

JOINT REGIONAL PLANNING PANEL Sydney West

JRPP No	2015SYW042 DA
DA Number	3122/2014/DA-I
Local Government Area	Campbelltown City Council
Proposed Development	Construction of a new industrial facility and associated site and landscaping works and use for the processing and packaging of food products
Street Address	No. 8 Williamson Road, Ingleburn
Applicant/Owner	Applicant: Pactum Pty Ltd c/- Design + Planning Pty Ltd Owner: CSR Viridian Properties Pty Ltd
Number of Submissions	One – does not specifically object to proposal
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value exceeds \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 1 – Development Standards • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Campbelltown (Urban Area) Local Environmental Plan 2002 • Draft Campbelltown Local Environmental Plan 2014 • Campbelltown (Sustainable City) Development Control Plan <p><i>Non Statutory Provisions</i></p> <ul style="list-style-type: none"> • Campbelltown 2025 Looking Forward
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> 1. Locality plan 2. Site and floor plan 3. Elevations plan 4. Landscape plan 5. Coloured exterior plan 6. Process flow chart 7. Recommended conditions of consent
Recommendation	Approval with conditions
Report by	Andrew MacGee – Senior Development Planner

Purpose of the Report

The purpose of this report is to assist in the determination of the subject Development Application (DA) in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979*.

Approval process

The DA has been lodged by Pactum Pty Ltd with a Capital Investment Value (CIV) of \$24.87 million. Therefore, under Section 23G and Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act), the Sydney West Joint Regional Planning Panel (JRPP) is the consent authority for the proposal.

Under the processes established by the Act, Campbelltown City Council has undertaken the assessment of the application and subsequently refers the matter to the JRPP for determination.

Property Description:	Lot 2 DP 11002378 and Lot 301 DP 808825 No. 8 Williamson Road, Ingleburn
JRPP Application Number:	2015SYW042 DA
Council Application Number:	3122/2014/DA-I
Applicant:	Pactum Pty Ltd c/- Design + Planning Pty Ltd
Owner:	CSR Viridian Properties Pty Ltd
Date received:	December 2014

Background

The subject site formerly contained a glass manufacturing plant, which ceased operations in around 2013. The building and associated infrastructure, including a large chimney have recently been demolished in accordance with a lawfully issued complying development certificate. The warehouse portion of the glass manufacturing facility remains in use by CSR as part of its ongoing business interests in the area.

In addition, Campbelltown City Council recently granted development consent for the subdivision of the subject site into two large allotments, one of which would contain the existing warehouse described above and the other, now vacant, is the land proposed for development in the subject application.

As part of that subdivision development consent, the Council required that certain physical works be undertaken prior to registration of the new title plans. These included (but are not limited to): construction of a new entry road, completion of demolition works, filling of existing sediment ponds and protection of trees that would remain on site. Easements to drain water and a right of carriageway are also required to be registered as part of the land's subdivision.

The subdivision certificate for the site has not been issued at the time of writing this report, although application for such has been made to the Council.

The Site

For the purposes of this report, 'the site' hereto referred relates to that portion of land that would become a separate allotment following registration of a new subdivision plan detailed in the previous section of this report.

Upon registration of the approved subdivision, the subject site would become known as Lot 2 in (draft) DP 1196414 and have an area of approximately 6.64 hectares.

The site is located within southern portion of the Ingleburn Industrial Estate. It is immediately bound by the Bunbury Curran Creek riparian corridor to the north, Williamson Road to the west and existing industrial development to the south and east.

The site has good access to the Hume Highway via nearby on and off ramps for both northbound and southbound vehicle access routes.

Following demolition of the previous building and associated infrastructure, the site is relatively vacant, although is disturbed from its natural state. Vegetation has been cleared and the land filled as part of the previous development that had been undertaken on the land.

The site drains to the adjoining Bunbury-Curran Creek, which itself is in a highly modified form, being a formed earthen and concrete channel. This drains to the east and joins with Bow Bowing Creek, which generally runs in a south-north direction through Campbelltown City, before heading east and joining with the Georges River.



Figure 1 – site location and aerial photograph from January 2015 (courtesy nearmap).

Proposed Development

The development application seeks approval for the construction of a processing and packaging factory for food products and associated car parking and landscaping on the subject site.

The factory development would be constructed in stages, with construction certificates to be issued for each stage should development consent be granted. Notwithstanding the proposal to stage the building's construction, the application seeks approval for the development as a whole.

Stage 1 incorporates the erection of a warehousing building at the rear of the site. The applicant has detailed that the warehouse would be one that is reconstructed following its removal from another site.

The balance of the development would be constructed following completion of the Stage 1 warehouse.

The development would ultimately incorporate the following components:

- Stage 1 warehouse building and associated services
- Factory and warehousing building (inclusive of first level warehouse office) of approximately 35,500 square metres floor area
- Administration office and staff areas of approximately 1,150 square metres
- Car parking for up to 151 vehicles
- Establishment and installation of landscaping
- Placement of advertising signs
- Construction of associated tanks and storage facilities, and
- Construction of associated required services.

The submitted site and elevations plans are included as attachments to this report.

The factory would be used to process and package food products including rice, soy and almond milks, cow's milk and vegetables. Once mixed and processed, the foods would be moved to a treatment and packaging area, where it would be decanted into ultra-heat treated (UHT) and retortable carton packages.

A process flow chart is included as an attachment to this report. The flow chart details the ingredients and processes that would be undertake on the site.

All ingredients that arrive at the factory have been primary and secondary treated. The subject site would be a tertiary processor and packager of the food products. The majority of food made at the site would be exported.

Incoming ingredients are pre-processed, meaning agricultural elements (such as soil, fertilisers and other contaminants) have been processed from the primary agricultural products and removed at another site. All ingredients would be fully sealed in bags, drums or boxes before being delivered to the subject factory. The quantity of incoming primary and secondary treated product ingredients is estimated to less than 16,500 tonnes per annum.

Processing and mixing waste water would be captured at the site and treated in accordance with Sydney Water's requirements, before being disposed into the sewerage system. Solids or semi solids captured in the waste treatment process will be captured, stored in vessels and trucked off site for appropriate reuse or disposal.

Stormwater from car parking, vehicle manoeuvring areas and gardens would be captured and disposed of into the adjoining formed drainage channel. No vehicle washing or servicing would take place on site.

The factory, warehouse and its associated office is expected to employ up to 135 people at a time, with the processing and packaging plant ultimately operating in three shifts over 24 hours a day, seven days a week.

1. Assessment

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

Planning legislation, instruments and documents

Section 79C(1)(a) requires the JRPP to consider environmental planning instruments and development control plans that apply to the site.

1.1 State Environmental Planning Policy No. 1 – Development Standards

The application includes an objection to a local development standard, specifically in relation to a Clause in the Council's local environmental plan that restricts what types of works and building may be constructed within the street setback of industrial lands.

A detailed assessment and discussion of the Clause and the resultant objection is undertaken later in this report as part of consideration of the Council's local environmental plan (see section 1.5).

1.2 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies throughout the State. The SEPP requires consent authorities and land owners to consider contamination of land during redevelopment and rezoning applications.

In particular, Clause 7 requires:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Contamination of the site was considered as part of the recent development application to subdivide the land (as discussed earlier in this report). Briefly, a 'Stage 2 - Detailed Environmental Site Assessment' has been undertaken by a suitably qualified firm. The Assessment concluded:

The results of this assessment indicate the site meets the most suitable end land use criteria adopted from the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013 (NEPM (1999) Revised 2013) Table 1A(1) Commercial/Industrial.

Accordingly, the site is considered to be suitable for the development as proposed and Clause 7 of SEPP 55 is satisfied.

1.3 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ('the Infrastructure SEPP') applies to the development, in particular, Clause 104 of the SEPP and its related table in Schedule 3. The Clause requires that applications for commercial and industrial developments that have a floor area greater than 15,000 square metres be referred to Roads and Maritime Services (the RMS) for comment.

Accordingly, the application was forwarded to the RMS, who responded with recommendations regarding vehicle manoeuvring and car parking areas. These recommendations have been incorporated as conditions of consent.

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

GMREP No. 2 applies to the site and establishes objectives and certain considerations for development within the Georges River catchment (where it is located in metropolitan areas). Under the Plan, the development would be defined as 'industry'.

Matters for consideration detailed in the Plan are detailed below:

- *The potential cumulative environmental impact of any industrial uses on water quality within the Catchment.*
- *The adequacy of proposed stormwater controls and whether the proposal meets the Council's requirements for stormwater management.*
- *Whether proposed erosion control measures meet the criteria set out in Managing Urban Stormwater: Soil and Construction Handbook (1998) prepared by and available from Landcom and the Department of Housing.*
- *Likely impact on groundwater and remnant vegetation.*
- *The possibility of reusing treated waste water on land and the adequacy of proposed waste water disposal options.*
- *Whether adequate provision has been made to incorporate vegetated buffer areas to protect watercourses, foreshores or other environmentally sensitive areas where new development is proposed.*
- *The adequacy of planned waste water disposal options.*

The application and development respond favourably to the matters for consideration and address the issues raised in the Plan. Subject to appropriate soil and sedimentation controls being implemented during the construction process, the development is unlikely to have any adverse impacts on stormwater run-off and water quality in the Georges River system.

Wastewater generated by the food processing and packing that would take place on site would be captured and treated for disposal into Sydney Water's sewerage reticulation system, rather than into the adjacent creek.

It is also noted at this point that the application was forwarded to the Office of Water as it is within 40 metres of a bank of a waterway (as defined in the Water Management Act 2000). The Office responded that no further assessment of the development was needed and it would not be considered as 'integrated development' due to the highly disturbed nature of the existing waterway

1.5 Campbelltown (Urban Area) Local Environmental Plan 2002

Campbelltown (Urban Area) Local Environmental Plan 2002 (the LEP) is the relevant local environmental planning instrument that relates to the site.

Under the LEP, the site is zoned 4(a) – General Industry Zone.

Clause 12(2) of the LEP lists the objectives of the zone as:

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*

In addition, consent must not be granted unless that development would be consistent with one or more of the objectives of this zone.

It is considered that the development is consistent with the above objectives for the following reasons:

- The development would provide a net gain of approximately almost 300 employment positions to the Campbelltown area
- The office and entry building presents to Williamson Road with an attractive and articulated façade and the site would be extensively landscaped, and
- The proposed development does not involve a commercial component that would detract from the viability of businesses within established commercial centres

The development is defined as an ‘industry’ and ‘warehouse’, both of which are permissible with consent in the zone.

Clause 31 of the LEP provides the Council’s controls for outdoor advertising. Pursuant to Clause 31(2)(b), business identification signs do not require development consent. The application proposes the placement of business identification and directional signs on the building and across the site. The signs are complementary in material, finish and scale to the development.

Clause 37 of the LEP contains Council’s requirements for the setback of buildings in industrial areas. Relevant parts of the Clause are:

37 Setbacks within industrial areas

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

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

Accordingly, 30 metres from Williamson Road may only be used for landscaping, vehicle parking and access. Under the subject proposal, the main factory building and its ancillary office are compliant with the setback requirement, however a dangerous goods storage area, above-ground infrastructure such as boilers and electrical substation and a storage tank would be located within the setback area.

As such, the applicant has submitted an objection to the development standard (being the required building setback) pursuant to SEPP 1 – Development Standards. The objection is founded on the fact that the inclusion of the plant and infrastructure within the required setback is unlikely to erode the importance of the standard and that the area would be satisfactorily screened by an earth mound and landscape screen tree plantings.

The applicant's assessment pursuant to the 'five part test' (as detailed in the Department of Planning and Infrastructure publication 'Varying Development Standards: A Guide', August 2011) is reproduced below:

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard:*

Response: The objective of the development standard is to provide a landscaped setback along Williamson Road. A minimum 15 metre embellished landscaping setback is proposed under this application along the Williamson Road frontage of the site, consistent with the Council's development control plan.

Landscaping includes a 3-4m high landscaped mound. The mound and landscaping will screen proposed plant and service/infrastructure equipment, providing the appearance of a deeper landscaped setback consistent with the objectives of the standard.

- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*

Response: The mound and landscaping will screen proposed plant and service/infrastructure equipment, providing the appearance of a deeper landscaped setback. Therefore compliance is unnecessary.

- 3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*

Response: The objectives of the General Industry zone relate to encouraging high quality development which will enhance economic activity and employment

opportunities. The proposal will significantly contribute to economic growth and employment opportunities, in a high quality development outcome.

The proposal is considered to be less visually intrusive than previous structures approved and erected on site.

Compliance with the standard would not enable development of the site as proposed and is considered unreasonable as the proposal is consistent with the objectives of the zone.

4. *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Response: The previous land use included plant and equipment within the 30m setback along Williamson Road. The subject site is also located within a large industrial area, where the scale of the built form significantly exceeds the size of the plant and equipment located within the prescribed setback.

5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Response: Not applicable.

The applicant's statements are agreeable, particularly in regard to the screening effect of the earthen mound and required landscape screen tree plantings as well as the development's compatibility with the area's existing and desired character.

It is also noted that pursuant to the Department of Planning's Circular B1, issued in March 1989, the consent authority, in this case the Sydney West Joint Regional Planning Panel can assume the Director-General's concurrence for approval of the variation.

Accordingly, the variation to Council's development standard is supported and recommended for approval as part of the granting of development consent by the Panel.

1.6 Draft Campbelltown Local Environmental Plan 2014

The Council has recently publicly exhibited a draft Local Environmental Plan, which has been prepared in accordance with the Department of Planning's 'standard instrument template'. The draft was exhibited during July and August 2014 and is in the final stages of resolution prior to forwarding to the Minister of Planning for gazettal.

Under the draft LEP, the site would be zoned IN1 General Industrial. The site's use is consistent with that zone's proposed objectives and is permissible with development consent.

There is a minor discrepancy with the proposal and the draft LEP's building height map. Under the exhibited draft, the building height map details that this area would be subject to a 12 metre height maximum. Parts of the proposed building would reach 15 metres above ground level. It is important to note that the Council does not presently have a maximum building height control for the subject site.

Given the scale of the subject and surrounding development, the variation is considered to be relatively minor. Further, as a result of this application and a review of other buildings in the locality during the exhibition period, the Council is likely to raise the maximum height limit in the IN1 area from that which was publicly exhibited.

The development is therefore considered to be compatible with the draft LEP.

1.7 Campbelltown (Sustainable City) Development Control Plan

Campbelltown (Sustainable City) Development Control Plan (the SC DCP) is the relevant development control plan for the site and development type.

A discussion and assessment of relevant controls from the SC DCP follows.

The general provisions of Part 2 of the SC DCP, applying to all types of development, have been considered and are discussed as follows:

Views and vistas – The visual impact of the development would be generally limited owing to its location and the screening provided by the earthen mound and screen tree landscaping required.

Landscaping – There are no trees on site listed on Council's significant tree register. The site is not nominated or known to contain any threatened species or communities.

Landscape embellishment of the riparian zone, street and boundary landscaping (as amended in red ink on approved plans) is considered an appropriate outcome given the development on site and its surrounds. Landscaping would be utilised to effectively screen the plant at the front of the building from public spaces over time.

Risk Management - The potential for environmental impacts has been examined and the site is considered suitable for the proposed development. There would be a small quantity of dangerous goods stored at the site, in accordance with WorkCover and Australian Standards requirements. All dangerous goods that would be stored on site are in quantities well below State Environmental Planning Policy No. 33 – Hazardous and Offensive Development maximum thresholds.

Waste Management - a Waste Management Plan for the development has been submitted and is considered satisfactory. As detailed earlier, waste liquid would be treated on site and disposed of into Sydney Water's sewerage network as part of a trade waste agreement. Solid waste would be stored and removed from site by an appropriately licensed contractor.

Part 7 of the SC DCP contains the Council's specific controls in relation to the design and operation of industrial developments.

The development is largely compliant with the controls and objectives, except for two requested departures. These are discussed in more detail below.

1. Street Setbacks

The SC DCP repeats the setback requirements of the LEP detailed earlier in this report. The variation is supported on the grounds that adequate screening is available at the site and would be further embellished by the establishment and maintenance of screen tree planting across the site's frontage to Williamson Road.

2. Car Parking

Pursuant to the SC DCP, based on the development's floor area and use type (industrial and office), the development requires the construction of 175 car parking spaces. The application proposes 151 spaces and is therefore deficient 24 spaces.

The applicant has requested a variation to the Council's control on the following grounds:

- The future employee numbers at the site are well known (134 staff maximum at any one time), and
- Space has been provided on the site for the construction of additional car parking should it be required by the applicant (or a subsequent user of the land) in the future.

Noting that the development's parking provided as proposed is in excess of the known maximum number of employees that would occupy the site at any one time (thus allowing for visitor and maintenance contractor parking), the variation is recommended for support. Further, should additional parking become necessary, the applicant has nominated areas across the site where this parking can be constructed in the future.

Accordingly, the development is considered to be largely complementary to the SC DCP and compliant with the vast majority of its relevant controls.

1.8 Non-Statutory Plans

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

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

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

The strategic directions relevant to this application are:

- growing the regional city,
- building a distinctive Campbelltown sense of place, and
- creating employment and entrepreneurial opportunities

The proposed development is consistent with these directions.

The relevant desired outcomes associated with Council's vision, included in 'Campbelltown 2025 – Looking Forward' include:

- urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable,
- an impression of architecture that engages its environmental context in a sustainable way, and
- development and land use that matches environmental capacity and capability.

The proposed development is consistent with the vision's desired outcomes having regard to the proposed scale, function and design of the proposed development.

2. Impacts on the Natural and Built Environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

Key matters for consideration when considering the development's potential impact on the natural and built environment are:

- Stormwater and drainage management,
- Traffic impacts,
- Landscape works, and
- Chemical and dangerous goods storage and associated risk analysis.

These matters are individually discussed in more detail below.

2.1 Stormwater and drainage management

Stormwater that falls on the development's roof space would be captured in a 500,000 litre storage tank, to be located on the development's northern elevation. Overflow from the tank and surface water from vehicle parking, manoeuvring and landscaped areas would be piped to the existing headwalls located within the adjacent Bunbury Curran Creek. Stormwater would be sent through pollutant trap pits in accordance with industry best practice to minimise the entry of such to the local water system.

The proposed floor height of the building and its chemical storage areas exceed the minimum requirement for the site to remain flood-free during 1% AEP events.

Appropriate conditions of development consent have been recommended to ensure that the stormwater system is designed and maintained in accordance with the Council's requirements.

2.2 Traffic impacts

The applicant advises that approximately 85 trucks would enter and leave the site in any given day. The trucks would utilise the existing road network to either leave north or southbound on the Hume Highway. The trucks would predominantly be semi-trailers although the site has been designed to accommodate b-doubles. All vehicle entry and exit would be in a forward direction with passenger vehicles (for staff and visitors) separated from heavy vehicles at their respective entries. The exit point would be shared and would use the existing 'cul-de-sac' recently constructed in conjunction with the subdivision of the land.

The RMS and the Council do not anticipate the expected volume of traffic using the site will have a detrimental impact on the road network.

2.3 Landscape works

The applicant has submitted a landscaping plan with the application. The plan shows embellishment of existing landscape pockets across the site. It is intended to alter the submitted plan with red ink to provide for more landscaping, particularly across the front and northern frontages of the site (adjacent to the riparian corridor). Screening of the plant

located within the nominated building setback is also proposed and considered an essential component in supporting the applicant's variation to the Council's development standard.

2.4 Chemical and dangerous goods storage and associated risk analysis

The processing and packaging plant would require the use and storage of a range of 'dangerous goods'. The quantities of these goods that would be stored on site are well-below the thresholds established by State Environmental Planning Policy No. 33 - Hazardous and Offensive Development. For example, the largest quantity of a particular chemical that would be stored on-site is 'Glissen Nylex', a caustic solution used for cleaning. This would be stored at a maximum of 10,000 litres, where the SEPP 33 threshold for further assessment is 25 tonnes. The thresholds used in the applicant's assessment are derived from those published in the Department of Planning's "Applying SEPP 33" publication, dated January 2011.

Recommended conditions of consent require that chemicals be stored in bunded areas and in accordance with WorkCover requirements and relevant Australian Standards.

The development is not expected to create noise or air quality impacts of a discernable value.

Notwithstanding the above comment and assessment, it is considered prudent to request that the applicant prepare an Environmental Management Plan (EMP) for the proposed operations on the site.

The EMP would be prepared in accordance with the principles of AS/NZS ISO 14001: 2004 for Environmental Management Systems. The environmental safeguards and recommendations that have resulted from the impact assessments undertaken in the preparation of the EIS and any conditions of development consent would be documented as part of the EMP.

Briefly, the EMP would cover the following aspects of managing the site:

- Water management
- Air management
- Noise control
- Waste management and minimisation
- Emergency preparedness
- Environmental monitoring, and
- Traffic management.

A recommended condition of development consent (should the Panel decide to approve the application) requires that the EMP be developed and accepted by the Council prior to use of the facility commencing. It is likely that a plan of a similar nature would also be required by Sydney Water in relation to the suitability of waste water entering its sewerage network.

2.5 Social and Economic Impacts

The social and economic impacts of the development are considered to be positive. The site would generate employment for approximately 300 persons and would allow for a new business to increase its production and profitability. In addition to those employed on-site, the multiplier effects of those jobs and employment for contractors such as truck drivers and waste management are considered to be of benefit to the local area and the City's economy.

3. Site Suitability

Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 requires the JRPP to assess the suitability of the site for the proposed development.

Having regard to the development's relative compliance with the environmental considerations detailed previously, the proposal's high level of compliance with relevant planning objectives and controls the development is considered to be suitable for the site.

The proposal is considered to be complementary to existing and likely future development within the immediate vicinity.

4. Submissions

Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to consider submission made to the proposal.

One submission was received from Campbelltown City Council. A copy of the submission has been provided to the Panel Secretariat.

Matters raised in the submission are detailed and responded to below:

Compliance with industrial area setbacks pursuant to Clause 37 of Campbelltown (Urban Area) Local Environmental Plan 2002 (LEP) – the development proposed some utility infrastructure (including chilling equipment, boilers and an electrical substation) within the minimum setback area required by the LEP. As such, an application pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) has been submitted, where the applicant requests a variation to Council's setback standard on the basis that the plant is essential to the factory's operation and it would be well-observed by an existing and embellished earthen mound along Williamson Road as well as screen tree plantings.

Accordingly, if the JRPP considers that the SEPP 1 objection is supportable, then an appropriate condition of consent should be imposed to require all landscape areas of the site to be mass planted with sufficiently sized trees and shrubs to achieve a suitable landscaped outcome.

A discussion on the applicant's objection to the Council's development standard is contained in section 1.5 of this report. The variation is recommended for support; however, further landscaping embellishment would be required to ensure that the plant and infrastructure that would be located within the mandated setback is adequately screened.

The applicant has indicated that it is their intention to partially build and occupy the factory building prior to the full suite of ancillary works under the proposal being completed.

It is considered that any consent issued by the JRPP should as a condition require all associated works under the proposal, including landscaping, car parking, driveways and civil works, to be satisfactorily completed prior to the occupation of the building in part or whole.

A condition of consent is proposed that requires all relevant car parking, site landscaping and driveways to be constructed and available to use prior to occupation of the first stage of the land use.

The application is subject to the review of the Roads and Maritime Services (RMS) in accordance with the relevant provisions of State Environmental Policy (Infrastructure) 2007.

It is considered that any consent issued by the JRPP should be consistent with the requirements of the RMS, including where necessary, appropriate conditions of consent to adequately manage any impacts of traffic generation resulting from the proposal.

The RMS's recommendations have been incorporated into conditions of consent for the development.

There is some ambiguity in the application with respect to the use of external areas on the site for the storage of materials.

For the purpose of clarity, it is considered that any consent issued by the JRPP should include a condition to ensure that the storage of materials outside the subject building is not visible from public view.

A condition of consent has been included requiring the screening of any proposed outdoor storage areas, should they be intended at the site (although are not presently nominated on the submitted plans).

The matters raised in the Council's submission are considered to be appropriately dealt with by conditions of consent attached to this report and recommended for approval by the Panel.

5. The Public Interest

Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* requires the JRPP to consider the public interest in consenting to a development application.

The public interest is a comprehensive requirement that requires consent authorities to consider the long term impacts of development and the suitability of the proposal in a larger context. Implicit to the public interest is the achievement of desired environmental and built form outcomes adequately responding to and respecting the desired future outcomes expressed in SEPPs and DCPs.

In this instance, the proposal is for an employment-generating development within an established industrial area. The site has excellent access to road transport networks and is suitable having regard to its size and its complementary responses to local and State planning objectives and controls. The development is not considered likely to have significant detrimental impacts on the natural or built environment.

Accordingly, its approval is considered to be in the public interest.

Conclusion

A development application has been received for the construction and use of an industrial facility for the processing and packaging of food products.

The site is located within an established industrial area with good transport links and access to physical services such as water and gas supplies.

An objection pursuant to State Environmental Planning Policy No. 1 – Development Standards accompanied the application. The objection related to a street setback standard

included in the Council's local environmental plan. Upon assessment, the objection to the standard can be supported, provided that certain screening works are undertaken to minimise the non-compliance's impact on the streetscape amenity of the development.

A range of conditions of consent are proposed to cover the broad spectrum of issues arising from the proposal, including standard matters such as reference to submitted plans and documents.

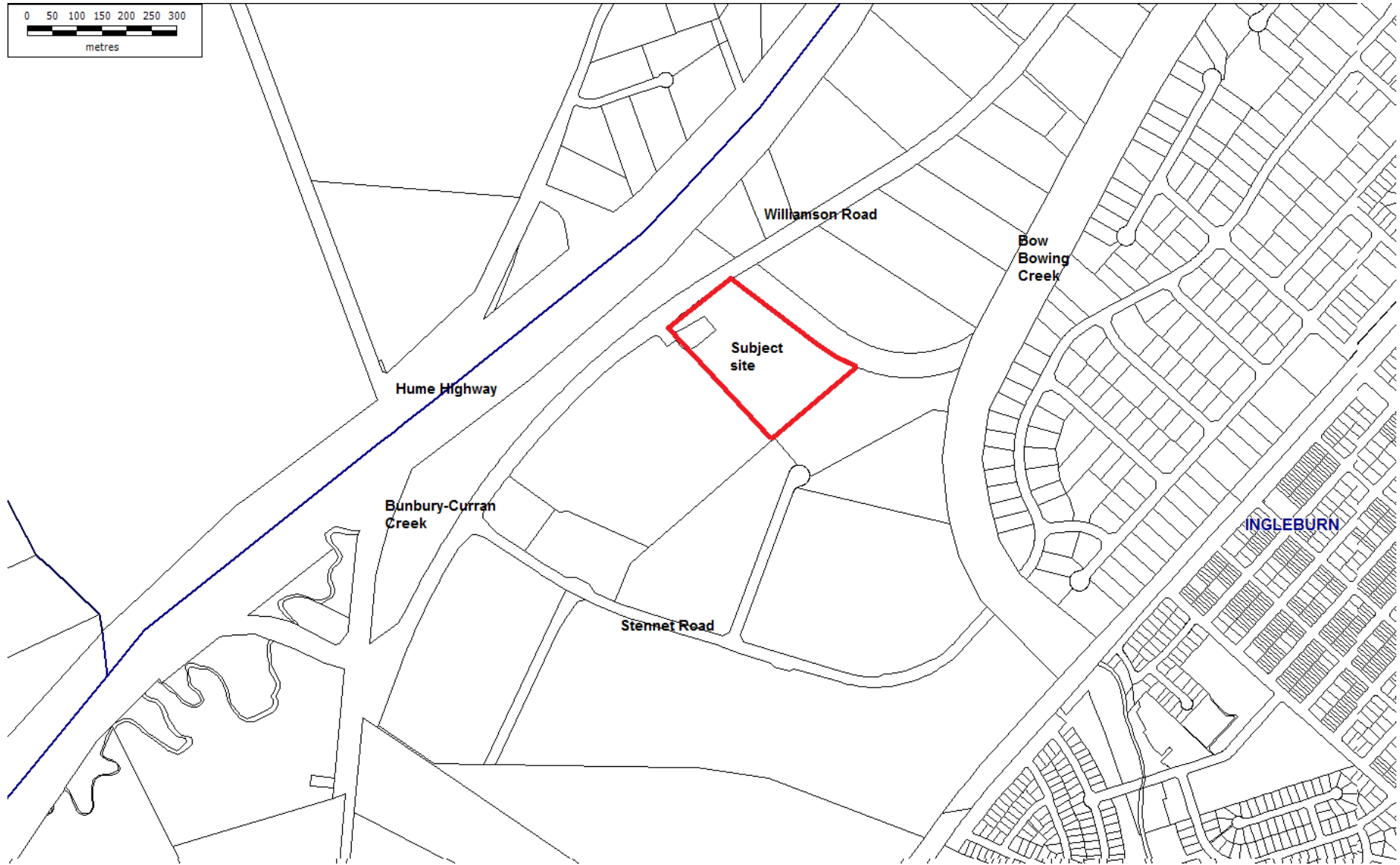
The development is not considered likely to have a significant and detrimental impact on the natural or built environment and is suitable for the site, having regard to its complementary nature to existing and desired industrial development in the vicinity.

Campbelltown City Council made a submission on the proposal during its assessment. As a result, several issues were identified as requiring further clarification. Where required, conditions of consent have been imposed to address those issues.

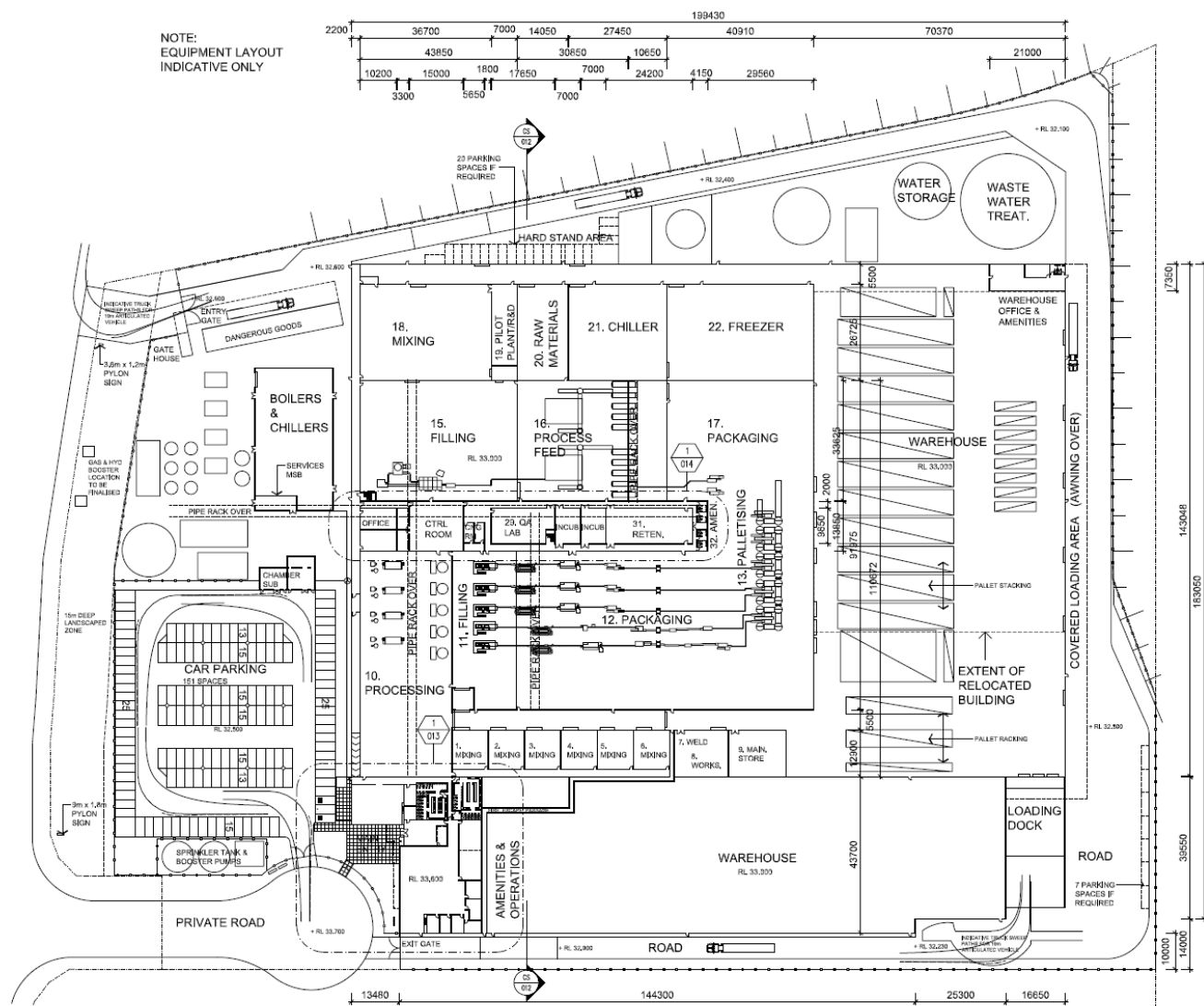
Recommendation

That development application 2015SYW042DA (3122/2014/DA-I) for the construction of a new industrial facility and associated site and landscaping works and use for the processing and packaging of food products at Lot 2 DP 11002378 and Lot 301 DP 808825, No. 8 Williamson Road, Ingleburn be approved subject to conditions in Attachment 7 to this report.

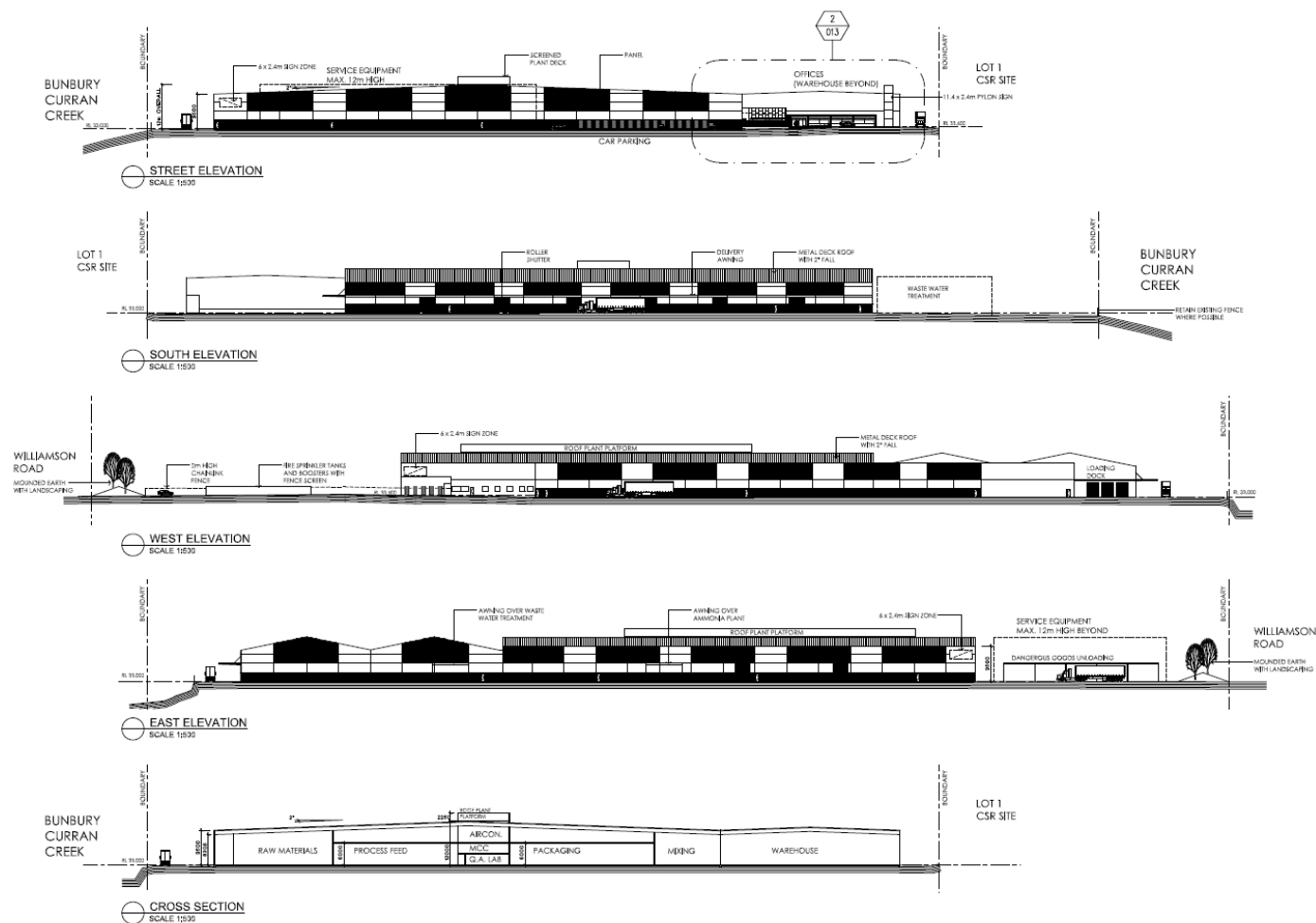
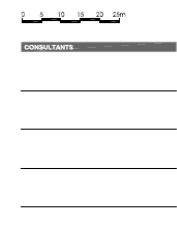
Attachment 1 – Locality Plan



Attachment 2 – Site and Floor Plan

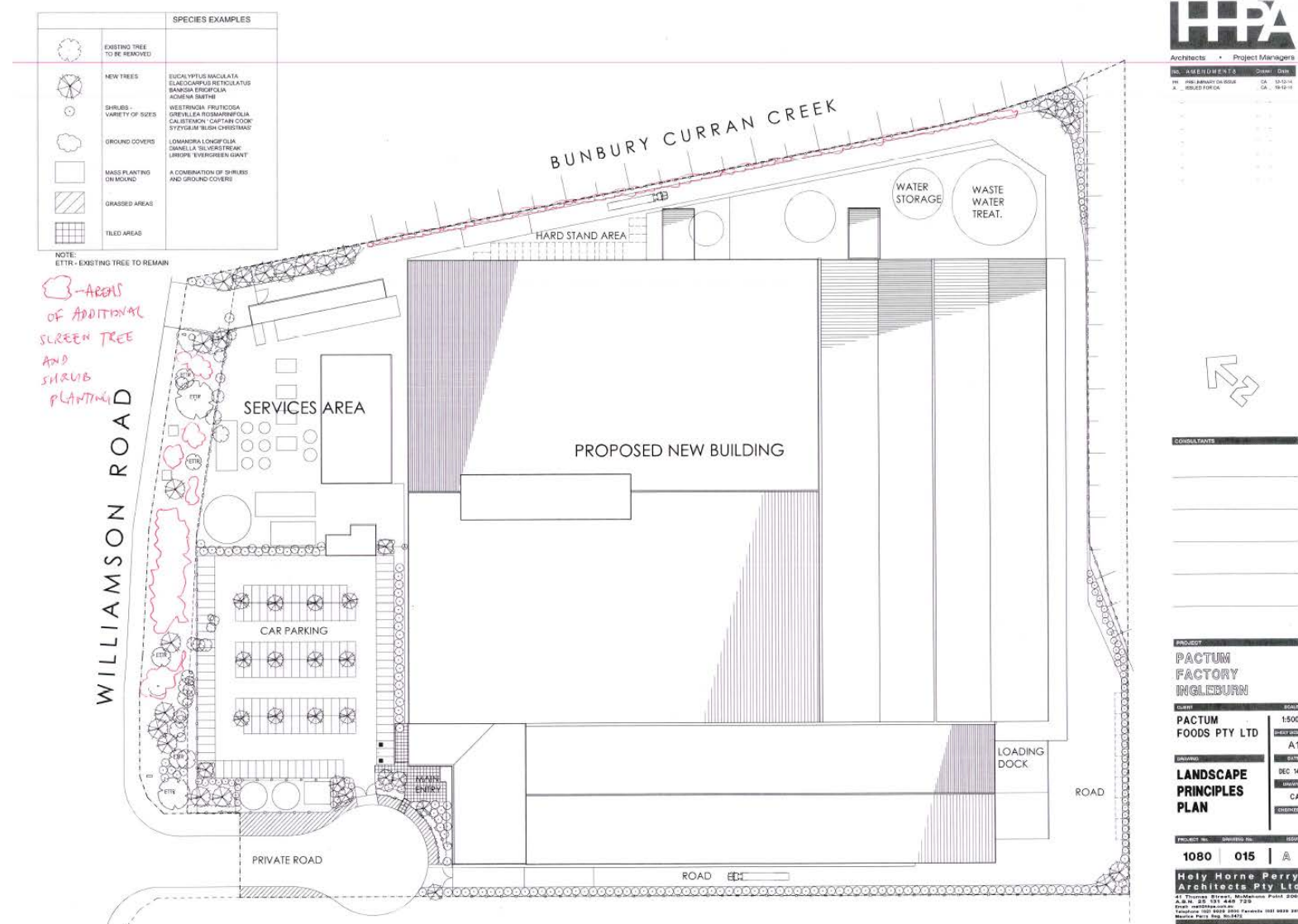
[illegible]

Attachment 3 – Elevations Plan

[illegible]

PROJECT		
PACTUM FACTORY INGLEBURN		
CLIENT	SCALE	
PACTUM FOODS PTY LTD	1:500	
	SHEET SIZE	
	A1	
DRAWN	DATE	
ELEVATIONS & SECTION	DEC 14	
	CITY	
	CRAN	
	CHECKED	
PROJECT NO.	DRAWING NO.	SCALE
1080	012	A
Hely Horne Perry Architects Pty Ltd 41 Thomas Street, Melbourne, Postal 8000 A.B.N. 96 151 446 785 800 800 800 800 1000 800 800 800 Melbourne, Vic 3000, Australia. Phone: 03 6850 5011 Fax: 03 6850 5012 Mobile: 09 5245 5245		

Attachment 4 – Landscape Plan (as amended)



Attachment 5 – Coloured Exterior Plan



EXTERNAL FINISHES - FACTORY			
SAMPLE	ELEMENT	FINISH	COLOUR
	WALLS FACTORY	PANEL	EQUAL TO DULUX LEXICON
	ROOF & AWNING ROOF	COLORBOND	SURFMIST
	PLANT DECK SCREENING	COLORBOND	IRONSTONE
	CAPPINGS, DOWNPIPES, ROLLER SHUTTERS & FRAMES	COLORBOND	WINDSPRAY
	ALUMINIUM WINDOW FRAMES	POWDERCOAT	DULUX ANOTEC DARK GREY
	DOORS & FRAMES	PAINTED	DULUX TIMELESS GREY
	AWNING FRAMING & FASCIA	PAINTED	DULUX MINER

EXTERNAL FINISHES - OFFICES			
SAMPLE	ELEMENT	FINISH	COLOUR
	WALLS - TYPE 1	ALUMINIUM COMPOSITE PANEL OR COLOURED CONCRETE	ORANGE (SUGGESTION TO BE APPROVED BY CLIENT)
	WALLS - TYPE 2	PAINTED CONCRETE	DULUX LEXICON
	ALUMINIUM WINDOW FRAMES	POWDERCOAT	DULUX ANOTEC DARK GREY
	DOORS & FRAMES	PAINTED	DULUX TIMELESS GREY
	SUNSHADING	ALUMINIUM COMPOSITE PANEL	NAVY BLUE
	CAPPING & DOWNPIPES	COLORBOND	IRONSTONE

Architects • Project Managers

Rev.	DESCRIPTION	Drawn	Date
01	PRELIMINARY DRAFT	CA	12-05-14
02	FOR LIAISON	CA	19-05-14

CONSULTANTS

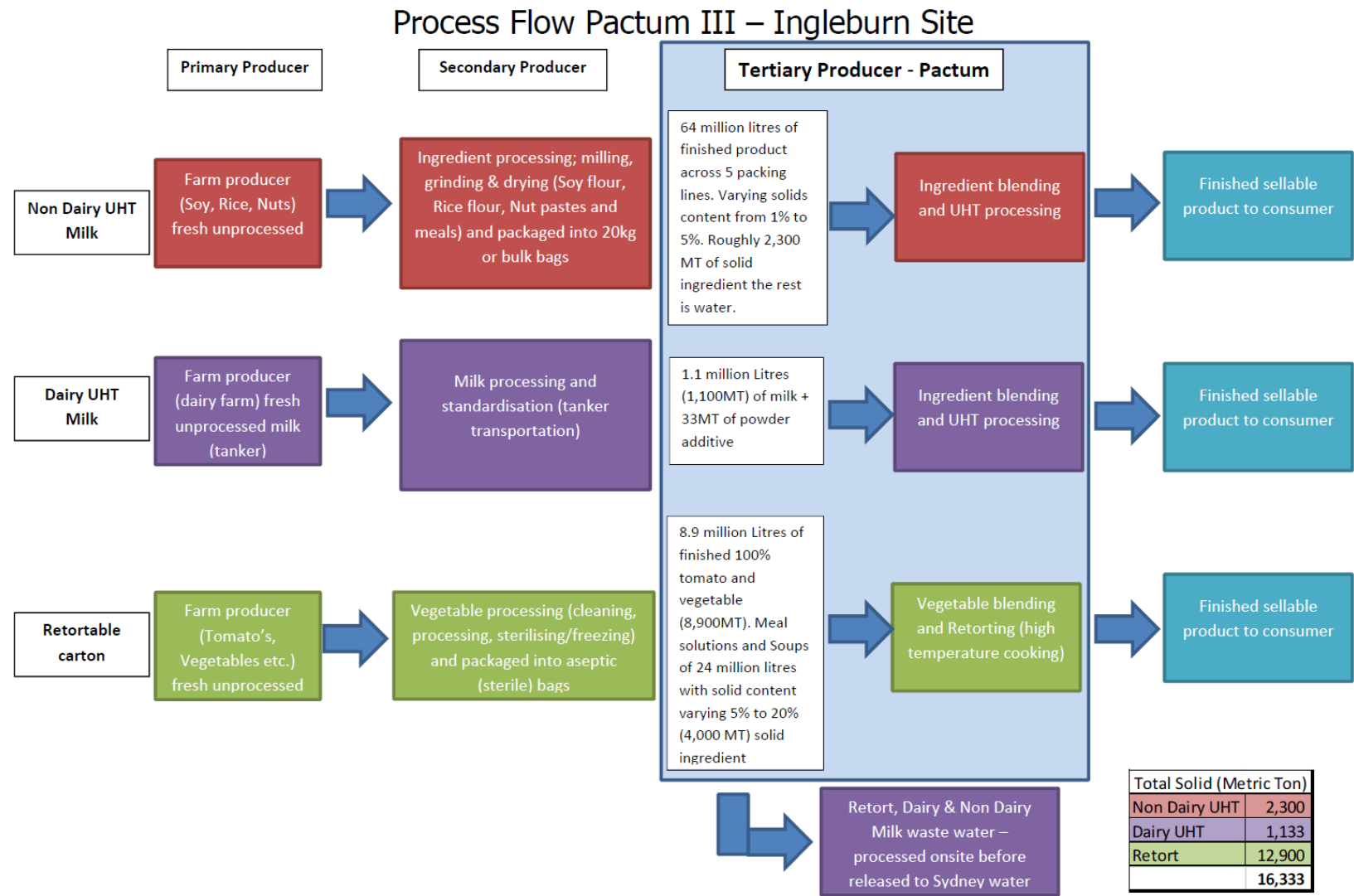
PROJECT	SCALE
PACTUM FACTORY INGLEBURN	1:200
CLIENT	A1
PACTUM FOODS PTY LTD	DATE
12-05-14	DESIGN
CA	ENGINEER

PROJECT NO. 1080 | 013 | A

Hely Horne Perry Architects Pty Ltd

111 TOTTENHAM STREET, INGLEBURN VIC 3215
A.B.N. 28 131 248 728
Email: info@hhp.com.au
Telephone: 03 9488 2800 Fax: 03 9488 8871
Mobile: 03 9488 2800

Attachment 6 – Process Flow Chart



Attachment 7 – 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 prepared by Hely Horne Perry Architects listed below, and all associated documentation supporting this consent, except as modified in red by Council and/or any conditions within.

Project No. 1080

Drawing No. 010, Issue A dated 19 December 2014
011, Issue A dated 19 December 2014
012, Issue A dated 19 December 2014
013, Issue A dated 19 December 2014
014, Issue A dated 19 December 2014
015, Issue A dated 19 December 2014 (as amended in red ink)
016, Issue A dated 18 December 2014

2. Limits to Production

The total outgoing production of the facility shall not exceed 30,000 tonnes per annum. Should this quantity be exceeded, the applicant shall make appropriate application to Council to modify this development consent.

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 applicant shall undertake mass planting of locally endemic tree and shrub species along the development’s Williamson Road frontage to assist screening of the plant and equipment located in the front setback in the areas nominated on the approved landscaping plan (as amended).

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council’s approved development stamp and as amended by the notation above, 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.

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. Storage and Display of Goods

All approved works, storage and display of goods, materials and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in condition 1. Any external works or storage/display of goods, materials or any other item associated with the development undertaken in accordance with the approved plans, must be adequately screened from the public view at all times.

7. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

8. Roads and Maritime Service Requirements

1. The swept path of the longest vehicle entering and existing the subject site, as well as manoeuvrability throughout the site, shall be in accordance with AUSTROADS.
2. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, and aisle widths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicles.

9. 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.

10. Car Parking Spaces

151 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 and 2 (as amended).

11. Deliveries

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, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

- c. All deliveries to the premises shall be made to the loading bay/s provided.

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

12. Advertising Signs

- a. All signage is to be constructed/supported in a safe and secure manner.
- b. At no time shall the intensity, period of intermittency and hours of illumination of the signage detrimentally impact on the amenity of the neighbourhood.
- c. No signage on site shall flash, move or display electronic images.
- d. The advertising structures shall be maintained in a condition so as to not become unsightly so as to adversely affect the amenity of the surrounding area.

13. Bund Wall

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

14. Food Authority

The applicant shall ensure that throughout the factory's operation as a food processing facility, compliance with relevant Food Authority licensing requirements and standards are met.

15. Storage of Dangerous Goods

All dangerous goods shall be stored in appropriately bunded areas and be kept in accordance with WorkCover requirements and the recommendations of relevant Australian Standards and the manufacturer.

16. Trafficable Bund

A 100mm high trafficable bund shall be provided to all exits from the factory building so as to prevent the escape of any pollutants into Council's stormwater drainage system.

17. Unreasonable Noise and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise or vibration and cause no interference to adjoining or nearby occupants.

18. Flood Level Controls – Industrial Development

The subject site is at risk of flooding from a 1% Annual Exceedance Probability (AEP) flood in Bunbury Curran Creek adjacent to the northern boundary. The minimum fill

and floor level controls for any development on this property due to a 1% AEP flood in Bunbury Curran Creek are as follows:

Location	Min. Fill Level (metres AHD)	Min. Floor Level (metres AHD)
Upstream Boundary	31.20	31.70
Downstream Boundary	31.00	31.50

The subject site is also at risk of flooding from a 1% AEP flood in the tributary of Bunbury Curran Creek adjacent to the southern and south eastern boundaries. The minimum fill and floor level controls for any development on this property due to a 1% AEP flood in the tributary of Bunbury Curran Creek are as follows:

Location	Min. Fill Level (metres AHD)	Min. Floor Level (metres AHD)
Upstream Boundary	33.30	33.80
30m from Upstream Boundary	32.00	32.50
200m from Upstream Boundary	31.50	32.00
Downstream boundary	31.00	31.50

Intermediate levels may be interpolated.

The appropriate control levels for any further development on this property should be the greater of the minimum fill and floor level controls above.

19. Operating Hours

The business is permitted to operate 24 hours a day, 7 days a week.

20. Staging of Works

The applicant shall provide all required car parking, site landscaping, driveways and associated civil works at the site prior to occupation/use of any building on the land.

21. Construction Certificate

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

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

22. Environmental Management Plan

Prior to the commencement of operations at the site, the applicant shall prepare an Environmental Management Plan that details the methods that would be implemented at the site to capture and dispose of any waste or chemical liquid leakage that may occur.

23. 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.

24. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation and reuse purposes (eg the flushing of toilets), in accordance with the approved plans.

25. Waste Water Treatment and Disposal

Prior to the issue of an occupation certificate by Council or an accredited certifier, the applicant shall possess a 'trade waste agreement' with Sydney Water.

At all times throughout the facility's operation, the applicant shall ensure that no waste water enters the Council's stormwater system.

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.

26. 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.

27. 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.

28. Work outside the Site Boundary

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with *Council's Campbelltown (Sustainable City) DCP 2009 volume 2* and shall be inspected by Council at all stages of construction.

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

Council assessment and inspection fees, apply to the above requirements.

29. 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.

30. Controlled Activity Approval

A Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council, or a letter from NSW Office of Water stating that a Controlled Activity Approval is not required for the development, has been provided to Council.

31. Waste Management Plan

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

32. 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.

33. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted to Council for its written approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the adjacent creek.

All proposals shall comply with the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3*.

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

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance

with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

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

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

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

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

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

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

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. Hoarding / Fence

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

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

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

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

44. Construction Work Hours

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 4.00pm
Sunday and public holidays	No Work.

45. 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.

46. 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.

47. 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.

48. Public Safety

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

49. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial/Commercial Vehicle Crossing Specification* and *Campbelltown (Sustainable City) DCP Volume 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.

50. 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.

51. 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".

52. 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 > 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.

53. Registering of Levels

Prior to the principal certifying authority issuing an occupation certificate, a qualified practicing surveyor shall certify that the finished floor and finished surface levels of the development comply with the relevant condition in the development consent. An electronic copy of this work as executed information shall be submitted to Council, complying with the following provisions:

1. MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System.
2. DXF and /or MID/MIF file format(s), and
3. Datum to be AHD (Australian Height Datum)

54. Work on Public Land

Prior to the Council or an accredited certifier issuing an occupation certificate, the applicant shall ensure that works undertaken in the public area (such as the adjacent creek) are completed and the ground rehabilitated with soil and turf to Council's satisfaction.

55. 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 (including the planting and establishment of the screen tree planting along the Williamson Road frontage of the development), driveways, fencing and retaining walls are to be completed to the satisfaction of the Principal Certifying Authority.

56. 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.

57. 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.

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

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

Advice 2. 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. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

Advice 5. Covenants

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

Advice 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. Adjustment to Public Utilities

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

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

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

Advice 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 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.

END OF CONDITIONS