

# **ATTACHMENT 1**

## **1057/2014/DA-C**

### **Recommended Conditions of Consent**

#### **GENERAL CONDITIONS**

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

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

#### **1. Approved Development**

The development shall be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

<b>Drawing/Document No.</b>	<b>Prepared By</b>	<b>Date</b>
Architectural Plans DA 00001 to DA00039	Lend Lease	Various
Acoustic Fence Plans	Lend Lease	13 August 2014
Tree retained and Removed Plan (14514 – 0001)	Context	16 July 2014
Landscape Plans (Revision A)	Context	April 2014
Landscape Design Report (Revision A)	Context	April 2014
Civil and Stormwater Plans DA-000 to DA-090 (Revision 2)	Cardno	15 April 2014
Report on Preliminary Site Investigation	Douglas Partners	April 2014
Report on Geotechnical Investigation	Douglas Partners	March 2014
Preliminary Tree Assessment Report	Kyle A. Hill, Growing My Way Tree Services	April 2014
Accessibility Statement	Edmund McCombs, Lend Lease	16 April 2014
Statement of Design Intent - Lighting	Michael Sparrow, Lend Lease	14 April 2014
Construction Management Plan	Lend Lease	April 2014
Report on Salinity Investigation and Management Plan	Douglas Partners	April 2014
Macarthur Square Stage 4 Expansion Heavy Vehicle Management Plan	GTA Consultants	Not specified
Macarthur Square Stage 4 Environmental Noise Impact Assessment	Acoustic Logic	8 May 2014
Peer review of Environmental Noise Impact Assessment	NG Child and Associates	8 August 2014

#### **2. Amended Plans**

The development is to incorporate the following amendments and the amended plans are to be submitted to the Principal Certifying Authority, for approval, prior to the issuing of a Construction Certificate:

- The plans shall be amended to incorporate the amendments to the car park configuration and provision of additional car parking spaces required by conditions 38 and 39 of this consent.
- The space within the loading bay to be used for truck manoeuvring shall be marked on the signage and line marking plans as being for manoeuvring only.
- A rainwater tank(s) with a minimum capacity of 50,000 litres shall be incorporated into the proposal, for the collection and storage of stormwater for irrigation and reuse purposes (e.g. the flushing of toilets). The rainwater tank(s) shall not be visible from the street or public places.
- The landscape plan shall be amended to include the provision of Cumberland Plain Woodland species to promote local biodiversity and provide habitat for the Little Lorikeet.
- The modifications to the internal access roads outlined by the traffic report prepared by GTA Consultants dated 1 August 2014 shall be shown on the plans. In addition, A small roundabout shall be installed at the intersection of the two access roads that are the subject of the report. The design of the roundabout shall comply with the relevant Australian Standards.
- The location of the retirement village pedestrian access ramps and stairs on architectural plan number DA00040 shall be amended to be consistent with the location of the pedestrian access ramps and stairs as shown on engineering plan number DA032.

### **3. Building Code of Australia**

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

### **4. Landscaping**

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

Landscaping shall not be permitted to become overgrown. Trees and shrubs must not block sightlines or provide concealment opportunities.

The rocks within the rock garden shall not be small and loose so as to be able to be used for vandalism; nor shall they be so large as to provide concealment opportunities.

All species to be used within the landscaped batter along the western and south-western boundaries of the site shall be endemic to Campbelltown and shall not undermine the stability of the batter.

### **5. External Finishes**

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

## **6. Switchboards/Utilities**

Switchboards, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

## **7. Driveway**

The gradients of driveways, manoeuvring areas and car park layout shall be designed in accordance with *Australian Standard AS 2890.1 and AS 2890.2 (as amended)*.

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

## **8. Service Vehicles**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading or unloading shall be parked on site within the loading bays and not on adjacent or nearby public roads. Drivers shall comply with the provisions of the Macarthur Square Stage 4 Expansion Heavy Vehicle Management Plan in regard to contacting the loading dock coordinator on approach.
- c. Idling of vehicles awaiting loading or unloading is prohibited.
- d. All deliveries to the premises shall be made to the loading bay/s provided.
- e. All trucks accessing the loading dock shall approach from the part of Kellicar Road to the east of the vehicular entry point. All trucks exiting the loading dock shall turn right out of the site onto Kellicar Road.
- f. All trucks using the loading dock shall enter and exit the site using the Kellicar Road entrance. Trucks shall not enter the car park area, and trucks shall not use other site entrances to access the loading dock.
- g. Height clearance barriers shall be installed at both ends of the car park to ensure that trucks are not able to access the car park.
- h. Signage shall be installed at both ends of the car park advising service vehicles not to enter the car park.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the information in points (a) to (e) above. Should the sign be damaged or removed, it shall be replaced within 48 hours.

## **9. Use of Building - Separate DA Required**

Separate development consent is required for the use of the premises prior to the occupation of the building.

## **10. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

## **11. Noise Control**

The following measures shall be implemented to reduce noise at the shopping centre:

- a. The glazed façade of the shopping centre shall be a minimum of 6mm thick fixed glass.
- b. The car park shall be broom-finished to avoid tyre squealing noises.
- c. Signs reminding staff and delivery drivers to minimise noise at all times shall be installed at entry and exit points from the loading dock.
- d. No Public Address system shall be used within the loading dock area.

## **12. Acoustic Compliance Certification**

An Overall Acoustic Compliance Report shall be prepared within 90 days after the completion of construction and commencement of full-scale operations at the centre, to confirm the noise projections made in the May 2014 Environmental Noise Impact Assessment prepared by Acoustic Logic, to confirm the acoustic compliance of the operating development and to address any resulting issues.

Should the development not achieve acoustic compliance with the applicable guidelines and standards, amendments to the development are required to be made (with the consent of Council), which may include, but are not limited to, changes to hours of operation, installation of further acoustic treatment, modification of operational procedures, etc.

## **13. Lighting**

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

## **14. Surveillance**

Surveillance cameras shall be placed throughout the shopping centre and car park. The applicant shall consult with the Crime Prevention Officer at the Campbelltown Local Area Command of the NSW Police regarding the locations of cameras.

## **15. Security**

- A consistent security presence is required to be maintained within the centre.
- Signage shall be provided at the entry and exit points to the development and throughout the development to assist shoppers and warn intruders they will be prosecuted.
- Windows should be reinforced to restrict unauthorised access by applying a shatter-resistant film.
- All artwork and street furniture shall be fixed and unable to be removed to avoid objects being used for vandalism.

## **16. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

## **17. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

Strong consideration must be given to the use of graffiti-resistant materials in the construction of the building.

**18. Glass Reflectivity**

All glazing to be used in the building facades shall have a reflectivity index of 20% or less.

**19. Seating**

Public seating shall be placed throughout the new section of the shopping centre for the convenience of shoppers.

**20. Floor Surfaces**

Floor surfaces shall be non-slip and of contrasting colours, and shall make use of Tactile Surface Indicators where appropriate.

**21. Construction and Maintenance of Boundary Fencing**

The applicant is responsible for the construction of boundary fencing between Macarthur Square shopping centre and Macarthur Gardens retirement village in accordance with the approved plans. The applicant shall consult with the owner of the Macarthur Gardens retirement village regarding the colour of the fencing. The applicant is responsible for ensuring that the fencing remains in accordance with the approved plans. General maintenance of the fence (i.e. cleaning, replacement of damaged panels, etc.) will be subject to the provisions of the Dividing Fences Act 1991.

**22. Pedestrian Access Gate**

The applicant shall install a gate at the top of the pedestrian access walkway between Macarthur Square shopping centre and Macarthur Gardens retirement village that is wholly located within the shopping centre site, and which is lockable from both sides of the gate.

**23. 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*.

**24. Operating Hours**

The approved operating hours (unless amended to achieve compliance with the NSW Industrial Noise Policy post-construction or AS 4282-1997 – Control of the obtrusive effects of outdoor lighting) are:

Shopping centre: 6am to midnight, seven days per week.

Car park: 6am to midnight, seven days per week.

Car park lighting: 6am to midnight, seven days per week.

Loading dock: 24 hours, seven days per week.

Garbage collection: 6am to midnight, seven days per week.

Garbage compacting: 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.

The applicant shall ensure that no unauthorised use of the site outside of these hours occurs. In this regard, vehicular access to the car park shall be physically restricted outside of the approved hours by the installation of gates or another physical barrier to the satisfaction of Council.

## **25. Car Parking Spaces**

4142 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1, 2 and 6 (as amended).

## **26. Rubbish/Recycling Bin Storage**

Rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

## **27. Shoring and Adequacy of Adjoining Property**

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

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

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

## **28. 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 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.

## **29. Utility Servicing Provisions**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

*Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.*

## **30. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

### **31. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a *Waste Management Plan* is to be completed to the satisfaction of Council. The Waste Management Plan shall clearly demonstrate that storage and processing of waste will not cause odour for surrounding residents. The Waste Management Plan must be an on-going plan that is subject to amendment at the direction of Council, should Council deem that waste management practices and procedures are affecting the amenity of surrounding residents.

The premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.

### **32. Geotechnical Report**

Prior to Council or an accredited certifier issuing a construction certificate, a geotechnical report prepared by a NATA registered lab shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 900mm in depth or identified as filled land.

### **33. 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.

### **34. Retaining walls**

Retaining walls adjoining public roads and public areas shall be constructed using only approved reinforced concrete block work or concrete crib wall materials. Full details of all retaining walls shall be provided to the Principal Certifying Authority prior to the issue of Construction Certificate.

### **35. Demolition and Construction Noise Management Plans**

Prior to the issue of a Construction Certificate, appropriately detailed Demolition and Construction Noise Management Plans shall be prepared for the development, over and above the mention given to such plans within the approved Construction Management Plan. The plans shall be submitted to Council for endorsement, and compliance with the plans shall be maintained throughout the demolition and construction period.

### **36. Operational Noise Management Plan**

Prior to the issue of a Construction Certificate, an overall ongoing Operational Noise Management Plan shall be prepared for the development (covering all relevant aspects of the development) to provide further formalised support to those noise management initiatives identified in the acoustic report and peer review thereof. The Management Plan shall ensure the introduction of ongoing use of best practice noise management and minimisation operations and procedures, and to assist in ensuring the acoustic compliance of the development.

The Operational Noise Management Plan shall be subject to amendment, should the need arise. At Council's direction, the Noise Management Plan shall be amended to incorporate any measures or procedures deemed necessary for the development to achieve acoustic compliance.

### **37. Pollution Control**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide engineering details of a suitable gross pollutant trap(s) and/or water quality treatment where required in accordance with the relevant guidelines of the Department of Environment and Climate Change (DECC), Department of Water and Energy (DWE), and with the design requirements of the *Campbelltown (Sustainable) City DCP 2009 - Volumes 1 and 3* for the stormwater drainage system prior to discharge from the site.

### **38. Reconfiguration of Western Car Park**

Prior to the issue of a Construction Certificate, the approved at-grade car park in the western part of the site shall be reconfigured to the satisfaction of Council, in order to avoid the access road along the western part of the site being used as a thoroughfare between Gilchrist Drive and Kellicar Road. The amended car park configuration shall ensure that vehicles may not travel in a linear progression along the length of the access road, must make several turns in order to traverse the site, and must pass over speed humps. The reconfiguration of the car park shall not result in a net loss of car parking spaces below the number of car parking spaces required under this development consent.

### **39. Additional Car Parking**

The development shall make provision for sixty additional car parking spaces to be provided within the Macarthur Square shopping centre site, in addition to those indicated on the approved plans.

### **40. Modification to the Roundabout**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council for approval the engineering details of the required modifications to the roundabout at the junction of Kellicar Road and Geary Street.

Modifications 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 Integral Energy requirements, reinstatements, service relocations and adjustments, any work required to make a smooth connection to existing construction and any other associated costs.

### **41. 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.
- The relocation of the existing bus stop on Kellicar Road.
- The removal of 35 on-street car parking spaces on Kellicar Road between the site entrance and the Geary Street roundabout, and the installation of 'No Parking' signs.



#### **42. Traffic Control Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall prepare and obtain approval from an accredited person, a Traffic Control Plan (TCP) in accordance with the State Roads Authority manual "*Traffic Control at Work Sites*" and *Australian Standard AS 1742.3 (as amended)*. A copy of the approved TCP shall be kept on site for the duration of the works in accordance with *Work Cover Authority* requirements. A copy shall be submitted to Council for its records.

#### **43. Public Art Strategy**

Prior to the issue of a Construction Certificate, a Public Art Strategy shall be submitted to Council for approval, outlining the proposed locations and form of public art to be constructed as part of the development.

#### **44. External Signage Strategy**

Prior to the issue of a Construction Certificate, an External Signage Strategy shall be submitted to Council for approval, outlining the proposed locations and design of external signage to be constructed as part of the development.

#### **45. Light Spill Analysis Plan**

Prior to the issue of a Construction Certificate, the applicant shall engage a qualified lighting consultant to prepare a Light Spill Analysis in respect of all proposed light poles, any proposed lighting on buildings including illuminated signage, and any other lighting associated with the development, demonstrating that the proposed lighting will comply with Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting. Any recommendations of the report that are required to be implemented in order to achieve compliance with the standard shall be implemented and complied with at all times.

#### **46. Deed of Agreement**

The owners of the property shall enter into a Deed of Agreement with Council that outlines that the shopping centre owner is wholly responsible for the landscaping and plaza area located within the Council road reserve in perpetuity, including but not limited to all costs associated with construction, maintenance/repairs and any public liability claims.

#### **47. Parenting Facilities**

The new section of the shopping centre shall provide parenting facilities that satisfy the following objectives and standards:

- i) Provides a quiet place for parents to feed children in privacy;
- ii) Is a unisex use facility;
- iii) Provides an allocated area to change nappies;
- iv) Provides hand washing (warm and cold) and drying facilities;
- v) Provides a toddler toilet;
- vi) Is separated from male, female and disabled toilets; and
- vii) Is well-ventilated in accordance with *Australian Standard 1668 Part 2 - Acceptable Indoor Air Qualities* (as amended).

#### **48. Stormwater Management Plan**

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

#### **49. Inundation by Flood Waters**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3* as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance and with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3*.

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements in accordance with the design requirements of the *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (as amended), AS3789 'guidelines for Earthworks for Commercial and Residential Development (as amended)', and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

#### **50. Existing Drainage**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit design details and related calculations for the analysis of the existing drainage system in Kellicar Road where the new 1350 mm pipe joins in the existing 1200 mm pipe as shown in the submitted plan number 50614032 DA-038 prepared by Cardno and determine whether the existing system has sufficient capacity to adequately convey the increased flows.

#### **51. 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 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 prior to the principal certifying authority issuing an occupation certificate.

## **52. Coin Operated Shopping Trolley System**

All shopping trolleys shall have a coin-operated system to minimise the impacts of shopping trolley abandonment in the community.

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a management plan for installation and maintenance of coin-operated trolleys associated with the development.

## **53. Consolidation of Allotment**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide evidence that Lot 3 DP 1150348 has been consolidated with Lot 10 DP 1167560.

## **54. Designated Smoking Area**

A designated smoking area for the development shall be provided in a location that is not within 10 metres of any entrance to the building or pedestrian thoroughfare. The designated smoking area shall be shown on the Construction Certificate plans, and shall be to the satisfaction of Council.

## **55. Section 94A Developer Contribution - Community Facilities and Services**

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

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

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

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

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

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

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

**56. Design for Access and Mobility**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

In addition, the applicant shall demonstrate that the pedestrian access route from the Macarthur Gardens retirement village to the entry of the shopping centre complies with AS1428.1.2009.

**57. Telecommunications Infrastructure**

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

**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.

**58. 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.

**59. 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.

**60. Toilet on Construction Site**

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

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

#### **61. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

#### **62. 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.

All roads are to be swept at the end of each day's work or otherwise as directed by Council's officers.

#### **63. Public Property**

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

#### **64. Footpath and Vehicular Crossing Levels**

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

#### **65. Demolition Works**

Demolition works shall be carried out in accordance with the following:

- a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a

non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

- d. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works
- e. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifying authority attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

#### **66. 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.

#### **67. Geotechnical Reference**

Prior to the commencement of any works, a certificate prepared by the designing structural engineer certifying that the design is in accordance with the geotechnical investigation of the site and all relevant Australian Standards shall be submitted to the PCA.

### **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.

#### **68. Construction Work Hours**

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

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

#### **69. 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.**

#### **70. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

#### **71. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are identified to be removed on plan number 0001 (Project number 14514) prepared by Context Landscape Architects dated 16 July 2014.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

#### **72. Excavation and Backfilling**

All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the existing footings of a building, the person causing the excavation to be made:

- a. Must preserve and protect the building from damage; and
- b. If necessary, must underpin and support the building in an approved manner, and

#### **73. 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.

#### **74. 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.

No dust generating works shall be undertaken or allowed to continue in windy conditions.

#### **75. Excess Material**

All excess material is to be removed from the site. The spreading of excess material or stockpiling on site will not be permitted without prior written approval from Council.

## **76. 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), AS 3798 '*Guidelines for Earthworks for Commercial and Residential Development*' (as amended), and approved construction drawings;
- b. Supervised, monitored, inspected, tested and reported in accordance with 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 AS 3798.

## **77. 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, minimum 1.2 metres wide, 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 AS 1742.3, the requirements set out in the State Roads Authority 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.

## **78. 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. *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*,
- c. 'Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian standards and State Government publications.

## **79. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

## **80. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with 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 3*.

## **81. Industrial / Commercial Driveway and Layback Crossing**



Where required, the applicant shall provide reinforced concrete driveway and layback crossings to Council's *Industrial/Commercial Vehicle Crossing Specification* and *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 3*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

## **82. Associated Works**

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

## **83. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

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

## **84. Section 73 Certificate**

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. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

## **85. Structural Engineering Certificate**

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

## **86. Plant and Equipment Noise Compliance Validation Report**

Following the completion of construction and prior to the issue of an Occupation Certificate, an Acoustic Compliance Validation Report shall be prepared to confirm the compliance of all

plant and equipment to be introduced as part of the overall development with the relevant acoustic standards and guidelines. The report shall be submitted to Council for endorsement.

The Acoustic Compliance Validation Report shall confirm the presence or otherwise of potentially annoying noise characteristics such as tonality, low frequency, impulsiveness or intermittence in noise generated by the development, and if required, address the presence of any such characteristics through appropriate controls.

**87. Light Spill Compliance Validation Report and Management Plan**

Following the completion of the construction of the shopping centre (including all lighting) and prior to the issue of an Occupation Certificate, a Light Spill Compliance Validation Report shall be prepared and submitted to Council. The report shall confirm that any light spill upon adjoining properties is of a level that complies with Australian Standard 4282-1997. If the lighting does not comply, measures shall be taken to ensure compliance, which may include, but are not limited to, hours of operation of lighting, angles of lighting projection, lux levels, and the installation of devices to direct light projection.

A lighting management plan shall be prepared and submitted to Council for endorsement. The plan shall be subject to amendment if directed by Council in response to complaints.

**88. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

**89. Maintenance Security Bond**

Prior to the principal certifying authority issuing an occupation certificate, a maintenance security bond of 5% of the contract value of the works related to the modification of the roundabout at the intersection of Geary Street and Kellicar Road or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the occupation certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

**90. Final Inspection – Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans for the roundabout modification works at the intersection of Geary Street and Kellicar Road 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 3 (as amended)*.

The applicant shall also submit a copy of the Works as Executed information to Council in PDF format.

**91. Restoration of Public Roads**

Prior to the principal certifying authority issuing an occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

## **92. 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.

## **93. Line Marking / Sign Posting Documentation (development)**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council for Local Traffic Committee records two copies of work as executed plans of the line marking / sign posting approved by the Traffic Committee for the development. The plans shall show all works undertaken and the date of installation.

## **94. Council Fees and Charges**

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

# **FOOD CONSTRUCTION CONDITIONS**

## **95. Food Premises**

In the event any of the tenancies are a food premises, the following conditions apply to ensure that all construction and fit-out of the food premises complies with the *Food Act 2003*, *Food Regulation 2010*, *the Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Design, construction and fit out of food premises*.

### **Construction**

The internal construction of the shop must be completed in accordance with AS4674-2004: *Design, construction and fit-out of food premises*.

### **Meeting and Inspection**

Prior to any construction work commencing on the fit out of the food premise/s, the Applicant/Builder/Private Certifier must contact Council's Environmental Health Officer (Phone 4645 4604) to arrange an onsite meeting to discuss the food premise/s design, fit out, other related requirements under this Consent, *Food Act 2003*, *Food Regulation 2010*, and AS 4674-2004: *Design, construction and fit out of food premises*.

Prior to the release of the occupation certificate or Complying Development Certificate for any food premises, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake an inspection of the premise/s to confirm compliance with this Consent, *Food Act 2003*, *Food Regulation 2010*, *the Food Standards Code* as published by Food Standards Australia and New Zealand and AS 4674-2004: *Design, construction and fit out of food premise*.

### **Store Rooms**

All store rooms must be constructed in accordance with AS4674-2004 by providing the following:

- a smooth, even, non-slip floor surface.
- Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004.

- Ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS4674-2004 – Section 3.2)
- Shelving or storage racks must be designed and constructed to enable easy cleaning.
- Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape heat and odour that can be produced from refrigeration and freezer motor units.

## **SKIN PENETRATION, HAIRDRESSING, AND BEAUTY SALON CONDITIONS**

### **96. Skin Penetration Premises**

In the event that any of the tenancies are a skin penetration premises, hairdresser, barber or beauty salon, the following conditions have been applied to ensure that the use of the development is carried out in such a manner that is consistent with the Public Health Act 2010, Public Health Regulation 2012, Local Government Act 1993 and associated technical standards.

**Construction** - All construction and fit-out for the purpose of skin penetration as defined under the Public Health Act 2010 or for the use as a hairdresser, barber or beauty salon, the premises must be constructed to comply with the following:

- Public Health Act 2010,
- Public Health Regulations 2012,
- Local Government Act 1993,
- Campbelltown City Councils 'Development Application Requirements for the Internal Construction of a Skin Penetration Premises, Hairdresser or Beauty Salon' and
- other associated technical standards.

**Skin Penetration/Hair/Beauty Fit Out Pre-Construction Meeting** - Prior to any construction work commencing on the fit out of the skin penetration, hairdresser, barber or beauty salon premises, the Applicant/Builder/Private Certifier must contact Council's Environmental Health Officer (Phone 4645 4604) to arrange an onsite meeting to discuss the premises design, fit out, other related requirements under this Consent.

**Hand Wash Basins** – A hand wash basin must be provided in accessible and convenient location within all skin penetration treatment rooms. The basin/s must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands-off type tap set.

**Nail Bar Ventilation (Including Nail Bars Within A Beauty Salon)** – Appropriate ventilation and odour extraction measures must be provided within the premises to prevent odours that occur from the nail artist practice that may affect clients, employees, the public and surrounding premises.

**Tattoo Parlour Requirements** - All tattoo parlours must comply with the Tattoo Parlours Act 2012 and the Tattoo Parlours Regulation 2013. This Act and Regulation is governed by the Police and Department of Fair Trading and requires all tattoo parlours and tattoo artists to be licensed. For further information please visit the following website:  
[http://www.fairtrading.nsw.gov.au/Businesses/Specific\\_industries\\_and\\_businesses/Tattoo\\_parlours.html](http://www.fairtrading.nsw.gov.au/Businesses/Specific_industries_and_businesses/Tattoo_parlours.html)

Cosmetic tattooing procedures are exempt from this Act and Regulation. Cosmetic tattooing procedures include procedures performed for the purpose of providing eyeliner, eyebrow, or any permanent make up effect, or by a medical practitioner for a medical reason (e.g. hide, disguise or correct a medical condition or post-operative outcome).

## REGULATED SYSTEM CONDITIONS

### 97. Regulated Systems

The following conditions have been applied to ensure that the use of the development is carried out in such a manner that is consistent with the Public Health Act 2010, Public Health Regulation 2012, Local Government Act 1993 and associated technical standards.

**Construction** - All construction for the purpose of a regulated system as defined under the Public Health Act 2010 must be designed and installed in accordance with the following:

- *Public Health Act 2010*,
- *Public Health Regulation 2012*,
- AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning,
- Local Government Act 1993 and
- Other associated technical standards.

**Waste Water** - The regulated systems and plant room/surrounding areas must install appropriate measures to prevent wastewater from the regulated systems entering the stormwater system.

**Operation Of The Regulated Systems** - The regulated systems must comply and operate in accordance with the *Public Health Act 2010* and Public Health Regulation 2012.

**Inspection** - Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake an inspection of any regulated systems. An inspection fee will be charged in accordance with Council's current schedule of fees and charges.

## ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

### Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

## **Advice 2. Tree Preservation Order**

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

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

## **Advice 3. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

## **Advice 4. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

## **Advice 5. Tenancy Fit Out**

A separate development application or Complying Development Certificate application is required to be submitted for the fit out of individual tenancies.

## **Advice 6. Inspections – Civil Works**

The following stages of construction shall be inspected by Council.

- a. STORMWATER PIPES IN COUNCIL AREA – Laid, jointed and prior to backfill.
- b. ROAD PAVEMENT CONSTRUCTION IN COUNCIL AREA – Inspections as specified in Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);
- c. VEHICLE CROSSINGS AND LAYBACKS IN COUNCIL AREA – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

## **Advice 7. Inspection Within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

#### **Advice 8. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2*.

#### **Advice 9. Asbestos Warning**

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

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

#### **Advice 10. Smoke Free Environment Act**

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

#### **Advice 11. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

#### **Advice 12. Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.