

Attachment 9 Draft Conditions of Consent for 2014SYW066 (1141/2014/DA-SW)

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

SMEC Urban Drawing No. 77639.01.DA001 Rev A

SMEC Urban Drawing No. 77639.01.DA002 Rev B

SMEC Urban Drawing No. 77639.01.DA101 Rev A Concept site regrading

SMEC Urban Drawing No. 77639.01.DA102 Rev A Concept site regrading

SMEC Urban Drawing No. 77639.01.DA103 Rev A Concept site regrading

SMEC Urban Drawing No. 77639.01.DA104 Rev A Concept site regrading

SMEC Urban Drawing No. 77639.01.DA111 Rev A Concept landscape buffer cross sections

SMEC Urban Drawing No. 77639.01.DA201 Rev A Typical cross sections

SMEC Urban Drawing No. 77639.01.DA202 Rev A Typical cross sections

SMEC Urban Drawing No. 77639.01.DA211 Rev A Longitudinal sections Norman Crescent

SMEC Urban Drawing No. 77639.01.DA212 Rev A Longitudinal sections Norman Crescent

SMEC Urban Drawing No. 77639.01.DA213 Rev A Longitudinal sections Road No.1 & Road No.2

SMEC Urban Drawing No. 77639.01.DA214 Rev A Longitudinal sections Glenroy Road & Road No.3

SMEC Urban Drawing No. 77639.01.DA215 Rev A Longitudinal sections Road No. 4

SMEC Urban Drawing No. 77639.01.DA216 Rev A Longitudinal sections Road No.5, Road No.6 & Road No.7

SMEC Urban Drawing No. 77639.01.DA501 Rev A Concept Cut and Fill Plan

SMEC Urban Drawing No. 77639.01.DA601 Rev B Drainage Concept Plan

SMEC Urban Drawing No. 77639.01.DA602 Rev B Drainage Concept Plan

SMEC Urban Drawing No. 77639.01.DA603 Rev B Drainage Concept Plan

SMEC Urban Drawing No. 77639.01.DA604 Rev B Drainage Concept Plan

SMEC Urban Drawing No. 77639.01.DA611 Rev B Concept External Catchment Plan

SMEC Urban Drawing No. 77639.01.DA701 Rev A Soil and Water Management Plan
SMEC Urban Drawing No. 77639.01.DA702 Rev A Soil and Water Management Plan
SMEC Urban Drawing No. 77639.01.DA703 Rev B Soil and Water Management Plan
SMEC Urban Drawing No. 77639.01.DA704 Rev A Soil and Water Management Plan
SMEC Urban Drawing No. 77639.01.DA711 Rev A Soil and Water Management Details & Notes

SMEC Urban Drawing No. 77639.01.DA801 Rev A line marking and signposting delete
SMEC Urban Drawing No. 77639.01.DA802 Rev A line marking and signposting delete
SMEC Urban Drawing No. 77639.01.DA803 Rev A line marking and signposting delete
SMEC Urban Drawing No. 77639.01.DA804 Rev A line marking and signposting delete
SMEC Urban Drawing No. 77639.01.DA811 Rev A Vehicle swept paths Glenroy Road & Norman Crescent

SMEC Urban Drawing No. 77639.01.P01 Rev D Plan of Proposed Subdivision Site Plan
SMEC Urban Drawing No. 77639.01.P02 Rev D Plan of Proposed Subdivision Stage 1
SMEC Urban Drawing No. 77639.01.P03 Rev D Plan of Proposed Subdivision Stage 2
SMEC Urban Drawing No. 77639.01.SK35_ [A] Plan of Acoustic Controls
SMEC Urban Drawing No. 77639.01.SK36_ [A] Plan of Acoustic Controls

Landscaping

JMD design Drawing No.L00 Issue A, dated Sep 2013
JMD design Drawing No.L01 Issue A, dated Sep 2013
JMD design Drawing No.L02 Issue A, dated Sep 2013
JMD design Drawing No.L03 Issue A, dated Sep 2013
JMD design Drawing No.L04 Issue A, dated Sep 2013
JMD design Drawing No.L05 Issue A, dated Sep 2013
JMD design Drawing No.L06 Issue A, dated Sep 2013
JMD design Drawing No.L07 Issue A, dated Sep 2013

2. Interim Works Agreement

Prior to any subdivision certificate being issued for any lots within the development, an Interim Works Agreement is to be finalised between NSW Land and Housing Corporation and Campbelltown City Council that establishes the standard of work and the timing of the delivery of the work associated with the embellishment of the proposed Badgally Reserve (proposed Lot 1072) and the embellishment of the proposed landscape buffer to Badgally Road (proposed Lot 1073).

3. Small lot housing

Any Development Application for housing on proposed lots 1001 – 1017 must demonstrate to Council that the application has been subject to a design review process, administered by Urbangrowth NSW, to ensure consistency with the objectives of the Claymore Development Control Guidelines.

4. Amelioration of road noise

A 2.1m high acoustically rated fence is to be constructed along the rear of lots backing onto Badgally Road. The height of the boundary fence is to be measured from the finished ground level of the residential lot adjoining the fence. The fence shall be erected in accordance with the recommendations of the *Claymore Renewal State 1 and 2 DA Acoustic Assessment* prepared by Renzo Tonin dated 12 May 2014 (Ref TF02-01F02(r2) Stg 1 and 2 DA), prior to the issue of a Subdivision Certificate for any of the lots identified as being affected by noise from Badgally Road.

All lots shown on Drawing No. 77639.01SK35_ [A] and 77639.01.SK36_ [A] shall be subject to a Restriction as to Use pursuant to s88B of the *Conveyancing Act 1919* to be lodged with a Deposited Plan for registration. The terms of the Restriction are to require any building for residential use, or a place of public worship or a hospital or an educational establishment or a child care centre, to be designed to meet the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007. The terms of the restriction can be varied or removed with the approval of Council.

5. Biodiversity and Bushland Management

Ongoing biodiversity and bushland management within the Stage 1 and 2 site area and the broader Claymore Urban Renewal Project area, shall be in accordance with the Claymore Urban Renewal Project Bushland Revegetation Strategy, August 2013 and the Claymore Urban Renewal Project Vegetation Management Plan, September 2014, both prepared by Cumberland Ecology.

6. Stormwater Management

Consistent with the Statement of Commitments approved as part of the Claymore Urban Renewal Project 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 Mott McDonald Hughes Truman attached to the Preferred Project Report or as agreed with Council.

7. Aboriginal Cultural Heritage

Prior to the issue of a Construction Certificate, the applicant is to obtain the necessary Aboriginal Heritage Impact Permit from the Office of Environment and Heritage

8. 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 2012 - Volumes 1 and 2* In the event of any inconsistency between the DCP and the approved Concept Plan Guidelines, the Guidelines will prevail.

9. 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

10. 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.

11. 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 device(s) in accordance with the relevant guidelines of the Office of Environment and Heritage – NSW (OEH) and the design requirements detailed in the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*, for the stormwater drainage system prior to discharge from the site.

12. 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 in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the design requirements detailed in the *Campbelltown (Sustainable City) DCP - Volume 3 (as amended)*.

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.

13. Road Construction (Roundabout)

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

The applicant shall design and construct a roundabout at the intersection of Glenroy Road and Norman Crescent. The roundabout shall be designed to *Austroads* and Council's current specifications and shall include all construction and reconstruction, including SBS modified asphaltic concrete seal 60mm thick to the roundabout and approaches, signposting, thermoplastic line marking, reflectors, landscaping, the capital cost of street lighting to Endeavour Energy requirements, reinstatements, service relocations and adjustments, any

work required to make a smooth connection to existing construction and any other associated costs.

14. 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.

15. Stormwater Management Plan (Subdivision)

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit engineering details of a formal drainage system designed to conform with the design requirements detailed in the *Campbelltown (Sustainable City) DCP - Volume 3 (as amended)*, including the creation of appropriate drainage reserves and/or easements. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

16. 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 applicant's expense and a compliance certificate, approving the works, shall be obtained from Council.

17. Contaminated Site assessment

Prior to Council or an accredited certifier issuing a construction certificate or approving construction, 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.

18. 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 Volumes 1 and 3 (as amended)* 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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 / 4.00pm

Sunday and public holidays No Work.

25. 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.

26. Fill Compaction Requirements

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

27. 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.

28. 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.

29. Earth Works / Filling Works

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

- a. Undertaken in accordance with Council's *Specification for Construction of Subdivisional Roads and Drainage Works (as amended)*, Australian Standard AS 3798 *Guidelines for Earthworks for Commercial and Residential Development (as amended)*, and the approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with Australian Standard AS 3798 *Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and Australian Standard AS 3798.

30. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, a minimum of 1.2 metres wide and separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with Australian Standard AS 1742.3, the requirements set out in the RMS manual *Traffic*

Control at Work Sites (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

31. 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 2012 - Volumes 1 and 3 (as amended)*,
- 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.

32. Pavement Thickness Determination for new roads

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 for all new road construction.

33. Residential Footpath Crossing and Layback

The applicant shall provide a layback in the kerb and gutter at the entrance to all residential lots that have a frontage to barrier kerb. Construction shall be in accordance with Council's *Residential Vehicle Crossing Specification* and the *Campbelltown (Sustainable City) DCP - Volume 3 (as amended)*. Generally, the laybacks will be located on the lower side of the lot frontage.

34. Imported 'waste derived' fill material

The only waste derived fill material that may be received at the development site is:

- a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); and
- b) any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

35. 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.

36. 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 (Badgally Road)*
- d. *Battle-Axe Lots where reciprocal rights of carriageway are proposed*
- e. *Lots with any other restrictions eg. Refuse Collection*
- f. *Amelioration of road noise consistent with Condition 5 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.

37. 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*).

38. 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.

39. 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.

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. Residential Inter-Allotment Drainage

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided for all residential lots that cannot be drained to the kerb and gutter. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.