15) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements of Council and the Roads and Traffic Authority. The construction access shall be located at the proposed entry to the site.
- (16) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms, up to and including, the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer prior to works commencing.

On completion of the on-site detention system, Works-as-Executed plans (in hard copy and drawing format) are to be prepared by a registered Surveyor or Design Engineer. A copy is to be submitted to the Council. The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88B Instrument which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (i.e. Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
- (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (iii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

(17) **Signs to be Erected on Building and Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (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, and
- (b) stating that unauthorised entry to the work site is prohibited.

Any such sign 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.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

(18) **Toilet Facilities** - Toilet facilities must be provided at 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 of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (19) **Access from Public Places** - Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (20) **Notice of Commencement of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to the nominated 'principal contractor' for the building works.
- (21) **Soil Erosion and Sediment Control-** Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

An Infringement Notice issued under the Environmental Planning and Assessment Act, 1979, which imposes a monetary penalty of \$600, may be initiated by the Principal Certifying Authority (PCA) and issued by Camden Council where the implementation or maintenance of measures is considered to be inadequate. In the event that a risk of environmental pollution occurs an Infringement Notice issued under the Protection of the Environment Operations Act 1997, which imposes a monetary penalty of \$750 for an individual or \$1,500 for a corporation may be issued by Camden Council.

- (22) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (23) **Fill Material** – Prior to the importation and/or placement of any fill material on the subject site a validation report and sampling location plan for such material must be prepared.

The validation report and sampling location plan must be prepared:

(i) by a practicing engineer with National Professional Engineering Registration and with a Specific Area of Practice in Subdivisional Geotechnics and in accordance with:

- Department of Land and Water Conservation publication “Site investigation for Urban Salinity”, and
- The Department of Environment and Conservation – Contaminated Sites Guidelines “Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW”.

(ii) and confirm that the fill material:

- provides no unacceptable risk to human health and the environment;
- is free of contaminants;
- has had salinity characteristics identified in the report;
- is suitable for its intended purpose and land use, and
- has been lawfully obtained.

The sampling for salinity of fill volumes less than 6000m³ must provide for 3 sampling locations; fill volumes exceeding 6000m³, require one sampling location for each additional 2000m³. A minimum of 1 sample from each sampling location must be provided for assessment. The sampling for Contamination should be undertaken in accordance with the following table:-

Classification of Fill Material	No. of samples per volume	Volume of fill (m ³)
Virgin Excavated Natural Material	1 (see note 1)	1000

Note 1: 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.

- (24) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.

- (25) **Temporary Fencing** – Prior to the commencement of works, temporary fencing is to be erected:
- (a) Around the remnant vegetation clusters (in the development site, as identified in Figure 5 of Appendix C - Flora and Fauna Reports), at least up to a meter beyond the outer limits of the tree line.
 - (b) on the north side of the access track (as per Figure 5).

The temporary fencing will not be removed until all works are completed.

- (26) **Water Supply** - Water services must be provided to the proposed development. Application for water supply must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

3.0 - During Construction

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

- (1) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays are prohibited.
- (2) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - 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 the site.

- 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.
- Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
- A waste control container shall be located on the development site.

(3) **Support for Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

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

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. In this condition, 'allotment of land' includes a public road and any other public place.

(4) **Protection of Public Places** – If the work involved in the erection or demolition of a building:

- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

(5) **Construction Noise** - Noise Levels emitted during construction works shall be restricted to comply with the DECCW's Interim Noise Construction Guidelines dated July 2009.

4.0 - Prior To the Building being Occupied

The following conditions of consent shall be complied with prior to the building being occupied.

- (1) **Fire Safety Certificates** – A Fire Safety Certificate is to be prepared prior to the building being occupied in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:

- (a) has been assessed by a properly qualified person; and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire and Rescue, and
 - (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (2) **Work Cover Licences** – Prior to the occupation of the premises, a copy of the Licence issued by the NSW Workcover Authority to keep dangerous goods must be prepared.
 - (3) **Civil Engineering Plans** – Civil engineering plans indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 (except as varied in the approved plans) and Engineering Specifications.
 - (4) **Works As Executed Plan** - Prior to building being occupied, a works-as-executed drawing (in hard copy and drawing format) signed by a registered surveyor must be prepared showing that the stormwater drainage and finished ground levels have been constructed as approved.
 - (5) **Waste Requirements** - A copy of the licensed waste contract shall be prepared prior to the building being occupied and a copy submitted to Council.

- (6) **Services** - All services (water, sewer, electricity, telephone and gas including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.
- (7) **Fire Safety measures** - Prior to the building being occupied, the following information is to be prepared:
- (a) a list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - (b) if the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.
- (8) **Service Authority Clearance** - Prior to the building being occupied the following service authority clearances must be obtained:
- A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water Corporation.
 - A letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
 - A letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the development.

5.0 - Operational Conditions

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

- (1) **Air Conditioning Units** - The approved air conditioning unit must operate at all times so:
- (a) as not to cause “offensive noise” as defined by Section 4 of the *Protection of the Environment Operations Act, 1997*;
 - (b) as to be inaudible in neighbouring dwellings during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act, 1997*.

- (2) **Removal of Waste** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos-, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (3) **Operations of Development** – The operation of the proposed business/development is to be undertaken in an environmentally satisfactory manner as defined under Section 95 of the Protection of the Environment Operation Act 1997.
- (4) **Disposal of Stormwater** – All stormwater collected on site must be managed on site so that it does not pollute waters in accordance with “Section 120 – Prohibition of pollution of water” of the Protection of the Environment Operations Act 1997.
- (5) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LA_{eq}) (measured for at least 15 minutes) or in, the above premises must not exceed the relevant criteria contained within Councils “Environmental Noise Policy” when measured at any point on the boundary.
- (6) **Material Safety Data Sheets** – To ensure correct handling of hazardous substances, Material Safety Data Sheets (MSDS) are required to be held at the premises for all hazardous materials.
- (7) **Staff Training** - All staff are to be trained in spill response and emergency procedures. Spill response clean up kits are to be provided in each area where work with liquid products is undertaken or stored. The spill response kits shall contain a ready supply of absorbent materials.
- (8) **Hazardous Materials, Oils and Chemical Management** - Ensure all hazardous substances and/or dangerous goods are stored and labelled in a designated area that is covered, ventilated, sealed and banded.
- (9) **Duty to Notify** - To ensure compliance with the *Protection of the Environment Operations Act, 1997* the Environment Protection Authority or Council must be notified immediately, should a pollution incident occur.
- (10) **Liquid Waste** – All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.

- (11) **Air Quality** – The use must at all times be conducted without nuisance and in particular so as not to give rise to emission air impurities in contravention of the Protection of the Environment operations Act, 1997. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.
- (12) **Maintenance** – All aspects and facilities of the development are to be maintained in a manner acceptable to WorkCover, DECC and Council.
- (13) **Contaminated Waste** – The generation, storage, treatment or disposal of industrial, hazardous or group A liquid waste must be in accordance with requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change waste tracking requirements.
- (14) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Regulations* made thereto.
- (2) To ensure that the building complies with the requirements of the *Building Code of Australia* and applicable Australian Standards.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the land and buildings will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- (5) To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.
- (6) To ensure that the building and/or works do not affect public safety and amenity.
- (7) To ensure the development is carried out in an environmentally sustainable manner.
- (8) To ensure that stormwater drainage from and/or passing through the site has been collected and conveyed to a controlled system.

- (9) To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment.
- (10) To ensure that adequate infrastructure and utility services are provided for the development.
- (11) To ensure that adequate and safe public access has been provided to the site for both pedestrian and vehicular traffic and that the development complies with *Camden Development Control Plan 2006*.
- (12) To ensure that adequate provision has been made for the landscaping of the site.
- (13) To ensure all site works are completed in a satisfactory manner and in accordance with relevant standards.
- (14) To ensure compliance with statutory requirements.

Advisory Conditions:

- (1) **Offences** - Section 125 of the Environmental Planning and Assessment Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent is guilty of an offence against this Act.
- (2) **Disability Discrimination Act** - Your attention is drawn to the existence of the Disability Discrimination Act. The approval issued by Council is in accordance with the Building Code of Australia however the application may not comply with the requirements of the *Disability Discrimination Act*. Compliance with the provisions of this Act is the sole responsibility of the owner/applicant.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

SIGNED on behalf of
Camden Council

Ms M O'Connell
TOWN PLANNER
(Development Branch)

ATTACHMENT A - Advice

The following matters are included as advice as relevant to this determination.

1. **Review of Determination** - Section 82A of the *Environmental Planning and Assessment Act, 1979* provides that the applicant may request a review of this determination within months of the date of the determination, following the payment of the prescribed fee.
2. **Offences** - Section 125 of the *Environmental Planning and Assessment Act, 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
3. **Penalties** - Section 126 of the *Environmental Planning and Assessment Act, 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
4. **Contributions** - The contributions (if required) under Section 94 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contribution Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
5. **Tree Preservation** – This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.
6. **Utilities and Authorities** – Damage to major underground utilities can be avoided by calling the 'Dial Before You Dig Service' on 1100. Individuals and companies may be found to be financially liable for any damage caused to major utilities.

Applicants may also be required to liaise with appropriate authorities and utility providers. These authorities and utility providers may include:

- Integral Energy
- Sydney Water
- A telecommunications provider
- Other energy suppliers/authorities
- Australia Post
- WorkCover Authority
- Other relevant State and Federal Government Departments