

Appendix A - Conditions of Consent for 2978/2013/DA-SW

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 the 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 in red by Council and/or any conditions of this consent.

Subdivision Works

Hard and Forester Drawing Number 115498022-04

YSCO Plan No.LC50392/3/ST2-DA Rev 1 Sheets 1 to 6, dated December 2013

Landscaping

JMD design Drawing No.L01 Issue **D**, dated Nov 2013

JMD design Drawing No.L02 Issue B, dated Nov 2013

JMD design Drawing No.L03 Issue C, dated Nov 2013

JMD design Drawing No.L04 Issue A, dated October 2013

JMD design Drawing No.L05 Issue A, dated October 2013

2. Amelioration of noise emanating from Endeavour Energy depot

An acoustic noise barrier, with associated landscaping work, shall be constructed in accordance with the recommendations of the Kentlyn Zone Substation Acoustic Barrier Design report prepared by Day Design Pty Ltd dated 25 March 2013, prior to the issue of a Subdivision Certificate for any of the lots identified as being affected by noise from the substation in the Day Design report. All work is to be consistent with the details set out in the letter from UrbanGrowth NSW to Endeavour Energy dated 26 March 2013 including the imposition of an appropriate Restriction as to User pursuant to s88B of the Conveyancing Act that restricts development to single storey construction on all those lots identified within the Day Design report.

3. Stormwater Management

Consistent with the Statement of Commitments approved as part of the Airds Bradbury Renewal Concept Plan and Condition 15 of Schedule 4 of that consent, all stormwater management works will be in accordance with the Water Cycle Management Study

and Flooding Analysis prepared by Storm Consulting dated March 2011 or as agreed with Council.

4. Aboriginal Cultural Heritage

The development is to be undertaken in compliance with the recommendations of Section 7.2 of the Aboriginal Cultural Heritage Assessment prepared by Archaeological & Heritage Management Solutions Final Report October 2012 submitted with the Development Application.

5. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2* In the event of any inconsistency between the DCP and the approved Concept Plan Guidelines, the Guidelines will prevail.

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

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.

7. Soil and Water Management Plan

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

8. Pollution Control

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of a suitable gross pollutant trap(s) and/or water quality treatment in accordance with the relevant guidelines of the Office of Environment and Heritage (OEH), Department of Water and Energy (DWE), and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2* for the stormwater drainage system prior to discharge from the site, unless otherwise agreed with Council.

9. Road Construction (New)

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

Full construction of all new roads to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 2*.

All inspections are to be undertaken by Council or an accredited certifier and the principal certifying authority shall not issue a subdivision certificate until Council or an accredited certifier has issued a compliance certificate for the road construction.

10. Traffic Committee

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

11. Stormwater Management Plan (Subdivision)

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. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control. All proposals shall comply with *Council's Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*. In the event of any inconsistency between the DCP and the approved Concept Plan Guidelines, the Guidelines will prevail.

12. Work on Public Land

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

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 **EPA Accredited Auditor** 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. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with *Council's Campbelltown (sustainable city) DCP 2009 - Volumes 1 and 2* and shall be inspected by Council at all stages of construction. In the event of any inconsistency between the DCP and the approved Concept Plan Guidelines, the Guidelines will prevail.

A compliance certificate for the work shall be obtained from Council or an accredited certifier prior to the principal certifying authority issuing an occupation certificate.

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.

15. 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.

16. 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.

17. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves 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.

18. Hoarding / Fence

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

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

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

19. 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 4.00pm

Sunday and public holidays No Work.

20. 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.

21. Fill Compaction Requirements

Any lot filling operations are to be carried out in accordance with AS3798 – Guidelines for Commercial and Residential Developments.

22. Fill Contamination

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

23. 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.

24. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

25. Compliance with Council Specification

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. *Council's (Sustainable City) DCP 2009 - Volumes 1 and 2*,
- c. „*Soils and Construction (2004) (Bluebook)*; and
- d. Relevant Australian standards and State Government publications.

In the event of any inconsistency between the DCP and the approved Concept Plan Guidelines, the Guidelines will prevail.

26. Pavement Thickness Determination

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

27. Section 73 Certificate – Subdivision Only

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

28. Restriction on the Use of Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. *Floor Level Control*
- b. *Lots Filled*
- c. *Access Denied*
- d. *Battle-Axe Lots where reciprocal rights of carriageway are proposed*
- e. *Lots with any other restrictions eg Refuse Collection.*
- f. setbacks to satisfy required Asset Protection Zones
- g. building height limits to satisfy Condition 2 of this consent

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

29. Classification of Residential Lots (Development without dwelling construction)

Prior to the principal certifying authority issuing a subdivision certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard for Residential Slabs and Footings - *AS2870.1996 (as amended)*.

30. Contaminated Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A.* registered laboratory that the land and any imported filling are free from contamination in accordance with *State Environmental Planning Policy 55 - Remediation of Land (1998)* and a copy of the laboratory report shall be submitted to Council with an end statement (certification) that the land is suitable for the proposed end use.

31. Works as Executed Plans

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements detailed in the *Campbelltown (Sustainable City) DCP Volume 2 (as amended)*.

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- ☐ Finished ground and building floor levels together with building outlines.
- ☐ Spot levels every five (5) metres within the site area.
- ☐ Where there is a change in finished ground levels that are greater than 0.3.m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- ☐ A minimum of fifteen (15) site levels.
- ☐ If the floor level is uniform throughout, a single level is sufficient.

- ☐ Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- ☐ All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- ☐ The surface levels of all other infrastructure.

Format

- ☐ MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- ☐ All level information to Australian Height Datum (AHD)

AutoCAD Option

- ☐ The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type - zip

File Format - AutoCAD 2004 Drawing Format or later

Transmittal Options - Include fonts

Include textures from materials

Include files from data links

Include photometric web files

Bind external references

The drawing is **not** to be password protected.

MapInfo Option

- ☐ Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

32. 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.

New Condition –

In order to improve the opportunity for Koala movements through the site, the applicant is to provide an amended Street Tree Masterplan Stage 2A + 2B by:

- Replacing the proposed Acer Freemanni (Autumn Blaze) at the corner of Riverside Drive and proposed Road No. 1 with Eucalyptus Punctata;
- Replacing the proposed Eucalyptus Punctata on the northern section of proposed Road No. 1 with other species selected from the Indicative Plant Schedule.