



COUNCIL ASSESSMENT REPORT

Panel Reference	2018WCI010 DA
DA Number	3511/2018/DA-C
LGA	Campbelltown City Council
Proposed Development	Proposed Warehouse and associated earthworks, drainage, car parking, landscaping and signage
Street Address	Lots 241 & 242 DP 1222763, Corner Farrow and Blaxland Roads, Campbelltown
Applicant/Owner	Bunnings Group Ltd – Applicant Campbelltown City Council – Owner
Date of DA Lodgement	5/10/2018
Number of Submissions	One submission received
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development on Council land over \$5 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Protection & Biodiversity Conservation Act 1999 • Threatened Species Conservation Act 1995 • State Environmental Planning Policy 55- Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Campbelltown (Urban Area) Local Environmental Plan 2002 • Campbelltown (Sustainable City) Development Control Plan 2015
List all documents submitted with this report for the panel's	<ul style="list-style-type: none"> • Assessment report and conditions • Architectural Plans • Photo Montages • Landscape Plans

consideration	
Report by	Donna Clarke – Landmark Planning Pty Ltd
Report date	18 March 2019

Summary of 4.15 matters **Yes**
Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction **Yes**
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards **No**
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions **No**
Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions **Yes**
Have draft conditions been provided to the applicant for comment?
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

The application proposes the following works:

- Construction of a building for use as a 'bulky goods retailing' and 'landscape supply establishment' operating as "Bunnings" hardware and building supplies outlet;
- Undercroft car parking, café and mezzanine office;
- Associated earthworks, drainage, car parking and landscaping; and
- Signage.

The site is located on the corner of Blaxland and Farrow Roads, Campbelltown and is currently vacant land with an existing watercourse and associated easements along the north-eastern edge of the site. Vehicular access is proposed to the development via three vehicle access points, one to the west of the site on Farrow Road near the Blaxland Road intersection for heavy vehicle access and the main vehicular access to the south east section of the site along Farrow Road for access to the car park and ramp access to the ground floor level to access the trades sales area. A third access is provided at the eastern portion of the site to the trade sales area.

The site is owned by Campbelltown City Council and will be leased by Bunnings who will undertake the development. Council will undertake works to the existing natural watercourse to be a formal culvert on the site without consent pursuant to the provisions of the Infrastructure SEPP to pipe the existing watercourse and create a concrete culvert as this is the remaining portion not completed in the area. These works are outside the scope of this development application; however, the drainage design is based on these works occurring.

The application was referred to Roads and Maritime Services (RMS) in accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, who requested Council further review the proposed general access driveway on the southwestern boundary of the land with respect to the safe and efficient operation of the Blaxland Road/Farrow Road signalised intersection and require a Construction Traffic Management Plan to be developed. Comment is provided within the report and appropriate conditions are recommended to address their concerns.

The development application was lodged as “Integrated Development” pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, with approval required under the Water Management Act 2000 as it involves works within 40 metres of an existing watercourse. The Natural Resources Access Regulator (formerly Department of Industries - Water) has advised that a controlled activity approval is not required.

The cost of works proposed under the application is \$35.86 million.

This application has been independently assessed given that the site is owned by Campbelltown City Council.

An application for subdivision of Lot 241 into two lots was approved by the Campbelltown Local Planning Panel on 28 November 2018 and the proposed development would be located on the approved, but not yet registered, Lot 2411.

This application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Having regard to these provisions, the application has been found to be satisfactory. The proposal has been found to satisfy the relevant State Environmental Planning Policies. In particular, pursuant to clause 7 of State Environmental Planning Policy 55 – Remediation of Land, information has been provided that demonstrates that the site is suitable for the proposed development. The proposal would also satisfy the relevant provisions of Campbelltown Local Environmental Plan 2015 and Campbelltown Development Control Plan 2015.

It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments will be mitigated through design measures and the imposition of specific conditions of consent. High quality landscaping is proposed around all sides of the building.

Variations to Council’s controls have been supported with regard to the setback to Blaxland Road, however, have not been supported in other instances such as the height of the pylon sign and provision of accessible car parking spaces and conditions have been recommended in this regard.

The application was publicly exhibited and notified to surrounding residents, and one submission was received, which can be adequately addressed by way of conditions of consent.

The site’s location, zoning and existing land use make it suitable for the proposed development, and the proposal is in the broad interests of the general public.

1. Application Overview

1.1 The Site and Locality

A site visit was carried out on 24 January 2019 by Council Officers and on 1 March 2019 by Donna Clarke of Landmark Planning. The later visit also included viewing of the site from the

surrounding area and three heritage items within the Blair Athol estate being “The Kraal”, “Blair Athol” house and “The Kia”.

The site is identified as Lots 241 and 242 in DP 1222763, Farrow Road Campbelltown. The site is irregular in shape with a north-west boundary to Blaxland Road measuring approx. 450m, south-west boundary to Farrow Road measuring approx. 118m and south-east boundary to Farrow Road measuring approx. 260m and north-east boundary measuring approx. 117m to an existing industrial development. Lot 241 has an area of 37,860m² and lot 242 is the slither of land at the south-west portion of the site and has a site area of 819.9m². The site has undulating topography which has a maximum fall of approximately 10m within the site area proposed for development.

Two easements are located on Lot 241 to drain water and detailed on the survey submitted to Council. The proposed development would be located on the approved, but not yet registered, Lot 2411, which has a total area of 31,530m².

The site is currently vacant and is traversed by Bow Bowing Creek to the north east part of the site. The creek is partially a concrete lined drainage channel and partly a natural watercourse. The site is generally clear of vegetation with small trees and shrubs and scattered tree in the south-western corner of the subject site, in the vicinity of the fenced watercourse.



Figure 1: Locality Map



Figure 2: Proposed Lot 2411

The Farrow Road frontage has a line of street trees, whilst the eastern side of the road has a wide shared pedestrian path and cycleway which connects to the intersection of Farrow Road and Blaxland Road which allows for pedestrian access to the south-western corner of the subject site, and in the opposite direction towards the city centre and station.

The subject site is adjoined by a concrete batching plant to the north- east of the site, the remainder of the site fronts either Blaxland Road or Farrow Road. To the north-west of the site across Blaxland Road is a single level commercial development occupied by Aldi and the residential suburb known as Blair Athol. To the south of the site across Farrow Road is a large tract of land owned by Council. Further to the south of the site is Campbelltown Station and commuter car parking facilities.

1.2 Proposal

The applicant has sought development consent for the construction of a large retail warehouse building purpose built for 'Bunnings' which includes a lower ground level car park with 427 car parking spaces 8 motorbike spaces and 16 bicycle spaces. The ground floor area includes a large warehouse which will include a warehousing area, outdoor nursery area, trade area, café and playground. An office is provided on the mezzanine. The floor area for the warehouse is broken down into the following areas:

Warehouse area including entry and mezzanine	9843m ²
Timber trade sales	4750m ²
Nursery including outdoor nursery and bagged goods area	3212m ²

Total	17805m²
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The proposal also includes three vehicle access points, one to the south-west of the site on Farrow Road near the Blaxland Road intersection for heavy vehicle access and the main vehicular access to the south-east section of the site along Farrow Road for access to the car park and ramp access to the ground floor level to access the trades sales area. The third access point is in the eastern corner and provides access to the trade area. The general public customers will utilise the middle entry point which provides direct access to the undercroft parking area.

Access is available to the building entry via lifts, travellators and stairs from the car parking area below the building. The proposed pedestrian pathway from the intersection of Blaxland and Farrow Roads provides access to the main entry, at the parking level.

The proposal includes clearing of remaining scattered existing vegetation, earthworks, retaining walls and landscaping to the site. The materials and finishes of the proposed building utilises the standard 'Bunnings' brand four colour palette, which consists of Bunnings green, white, red and stucco (yellow), the proposal also includes signage to the building consistent with Bunnings stores corporate colours and other stores.

This new development is proposed to replace the existing Bunnings located on Kellicar Road (corner Bugden Place), Campbelltown.

The bagged goods and nursery area are located on the western end of the site adjacent to Farrow Road. The area will be screened by an approx. 4.5m high tensile steel mesh fence. The bagged goods area is protected from the elements with a covered roof whilst the outdoor nursery area is to be shaded by white shade sails. A waste storage area is proposed at the southern end of the building adjacent to the Goods Inwards Area.

The timber trade sales area occupies the eastern end of the building adjoining the main warehouse. All trade vehicles have the option of entering this area via the under-croft parking area or directly from Farrow Road. The trade area provides additional car parking for twenty-one (21) vehicles.

The proposal includes a landscape scheme around the perimeter of the building, including all setbacks, which incorporates a variety of trees and shrubs, with an emphasis on native species.

To accommodate the basement parking area, the removal of approximately 40,000m³ of rock and earth material is necessary.

The proposed hours of operation comprise:

- 6am – 10pm, Monday to Friday; and
- 6am – 7pm, Saturday, Sunday and Public Holidays.

The proposed signage includes the following:

- Building Elevations - Business Identification signs on the building façade comprising wording 'Bunnings Warehouse', and the Bunnings logo (large hammer), with the words 'lowest prices are just the beginning'.
- Pylon Sign – Located on the north-eastern corner adjoining the Blaxland Road and Farrow Road intersection being 4.8m (w) x 12m (h), with 28.8m² of advertising.

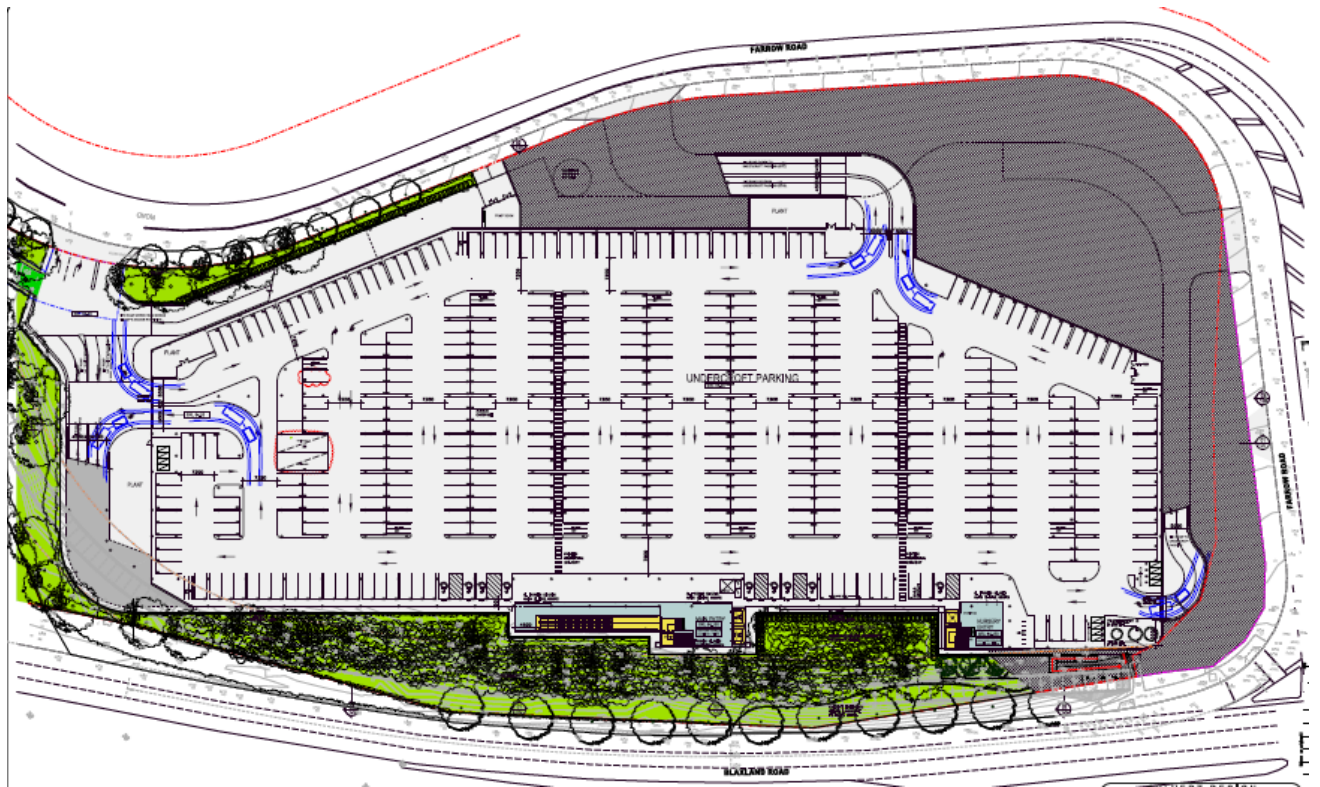


Figure 3: Proposed Undercroft Car Parking

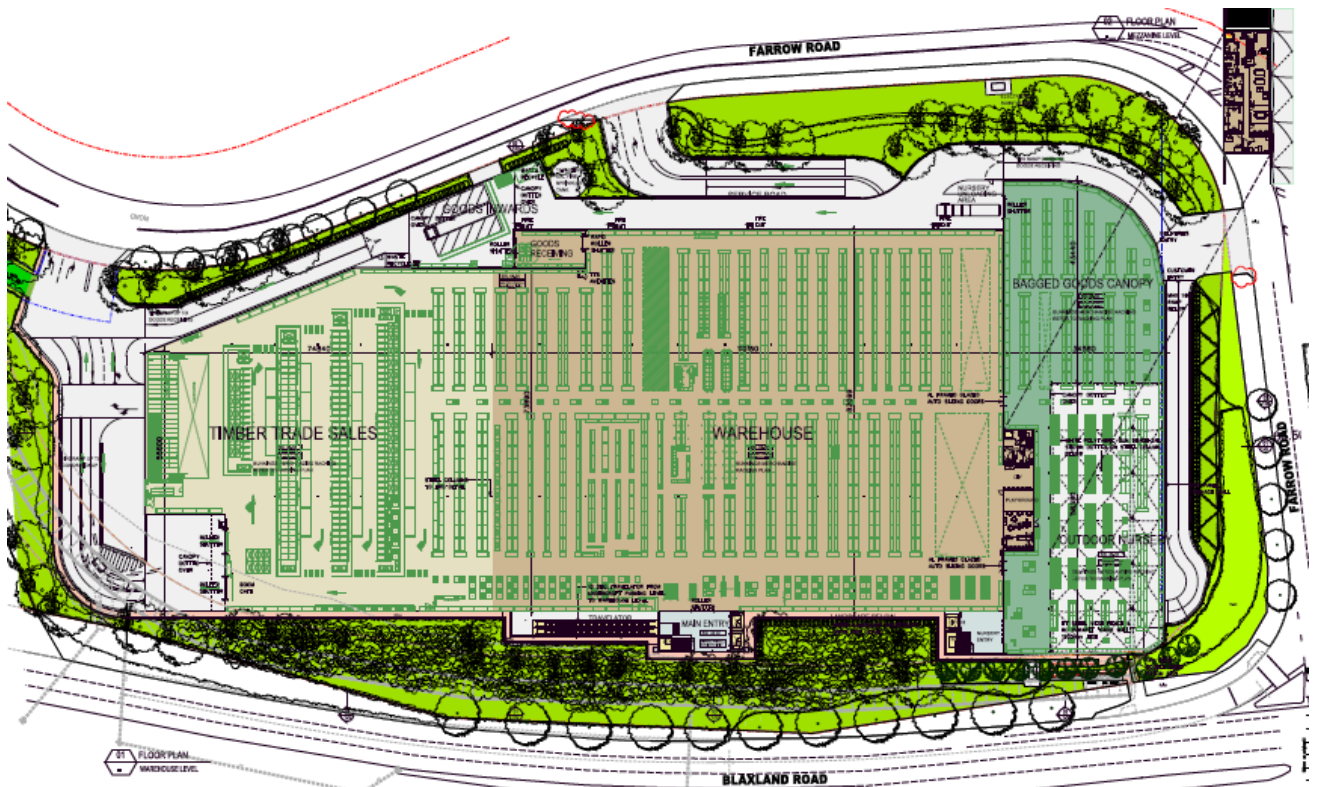


Figure 4: Proposed Building Layout

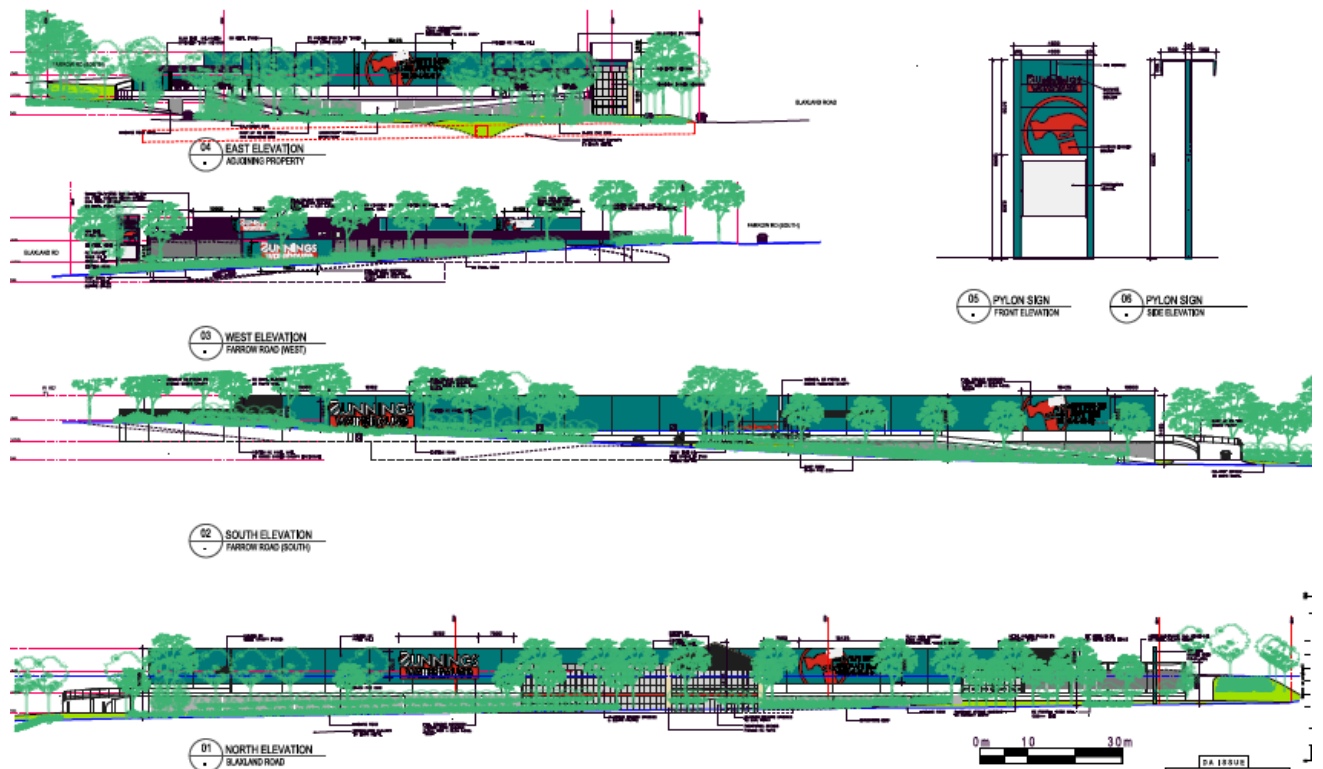


Figure 5: Elevations



Figure 6: Photomontage – Corner of Blaxland & Farrow Roads



Figure 7: Photomontage – Blaxland Road

1.3 Site History

2321-2018-DA-S

An application for subdivision of Lot 241 into two lots was approved by Council on 28 November 2018. The proposed development would be located on future Lot 2411 which has a total area of 3.153 hectares. The subdivision also identifies a right of carriageway to access an existing Council waste collection point and service access to Bow Bowing drainage canal.

Exempt Development - Culvert

The existing drainage and watercourse on the north-western edge of the site will be formalised by construction of culverts by Council's City Works department, in accordance with the Environmental Impact Assessment. The activity is listed as 'Exempt Development' under State Environmental Planning Policy (Infrastructure) 2007 and the outcome of the EIA indicated that the works have 'negligible impact' on the environment.

1.4 Application History

The application was briefed to the Sydney Western City Planning Panel on 24 January 2019. The Panel provided the following comments in the briefing minutes as key issues to be addressed:

- Disposal and management of excavated soil including opportunities for on- site re-use.
- Height of free standing sign in relation to building height.
- Suitability of heavy vehicle access arrangement.
- Pedestrian access to railway including foot paving on Farrow Road.

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- Regulating of lighting to minimise amenity impacts.
 - Consideration by Council of independent assessment of application or Council obtaining a peer review of Council's assessment
 - Discussion in report on arrangements between Council and Applicant on drainage construction.
 - Clarification on SEPP 55 contamination of land.
 - Potential for re-use of on- site water.

These comments have been addressed within this report and appropriate conditions included in the recommendation.

The applicant was requested to submit additional information regarding swept paths and information was received on 18 March 2019.

1.5 Vision - Campbelltown 2027

Campbelltown 2027 is the Community Strategic Plan (CSP) for the city of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

Outcome 3 is the most relevant to the proposed development.

The strategy relevant to this application is as follows:

- 3.2 – Ensure that service provision supports the community to achieve and meets their needs.
- 3.4 – Retain and expand existing businesses and attract new enterprises to Campbelltown, offering opportunities for a diverse workplace including professional, technology and knowledge based skills and creative space.

The proposed development provides a new site to relocate the existing Bunnings in Campbelltown. The proposal will retain existing retail services and employment within the local community. The applicant has stated within the SEE the new site will also provide for additional employment opportunities, which is attributed to the increased size of the new store. The proposed development will contribute significantly to the economic and employment growth in the City of Campbelltown, with an increase in staff numbers from the existing Kellicar Road store (which is being replaced by this store), as well as the significant boost to the local construction industry.

Report

The development has been assessed in accordance with the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, having regard to those matters, the following issues have been identified for further consideration.

2. Section 4.15(1)(a)(i) Any Environmental Planning Instruments

2.1 Water Management Act 2000

The subject site has Bow Bowling Creek located to the north and western parts of the site, continuing on to the concrete culverts to the east. Pursuant to Clause 91 (2) of the Water Management Act 2000 the proposal may require approval for a controlled activity (CAA). The application was referred to the Office of Water (now Natural Resources Access Regulator) for comment on 12 February 2019.

The development application was lodged as “Integrated Development” pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, with approval required under the Water Management Act 2000 as it involves works within 40 metres of an existing watercourse. The Natural Resources Access Regulator (formerly Department of Industries - Water) has reviewed the application and information from Council’s City Delivery Department and advised by way of a letter dated 18 March 2019 that a controlled activity approval is not required.

Council’s City Delivery department intends to undertake works to concrete line this portion of the creek to connect to the existing concrete lined section of Bow Bowling Creek. The works have been designed by Council’s City Works department and do not form part of this development application, as outlined above in the application history. The site is owned by Campbelltown City Council and will be leased by Bunnings who will undertake the retail warehouse development. Council will undertake works to the existing culvert on the site without consent pursuant to the provisions of the Infrastructure SEPP to pipe the existing watercourse and create a concrete culvert as this is the remaining portion not completed. These works are outside the scope of this development application, however, are necessary to be undertaken prior to the proposed works. A condition is proposed in this regard.

2.2 NSW Biodiversity Conservation Act 2016 & Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The site includes limited vegetation, and the vegetation mapping on the site identifies vegetation as exotic or weeds. The applicant has submitted a Flora and Fauna Assessment report prepared by SLR which concludes that there is minimal or no impact upon the maintenance of biodiversity or impact upon critical habitats, threatened species, populations, ecological communities or their habitats. Council previously cleared the site in anticipation of the culvert works and to facilitate future development, except for isolated scattered trees and weeds in the south-western corner.

The report concludes:

“7 Conclusion

7.1 Overview

The development at proposed Lot 241, Farrow Road, Campbelltown, will require the removal of limited native vegetation and a variety of exotic species, which have the potential to provide habitat for locally occurring fauna species. Avoidance measures and mitigation measures have been presented to reduce the potential for direct impacts to biodiversity values within the subject site and indirect impacts to biodiversity values adjacent to the subject site.

7.2 Impact Avoidance

As the current site at proposed Lot 241 Farrow Road contains limited native vegetation and impacts on the unnamed watercourse will be mitigated by Councils current piping works, the proposed development of the site could potentially impose adverse environmental impacts on locally occurring biodiversity values, however these impacts are considered to be minimal. Consideration has been given to avoiding and minimising impacts to biodiversity.

7.3 Residual Impacts

7.3.1 Flora and Fauna

Limited native flora and fauna species were identified within the subject site. The proposal would incrementally reduce the extent of habitat for these species through the removal of 3.153 ha of low quality terrestrial habitat. Given that most of the species that occur on the site are exotic weeds and common urban fauna species, the residual impacts of the proposed development on local flora and fauna are likely to be negligible.

7.3.2 Threatened Species (BC Act)

No threatened species have been identified within the subject site and due to the nature and condition of the site, it is unlikely that any threatened species listed under the BC Act would utilise the site on other than in a transient basis. Accordingly, the proposed development is not likely to have any adverse effects on threatened biota listed under the BC Act. Moreover, there is not likelihood that the proposal will have a significant impact on any threatened biota, pursuant to s.7.3 of the Act.

7.3.3 EPBC Act Matters

The proposed activity is not likely to have a significant impact on any relevant EPBC Act matters. Accordingly, it is not considered necessary for the development to be referred to the Commonwealth Department of the Environment and Energy for consideration under the EPBC Act.”

As such, it is not envisaged that there are any ecological issues pertaining to the site.

2.3 State Environmental Planning Policy 33 – Hazardous and Offensive Development

The proposed use of the site would result in the storage of liquids including aerosol, spray paints, methylated spirits, turpentine, chlorine, acid, and thinners. The applicant has addressed the proposed storage of goods stating the volumes of the nominated goods would not exceed thresholds outlined in SEPP 33 to constitute potentially hazardous or offensive industry. Therefore, it is agreed that a Preliminary Hazard Analysis (PHA) is not required in this instance.

2.4 State Environmental Planning Policy 55 - Remediation of Land

SEPP No. 55 aims to provide a state-wide planning approach to the remediation of contaminated land. In particular the policy aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment. It requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be 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.

A Phase 1 Environmental Site Assessment (ESA) dated May 2014 was undertaken over the site by Geotechnique and identified the potential for contamination and recommended implementation of a Phase 2 ESA report, soil sampling and outcome report.

A Phase 2 ESA report was prepared for the site in August 2014 by Geotechnique and submitted in support of the proposed development and concluded in part that the site is

suitable for a commercial/industrial land use. The findings of the Phase 2 report are as follows:

“The findings of this assessment are summarised as follows:

- *The majority of the site was vacant, covered with grass and scattered trees. A creek is running along the northern boundary, crossing diagonally the north eastern portion and merging with the Bow Bowing Creek in the south eastern corner of the site.*
- *There were no visual or olfactory indicators of potential contamination. There were no obvious features (bowzers, breather pipe, inlet valve and piping) associated with underground storage tanks, or petroleum hydrocarbon staining on the ground surface of the site that would indicate the potential for contamination.*
- *The site is underlain generally by topsoil (thickness ranging from about 0.2m), comprising silty clay, medium plasticity, brown, with inclusion of root fibre underlain by relatively impermeable natural silty clay. Fill (thickness about 0.2m - 0.3m), comprising silty clay, medium plasticity, brown, with some shale fragments, root fibre and sand fine to medium grained, was encountered at test pit locations TP1 to TP4, TP8 and TP10*
- *A groundwater assessment was not carried out; however the potential for groundwater contamination is considered to be low.*
- *No off-site migration issues were identified.*

Based on this Phase 2 ESA and the previous Phase 1 ESA, it is considered that the site is suitable for the proposed commercial/industrial use.

If suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos sheets(s)/pieces(s), ash material, etc) are encountered during any stage of future earthworks/site preparation, we recommend that this office is contacted for assessment. In the event of contamination, detailed assessment, remediation and validation will be necessary.

Any imported fill should be tested or validation certificates provided by a qualified consultant, to ensure suitability for the proposed use. In addition, the imported fill must be free from asbestos, ash and odour, not be discoloured and acid sulphate soil. The imported soil should either be virgin excavated natural materials (VENM) or excavated natural material (ENM). Salinity assessment might be required.”

The applicant has reiterated in the application that that based on the Phase 1 and 2 investigations, that the site is suitable for the proposed commercial/industrial use.

Council, as the landowner, also engaged SLR Consulting Australia to undertake a Stage 1 Preliminary Site Investigation (dated 2017) to assess potential contamination constraints for the future development of the subject site as part of the Development Application for a two lot subdivision. This assessment also included a review of the Phase 1 Environmental Site Assessment report and geotechnical investigation report prepared by Geotechnique Pty Ltd. This separate investigation contained the following conclusion and recommendations:

“Based on a review of the available site history data and observations made during the site walkover, SLR concludes the following:

- *the potential for significant, widespread contamination to be present at the site is considered to be low;*

- *The potential for minor, isolated contamination to be encountered during future development cannot be precluded, though we consider that such contamination can readily be managed during construction works and is unlikely to preclude the site from being suitable for industrial land use; and*
- *The site is suitable for the proposed industrial land use.*

If the site is to be considered for more sensitive land use (such as residential or childcare), SLR recommends that a Stage 2 Detailed Site Investigation be conducted to assess the suitability from a contamination perspective.”

Accordingly, pursuant to clause 7 of the SEPP, it is considered that the site is suitable for the proposed development, being for a bulky goods premises and conditions are recommended.

2.5 State Environmental Planning Policy (Infrastructure) 2007

The purpose of the State Environmental Planning Policy (Infrastructure) 2007 is to facilitate the effective delivery of infrastructure across the state.

(a) Traffic Generation

Clause 101 of the SEPP states:

“101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

Blaxland Road is classified as a regional road; however, the proposed development does not include vehicular access to Blaxland Road. The proposed development is not considered to compromise the ongoing operation of Blaxland Road, as evidenced by the traffic report submitted in support of the proposed development and confirmed by way of the response from the RMS.

The response from the RMS raised no objection, however, has requested Council have further consideration to the proposed general access driveway on the southwestern boundary of the land as it is likely to have impacts on the safe and efficient operation of the Blaxland Road/Farrow Road signalized intersection. The RMS comments also requested Council’s consideration of conditions of consent including:

“1. A fully detailed analysis, including traffic volumes and SIDRA modelling, of the existing and future operation of the Blaxland Road/Farrow Road and the Blaxland Road/Gilchrist Drive/Narellan Road signalised intersections are warranted and should be undertaken prior to the issue of a Construction Certificate for the erection of the principle above ground structure.

2. The Traffic Impact Assessment should be reviewed to provide analysis of the potential impacts that the positioning of the proposed southwestern boundary driveway may have on traffic flows and/or management and recommend any mitigation measures that may be implemented to resolve these concerns;

3. Council should consider a review of the necessity for the southwest vehicular entry considering its proximity (<100m) to the Farrow/Blaxland Roads Intersection and its potential for queuing and driver conflict impacts. Where Council determines to retain the driveway as part of this proposal it is recommended that :

- a) the driveway be utilised solely as a “delivery” entry;*
- b) that the central median strip be extended beyond the entry drive to prevent any potential right-turn entry operations; and*
- c) the driveway be serviced by a deceleration/turning lane to alleviate potential vehicular conflict and congestion along Farrow Road.*

4. A Construction Traffic Management Plan being prepared which specifically addresses:

- a) the proposed removal of 44,000m³ of soil/rock from the site;*
- b) identification of the route that trucks will utilise; and*
- c) identification of the developments accommodation of standard construction traffic.”*

The RMS also advised that it has no approved proposal that requires any part of the subject property for road purposes and as such there are no objections to the development proposal on property grounds.

Council’s City Delivery Section reviewed the RMS comments and provided the following comments in response:

- Blaxland/Gilchrist/Narellan - Given the distributed nature of the traffic travelling to this site, and the use of this intersection by traffic to reach the existing Bunnings’s, City Delivery does not believe consideration of the traffic impact at this location is warranted.
- Farrow/Blaxland – traffic arrival at Bunnings will be distributed. If it is confirmed that peak traffic arriving at Bunnings is distributed (requested full survey data for the Bunnings sites previously), it should not be necessary to undertake any intersection modelling at this location.

Appropriate conditions of consent have been recommended having regard to the RMS comments.

Clause 104 of the SEPP states (in part):

- “104 Traffic-generating development*
- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

-
- (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
 - (2) In this clause, relevant size or capacity means:*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”*

The threshold for a warehouse building is 8,000m², and any car parking in excess of 200 parking spaces. The proposed warehouse buildings have a total area of 17,805m² and 427 car parking spaces, therefore referral to RMS is required and has occurred.

Clause 104 of the SEPP states (in part):

- “(3) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) give written notice of the application to RMS within 7 days after the application is made, and*
 - (b) take into consideration:*
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.”*

The application was referred to Roads and Maritime Services on 7 January 2019 in accordance with Cause 104 and Schedule 3 of the SEPP. By way of a letter of response dated 6 March 2019, the RMS raised concerns with the proposed general access driveway on the southwestern boundary of the land as it is likely to have impacts on the safe and efficient operation of the Blaxland Road/Farrow Road signalised intersection. However, appropriate conditions were recommended to address their concerns, including provision of additional information with the construction certificate and a construction traffic management plan being developed.

It is considered that further details to be submitted for approval with the construction certificate will reveal if any changes to the overall development layout including access or parking is required or any further road improvements. Whilst road works are not envisaged, the further information will confirm and reveal any necessary improvements.

The proposed development remains acceptable with respect to traffic generation requirements of the SEPP.

(b) Culvert Works

With respect to the works to the culvert on the site, these works are to be undertaken by Council as exempt development under State Environmental Planning Policy (Infrastructure) 2007, separately to this development application and were subject to an REF.

2.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 works together with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in New South Wales.

The Policy applies to the Campbelltown Local Government Area, including (in part) land zoned for industrial purposes. In considering the site, it is noted that it is identified in the Native Vegetation Regulatory Map as 'Land Excluded from the LLS Act' and does not involve the clearing of land identified in the Biodiversity Values (BV) Map as having 'high biodiversity value'. It is concluded that the site is not subject to the Biodiversity Offsets Scheme.

Further, a Flora and Fauna report was provided. Council previously cleared the site in anticipation of the culvert works and to facilitate future development, with the exception of scattered trees and weeds in the south-western corner.

2.7 State Environmental Planning Policy 64 – Advertising and Signage

The application has been assessed having regard to State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64). Schedule 1 of SEPP 64 specifies the assessment criteria of signage under this instrument. The assessment considers the visual and environmental impact of the proposed signage, its impact upon the amenity of the surrounding locality and the potential traffic and safety hazards they may pose. The proposed development includes one pylon sign and eight wall signs (defined as business identification signs) which are assessed below:

Schedule 1 – Assessment Criteria

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

Comment – There is no clear theme in the area, with a variety of land uses. However, this site is zoned for industrial purposes and on a main road and the proposed signage is generally suitable for such a location and use. It is considered that the proposed signage will be compatible with character of the area, noting that a condition is recommended which reduces the height of the pylon sign to consider the surrounding area.

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Comment – The subject site adjoins Bow Bowing Creek, however the proposed signage is not considered to detract from the visual quality of the environment. The conservation area

further afield to the west is not impacted upon by the proposed signage. On the opposite side of Blaxland Road are residential dwellings and the proposed landscaping will assist to reduce the visual impact of the signage, as will the reduction in height of the pylon sign.

3 Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

Comment - The signage will not impact on any views or vistas in the locality. The visual impact of the development from the heritage items in the distance to the west has been considered and given the presence of existing buildings and vegetation and distance, the proposed development, including signage, will not be highly visible and unlikely to compromise vistas from these historic buildings. There is potential for the 12m high pylon sign to dominate as it extends above the building height and as such is recommended to be reduced to 8m.

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Comment - It is considered that generally the scale of the signage will not have a detrimental impact on the streetscape. The signage is consistent with the branding and signage to other Bunnings sites across the State and appropriate for the busy road location and industrial and retail nature of the area. The height concern is addressed by conditions of consent to ensure a suitable outcome is achieved.

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Comment - The proposed building signage is considered to be at an appropriate scale and proportion to the scale of the development. The signs will be appropriately spaced out over the building facades. Bunnings corporate colours for the building, combined with the size of the signage, could be considered dominant. However, the main road location and in an industrial area supports this. The reduction in height of the pylon sign is necessary to be compatible with other signage in the area in terms of scale.

6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Comment – The proposed ‘hammer’ logos are considered to be acceptable, which are painted onto the building façade.

7 Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Comment – The Bunnings pylon sign will be externally illuminated via overhead lighting within a pelmet. The lighting will be directed downwards and towards the face of the sign thus minimising any glare when viewed from surrounding properties. The illumination can be adjusted and switched off outside of operating hours and a condition recommended to reflect this. There is good separation and distance (approx. 25-40m) to the closest residence, with a busy road and other buildings located between the dwellings and the site. It is envisaged that a timer will be utilised for compliance with illumination hours.

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Comment - It is considered the proposed signage will not reduce safety in the locality. The proposed signage is not considered to affect the safety of public roads, pedestrians, cyclists or sightlines from public areas.

In light of the above, it is considered that the proposed signage satisfies the assessment criteria and the requirement of SEPP 64.

2.8 State Environmental Planning Policy 19 – Bushland in Urban Areas

The SEPP aims to protect bushland and vegetation in urban areas the general aims of the SEPP are detailed below:

“(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
- (c) to protect rare and endangered flora and fauna species,*
- (d) to protect habitats for native flora and fauna,*
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,*
- (f) to protect bushland as a natural stabiliser of the soil surface,*
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
- (h) to protect significant geological features,*
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*

-
- (j) to protect archaeological relics,*
 - (k) to protect the recreational potential of bushland,*
 - (l) to protect the educational potential of bushland,*
 - (m) to maintain bushland in locations which are readily accessible to the community,*
 - and*
 - (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation."*

As neither the subject site nor the adjoining sites are zoned for public open space, the policy does not apply to the subject site.

2.9 State Environmental Planning Policy 44 – Koala Habitat Protection

As the site exceeds 1 hectare the provisions of the SEPP apply to the proposed development. The site is not identified as containing any potential koala habitat. SEPP 44 has been addressed as part of the Flora and Fauna Assessment report as follows:

"Potential Koala Habitat are areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15 per cent of the total number of trees in the upper or lower strata of the tree component. No koala habitat was recorded due to the limited native vegetation.

As the site at Farrow Road is not considered potential koala habitat SEPP 44 is not applicable to the proposed development."

As such, no further consideration against SEPP 44 is required.

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

The proposal is within the Georges River Catchment and thus this policy applies. The general aims and objectives of this plan are as follows:

"5 Aims and objectives

(1) The general aims and objectives of this plan are as follows:

- (a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- (b) to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- (c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- (d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
- (e) (Repealed)*
- (f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the Water Reform Package."*

To ensure sediments generated by the development will not be deposited in the Georges River Catchment via the stormwater drainage system and to ensure compliance with the relevant planning policies and strategies relating to water quality and quantity, the standard condition for the provision and maintenance of erosion and sediment control measures will be imposed. The proposal does not conflict with any of the relevant provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and is therefore considered acceptable in this regard.

The application and accompanying Stormwater Management Plan includes details of long term strategies to maintain stormwater quality discharged from the site and water quality will be addressed through rainwater reuse tank and downstream filter cartridges.

2.11 Relationship of Environmental Planning Instruments (LEP2015)

The Campbelltown Local Environmental Plan 2015 (LEP 2015) commenced on 11 March 2016. The subject site is marked as a deferred matter on the zoning maps of the LEP 2015. Therefore, LEP 2015 does not apply to the subject site.

The Campbelltown (Urban Area) Local Environmental Plan 2002 is the relevant environmental planning instrument for the assessment of the application.

2.12 Campbelltown (Urban Area) Local Environmental Plan 2002

The subject site is zoned 4(b) Industry B Zone in accordance with the Campbelltown (Urban Area) Local Environmental Plan 2002. The proposed development is defined as a 'bulky goods retailing' and 'landscape supply establishment' as follows:

***"bulky goods retailing"** means use of a building or place for the sale by retail of items which:*

(a) are of such a size, shape or range as to require:

(i) a large area for handling, storage and display, and

(ii) direct vehicular access for customers' vehicles to and from the site on which the goods are sold for the purpose of loading and unloading of the goods onto and from vehicles, or

(b) are, in the opinion of the Council, of such a kind:

(i) as are required to be displayed in premises not easily accommodated in traditional commercial centres, and

(ii) as a person using them is unlikely to purchase frequently, including consumer durables (such as refrigerators, washing machines and stoves) and home improvement and hardware supplies".

and

***"landscape supply establishment"** means a building or place used for both the storage and sale of a range of materials used for landscaping purposes".*

The proposal could also be defined as a 'warehouse', however given the definition within this LEP, 'bulky goods retailing and landscape supply establishment' are considered to be more appropriate.

The proposed development is considered to be consistent with the objectives of the 4(b) Industry B Zone, which are stated below:

"(a) to encourage activity that will contribute to economic and employment growth in the City of Campbelltown, and

(b) to encourage a high-quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and

(c) 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 or primarily intended to provide a professional facility to serve people employed or occupied in land uses permitted in the industrial zones, and

(d) to permit the display and sale by retail of bulky goods only if such activities cannot appropriately be located in, or would not adversely affect the viability of development in, the business or comprehensive centre zones, and

(e) to ensure development will not be carried out if the processes to be carried on, the transportation to be involved or the plant, machinery or materials to be used interfere unreasonably with the amenity of the area.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone."

The proposed development will contribute significantly to the economic and employment growth in the City of Campbelltown, with an increase in staff numbers from the existing Kellicar Road store (which is being replaced by this store), as well as the significant boost to the local construction industry.

The external appearance of the building is consistent with that expected from a Bunnings store, with a landscaping scheme proposed to soften the built form and provide an aesthetically pleasing development. The display of goods will be screened, and adverse amenity impacts from the development is not expected. Vehicular access for customers, trade, deliveries and waste is located on the eastern side of the development, away from any nearby residents and the existing intersection. Overall, the development has been well thought out and subject to conditions of consent, further refinements will occur to ensure that the proposed development is a good planning outcome and contributes positively to the surrounding area.

An assessment against the relevant clauses of the CLEP 2002 is provided below:

Provision	Comment	Compliance
Clause 37 Setbacks within Industrial Areas		
15m to Blaxland Road	The proposed development does not comply with the setback to Blaxland Road. A SEPP 1 Variation is provided below to justify the setback of 5.5m – 24m.	No – Variation supported. See assessment below.
10m to Farrow Road	The proposed development has a minimum setback of 10m to Farrow Road to the building, encroachments	Yes

	into the setback for car parking, access and landscaping.	
Clause 39 Earthworks and Preservation of Trees	<p>The proposed development includes the removal of the minimal trees and vegetation on the site and earthworks to facilitate the proposed development.</p> <p>The proposed development is not envisaged to include filling works other than benching of the site to create a level building platform for the development, which would be created from excavation on site.</p> <p>The removal of the limited remaining vegetation is supported by the provision of a flora and fauna assessment report to Council, which has been reviewed by Council's Environment Officer.</p>	Yes
Clause 44 Protection of heritage items and heritage conservation areas	<p>The site does not contain a heritage item and is not within a heritage conservation area. the site has proximity to heritage items within the Blair Athol estate being "The Kraal", "Blair Athol" house and "The Kia". As part of the site visit, the visibility of the site from all these heritage items was considered and given the distance from the site, presence of existing vegetation surrounding the items and new buildings and vegetation, the proposed building is unlikely to be highly visible.</p> <p>The Conservation Management Plan prepared for the estate identifies that there is a conflict between views to and from the estate and the new buildings and vegetation in the surrounding suburb. In considering the maintenance of the historical views and vistas into and from the estate, it was concluded that the proposed development will have minimal impact given the distance and closer development and vegetation which obscures the subject site from view.</p> <p>A review of the NSW Office of Environment & Heritage details regarding "Blair Athol" states in part:</p>	Yes

	<p><i>“The visual setting of Blair Athol (and the whole of the Blair Athol Group) continues to contribute to its significance even though the lower slopes of the estate are now covered by residential housing.”</i></p> <p>And</p> <p><i>“The Blair Athol property, including Blair Athol, The Kraal, and The Kia was purchased by Clanalpine Pty Ltd in 1995 and has now largely been developed, with only the top ridgeline surviving as a local park punctuated by the three properties.”</i></p> <p>These comments reiterate what was viewed on ground and given that the proposed building is in the gully, with the elevated heritage items now surrounded by housing and retained vegetation, there is little opportunity for the building to be viewed from the items. No impact upon the visual setting of the items is envisaged. Therefore, the proposal is not considered to detract from the significance of the Blair Athol property.</p>	
Clause 62 Development on land that may be affected by salinity	No salinity issues have been identified on the site. Notwithstanding this, standard advice will be included with the development consent with regard to salinity.	Yes

State Environmental Planning Policy 1 – Development Standards

The purpose of this policy is to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects of the Act.

The proposed development includes a variation to Clause 37 of the Campbelltown (Urban Area) Local Environmental Plan. The applicant has provided a SEPP 1 variation request which is assessed in detail below, having regard to the questions in *Winten Property Group v North Sydney Council [2001] NSWLEC 46*, stated below in italics.

i) Is the planning control in question a development standard?

Yes, Clause 37 outlines a numerical standard for setbacks to Blaxland Road of 15m.

ii) What is the underlying object or purpose of the standard?

The applicant has noted that Clause 37 does not include specific objectives, nor does the 4(b) Industry B Zone with respect to building setbacks. Notwithstanding this, the zone objectives relate to the requirement for:

- a high-quality development;
- aesthetically pleasing;
- relates to adjoining and nearby development; and
- does not impact upon amenity of the area.

The setback requirement would assist in achieving these objectives and allows for opportunity for landscaping and an open setback, which can reasonably be assumed to be an underlying objective or purpose of the standard.

iii) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the Environmental Planning and Assessment (EPA) Act 1979?

The applicant's SEPP 1 objection states in this regard:

"The aim of SEPP 1 is to provide 'flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act'.

The nominated objects of the Act are

- '5(a)(i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purposes of promoting the social and economic welfare of the community and a better environment;*
- (ii) the promotion and co-ordination of the orderly and economic use and development of the land.'*

A setback of 15 metres is required for the setback to Blaxland Road. The road alignment is irregular and consequently the northern building façade does not present as a regular setback along this elevation.

The central body of the building comprising the Warehouse observes the minimum 15 metre setback however due to the irregular setback it reduces to a 9.9 metre setback at the north-eastern corner (Timber Trade Sales) and a 11.8 metre setback at the north-western corner (Outdoor Nursery). The outdoor nursery area is not contained within a 'formal building' and is comprised of lightweight and transparent walls with no enclosing roof.

Approximately only 25% of the façade encroaches into the 15 metre setback.

As discussed previously, a photomontage has been prepared to illustrate the placement of the building when viewed from Blaxland Road and detailed landscape plan provides a response to the building and adjoining streetscape. The site will present as an isolated parcel and the building line encroachments will not be immediately evident from the eastern and western approaches along Blaxland Road.

In this instance, strict compliance would tend to hinder the attainment of the objects, of the EP&A Act for the reasons outlined in this submission."

In considering the site as a whole, its irregular shape, the presence of a watercourse and its location within a built-up industrial area, adjoining a regional road and in close proximity of other industrial uses and a train station and commuter carpark, it is expected that this form of development would be proposed. In considering the specifics of the proposed setback to Blaxland Road, the site plan reveals that there is ample room available for landscaping to occur for screening purposes and to soften the overall appearance of the built form.

The curve in the alignment of Blaxland Road and subsequent narrowing of the site due to the alignment of Farrow Road, along with the presence of a watercourse which will be converted to a culvert, provides for site constraints which have required careful consideration in the building siting and shape.

The proposal allows for orderly development and economic and efficient use of the land. There are no adverse environmental or social impacts from the reduced setback to Blaxland Road and it is considered that further consideration has been given to the landscape design in this area as a result of the non-compliance.

It is reasonably concluded that the zone objectives above are satisfied by the proposed built form.

iv) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The applicant has considered the objectives of the zone in determining whether compliance with the standard is unreasonable or unnecessary in this instance. In doing so, the following comment is provided by the applicant:

"The proposal will be constructed in high quality functional materials and external colours, the latter of which are immediately recognisable as Bunnings Corporate colours. The form and siting of the building responds appropriately to the sloping topography by introducing an undercroft parking area and the areas of encroachment have not been identified as having any special or unique environmental qualities. The setback areas of the Blaxland Road frontage are confined to landscaping (excepting a pedestrian access path) with no vehicular access permitted.

Having considered the proposal it is both unreasonable and unnecessary in our view, to argue that the development is unacceptable simply because there is a variation to setbacks proposed.

The proposal will not result in any adverse environmental or physical impacts. It is our submission that the design represents an acceptable planning outcome and can be supported."

The comments above are supported and the absence of vehicular access in this frontage assists greatly with providing a well landscaped frontage to Blaxland Road, which is a key, highly visible location.

The application indicates that the building is setback between 5.5m – 24m, with many instances where the building substantially exceeds the minimum setback. There is considered to be two pinch points at either end of the building where the setback is reduced, however the landscape design has ensured that landscaping is still accommodated, and a mixture of trees and shrubs are proposed in order to soften the appearance of the built form.

v) Is the objection well founded?

In considering whether the objection is well founded, the applicant has had regard to the test of whether an objection is well founded as outlined by Chief Justice Preston in *Wehbe Case* (*Wehbe v Pittwater Council* [2007] NSWLEC 827).

In this regard, the applicant states:

"1. The applicant must satisfy the consent authority that "the objection is well founded" and compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

Comment - The objection is considered to be well founded. Apart from previous comments, this matter is further discussed in the Preston test, below.

2. The consent authority must be of the opinion that granting consent to the development application would be consistent with the policy's aim of providing flexibility in the application of planning controls where strict compliance with those controls would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

Comment: As discussed above, the proposal is consistent with the stated aims of the SEPP and does not hinder the attainment of the objects specified in s 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979.

3. It is also important to consider:

a. whether non compliance with the development standard raises any matter of significance for State or regional planning.

Comment: Non compliance with the development standard does not raise any matter of significance for State or Regional planning.

b. the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

Comment: As discussed above, non-compliance with the development standard does not affect the public benefit of maintaining the planning controls adopted by the environmental planning instrument. In our opinion, rather than creating an unreasonable precedent it provides a positive public benefit.

Chief Justice Preston expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;"

Comment: The reduction in the front setback will not create any inconsistency with existing setbacks along Blaxland Road. Blaxland Road is comprised of developed and undeveloped segments and the site is within the latter group.

The building placement does not create any adverse impacts on vegetation and the proposed landscaping of the setback areas will complement the proposed built form. We therefore consider that it complies with the intent of these provisions.

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

Comment: The underlying objective of setting a minimum requirement for building setbacks is considered relevant however as discussed above, it needs to be considered in the context of the application and the proposed use of a building that will contribute to the future character of an existing employment area containing a range of building types and styles, providing for a range of employment opportunities.

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

Comment: The irregular profile of Blaxland Road establishes a setback line that if enforced, would severely impact upon the design and functionality of the Bunnings Warehouse. The eastern section of the site has a reduced depth which limits the building footprint if the 15 metres is enforced. A building which observes the required 15 metre setback would mean a reduction in the retail area of the proposal however this would affect the financial viability of the proposal and therefore under the circumstances compliance is considered unreasonable.

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.*

Comment: We are not aware of any evidence to suggest that the standard has "virtually been abandoned". It is still relevant but we have sought a variation as outlined in this submission.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Comment: The zoning of the land is still considered relevant as it permits the proposal. Consequently, the justification provided in this submission is required to support a variation and considering the particular circumstances of this case it is worthy of support.

The proposal does not result in any adverse environmental or physical impacts. The proposal results in an employment use for the site providing a public benefit that in our opinion will result in a better planning outcome."

Consideration has been given to the above comments, as well as a review of the unreasonableness of the setback control with respect to the proposed development, the site, the likely intended outcomes of the control and the benefit to requiring strict compliance. In conclusion, it is agreed that it is unreasonable and unnecessary in the circumstances of this case to require strict compliance and that there would not be a significant additional benefit in doing so. The objection is considered to be well founded and there is no additional public benefit or environmental benefit to suggest an increase in setback to Blaxland Road. With respect to any concern regarding precedent, each future development requesting a variation will be considered on its individual merits, as has occurred in this instance.

The existing corridor along Blaxland Road is varied with industrial development, rear fencing associated with dwelling houses and a side elevation of a retail Aldi supermarket and associated car parking area in the immediate vicinity. Low scale landscaping is provided to the existing development. A quick review of the surrounding development indicates that the minimum 15m setback to Blaxland Road has not been consistently applied. As such, the proposed building will not be out of character with the surrounding built form, however, will

have the added benefit of a high level of landscaping not experienced on other existing sites. Further, when considering the existing industrial development to the north-east, those lots are located closer to the road than the boundary of the subject lot and as such, additional separation to the proposed building will result.

The variation under SEPP 1 to the setback requirement to Blaxland Road is supported in this instance.

3. Section 4.15(1)(a)(ii) Any Proposed Instrument

At the time of lodgment of the development application, there were no relevant draft instruments.

4. Section 4.15(1)(a)(iii) Any Development Control Plan

4.1 Campbelltown (Sustainable City) Development Control Plan 2015

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) is to provide more detailed provisions to supplement the Campbelltown Local Environmental Plan 2015 (CLEP 2015). Pursuant to Clause 4.15 (1) (a) (iii) Council is required to consider the relevant provisions of the applicable development control plan of the Campbelltown Local Government Area (LGA), being SCDCP 2015.

The following details the assessment of the proposal in accordance with the relevant requirements of the Campbelltown (Sustainable City) Development Control Plan 2015.

Part 2 - Requirements Applying to All Types of Development

The general provisions of Part 2 of the Plan apply to all types of development. Compliance with the relevant provisions of Part 2 of the Plan is discussed as follows:

Provision	Comment	Compliance
2.2 Site Analysis		
a) The development application for all development involving the construction of a building and the Torrens title subdivision of land.	The site analysis plan submitted to Council is considered to be compliant with the requirements for a Site Analysis plan in accordance with Section 2.2 of the SCDCP 2015.	Yes
2.3 Views and Vistas		
a) Development shall appropriately respond to Campbelltown's important views and vistas to and from public places. These include views and vistas to and from: i) the Scenic Hills; ii) rural/semi rural landscape areas; iii) the Georges and Nepean River corridors; iv) areas of significant public open space (formal and informal); and	<p>The site is located within the view corridor between the Campbelltown CBD and Blair Athol estate (detailed above), which is a listed heritage item. No important views or vistas are expected to be impacted upon by this proposal.</p> <p>As part of the site visit, the visibility of the site from all these heritage items was considered and given the presence of existing vegetation surrounding the items and new buildings and vegetation, the proposed building is unlikely to be highly visible.</p>	Yes

v) heritage items.		
b) District views and existing significant view corridors as viewed to and from public places shall be protected.	Given the location of the site in the gully and the existing surrounding development, the site is unlikely to be highly visible from public places further afield. The proposed landscaping around the building reduces the visibility of the development from the surrounding cycleway and Blaxland Road.	Yes
c) The opportunity to create new view/vista corridors shall be taken wherever possible and appropriate.	There is no opportunity to create new view corridors.	Yes
2.4 Sustainable Building Design		
2.4.1 Rainwater Tanks b) A rain water tank shall be provided for all new buildings containing a roof area greater than 100sqm for all development not specified by BASIX. The rain water tank shall have a minimum capacity in accordance with Table 2.4.1.	Based on the roof area of the proposed development, the proposed development requires a rainwater tank of 50,000 litres. The applicant has submitted a stormwater management plan which states the proposed development will recycle a minimum of 90% of potable water for use to flush toilet and for watering in the nursery. The applicant's calculations of rainwater required to service the nursery and toilets requires draining 2000sqm of rainwater to two 45 kilolitre tank which satisfies the requirements of the SCDCP.	Yes
c) All rainwater tanks shall comply with AS3500 (as amended) - National Plumbing and Drainage Code Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas and Sydney Water's Guideline for Rainwater Tanks on Residential Properties.	The installation of the rainwater tank will be appropriately conditioned to satisfy the requirements of the SCDCP.	Yes
d) The rainwater tank incorporated in new commercial and industrial development exceeding 5,000sqm shall be connected to the plumbing in the building to provide water for toilets.	The proposed rainwater tanks will be plumbed for reuse within the building for toilet flushing and watering in the nursery.	Yes
f) Above ground water tanks shall be located behind the primary or secondary building line.	The rainwater tanks are not located above ground level.	Yes
2.4.2 Solar Hot Water a) All new buildings are encouraged to provide a solar hot water system. b) Where the site is connected to the gas main,	The proposed development is not considered to require a solar hot water system.	Yes

the solar hot water system is encouraged to be gas boosted.		
2.4.3 Natural Ventilation a) The design of new buildings shall be encouraged to maximise opportunities for cross flow ventilation, where practical, thus minimising the need for air conditioning.	The application indicates that the building will include passive ventilation systems which remove the need to rely on air conditioning.	Yes
2.4.4 Light Pollution a) Outdoor lighting shall be designed to minimise pollution from the unnecessary dispersion of light into the night sky and neighbouring properties.	The proposed development will be appropriately conditioned to ensure outdoor lighting does not affected surrounding residential properties. Notwithstanding, a condition of consent will be included to address light spill on adjoining residential properties and limit the hours of illumination of signage.	Yes
2.5 Landscaping		
a) Landscape design shall enhance the visual character of the development and complement the design/use of spaces within and adjacent to the site.	The landscape plan submitted seeks to enhance the landscape character of the site and assists in softening built form, with particular attention paid to the Blaxland Road frontage and the Blaxland Road/Farrow Road Intersection.	Yes
b) Landscape design shall retain and enhance the existing native flora and fauna characteristics of a site wherever possible.	Replacement planting will be provided to the site as part of the landscape scheme.	Yes
c) Landscape design shall add value to the quality and character of the streetscape. d) A Landscape Concept Plan is required to be submitted with a development application for: xi) commercial development; xii) industrial development;	The applicant has submitted a landscape plan prepared by a landscape architect, the plan includes substantial landscaping to all frontages with a variety of trees, shrubs and ground covers.	Yes
e) The Landscape Concept Plan shall illustrate mature height, spread of species, trees to be removed/retained and shall be prepared by a suitably qualified person.	The landscape plan details the mature height and species. The plan was prepared by John Lock and Associates, who are landscape architects.	Yes
f) Landscaping shall maximise the use of locally indigenous and other drought tolerant native plants and avoid the use of invasive species.	The plant species selected is consistent with the Native Gardening Guide for Campbelltown Local Government Area, which includes locally indigenous and drought tolerant plant species.	Yes
2.7 Erosion and Sediment Control		
a) An Erosion and Sediment Control Plan (ESCP) shall be prepared and submitted	The applicant has submitted an erosion and sediment control plan in support of the proposed development. The submitted plan	Yes

with a development application proposing construction and/or activities involving the disturbance of the land surface. For requirements relating to the preparation of an ESCP, refer to Appendix 5 of Volume 1 and <i>Council's Engineering Design Guide for Development</i> .	satisfies the requirements of the SCDCP and the plan will be endorsed as a consent document, as well as conditions of consent.	
b) Site activities shall be planned and managed to minimise soil disturbance.	Site activities shall be managed to minimise disturbance.	Yes
c) Catch drains or diversion banks shall be designed and constructed to divert water around any area of soil disturbance.	Suitable measures are included in the ESCP to maintain water quality.	Yes
d) All stockpiles shall be located within the sediment control zone and shall not be located within an overland flow path.	The location of stockpiles shall be conditioned to comply with the control.	Yes
2.8 Cut, fill and floor levels		
2.8.1 Cut and Fill a) A Cut and Fill Management Plan (CFMP) shall be submitted with a development application where the development incorporates cut and/or fill operations.	<p>The proposed development includes the removal of approximately 40,000m³ of spoil and rock, which will be excavated to accommodate the basement / undercroft area. The RMS had requested a construction management control plan as a condition of consent in this regard to ensure construction vehicle management.</p> <p>A condition has also been recommended for reuse of the excavated rock on site where possible.</p> <p>The applicant has provided a cut and fill plan. Details of stabilising cut and fill and excavation are detailed in the geotechnical investigation submitted to Council. The details provided are considered to satisfy the SCDCP. The proposed excavation is not within close proximity of private property.</p>	Yes
c) Any excavation within the zone of influence of any other structure requires a 'dilapidation report' (prepared by a suitably qualified person) demonstrating that adequate ameliorative measures are to be implemented to protect the integrity of any structure.	The proposed excavation is not within close proximity of private property. The applicant has submitted a geotechnical report for bulk earthworks. Given the level of excavation proposed, a condition of consent for a dilapidation report is recommended.	Yes

d) Development incorporating any cut or fill shall comply with the following requirements: i) minimum cross fall of 1% to any adjoining waterway; and ii) batters to be no steeper than 2H:1V ('H' stands for the term 'horizontal distance' and 'V' stands for the term 'Vertical distance'; iii) batters to be no steeper than 6H:1V for public areas.	The applicant has provided a cut and fill plan.	Yes
e) All fill shall be 'Virgin Excavated Natural Material' (VENM).	The proposed development does not include filling of the site.	Yes
f) No fill shall be deposited in the vicinity of native vegetation.	No native vegetation is present on site.	Yes
g) All basement excavation shall be setback a minimum of 900mm from the property boundaries.	The proposed excavation is not located within 900mm of the property boundaries.	Yes
h) Provisions of basements shall not result in non-compliance with deep soil planting controls contained within this plan.	The site is an industrial/ commercial development and not subject to deep soil planting zones requirements.	Yes
2.8.2 Surface Water and Floor Levels a) Development shall not occur on land that is affected by the 100-year ARI event unless the development is consistent with the NSW Floodplain Development Manual.	The site is partially flood affected. The proposal is consistent with the NSW Floodplain Development Manual and conditions imposed. Flooding associated with the drainage culvert and Bow Bowing Creek would affect the site during a 1 in 100 year and PMF flood event. The works to the culvert being undertaken by Council's City Delivery Section will assist.	Yes
b) All development on land affected by stormwater flow from main stream, local creek or over land flow shall satisfy the relevant fill and floor level requirements as specified in Table 2.8.1.	A recommended condition of consent includes minimum levels required to ensure no entry of flood waters. No openings are permitted below the levels. A flood warning system to prevent people from becoming endangered if water enters the car park may or may not be required, subject to details at construction certificate stage.	Yes
c) All development shall have a ground surface level, at or above a minimum, equal to the 100-year 'average recurrence interval' (ARI) food level.	As above	Yes
d) For development on land	Not applicable	N/A

not affected by an overland flow path the minimum height of the slab above finished ground level shall be 150 mm, except in sandy, well-drained areas where the minimum height shall be 100mm. These heights can be reduced locally to 50mm near adjoining paved areas that slope away from the building in accordance with AS 2870 (Residential Slabs and Footings Construction).		
e) Buildings involving basements, hospitals, seniors living dwellings and educational establishment with more than 50 students shall comply with the provisions of Council's Engineering Design Guide for Development.	The proposed development will be required to be designed in accordance with the Engineering Design Guide and will be conditioned accordingly.	Yes
f) Any solid fence constructed across an overland flow path shall be a minimum 100mm above the finished surface level of the overland flow path.	Not applicable	N/A
g) Where underground car parking is proposed, measures shall be taken in design and construction to ensure escape routes, pump out drainage systems (which include backup systems) and location of service utilities (including power, phone, lifts) are appropriately located in relation to the 100 year ARI event, in accordance with Section 4.13.8 of Council's Engineering Design Guide for Development.	An underground basement car park is not proposed, but rather an undercroft below the building.	Yes
2.10 Water Cycle Management		
2.10.1 Water Cycle Management a) A comprehensive Water Cycle Management Plan (WCMP) shall be prepared and submitted as part of a development application.	The stormwater management plan was designed in accordance with the Engineering Design Guide. The application was referred to Council's Development Engineer, who review the proposal and applied relevant conditions of consent.	Yes
2.10.2 Stormwater	As above.	Yes

a) All stormwater systems shall be sized to accommodate the 100- year ARI event (refer to Section 4 of <i>Council's Engineering Design Guide for Development</i> .		
b) The design and certification of any stormwater system shall be undertaken by a suitably qualified person.	The plan was prepared by a suitably qualified engineer.	Yes
d) Development shall not impact on adjoining sites by way of overland flow of stormwater unless an easement is provided. All overland flow shall be directed to designated overland flow paths such as roads.	Overland flow is not directed onto adjoining properties.	Yes
g) A major/minor approach to drainage is to be taken for stormwater flows. Generally the piped drainage system shall be sized to accommodate the difference between the 100-year ARI flow and the maximum safe overland flow, with minimum requirements as set out in section 4 of <i>Council's Engineering Design Guide for Development</i> .	As above.	Yes
h) Stormwater collected on a development site shall be disposed of (under gravity) directly to the street or to another Council drainage system/device. Where stormwater cannot be discharged directly to a public drainage facility, a drainage easement of a suitable width shall be created over a downstream property(s) allowing for the provision of a drainage pipe of suitable size to adequately drain the proposed development to a public drainage facility.	The applicant has submitted a stormwater management plan.	Yes
i) All proposed drainage structures incorporated within new development shall be designed to maintain public safety at all times.	The drainage structures are designed to maintain public safety.	Yes

j) Development shall not result in water run-off causing flooding or erosion on adjacent properties.	The run off from the proposed development is not considered to result in flooding to adjoining properties.	Yes
k) Stormwater run-off shall be appropriately channelled into a stormwater drain in accordance with <i>Council's Engineering Design Guide for Development</i> .	The stormwater runoff shall be channelled into Council's system.	Yes
2.10.3 Stormwater Drainage a) A stormwater Drainage Concept Plan shall be prepared by a suitably qualified person, and submitted with all development applications, involving construction (except for internal alterations/fitouts), demonstrating to Council how the stormwater will be collected and discharged from the site.	The applicant has submitted a stormwater management plan prepared by a suitably qualified engineer. The SMP was referred to Council's Development Engineer for review and any outstanding matters can be addressed by way of conditions of consent.	Yes
b) The stormwater concept plan shall include the following information as a minimum: i) locations, layouts and sizes of stormwater pipes and pits; ii) minimum grades and capacity of stormwater pipes; and iii) existing and proposed easements, site contours and overland flow path/s.	The applicant has submitted a stormwater management plan.	Yes
2.11 Heritage Conservation		
2.11.1 Aboriginal Heritage a) All developments that have the potential to impact upon Aboriginal cultural heritage must provide an assessment in accordance with the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW", published by the Office of Environment and Heritage (OEH). This requires an initial investigation of the potential impact of a development on Aboriginal Cultural Heritage in	An AHIMS search by the applicant did not identify any Aboriginal Sites of Places within a 50m buffer of the site.	N/A

<p>circumstances where the proposed development involves disturbance to cultural sites (e.g. Aboriginal culturally modified trees), or the ground surface. This initial investigation is to be undertaken by the applicant and requires an assessment of whether there are:</p> <p>i) any known Aboriginal sites within the development site (determined by undertaking a search of the Aboriginal Heritage Information Management System (AHIMS) database (which is maintained by the Office of Environment and Heritage); and/or</p> <p>ii) any other sources of relevant information of which a person is already aware; and/or</p> <p>iii) Whether the development is on a site that is not disturbed land and is:</p> <ul style="list-style-type: none"> – within 200m of waters, or – located on a ridge top, ridge line or headland, or – located within 200m below or above a cliff face, or – within 20m of/or in a cave, rock shelter, or a cave mouth. 		
<p>b) Where the initial investigation confirms the presence or likely presence of Aboriginal objects or the above landscape features, further assessment and visual inspection must be conducted in accordance with the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW” by a person with expertise in Aboriginal cultural heritage management.</p>	<p>An AHIMS search by the applicant did not identify any Aboriginal Sites of Places within a 50m buffer of the site.</p>	<p>N/A</p>
<p>c) If this assessment indicates that there are, or are likely to</p>	<p>An AHIMS search by the applicant did not identify any Aboriginal Sites of Places within</p>	<p>N/A</p>

<p>be, Aboriginal objects, and/or an Aboriginal Place in the area of the proposed activity, more detailed investigation and an impact assessment shall be required and must be prepared by a person with expertise in Aboriginal cultural heritage management. Where it is determined that harm could occur to Aboriginal objects then an Aboriginal Heritage Impact Permit application must be made to the OEH (and be approved prior to works occurring).</p>	<p>a 50m buffer of the site.</p>	
<p>d) The assessment shall be prepared in accordance with the following documents: i) Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010); ii) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010); and iii) Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974 (2010).</p>	<p>An AHIMS search by the applicant did not identify any Aboriginal Sites of Places within a 50m buffer of the site.</p>	<p>N/A</p>
<p>e) The assessment shall take into account the following documents: i) Operational Policy: Protecting Aboriginal Cultural Heritage (February 2009); ii) OEH Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).</p>	<p>An AHIMS search by the applicant did not identify any Aboriginal Sites of Places within a 50m buffer of the site.</p>	<p>Yes</p>
<p>2.11.2 Heritage Design Requirements a) Any development application made in respect to development on land that is: i) occupied by a heritage item; or ii) adjoining land occupied by</p>	<p>The site does not contain a heritage item and is not within a heritage conservation area. However, the proximity of heritage items within the wider vicinity within the Blair Athol estate being the "The Kraal", "Blair Athol" house and "The Kia" is noted.</p> <p>As part of the site visit, the visibility of the site</p>	<p>Yes</p>

<p>a heritage item; or</p> <p>iii) located within a heritage conservation area, shall provide a Statement of Heritage Impact (SHI) that assesses the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item or conservation area.</p>	<p>from all these heritage items was considered and given the presence of existing vegetation surrounding the items and new buildings and vegetation, the proposed building is unlikely to be highly visible.</p> <p>The conservation management plan prepared for the estate identifies that there is a conflict between views to and from the estate and the new buildings and vegetation in the surrounding suburb. In considering the maintenance of the historical views and vistas into and from the estate, it was concluded that the proposed development will have minimal impact given the distance and closer development and vegetation which obscures the subject site from view.</p>	
<p>b) Any development on land occupied by an item of heritage, or land located within a heritage conservation area shall be designed by a suitably qualified person and have regard to the provisions of any relevant study or Conservation Management Plan (CMP).</p>	<p>The site does not contain a heritage item and is not within a heritage conservation area.</p>	<p>N/A</p>
<p>c) Unless otherwise advised by council, a Conservation Management Plan (CMP) shall be required for all proposed development involving the adaptive reuse of a heritage item, or major alterations and additions.</p>	<p>The site does not contain a heritage item and is not within a heritage conservation area.</p>	<p>N/A</p>
<p>2.12 Retaining Walls</p>		
<p>a) Any retaining wall that is not complying or exempt development as specified in the E&CDC shall be designed by a suitably qualified person.</p>	<p>Retaining wall structures are detailed on the plans. The proposed retaining walls are not located on the property boundary.</p> <p>Retaining walls to be conditioned to be masonry finish and designed by a structural engineer.</p> <p>Conditions for a dilapidation report due to level of excavation to protect adjoining properties and infrastructure assets.</p>	<p>Yes</p>
<p>b) In the case of retaining walls constructed to support proposed fill on an allotment, the following design criteria shall apply:</p> <p>i) No filling shall be permitted</p>	<p>As above.</p>	<p>Yes</p>

within 2 metres of any property boundary unless sufficient details are submitted to Council illustrating how privacy, overshadowing, stormwater management and access issues have been addressed to Council's satisfaction.		
c) In the case of retaining walls constructed to support proposed cut on an allotment, the following design criteria shall apply: i) The retaining wall shall be setback a minimum of 450mm from the rear and side boundary of the lot containing the cut. <i>Note: Council may allow for a zero setback of retaining walls, where neighbours' consent has been obtained and submitted as part of the DA.</i>	As above.	Yes
d) Any retaining wall shall not adversely alter surface flows to adjoining private land.	The retaining walls are not considered to adversely alter surface water flows to the adjoining private land.	Yes
e) Any retaining wall and associated structures shall be designed to be located wholly within the property boundary, except where written or legal agreements have been reached between relevant parties to Council's satisfaction.	The retaining walls shall be located wholly within the property boundary.	Yes
f) Any excavation within the zone of influence for any other structure or building requires a Structural Engineering Report (prepared by a suitably qualified professional) demonstrating that adequate and appropriate measures are to be implemented to protect the integrity of any structure.	The proposed development does not result in excavation within the zone of influence of associated structures. The applicant has provided a geotechnical investigation in support of the proposed development.	Yes
g) Where retaining walls are proposed along the side boundary of the property, the side setback where the	No retaining wall works are located on the side boundary.	N/A

retaining wall is proposed shall be increased from 0.9metres to 1.2 metres.		
h) Any retaining wall requiring work on neighbouring properties shall require the consent of the adjoining owner/s.	No retaining wall works are located on neighbouring properties.	N/A
i) Retaining walls higher than 900mm shall be designed by a structural engineer and made from appropriate material.	All retaining walls will be required to be designed and certified by a structural engineer as a condition of consent.	Yes, conditioned
2.13 Security		
<p>a) Development shall be designed to:</p> <p>i) maximise, where possible, casual surveillance opportunities to the street and surrounding public places;</p> <p>ii) minimise dead ends and other possible entrapment areas;</p> <p>iii) clearly identify and illuminate access points to buildings and designated public places; and</p> <p>iv) clearly differentiate between private and public space.</p> <p>b) External lighting shall be designed to:</p> <p>i) encourage the use of safe areas;</p> <p>ii) define safe corridors for movement of people; and</p> <p>iii) allow facial recognition of approaching pedestrians at 15 metres.</p> <p>c) Development shall incorporate appropriate landscaping, fencing and security devices to assist in crime prevention.</p> <p>d) Commercial and industrial buildings that are not secured from public access after close of business shall have external finishes that are graffiti resistant.</p> <p>e) Development applications for multi dwelling housing, attached dwellings residential</p>	<p>The applicant has addressed crime prevention in the Statement of Environmental Effects submitted to Council, including surveillance, access control, territorial reinforcement and activity management.</p> <p>The proposed development includes landscaping, fencing and security devices to prevent crime on the property.</p> <p>The applicant has not stated if access to the property will be restricted outside of operating hours. Notwithstanding appropriate conditions of consent can be included to ensure the external finishes are graffiti resistant.</p> <p>A pedestrian network is proposed to ensure easy access to the entry of the building from the road and the car parking area is required to be well lit at night during operating hours. The building is regular in its shape with controlled points of entry to the building. Further, access is monitored by CCTV and Bunnings has a regular maintenance plan in place for the building and landscaping.</p> <p>The proposed development is for a single warehouse. The applicant has not provided a crime prevention plan for the proposed development, however it is not considered necessary.</p>	Yes

fat buildings, mixed-use development, boarding houses, shop top housing, commercial development, industrial development and large scale subdivision comprising more than 10 dwellings/units allotments or incorporating works to be dedicated to Council shall be accompanied by a crime prevention plan to be prepared by a suitably qualified person addressing how the development embraces the principles of Crime Prevention Through Environmental Design.		
2.14 Risk Management		
2.14.1 Contaminated Land a) The requirements of Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land (EPA, DUAP, 1998) shall be satisfied on sites known to have, or may give Council reason to suspect, a potential for previous contamination.	The applicant has submitted a Phase 1 preliminary site investigation and a Phase 2 detailed site investigation for the subject site. A further Phase 1 assessment was undertaken by SLR in 2017 as part of the two lot subdivision, which agreed with the findings of the previous investigations.	Yes
b) An initial investigation regarding the possible or actual contamination of a site shall be carried out by a suitably qualified person.	Phase 1 and 2 investigations have been undertaken and submitted with the application.	Yes
c) Where a site is identified by Council, Office of Environment and Heritage and/or by the initial investigation as being, or having the potential to be contaminated, a Contamination Management Plan shall be submitted with the development application.	The site is not identified as being contaminated.	N/A
2.14.2 Salinity Design Requirements a) Any development: i) within 50 metres of the top of the bank of a watercourse; ii) located in an area that has	No salinity issues have been identified on the site. Notwithstanding this, standard advice will be included with the development consent with regard to salinity.	Yes

<p>bare soil patches or salt scalds;</p> <p>iii) occupied by soils that appear 'puffy' when dry, or greasy when wet;</p> <p>iv) located in an area that is occupied by salt tolerant plant species;</p> <p>v) located in an area that has white staining on nearby house foundations or walls; or</p> <p>vi) located on soils that are derived from Wianamatta Shale; shall be designed in accordance with Section 5.8 Council's Engineering Design Guide for Development</p>		
<p>b) A detailed Salinity Analysis and Remedial Action Plan shall be prepared and submitted with the development application if:</p> <p>i) the site has been identified as being subject to a salinity hazard; or</p> <p>ii) an investigation reveals that the land is saline.</p>	Not applicable.	N/A
<p>2.14.3 Bushfire</p> <p>a) Development shall be designed and located so as to minimise the risk of loss of life or property from bushfire.</p>	The site is not identified as being bushfire affected.	N/A
<p>2.14.4 Subsidence Design Requirements</p> <p>a) Any development on a site located within South Campbelltown Mine Subsidence District, or Appin Mine Subsidence District may be at risk of the effects of subsidence from past and/or future underground mining. An appropriate engineering outcome shall be achieved.</p>	The site is not located within a mine subsidence area.	N/A
<p>2.14.5 Public Health</p> <p>a) Cooling towers shall be located in accordance with the requirements of the following standards:</p>	Not applicable.	N/A

<p>i) Australian Standard No. AS/NZS 3666 Part 1, Air-Handling and Water Systems of Buildings-Microbial Control Installation and Commissioning (as amended).</p> <p>ii) Australian Standard No. AS/NZS 3666 Part 2, Air-Handling and Water Systems of Buildings-Microbial Control Operation and maintenance (as amended).</p> <p>iii) Australian Standard No. AS/NZS 3666 Part 3, Air-Handling and Water Systems of Buildings-Microbial Control Performance-based maintenance of cooling water systems (as amended).</p>		
2.15 Waste Management		
<p>2.15.1 Waste Management Plan</p> <p>a) A detailed Waste Management Plan (WMP) shall accompany development applications for certain types of development/land uses, as detailed in Table 2.15.1 and for any other development that in the opinion of Council a WMP is required.</p>	The applicant has submitted a waste management plan which addresses operational waste management.	Yes
<p>c) Plans submitted with a development application shall detail the following (as applicable):</p> <p>i) the size and location of waste and recycling storage areas;</p> <p>ii) routes for occupants to access waste and recycling areas;</p> <p>iii) collection point and/or access route for collection vehicles;</p> <p>iv) ventilation of waste and recycling storage areas;</p> <p>v) location of garbage chute and</p>	The location of waste and recycling is indicated on the plans. Given the nature of the proposed use, bin washing facilities are not considered to be required for the proposed development.	Yes

service rooms; vi) bin and storage area washing facilities; and		
2.15.2 Waste Management during demolition & construction a) All waste and recyclable streams shall be stored separately on site.	A more detailed Waste Management Plan (WMP) can be provided as part of the Construction Certificate documentation, by way of condition of consent.	Yes
b) All storage areas/containers for each waste and recycling stream shall be kept on the site at all times and shall be indicated on the site plans/drawings as part of the WMP.	The application indicates that Bunnings has appointed SITA Environmental Solutions (SITA) as its recycling and waste provider for all its NSW stores.	Yes
c) Where material cannot be reused or recycled, it shall be disposed of at an appropriately licensed waste management facility. Details of disposal arrangements shall be specified in the WMP.	The application indicates that Bunnings has appointed SITA Environmental Solutions (SITA) as its recycling and waste provider for all its NSW stores.	Yes
d) Convenient and safe vehicular access to waste and recycling material storage areas shall be provided.	Indicated on the plans.	Yes
e) The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, Office of Environment and Heritage and other regulatory authority guidelines and requirements.	Given the nature of the existing site conditions and the proposed development, removal and disposal of asbestos waste is not considered to be applicable.	N/A
2.15.3 On-going Waste Management a) Provision shall be made for all waste and recycling storage containers to be located behind the primary and secondary building line and out of public view. b) Any room(s) for storing garbage and recycling shall be located in a position that is convenient for occupants and waste collection staff. Collection rooms shall complement the development and not be visibly obtrusive when viewed from any public place. c) A refuse collection point	Indicated on the plans and details in the application. A detailed Waste Management Plan (WMP) can be provided as part of the Construction Certificate documentation, by way of condition of consent.	Yes

<p>shall be nominated demonstrating that waste-loading operations can occur on a level surface not adjacent to steep gradients, vehicle ramps and pedestrian access points.</p> <p>d) The path for wheeling bins between waste storage area(s) and the collection vehicle shall be free of steps or kerbs and have a maximum gradient of 1V:8H.</p> <p>e) The maximum travel distance between any storage area/point and the collection point for all bins shall be 25 metres.</p> <p>f) Where it is intended that collection vehicles are to drive into a private property to collect waste and recycling, the development shall be designed to provide for:</p> <p>i) the safe and efficient service of the development with minimal need to reverse;</p> <p>ii) vehicles to enter and exit in a forward direction;</p> <p>iii) adequate clearance to accommodate the waste collection vehicle dimensions detailed in Table 2.15.2.</p> <p>iv) where collection vehicles are required to enter the property, the pavement shall be constructed in such a manner that will not be damaged by a collection vehicle carrying the maximum legal weight.</p>		
2.16 Provision of Services		
The pavement shall be constructed in such a manner that will not be damaged by a collection vehicle carrying the maximum legal weight.	Details on engineering plans.	Yes
<p>2.16.2 Electricity</p> <p>a) Details of the proposed method of power supply shall be provided as part of the development application for</p>	The site is not located within a rural or environmental protection zone.	N/A

any development involving the construction of a building within rural and environmental protection zones.		
b) Any structure associated with the provision of electricity shall not result in any adverse impacts on the natural environment and/or adjoining properties.	The development can be serviced by electricity without impact on adjoining properties or the environment.	Yes
2.17 Work On, Over or Near Public Land		
2.17.1 Approval Required Prior to Working On or Over Public Land a) Written approval shall be obtained from Council, prior to the commencement of any works, activities or occupancy upon public land, including roads, road related areas, stormwater connections, Council car parks, footpaths or nature strips.	Appropriate approvals will be obtained by the applicant should the development require any works on public land, roads or the like.	Yes
2.17.2 Working Near Public Land a) Not withstanding clause 2.17.1 a) a hoarding or fence shall be erected between the work site and a public place where: i) the work involved in the development is likely to cause pedestrian or vehicle traffic in a public place to be obstructed or altered; and/or ii) the building involves the enclosure of a public place in accordance with Work Cover requirements	Appropriate approvals will be obtained by the applicant should the development require any works on public land, roads or the like.	Yes
b) Where a hoarding fence is required to be erected upon public land, including any road, road related area, footpath or nature strip, prior written approval shall be obtained from Council.	Appropriate approvals will be obtained by the applicant should the development require any works on public land, roads or the like.	Yes
c) Where the site work is likely to be hazardous to persons on a public place, the work site shall be kept lit between the sunset and sunrise.	Not applicable.	N/A

2.19 Development Near or on Electricity Easements		
	There are no easements nominated on the deposited plan.	Yes
2.20 Development on Land Adjacent to, of Affected by a Gas Easement		
	There are no easements nominated on the deposited plan.	Yes

Part 11 – Vegetation and Wildlife Management

The site includes limited vegetation, and the vegetation mapping on the site identifies vegetation as exotic or weeds. The applicant has submitted a Flora and Fauna Assessment report which concludes that there is minimal or no impact upon the maintenance of biodiversity or impact upon critical habitats, threatened species, populations, ecological communities or their habitats. Council previously cleared the site in anticipation of the culvert works and to facilitate future development, with the exception of scattered trees and weeds in the south-western corner.

Volume 3

Volume 3 of the SCDCP applies to the subject site as the area is identified as being within the deferred matters area an assessment of Part 5 Commercial Development, which assessed in the table below. This section applies to bulky goods development.

Provision	Comment	Compliance
5.2 Building Form & Character		
a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.	The design of the development has been located on the site in such a way, so as to reduce the overall visual bulk of the building.	Yes
b) Large buildings shall incorporate the following elements to assist in achieving a high quality architectural outcome: i) the provision of vertical and/or horizontal offsets in the wall surfaces at regular intervals, including columns, projections, and recesses; variation to the height of the building so that the building appears to be divided into distinct massing elements;	The proposed building design includes vertical changes in the materials and colours at several intervals along the building to give the perception of articulation along the façade to Blaxland Road in particular, which is the most prominent facade.	Yes
c) The main entry to the building shall be easily identifiable from the street and	The main entry to the building is facing Blaxland Road which is easily identifiable.	Yes

directly accessible through the front of the building.		
d) Large expansive blank walls on ground floor levels or side and rear boundaries shall not be permitted unless abutting a building on an adjoining allotment.	Articulation is provided on all elevations. The development include articulation to doors and front facades.	Yes
e) Roof mounted plant rooms, air conditioning units and other services and equipment shall be effectively screened from view using integrated roof structures and architectural elements.	The plans do not indicate that any roof mounted equipment will be visible.	Yes
f) Solid opaque roller doors/shutters over windows and entry doors shall not be permitted on any building that has frontages to a street or a public place.	No roller doors or shutters are proposed.	N/A
g) Buildings shall not incorporate highly reflective glass.	The glass entry to the building is not considered to be highly reflective.	Yes
h) A schedule of proposed colours, materials and finishes shall accompany all development applications for new buildings.	A colour and material finishes schedule has been submitted for the proposed development.	Yes
i) Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.	The design includes appropriate elements for a corner site in an industrial area. The landscaping assists with softening the built form.	Yes
j) Except in the case of an outdoor cafe, the design of the development shall not provide for outdoor display and/or storage.	The proposed development includes an outdoor area which will be used as a nursery, which is a permissible use in the zone, this is not considered to be a storage area and is acceptable.	Yes
k) Commercial development shall be designed to address both primary and secondary street setbacks.	The development is designed to address both Blaxland Road and Farrow Road street frontages.	Yes
l) Infill development shall respect and maintain consistency with the established setbacks of existing shopfronts.	The proposed development is located on a vacant site which does not directly adjoin other buildings	N/A
5.2.1 Commercial	Not applicable.	N/A

<p>Development Floor Area</p> <p>a) The maximum gross floor area of any single retail premises within any business shall not exceed 500 square metres unless the proposal has been supported by an economic impact assessment, prepared by a suitably qualified person. In this regard, the economic impact assessment shall demonstrate that the economic impacts of the proposed development on the retail hierarchy of affected business areas in the Campbelltown Local Government Area are acceptable, and shall include an assessment of:</p> <p>i) the trade area of the proposed development;</p> <p>ii) market demand within the trade area to justify the proposal; and</p> <p>iii) economic impacts on comparative retail outlets in the trade area.</p>		
<p>b) Despite Clause 5.2.1 a), bulky goods retailing development shall:</p> <p>i) have a minimum gross floor area of 200 square metres; and</p> <p>ii) be permitted to have a gross floor area greater than 500 square metres.</p>	<p>The overall bulky goods development has a total floor area of 17805m².</p>	<p>Yes</p>
<p>5.2.2 Building Setbacks</p> <p>a) Commercial development shall be setback by:</p> <p>ii) 15 metres to:</p> <p>– the south eastern side of Blaxland Road between Rose Street and Lot 5 DP 38258, and</p> <p>iii) 10 metres from any other public road excluding any required road widening.</p>	<p>The proposed development includes a setback to Blaxland Road of 5.5m – 24m. This variation is addressed under the SEPP 1 discussion earlier in the report and is deemed suitable.</p> <p>The proposal includes a minimum setback of 10m to Farrow Road.</p>	<p>Yes</p>
<p>5.2.3 Fences</p> <p>a) Commercial fencing shall be a maximum 2.4 metres in</p>	<p>No fencing proposed.</p>	<p>N/A</p>

height.		
b) The use of sheet metal fencing is not permitted.	No fencing proposed.	N/A
c) Fencing on corner allotments shall not obstruct the sight distance of traffic entering or within an intersection or roundabout.	No fencing proposed.	N/A
d) Fencing shall not obstruct power, water, sewer, gas or telephone services, drainage systems, (including overland flow paths) or any easements or rights of way.	No fencing proposed.	N/A
e) Details for fencing shall be submitted with the development application.	No fencing proposed.	N/A
5.3 Car Parking & Access		
5.3.1 General Requirements a) Off street parking and loading shall be designed in accordance with Australian Standard AS 2890.1 and 2 (as amended), except as otherwise provided by this Plan.	Car parking will be designed in accordance with AS2890 and will be conditioned accordingly.	Yes, conditioned
b) The minimum car parking rates shall be provided in accordance with Table 5.3.1. If in the opinion of Council, additional car parking spaces are required due to the constraints of the site and or the nature of the use, additional car parking spaces shall be provided as part of the development.	<p>The proposed development is considered to be a combination of bulky good facility, hardware and building supplies and plant nursery.</p> <p>The warehouse area totals 9843m² and is considered to be a bulky good premise which requires 1 space/60m². 164 parking spaces are required.</p> <p>The office/ mezzanine area which is 250m² requires 1 space/35m². 8 spaces are required.</p> <p>The café area is 58m² and requires 1.5 spaces/m². 9 spaces are required.</p> <p>Hardware and Building Supplies applies to the trade area at 4750m² requires 15 spaces plus 0.5/100m². 39 parking spaces are required.</p> <p>Plant Nursery including the bagged goods area totals 3212m², which requires 15 spaces plus 0.5/100m². 31 parking spaces are required.</p> <p>In total 251 car parking spaces are required</p>	Yes

	<p>for the proposed development.</p> <p>The proposal provides for 427 car parking spaces, 8 motorbike spaces and 16 bike parking spaces.</p>	
c) All car parking spaces that are required under clause 5.3.1 b) shall not be locked off, obstructed, reserved or separately allocated to any individual use at any time.	All car spaces will be available for use during trading hours.	Yes
<p>d) Commercial development shall be designed to accommodate all related vehicle movements on site such that:</p> <p>i) all vehicles shall enter and exit the site in a forward direction;</p> <p>ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane;</p> <p>iii) cause minimal interference to the flow of traffic within the surrounding road network; and</p> <p>iv) safe and convenient access is provided for pedestrians.</p>	All vehicles will enter and leave the site in a forward direction. There are minor discrepancies with respect to swept paths, however any changes required to comply can easily be accommodated given the significant surplus of car parking on site and the ability to make amendments whilst still complying with car parking requirements.	Yes
<p>e) A Traffic Impact Assessment Report shall be prepared by a suitably qualified person and submitted as part of a development application addressing the following criteria if the development exceeds the relevant thresholds within SEPP (Infrastructure) 2007:</p> <p>i) the existing traffic environment;</p> <p>ii) anticipated traffic generation from the proposed development;</p> <p>iii) the potential cumulative impact in the locality;</p> <p>iv) the need for traffic improvements in the locality;</p> <p>v) traffic egress/ingress to</p>	The application was supported by a Traffic and Parking Implications Assessment prepared by Transport and Traffic Planning Associates. The report was reviewed by Council's Engineer and referred to the RMS for comment. Appropriate conditions have been recommended for changes.	Yes

arterial/sub arterial roads; and vi) sight distance and other safety issues.		
f) Each site shall have a: i) maximum of one ingress and one egress for heavy vehicles (combined or separated); and ii) each site may have an additional ingress/egress for cars (and other light vehicles).	The proposed development has a minimum of one ingress and egress for vehicles.	Yes
g) No car parking spaces shall be designed in a stacked configuration.	No stacked car parking is proposed.	Yes
h) No required car parking spaces shall be created as a separate strata or Torrens title allotment.	No subdivision is proposed.	Yes
i) Above ground multi- level car parking structures shall be designed so as to integrate with the surrounding built form , incorporate design methods and architectural form that compliments and adds value to the character of the local area.	The car parking facilities are located predominantly below ground level. However, where the car park is visible at ground level screening shall be provided.	Yes
5.3.2 Loading and Unloading a) Where practicable, loading bays shall be separated from parking and pedestrian access.	Loading bays are separately located. The site has a separate entrance and exit for all vehicles. Traffic movement is appropriately designed to separate trucks and vehicles.	Yes
b) All loading and unloading to take place wholly within the designated loading area.	All loading and unloading will take place within the site.	Yes
c) No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles or on roadways.	All loading and unloading will take place within the designated area.	Yes
d) Parking and loading bays shall be provided and clearly identified on site.	All parking and loading bay are clearly detailed on the plans	Yes
e) Required manoeuvring areas for heavy vehicles shall not conflict with car parking.	Separate areas provided to avoid conflict.	Yes
f) Each new commercial building/unit having a gross floor area: iii) more than 1500 square metres shall provide a	Loading area provided.	Yes

loading area to allow for a heavy rigid vehicle to manoeuvre on site.		
g) Loading docks and service areas shall not be visible from any public place and shall be suitably screened from adjacent properties. Screening may be achieved by locating such areas behind the buildings, by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.	The loading dock is screened by the building and landscaping.	Yes
6.3.3 Access for People with Disabilities a) Commercial development shall comply with the minimum access requirements contained within the BCA, the Disability (Access to Premises — Buildings) Standards 2010 and Australian Standard 1428 – Design for Access and Mobility (as amended).	An access report prepared by Lindsay Perry Access was submitted with the application to demonstrate the proposal is capable of achieving compliance with the Building Code of Australia and the Disability Discrimination Act 1992. Relevant conditions of consent shall be imposed with regard to access. Provisions are made in the floor plan for a lift.	Yes
b) Notwithstanding Clause 5.3.3 a) the required percentage of car parking spaces for people with disabilities within retail/commercial development shall be: i) one car space per development; plus ii) one for every 20 car parking spaces; iii) and shall be designed in accordance with AS No 2890.6 (as amended).	The proposed development requires a minimum of 23 accessible car parking spaces. The proposed development provides nine accessible car parking spaces. The applicant has requested a variation and provides the following justification: <i>"It is considered that the proposed ratio of disabled spaces is adequate, and that nominated shortfall is more than compensated for by the surplus in the overall number of car parking spaces provided on site."</i> A condition is recommended which alters the plans to provide the minimum number of accessible spaces and there will still be ample excess car parking available.	No – condition imposed for compliance.
5.4 Public Domain		
a) A public domain plan incorporating street furniture, paving, landscaping and public art shall be submitted	Appropriate footpath connections are provided to the existing intersection and in the opposite direction to the station, however there is no public domain area suitable for	Yes

as part of any development application for a new development having a gross floor area greater than 5,000sqm.	furniture, public art or the like. This is more appropriate to commercial zones.	
b) Any development application for a new development having a gross floor area greater than 5000sqm shall provide public art of a type and location that is acceptable to Council.	Appropriate footpath connections are provided to the existing intersection, however there is no public domain area suitable for furniture, public art or the like. This is more appropriate to commercial zones.	Yes
c) Any commercial outdoor areas fronting the street and used by the general public shall be designed to compliment the surrounding public domain and spaces.	Not applicable	N/A
d) Awnings shall: i) be 2.5 metres wide; ii) be setback from the kerb by a minimum of 1 metre; and iii) provide a minimum of 3 metres clearance to the underside of the fascia.	All awnings attached to the building are setback beyond the DCP requirements.	Yes
5.5 Landscaping		
a) A detailed landscape plan and report shall be prepared by a suitably qualified person and submitted with all development applications for commercial development involving the construction of a new development.	The applicant has submitted a landscape plan prepared by a landscape architect, the plan includes substantial landscaping to all frontages with a variety of trees, shrubs and ground covers.	Yes
b) Landscaping shall be provided between the primary street boundary and the building in accordance with Section 2.5 Landscaping of this Plan.	The landscape plan submitted seeks to enhance the landscape character of the site and assists in softening built form, with particular attention paid to the Blaxland Road frontage and the Blaxland Road/Farrow Road Intersection. The landscaping species are proposed in accordance with Council's Native Gardening Guide.	Yes
c) All landscaped bays shall be a minimum 2 metres wide and allow for deep soil planting.	Landscaping areas exceed 2m.	Yes
d) Landscaped areas shall be separated from driveways and car parking areas by a	Car parking is provided in the undercroft. The application indicates that all on-grade driveways are separated from landscaped	Yes

suitable device such as bollards or concrete wheelstops to ensure that the landscaping is not damaged as a result of vehicular movement.	areas by a kerb.	
e) Landscaped area at ground floor level shall be incorporated within the car park at all the outer edges of car parking bays as illustrated in Figure 5.5.1.	Car parking is provided in the undercroft. The application indicates that all on-grade driveways are separated from landscaped areas by a kerb.	Yes
f) High canopy trees shall be used to allow for clear lines of sight within car parking areas and to internal site access pathways.	Canopy trees have been incorporated into the landscape design.	Yes
5.6 Residential Interface		
a) Buildings adjoining residential zones and/or open space shall be setback a minimum of 3 metres from that property boundary.	The site does not directly adjoin residential properties. The rear yards of some dwellings are located on the opposite side of Blaxland Road, which is considerable distance from the proposed building.	Yes
b) Loading areas, driveways, waste storage areas and roof top equipment shall not be located adjacent to residential development.	Entry is from the eastern side, away from existing residences.	Yes
c) Any commercial buildings that are designed to accommodate the preparation of food from a commercial tenancy, shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential premises.	The application indicates that the café will only sell pre-packaged food and that there is no food preparation undertaken within the café.	Yes
d) External lighting shall be positioned to avoid light spillage to adjoining residential development.	The proposed development will be appropriately conditioned to ensure outdoor lighting does not affected surrounding residential properties. Notwithstanding, a condition of consent is recommended to address light spill on adjoining residential properties and limit the hours of illumination of signage.	Yes
e) An acoustic report may be required to be prepared as part of a development application where the proposed	Not applicable.	N/A

development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.		
5.8 Commercial Waste Management		
e) An acoustic report may be required to be prepared as part of a development application where the proposed development is adjacent to residential or other sensitive uses, such as places of worship and child care centres.	Not applicable.	N/A
b) Any commercial premises that generates more than 20% of total weekly waste generated or 50 litres by weight or volume (whichever is the lesser) of meat/seafood product shall be collected daily or refrigerated awaiting collection.	Not applicable.	N/A
c) All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.	Noted. Bunnings have arrangements in place state wide which will be utilised for this site.	Yes
5.9 Parenting Facilities		
5.9.1 Development Applications to which this Section Applies a) Parenting facilities shall be incorporated in all new buildings and alterations/ refurbishment of existing buildings for regional and district shopping centres, major sporting facilities, swimming centres, community facilities, libraries, hospitals, theatres, cinemas, department stores, and any other building where in Council's opinion such facilities should be provided.	Not applicable	N/A
5.9.2 General Requirements a) Each parenting facility shall be designed to: i) provide a quiet place for parents to feed children in	Not applicable	N/A

privacy; ii) be a unisex use facility; iii) provide an allocated area to change nappies; iv) provide hand washing (warm and cold) and drying facilities; v) provide a toddler toilet; vi) be separated from male, female and disabled toilets; and vii) be well ventilated in accordance with Australian Standard 1668 Part 2- Acceptable Indoor Air Qualities (as amended).		
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Part 16 – Advertising and Signage

The application has been assessed having regard to Council's Sustainable City Development Control Plan (Part 16 Advertising and Signage). The aim of the policy is to clearly set out Council's requirements for signage development.

It is considered that the proposed development is consistent with the objectives of Part 16 of the SCDCP. The development application was further assessed under relevant controls outlined in Part 16 of SCDCP 2015 with regard to numerical requirements for advertising and signage.

Refer to earlier assessment against the requirements of State Environmental Planning Policy No. 64 – Advertising and Signage, which prevail in the instance of an inconsistency.

Provision	Comment	Compliance
16.4 General Requirements		
16.4.1 Restrictions a) The following types of advertising and signage shall not be permissible within the Campbelltown LGA: i) Above awning signs; ii) Banner or flag signs in zones other than business and industrial zones including bunting; iii) Inflatable signs; iv) Portable or movable signs; v) Moving signs; vi) 'A frame' signs on public land; vii) Roof or sky signs; viii) Posters on poles or other structures in public places;	The signage proposed is permitted.	Yes

ix) Flashing signs; x) Dynamic Electronic Displays that are visible to drivers; and xi) Billboard Sign.		
16.4.2 Design and location a) Signage attached to buildings shall be designed, located, scaled and sized having regard to the architectural style, features scale and design of the facades of the building.	The proposed signage is suitable for the industrial / bulky goods nature of the development and has been incorporated into the overall design of the building.	Yes
b) Signage shall not dominate landscaped and public domain areas.	The signage is primarily on the building and a free-standing pylon sign, which does not dominate the landscaped area, subject to a recommended reduction in height of the pylon sign. The sign will clearly identify the site from the public domain and is appropriate for its location.	Yes
c) Free standing signage shall be designed to have regard to the size, height and scale of nearby buildings and their architectural elements.	The pylon sign is appropriate having regard to the height and bulk and scale of the proposed building.	Yes
d) Signage shall not protrude above any parapet or eaves.	Not applicable	N/A
e) All signage shall be designed to minimise opportunities for graffiti artists.	The design of the signage, building and landscaping discourages opportunity for graffiti or vandalism.	Yes
f) Signs shall be constructed of a material that is of high quality and durable.	The application indicates that the signs will be of high quality.	Yes
g) Signage shall not contain reflective materials, colours and finishes.	The application indicates that the signs will not contain reflective materials, colours and finishes.	Yes
h) Signage shall not cause any nuisance to nearby occupants as a result of glare or light spillage.	The proposed signage is not expected to cause nuisance as a result of glare or light spill. The signage will be appropriately conditioned to limit the hours of illumination of signage.	Yes
16.4.3 Public Safety a) Signs and their supporting structures shall be structurally	The application indicates that the signs will be of high quality and structurally sound.	Yes

sound and constructed in manner to maintain pedestrian and traffic safety.		
<p>b) Signs shall be designed and erected so to:</p> <p>i) not to compromise driver and pedestrian safety;</p> <p>ii) avoid confusion with road traffic signs and signals;</p> <p>iii) not obscure a road hazard, oncoming vehicles, pedestrians; and</p> <p>iv) avoid advertising messages, designs or bright lighting that may distract motorists.</p>	The proposed signage and conditioned pylon sign are not expected to compromise safety or cause confusion. The signage will be appropriately conditioned to limit the hours of illumination of signage.	Yes
<p>16.4.5. Maintenance of signs</p> <p>a) All signs shall be maintained to a high standard, including any advertising surface, structure and finish.</p>	It is reasonable to expect that the signage will be maintained by a large company such as Bunnings.	Yes
<p>16.4.6. Illumination</p> <p>a) Illuminated signs shall:</p> <p>i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign; and</p> <p>ii) not be animated, flashing or moving.</p>	The signage will be appropriately conditioned to limit the hours of illumination of signage and with respect to concealment of cables and not to contain animated, flashing or moving components.	Yes
16.6 Signs within Business, Industrial and Special Purpose Zones		
<p>16.6.1 Number of signs per premises</p> <p>a) Notwithstanding any other requirement of this part, the total number of signs installed on any building elevation facing a public space shall not exceed 6.</p>	Each frontage has less than the permitted number of signs.	Yes
<p>16.6.3.1 Wall Signs</p> <p>a) Only one wall sign per building elevation shall</p>	The application indicates two (2) signs on both Blaxland Road and western (Farrow Road) elevations and requests a variation for the	No – Variation supported.

<p>be permitted.</p>	<p>following reasons:</p> <p><i>“The objective of this particular control is to reduce clutter and provide for the orderly display of signs in a manner that is complimentary to the streetscape.</i></p> <p><i>The Bunnings signage is representative of the Bunnings corporate image and is not considered to be excessive given the size and scale of the building. Both of the signs on each elevation serve a distinct purpose and do not in our opinion conflict with the objectives of this particular section of the DCP.”</i></p> <p>Given the overall size of the development and that it is one single tenant, it is acceptable for two signs to be provided on an elevation rather than one.</p>	
<p>b) A wall sign shall:</p> <ul style="list-style-type: none"> i) not result in more than 4 business identification signs of this type for the building (which may refer to more than 1 business within the building); ii) be attached to the building in which the business identified in the sign is located; iv) where located on land zoned for industrial zone or zone B5 under the CELP, not be more than 18sqm in area or 20% of the building elevation, whichever is the lesser; v) not project beyond the parapet or eaves of the building to which it is attached; and vi) not cover any window, door or architectural feature vii) Council may consider varying the size of a wall sign within commercial and industrial areas, where a wall sign area has been incorporated as part of the 	<p>Only one business.</p>	<p>Yes</p>

<p>architectural design of the building and where Council is of the opinion that the proposed wall sign is of appropriate scale in relation to the building, streetscape and the surrounding environment.</p>		
<p>16.6.3.7 Freestanding pylon and directory board signs</p> <p>a) Freestanding pylon and directory board signs shall:</p> <p>i) not result in more than one such freestanding sign for each street frontage of the lot on which the development is located;</p> <p>ii) not exceed a height of 8 metres, above natural ground level to the highest point of the sign/structure;</p> <p>iii) not have an area for the sign of more than 8sqm where the lot is occupied by one commercial tenant;</p> <p>iv) where the building is occupied by more than one tenant, the minimum area of 8sqm shall be increased by 1 additional square meter per additional occupancy to a maximum of 18sqm;</p> <p>v) be only permitted where the building has a minimum 10 metre building setback from the primary road frontage.</p>	<p>The proposed pylon sign is 12m in height and a variation has been sought by the applicant.</p> <p>It is noted that as the site has a number of frontages, more than one pylon sign could be proposed.</p> <p>Given the unique shaped site and the large amount of landscaping, it is considered that one larger pylon sign would be preferable to two 8m high signs.</p> <p>Below is an image of the sign provided by the applicant:</p>  <p>The applicant has requested a variation as follows:</p> <p><i>"Section 16.6.3.7 limits the height of pylon sign to 8m above natural ground level with an advertising area of 8m². The pylon sign proposed has an overall height of 12metres and an advertising area of 28.8m².</i></p> <p><i>The pylon sign is proposed is not considered to be excessive in height despite the variation. It is of a scale that is complimentary to the building and does not represent a dominant feature on the streetscape. As with the wall signs the pylon sign does not conflict with the objectives of this particular section of the DCP.</i></p>	<p>No – Variation not supported. Condition recommended.</p>

	<p><i>It is considered that despite the nominated variations, the proposal is consistent with relevant objectives of DCP 2015, namely:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>the massing and scale of new development is complimentary to the desired future character; and that the building design fits harmoniously within the surroundings and public domain;</i> <input type="checkbox"/> <i>Sufficient off-street car parking for both general users and persons with a disability, is provided to meet traffic demand generated by the development;</i> <input type="checkbox"/> <i>the proposed signage represents a co-ordinated approach which is appropriate in its size and scale relative to the building and allows for appropriate identification in a manner that is complimentary to the design of the building and surrounding streetscape."</i> <p>It is agreed that given the location and the site size and context, that an appropriate pylon sign will not be dominant in its location on a main road, in a landscape setting. However, the sign must not be at the expense of landscaping, car parking or building design and will not impede on traffic or cause a distraction or hazard. The proposed pylon sign will clearly identify the development and is appropriately located at the entry to Farrow Road.</p> <p>In considering the height of the sign, the surrounding approved signs were reviewed, as well as the scale of the building. Concern is raised regarding the height of the sign. The length of the building to Blaxland Road, combined with the strong corporate colours and wall signage, will ensure that Bunnings is highly visible.</p> <p>It is considered that there is not sufficient merit in allowing a pylon sign with an overall height of 12m, which will stand above the height of the building, and is 4m above the height limit for pylon signs. It is noted that there is a sign on the Aldi building on the opposite side of Blaxland Road, however the advertising area is considerably smaller than proposed. It is also noted that there are pylon signs further along Blaxland Road, with none appearing to be 12m in height.</p> <p>It is concluded that whilst the larger advertising</p>	
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	area is supported, the overall additional height is not warranted, and the pylon sign should be reduced to a maximum of 8m. A condition is recommended in this regard.	
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5. Section 4.15(1)(a)(iia) Any Planning Agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F

No planning agreement is proposed with regard to the subject application.

6. Section 4.15(1)(b) The likely impacts of development

The likely impact of the development has been considered extensively in the assessment of the proposed development against the relevant controls. The proposal is suitable having regard to its context, impact upon the natural and built environment and surrounding land uses. The proposal is likely to have a positive social and economic impact and is suitably located in proximity to a main road and other retail and industrial uses, as well as the train station and CBD to the east.

The site has been reviewed in terms of contamination and deemed suitable for the proposed use.

An extensive review with respect to stormwater and drainage, as well as traffic and vehicular access has been undertaken by Council's Engineers and City Delivery Section. The information that has been received from the applicant is sufficient to be satisfied that the proposed development is suitable, however further details have been requested by way of conditions of consent to ensure that the specifics of the development, incorporating required amendments, is satisfactory.

The turning swept paths submitted by the applicant are not to the satisfaction of Council's Engineers and the required number of accessible spaces has not been provided, however, as there is a substantial number of additional car parking spaces on site, these amendments can be made with loss of car parking spaces able to be accommodated if necessary. The further traffic review will also allow for any required changes to the vehicular entries in light of the RMS comments.

A Soil and Water Management Plan, which also addresses flooding, and detailed drainage plan is required to be submitted to the satisfaction of the certifying authority prior to the release of the construction certificate, to ensure consistency with local and state government legislation, standards, codes, guidelines and best practice.

None of these engineering issues warrant refusal of the application and can easily be addressed by way of submission of amended plans to Council's Engineering Specialist, for approval prior to issue of a Construction Certificate.

Campbelltown City Council Section 94A Development Contributions Plan

Section 94A contributions apply to the development and appropriate conditions of consent have been recommended.

7. Section 4.15(1)(c) The Suitability of the Site for the Development

The subject site is suitably zoned for the proposed bulky goods development. The design and siting of the buildings is considered responsive to the site attributes and the development is responsive to the desired character of area in accordance with the zone objectives.

8. Section 4.15(1)(d) Any Submissions Made in Accordance with This Act or the Regulations

Part 9 of Campbelltown (Sustainable City) Development Control Plan 2015 outlines Council's public participation policy in regard to Council Strategic Planning Documents (CSPDs) and Development Applications (DAs).

The policy requires applications proposing specified land uses and construction on land adjoining allotments where residential development is permissible to be publicly notified. The subject application proposes construction of a commercial building for use as a hardware and building supplies outlet with associated signage, earthworks and landscaping and as such was required to undergo the notification process.

The application was publicly exhibited and notified to the surrounding property owners by way of a letter and accompanying plans. The application was placed on extended exhibition over the Christmas period between 26 November 2018 and 6 February 2019 to provide the opportunity for comments regarding the proposal. Additionally, a sign bearing a set of notification plans was required to be displayed on site for the duration of the assessment.

One submission was received in regard to the proposed development. The issues raised in the submission are addressed below:

Issue: Whilst support in principle the proposed development, concern is raised regarding the potential adverse impacts of the proposed development during construction and operation, in particular on the availability of the ALDI car parking spaces for customers of the ALDI Store particularly during the earthworks and construction phase of the project. Confirms that under no circumstances shall the ALDI Store site be used for parking by construction workers, staff and customers associated with the Bunnings Warehouse development.

Response: Appropriate conditions of consent are recommended regarding parking during construction to occur onsite, unless otherwise agreed with adjoining owners. This is to be reflected in the Construction Traffic Management Plan. It is not envisaged that customers will park in Aldi with the sole intention of visiting Bunnings once operational. It may be that there is limited dual use, however given the large number of onsite car parking spaces for Bunnings customers, parking on site once operational is expected. Further, whilst a footpath connection is available at the main intersection across Blaxland Road and also across Farrow Road and onto the existing cycleway, it is likely that most customers will arrive by private vehicle.

Issue: There is insufficient information contained in the Traffic and Parking Report prepared by Transport and Traffic Planning Associates Pty Ltd (using traffic data from September 2017) to enable Council to assess traffic and car parking impacts of the proposed development during earthworks, construction and operation relating to:

- Expected number of workers' vehicles and proposed temporary on-site car parking spaces that will be provided during earthworks and construction works of the development number and frequency of deliveries and the size of trucks expected during operation each day.

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- Bunnings service vehicles (including waste and deliveries) during operation of the proposed Bunnings Warehouse on the Blaxland Road and Farrow Road intersection (Level of Service and queuing times).

Response: The RMS and Council's Engineers are satisfied that the proposed development is worthy of support and have included conditions of consent for further information with regard to the above, prior to the issue of the construction certificate.

Issue: The DA does not state the expected number, frequency and size of trucks that will travel to and from the site to transport the expected 40,000m³ of excavated rock and soil during earthworks. No details of the haulage routes or waste generated during the earthworks and construction management. Requests a condition that a detailed Construction Management Plan and Waste Management Plan are submitted prior to issuing of a Construction Certificate.

Response: Appropriate conditions of consent are recommended regarding a Construction Traffic Management Plan and a Waste Management Plan.

Issue: Proposed earthworks and construction could result in vibration and noise impacts during earthworks, dust into the surrounding area, including ALDI Store and residential properties. Noise Impact Assessment report should be prepared to assess the impact of noise and vibration during earthworks and construction and re-notified. Request condition that requires dust control management measures, including regular monitoring and cleaning of affected surrounding properties, as part of the submission of a detailed Construction Management Plan prior to a Construction Certificate being issued.

Response: It is reasonable to expect that there will be a certain amount of noise and dust from construction and appropriate conditions are recommended to ensure that erosion and sedimentation controls are in place, as well as dust suppression measures and limits of hours of construction. The subject site is separated from Aldi and the residential dwellings by Blaxland Road and a width of between 25-40m. This distance and the existing road noise will assist in minimising impacts.

9. Section 4.15(1)(e) The Public Interest

Having regard to the issues discussed in the assessment report and those identified in the submission, it is considered that the proposed development is in keeping with the public interest.

Referrals

Environmental Health Officer

The proposed development was referred to Council's Environmental Health Officer, who reviewed the proposed development and imposed conditions of consent.

Development Engineers

The proposed development was referred to Council's Development Engineer, who reviewed the proposed development and imposed conditions of consent.

City Delivery – Flood and Traffic

The proposed development was referred to Council's City Delivery Department – Flood and Traffic, who reviewed the proposed development and imposed conditions of consent.

Environment

No concerns as the site has been cleared of vegetation by Council in preparation for culvert works to be undertaken on the site.

Property

The proposed development was referred to Council's Property Section, who reviewed the proposed development and raised no objection.

City Growth and Economy

No comments received.

Roads and Maritime Service (RMS)

The application was referred to RMS, the comments are detailed elsewhere in this report.

Natural Resources Access Regulator (previously Office of Water)

The application was referred to Natural Resources Access Regulator, the comments are detailed elsewhere in this report.

10. Conclusion

The development application 3511/2018/DA-C proposes construction of a Bulky Goods Development comprising a Bunnings Warehouse at Lots 241 & 242 DP 1222763, corner of Farrow and Blaxland Roads, Campbelltown. The proposal has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the overall social and economic impacts of the proposed development would be positive, and that potential impacts on the natural and built environments have and will be mitigated through design measures and conditions of consent.

The application was publicly exhibited and notified to surrounding residents, and one submission was received. The issue primarily related to construction traffic and parking, noise and dust and has been suitably addressed by recommended conditions of consent.

The site's location, zoning and existing land use make it suitable for the proposed development, and the proposal is considered to be in the broad interests of the general public.

The proposal is largely compliant with the relevant development standards and controls, except for some minor variations to the controls, which are addressed within this report and found to be acceptable on merit or have been addressed by way of imposition of a condition of consent.

The variation to the front building setback to Blaxland Road is supported by a SEPP 1 variation lodged by the applicant. The SEPP 1 request is considered to be well founded.

Therefore, the proposal is recommended for approval.

11. Officer's Recommendation

That development application 3511/2018/DA-C proposing the construction of Bulky Goods Development comprising a Bunnings Warehouse at Lots 241 & 242 DP 1222763, corner of Farrow and Blaxland Roads, Campbelltown be approved subject to the conditions outlined in Attachment 1.

12. Attachments

Attachment 1 – 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 and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan/ Document No.	Version/ Revision	Prepared by	Date
001 Cover Sheet	Rev A	John R Brogan & Associates	11 September 2018
010 Site Outline Plan	Rev A	John R Brogan & Associates	11 September 2018
025 Site & Context Plan	Rev A	John R Brogan & Associates	11 September 2018
030 Site & Roof Plan	Rev B	John R Brogan & Associates	11 March 2019
040 Areas Diagrams	Rev A	John R Brogan & Associates	11 March 2019
100 Undercroft Parking Level Plan	Rev B	John R Brogan & Associates	11 March 2019
101 Warehouse / Mezzanine Level Plan	Rev B	John R Brogan & Associates	11 March 2019
120 Sections	Rev A	John R Brogan & Associates	11 September 2018
130 Elevations	Rev A	John R Brogan & Associates	11 September 2018
200 Shadow Diagrams	Rev A	John R Brogan & Associates	11 September 2018
2415 LP-01 Landscape Plan	Rev B	John Lock & Associates	7 September 2018
2415 LP-02 Landscape Elevations	Rev B	John Lock & Associates	7 September 2018
2415 LP-03 Landscape Detail	Rev B	John Lock & Associates	7 September 2018
Statement of Environmental Effects		PGH Environmental Planning	17 September 2018
Traffic and Parking Implications Assessment	Issue B	Transport and Traffic Planning Associates	September 2018
Stormwater Management	Rev A	C&M Consulting Engineers	September 2018

Plan			
Phase 2 Environmental Site Assessment		Geotechnique Pty Ltd Report	4 August 2014
Geotechnical Investigation (Due Diligence)	30893Vrpt Campbelltown	J+K-	12 October 2017
Energy Efficiency Report		Floth Sustainable Building Consultants	7 September 2018
Design Compatibility Statement NCC 2016 Volume 1	Issue 3	Trevor.R.Howse	17 September 2018
Disability Access Report	Rev 2	Lindsay Perry Access	11 September 2018
Waste Management		Sita Environmental Solutions	
General arrangement plan	Rev 1	C & M Consulting Engineers	18 September 2019
General arrangement plan – Warehouse Level	Rev 1	C & M Consulting Engineers	18 September 2019
Bulk earthworks cut/fill plan	Rev 1	C & M Consulting Engineers	18 September 2019
Colour Chart			

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:

- Revised vehicular access and updated parking layout with required number of accessible spaces being 23 spaces.
- Updated Pylon Advertising Signage details to limit the height to 8m above natural ground level.

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.

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. 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.

7. Operating Hours

The proposed hours of operation comprise:

- 6am – 10pm, Monday to Friday; and
- 6am – 7pm, Saturday, Sunday and Public Holidays.

8. Deliveries

Service vehicles accessing the site for the ongoing operation of the development 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.
- d. Deliveries are to be limited to the hours of operation only and;
- e. Delivery times for supplies and materials shall not be within the peak periods identified in the amended traffic report required in condition 44 (Traffic Report).
- f. A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

9. Signage

The proposed Pylon Sign is to be reduced in height to a maximum 8m from natural ground level. The width and advertising area of the pylon sign are not to be increased from that originally proposed.

10. Signage Illumination

The proposed Pylon Sign is to cease illumination at the conclusion of the hours of operation and only be illuminated during hours of operation.

11. Advertising Sign

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

12. Approved External Storage 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.

13. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

14. Storage of Dangerous Goods

Prior to the storage of any 'dangerous goods' on the premises, a licence from the Chemical Safety Branch of *Work Cover* shall be obtained and submitted to Council.

15. 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.

16. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement

any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

17. Vehicle Parking Spaces

Vehicle parking spaces shall be designed, sealed, line marked, and made identifiable for all users/vehicle types of the site, including car and trailer combination, in compliance with Council's DCP and the Engineering Design for Development guides, and relevant parts of Australian Standard 2890 (as amended).

The minimum number of accessible spaces as per Council's DCP is required to be provided and are to be shown on the amended plans prior to the issue of a Construction Certificate for any building works.

18. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends within the zone of influence of adjoining public infrastructure on adjoining land or public roads, the person having the benefit of the development consent must at the person's own expense:

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

Any works that affect public infrastructure shall obtain written clearance from Council's City Delivery Department prior to any works.

19. 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.

20. CCTV footage verifying integrity of all new pipes and existing pipes

Prior to Council or an accredited certifier issuing an Occupation Certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works. The footage shall comply with the following requirements:

- the files shall be in MP4 format
- file resolution shall be 640 by 480 pixels, 3Mbps and 25 frames per second
- each pipe reach (i.e. between two pits) shall be provided as a separate file
- the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage

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- the speed and panning of the footage shall be sufficient to demonstrate that there are no significant cracks in the pipe and that the joints have been properly constructed
 - the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and
 - a summary report (*.pdf) shall accompany the data.

21. Reuse of excavated rock on site

Where possible, the excavated rock from the works shall be reused on site.

22. 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.

23. Rubbish/Recycling Bin Storage

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

The bin(s) shall only be stored in accordance with the approved plans.

24. 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 and Engineering Design for Development guide (as amended)*.

25. Culvert

The culvert works Bow Bowling Creek previously authorised by Council under the State Environmental Planning Policy (Infrastructure) 2007 are to be undertaken prior to, or in conjunction with, the proposed works. The applicant is to liaise with Council regarding timing of construction to ensure this occurs.

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. 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.

28. Geotechnical Report

A comprehensive geo-technical engineering report and testing shall be prepared and undertaken by a professional geotechnical engineer and NATA registered laboratory, to the satisfaction of the certifying authority prior to release of the Construction Certificate.

The report must include but not be limited to the following:

- a. An overall assessment of all architectural and engineering plans for the proposed development and suitability in relation to the site's geotechnical characteristics, and compliance with requirements outlined in the BCA, Campbelltown City Council's (Sustainable City) Development Control Plan, and Engineering Design for Development guide.
- b. Identify land that will be subject to subsidence, slip, slope failure or erosion, where; excavation and/or filling exceeds 900mm in depth, or is identified as filled land.
- c. Preferred excavation/retention/stabilisation techniques and suitability of excavated materials for use in on-site earthworks.
- d. Construction methods to avoid problem areas associated with loose materials and groundwater seepage.
- e. Requirements for surface and subsurface drainage lines.
- f. Analysis of the level of risk to all existing adjacent structures/buildings, including the scenario of vibratory rollers and other large earthworks machines used anywhere within the site the subject of these works. In the event that the proposed development, its construction, and use of vibratory rollers or other machinery could affect adjacent structures/buildings, high risk areas and method of mitigation must be identified on a plan and discussed in the report. This analysis shall include outlining the potential for possible damage to adjoining premises from excavation on the site, and specifying safe method(s) of underpinning the adjoining premises to prevent such damage.
- g. Recommended treatment of any unstable areas within privately owned allotments surrounding the site the subject of these works.
- h. Impact of the installation of services on overall site stability and specify recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation.
- i. Specification of foundation conditions and footing requirements of the site, such as bearing pressures, pile design parameters, special techniques for expansive clays, saline soil conditions etc, and provide solutions for consideration of structural and civil engineers. Note Campbelltown is known for significant soil salinity issues, and footing design shall assume maximum salinity potential foundation soils, providing recommended design and mitigation strategies.
- j. Extent and stability of any existing and proposed embankments.
- k. All required Geotechnical testing requirements.

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- l. Level of geotechnical supervision required for each part of the works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments.

29. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) must be prepared by a qualified and experienced professional engineer and submitted to the satisfaction of the certifying authority prior to construction certificate approval.

The SWMP must be prepared in accordance with the methodologies and requirements of Landcom's Managing Urban Stormwater - Soils and Construction (2004) (aka The Blue Book), be in accordance with all geotechnical engineering requirements for the development, and also comply with the following;

- a. Clearly identify site features, constraints, existing and proposed slope grades, soil types, and nature of the proposed land disturbing activities,
- b. Specify the type and location of erosion and sediment control measures, and detail them on the plans in accordance with standard drawings and plan examples from the Blue Book.
- c. Recommend rehabilitation, and revegetation techniques,
- d. Specify measures to control dust generated from the site.
- e. Provide civil works and structural engineering details of all erosion and sediment controls.
- f. fence temporary sediment ponds/traps where the batter slope exceeds 1 vertical to 5 horizontal,
- g. Secure the site against unauthorised access, provide stabilised and drained site entry and exit point, circulation road to all site construction offices, temporary onsite staff car park areas, and any machinery storage/maintenance areas.
- h. Stage the development to minimise the area of soils exposed at any one time,
- i. Conserve topsoil for reuse on site, and identify on the plan the location of proposed soil and materials stockpile locations,
- j. Preserve existing native and riparian vegetation in accordance with any vegetation report recommendations,
- k. Control surface water flows safely through the construction site, from all storm events up to and including the 1% AEP event, in a manner that:
 - i. diverts clean run-off around disturbed areas.
 - ii. minimises slope gradient and flow distance within disturbed areas.
 - iii. is non-erodible.
 - iv. allows prompt rehabilitation of the site.
- l. Trap eroded sediment on site as close as practicable to the source, with scour protection designed for the 10 year ARI event. (Note: Hay bales are not to be used as sediment control devices. Straw bales are permitted),
- m. Provide details of a regular self-auditing program, monitoring and maintenance of erosion and sediment control measures, weather forecasting (at least the 3-day forecast), staging of rehabilitation and site stabilisation works, up to and including completion of any maintenance period (includes landscaping). A log book shall be kept onsite and be made available at all times for all staff, government authorities, and authorised site visitors to access, for record keeping of these requirements, and provision of standing orders and emergency actions to be observed during normal work hours, after-hours, weekends, and holidays.

30. Dilapidation Report

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all structures (inclusive of all infrastructure) on land and public roads that adjoin the subject works.

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural), inclusive of all structures located on land adjoining the site located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify all services and public infrastructure that are within the likely 'zone of influence'.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority prior to the issuing a construction certificate.

31. Pollution Control

A pollution control plan and report detailing engineering design, construction, operation and maintenance of all required pollution control, water quality treatment, and rain water harvesting/reuse systems, shall be prepared by a qualified and experienced professional engineer(s) to the satisfaction of the certifying authority prior to approval of the Construction Certificate.

The plan and report shall comply with; Council's Development Control Plan and Engineering Design for Development guides, any manufacturers specifications, operating & maintenance guides for third part proprietary infrastructure, and/or current best practice guides or documents.

32. Traffic Committee

Engineering design and construction plans for all development related prescribed traffic control devices and traffic control facilities, and all associated line marking and/or sign posting shall be prepared by a qualified and experienced civil/traffic engineer for approval of Council's Local Traffic Committee prior to issue of a construction certificate.

33. Construction Traffic Management Plan

A comprehensive Construction Traffic Management Plan (CTMP) shall be prepared by an RMS accredited person and be submitted to the certifying authority, and to Council's Engineering Specialist – City Delivery, for approval prior to issue of any Construction Certificate.

The CTMP shall detail, but not be limited to, the following development related activities;

- Day to day management of all development related construction traffic and staff, visitor and public pedestrian movements in and around the site.
- Method of daily log book keeping to record all construction traffic activities and movements, for review and approval by the site superintendent,
- External vehicle movements and routes,
- Traffic Control Plans for each stage of the development, 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. It is anticipated that TCP's will be revised during the construction phase of development, and approval obtained from Council for each revision

- Internal site vehicle movements, routes and haul roads,
- Number of truck/machinery and their related movements,
- Location of truck/machinery maintenance and storage areas,
- Fuel storage and filling operations areas, including bunding arrangements,
- Hours of operation,
- Access arrangements,
- Methods to mitigate impacts of construction traffic on pedestrians and local traffic.
- Removal of soil/rock from the site, and delivery of materials
- Method(s) of briefing/informing all staff, construction workers, sub-contractors, supervisors, visitors, and relevant public adjacent to the site to ensure that the CTMP procedures are adhered to at all times.

34. 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.

35. Detailed Drainage Design

A detailed site drainage design plan is to be prepared by a qualified and experienced professional engineer(s), and approved by the certifying authority prior to the release of the construction certificate. The detailed design shall generally comply with the plans approved under this development consent, and must clearly demonstrate that all areas of the site have been designed to adequately cater for the relevant design storm intensity and stormwaters received from upstream and adjoining catchments, and that all areas are free draining and discharge directly to the closest Council owned drainage facility, in accordance with Council's Development Control Plan and Engineering Design for Development guide, the Building Code of Australia, Australian Standard AS3500, and Australian Rainfall and Runoff, unless otherwise noted on the plans approved under this consent.

Finished surfaces levels above Council's culvert must be consistent with those specified in Geolyse's Stormwater Culvert Extension Civil Engineering Works, Job Number 318062, sheets numbers C007 to C010 dated 7/06/2018.

36. Easements & Engineer's Details

The applicant shall engage a qualified and experienced professional structural engineer to prepare engineering design plans for the walls/supports of any structure that adjoins an easement boundary, to the satisfaction of the certifying authority prior to approval of the construction certificate.

The design shall clearly demonstrate that the walls/supports can withstand all forces should the easement be excavated to existing pipe invert level.

There shall be no structural building columns positioned over Council's storm water culvert or within the easement

37. Design for Access and Mobility

An access and mobility engineering design plan shall be; prepared by a suitably qualified and experienced professional engineer, and submitted to the certifying authority for approval prior to the issue of the construction certificate.

The design plan shall include but not be limited to the following;

- a. Show compliance with recommendations and requirements outlined in relevant sections of;
 - . 'Design Compatibility Statement – NCC 2016 – Volume 1 – Bunnings Warehouse – Campbelltown, by Trevor R Howse, Issue No. 3, 17/09/2018
 - i. 'Disability Access Report – Bunnings Warehouse Campbelltown, by Lindsay Perry Access, Ref LP_18003, Issue No. 2, 11/09/2018.
 - ii. Council's Development Control Plan and Engineering Design for Development guide, the Building Code of Australia, Australian Standards AS 1428, and AS2890.
- b. Show safe accessible paths and shared areas, and general pedestrian paths (delineated and non-delineated) are available from site boundary access points and parking bays to building entries/exits, with minimal, and adequately managed conflicts between pedestrian and vehicle maneuvering paths.
- c. Provide delineation details and specifications for accessible and general pedestrian access paths, eg line marking, signage, and tactile ground surface indicators.
- d. Provide pedestrian access from the intersection at Blaxland Road/Farrow Road, to the building front entry point. This shall be demonstrated on the plans.

38. 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.

39. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, 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.

An approval receipt will be issued if the building plans have been approved. The approval receipt shall be submitted to the Principal Certifying Authority prior to issue of a construction certificate.

The Sydney Water Tap In service can be accessed at www.sydneywater.com.au.

40. Traffic

Prior to the issue of a Construction Certificate for building works, the following information and amended plans must be submitted to Executive Manager Infrastructure for assessment and approval:

- (a) All delivery trucks entering the site from the south west driveway must enter the site from the left hand lane.

41. Vehicle Swept Path Plan

A Vehicle Swept Path Plan shall be prepared by a qualified and experienced professional civil/traffic engineer, and be submitted to the certifying authority, and to Council's Engineering Specialist for written approval prior to issue of a Construction Certificate.

No Construction Certificate is permitted to be issued prior to a Section 138 approval under the Roads Act and the issue of a compliance certificate that the works are compliant with all relevant requirements set out in the Campbelltown Sustainable City Development Control Plan, 2015 the Engineering Design Guide for development, the Austroads Guide to Design and AS 2890.

The Vehicle Swept Path Plans shall be submitted in;

- A3 hardcopy,
- AutoCAD Civil 3D (.dwg/ .dxf) file format, and
- All native swept path model files.

42. Engineered Vehicle Parking and Pavement

All vehicle parking, manoeuvring, circulation, and aisle areas must be paved, drained, signed and line marked, with engineering design prepared in accordance with Council's Engineering Design for Development guide, and certified by a qualified and experienced professional civil engineer, for submission to the certifying authority prior to issue of a construction certificate.

Pavement areas, including laybacks and verge crossings in public road reserves, must be able to withstand expected traffic loadings from a development of this size and type over the development's design life. Associated works within the public road reserve shall be in accordance with Council's industrial standards, with the work carried out by Council or a Council approved contractor at the applicant's expense, including all alteration to public infrastructure where necessary.

43. Culvert connection

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall provide an amended design for the civil engineering drawings prepared by a qualified and experienced professional engineer to provide the stormwater disposal connection point into the Monastery Creek culvert above RL 60.9 AHD.

44. Traffic Report

The traffic report prepared by transport and traffic planning associates ref. 17182 dated September 2018 Issue B shall be revised by the authors and shall include traffic counts

and SIDRA modelling to identify the local road (Farrow Road/ Blaxland Road) AM peak as well as the identification of and the interaction of Bunning's traffic generation with that of the Farrow Road/ Blaxland Road intersection peaks. The revised report shall be submitted to the Principal Certifying Authority and Council's Executive Manager Infrastructure for review and approval prior to the issue of a Construction Certificate for building works.

45. Driveway Modification

Prior to Council or an accredited certifier issuing a construction certificate for building works, the applicant shall provide amended plans which demonstrate minimisation of the eastern splay of the driveway located closest to Blaxland Road and realignment of the driveway for 19m articulated vehicle access.

46. Car Park Flood Mitigation

Prior to Council or an accredited certifier issuing a construction certificate for building works, the applicant shall provide amended plans which demonstrate no openings or building penetrations (including vents, windows and mechanical ventilation etc) are located below the Probable Maximum Flood (PMF) level. The plans shall be in accordance with the Engineering Design Guide for Development and relevant Australian Standards and the plans shall be prepared by a qualified and experienced professional engineer. The PMF levels can be obtained from Council's Coordinator Stormwater and Structural Design - City Delivery.

47. Extension of median strip to Farrow Road

The concrete median strip to Farrow Road which extends from the intersection with Blaxland Road, shall be extended to prevent right hand turning from Farrow Road into the entry located near Blaxland Road. The design of the concrete median extension shall be submitted to Council's Executive Manager Infrastructure for approval prior to the issue of a Construction Certificate for building works.

48. Western Vehicle Entry

General vehicle access is not permitted from the vehicle entry from Farrow Road (closest to Blaxland Road), in this regard the ramp shall be removed from all relevant plans and the driveway shall be appropriately signposted for service vehicles only. The applicant shall demonstrate that service vehicles can access the site without potential vehicular conflicts along Farrow Road, if this cannot be achieved a deceleration, turning lane shall be installed to service this access point. Detail of this shall be provided on the engineering plans and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

49. Columns not to be located above Culvert

The plans show a section of the culvert located under the ramps, which run from the "Undercroft Car Parking Area" up to the "Timber Sales Yard". The columns are not to be located above the culverts. The application is to be amended so that columns are placed such that there is no impact on the culverts or the overland flow path in the channel to be submitted to Council's Executive Manager Infrastructure prior to the issue of a Construction Certificate for building works.

50. 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.

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.

51. Erosion and Sediment Control

Prior to the commencement of any works on the land, erosion and sediment control measures outlined in the approved Soil and Water Management Plan shall be fully installed/implemented.

52. 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
- 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. Structural Engineer Details

Structural engineering details shall be prepared by a qualified and experienced professional structural engineer and be submitted to the Principle Certifying Authority prior to commencement of works.

59. Site Audit

Following the completion of the approved bulk earthworks and prior to the commencement of the approved construction works, the applicant shall submit to Council/PCA a statement from a suitably qualified person accredited by the Office of Environment and Heritage (OEH), that the investigations carried out to date and the site validation report adheres to all relevant requirements of the OEH and the Contaminated Land Management Act 1997.

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.

60. 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 5.00pm
Sunday and public holidays	No Work.

61. 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 \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.

62. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial Vehicle Crossing Specification* and *Campbelltown City Council's Development Control Plan, and Engineering Design for Development guide*.

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.

63. 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.

64. 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.

65. 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.

66. Work As Executed Plans

Works As Executed (WAE) plan must be prepared and certified by a registered surveyor and be submitted to the principal certifying authority (PCA) prior to issue of the occupation certificate.

The WAE plan shall clearly show the following, in bold red text and line work over a copy of the approved Construction Certificate plans:

- a. All changes and variations to specified design parameters such as, but not limited to, levels, depths, clearances, grades, dimensions, materials, etc, of all completed works, in comparison with the approved construction certificate plans, both external and internal to the site.
- b. Works not complete, and approved bonded works.
- c. the extent, depth and final levels of filling, and location of all underground service conduits.
- d. All deviations from the approved Civil Works Engineering Plans.
- e. All levels relative to Australian Height Datum.

67. 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.

68. Imported 'waste-derived' fill material

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

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

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

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: Under this subheading, for the purpose of issuing an occupation certificate, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

69. Traffic Management for Delivery Vehicles

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall engage a suitably qualified and experienced professional traffic engineer to provide a plan and/or report that demonstrates suitable traffic

management measures will be put in place during the operation of the development which will mitigate conflicts between delivery vehicles and general traffic with particular regard to the eastern entry to Farrow Road.

70. 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.

71. 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.

72. Waste Collection

Prior to the issue of an Occupation Certificate evidence is to be provided to the Principal Certifying Authority that satisfactory arrangements are in place for a private waste collection service for the development.

73. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate (or subdivision certificate, whichever shall occur first), 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.

74. Structural Engineering Certificate

Prior to issue of a subdivision certificate, a structural engineer's certification shall be submitted to Principal Certifying Authority, certifying that all structural elements have been constructed in accordance with the approved design. A copy of the certification shall be provided to Council where Council is not the Principal certifying Authority.

75. 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.

76. Imported Fill

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall certify any imported fill is free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1*.

77. Service Authorities

Prior to the principal certifying authority issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authorities specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

78. Registration of Food Premises

Prior to the principal certifying authority issuing an occupation certificate, the food premises (café) and temporary food premises (charity barbecue) are required to be registered with Council and all requirements of conditions 80 to 114 satisfied.

FOOD CONSTRUCTION CONDITIONS

The following conditions have been applied to ensure that all construction and fit-out of the food premises complies with the *Food Act 2003*, *Food Regulation 2015* Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fit-out of food premises.

80. Construction of the Waste Storage Areas and Rooms

The waste storage area/room must be provided with smooth and impervious surfaces (walls and floors) and coved at the intersection of the floor and walls. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Waste storage rooms must be well ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. The ground areas must be paved with impervious material and must be graded and drained to a waste water disposal system according to Sydney Water's requirements. A hose tap connected to a water supply must be provided (AS 4674-2004, Section 2.4).

81. Charity Barbecue Area

This condition has been applied to ensure that the use of the premise is carried out in such a manner that is consistent with the *Food Act 2003*, *Food Regulation 2015*, *Local Government Act 1993* and associated technical standards.

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- a. **CONSTRUCTION** – A designated location for the charity barbecue must be provided. The designated location must be provided with the following permanent fixtures:
- i. **HANDBASIN** – A permanent hand basin must be provided to the charity barbeque area. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible no further than 5 metres away from any place where food handlers are handling open food.
- The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand basin (AS4674-2004 – Section 4.4).
- ii. **WASH SINK** - A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand basin.
- iii. **ROOF** – Provide a permanent roof structure that services the proposed charity barbeque area to ensure that all wash sinks, hand wash basin and food handling/ preparation areas are adequately covered. The roof must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and able to be easily and effectively cleaned.
- iv. **FLOOR** - the floor construction must be finished to a smooth, even non-slip surface that is able to be easily and effectively cleaned.
- b. **REGISTRATION** - The premise is required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. A business registration form is available on Council's website which must be completed and submitted to Council prior to the operations of the food business commencing.
- c. **NON PROFIT ORGANISATIONS** - The fundraising food stalls held at the premises are for fundraising and are only to be carried out by non-profit organisations.
- d. **FOOD STALL REQUIREMENTS** – The operation of all temporary food stalls must be carried out in accordance with the Food Act 2003, Food Regulations 2010, Australia New Zealand Food Standards Code and Council's 'Requirements for the Operation of Temporary Food Stalls'. A copy of Council's Requirements for the Operation of Temporary Food Stalls is available on line www.campbelltown.nsw.gov.au or alternatively by telephoning Council Customer Service Centre on 46 454000.
- e. **LOCATION** - The designated location of the food stall must:
- Not obstruct access to and through emergency exits, or pedestrian thoroughfares,
 - Not obstruct access to fire safety equipment,
 - Not be located within allocated car parking spaces or landscaped areas,

-
- Be located within the curtilage of the building and not encroach onto neighbouring or public land.
 - f. **REGISTER** – An up to date register must be kept at all times on site of all temporary food stall details. This must be available at all times for inspection at Council's request.
 - g. **FOOD SAFETY SUPERVISOR** – A certified food safety supervisor, trained in the NSW Food Authority's safe food handling course, will need to be appointed. The food safety supervisor will be responsible for over seeing the operation of all temporary food stalls and ensuring they are operating in compliance with the conditions of this licence and NSW Food Safety Laws.
 - h. **INSPECTIONS** - Council's Environmental Health Officers may inspect your temporary food stalls on a random basis. All inspections are unannounced to assess compliance with health and safety requirements. The applicant will be invoiced for the payment of all associated food inspection fees. Inspection fees are charged in accordance with Council's Fees and Charges Policy.
 - i. **REVOCATION** – Council reserves the right to revoke any licence at any time if it is found that the temporary food stalls are not operating in accordance with the above requirements.

82. Construction

The construction, fit-out and finishes of the food premises must be constructed in accordance with the *Food Act 2003*, *Food Regulation 2015*, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004 Design, construction and fit-out of food premises.

83. Registration

The premise is required to be registered with Council. Regular inspections will be carried out to ensure health standards are maintained. A business registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing (Food Safety Standard 3.2.2).

84. Food Premises Fit-Out Pre-Construction Meeting and Inspection

Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted on (02) 4645 4604 to undertake an inspection of the premises to confirm compliance with this Consent, the *Food Act 2003*, *Food Regulation 2015*, Food Standards Code Australia and New Zealand and AS 4674-2004.

85. Food Safety Supervisor

Food businesses selling ready-to-eat potentially hazardous foods are required by law to appoint a Food Safety Supervisor that has undertaken food safety training at a registered training organisation approved by the NSW Food Authority.

86. Floor Construction

The floor construction within the food preparation area/s must be finished to a smooth, even non-slip surface, graded and drained to a floor waste (AS 4674-2004, Section 3.1).

87. Floor Waste

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates (AS 4674-2004, Section 4.1.8).

88. Coving

Feather edge skirting and non-rebated coving is not permitted. Recessed coving must be provided at all intersections of the floor with the walls/plinths within all food preparation, service and storage areas. All coving must:

- a. Have a minimum concave radius of 25mm; or
- b. Be tiled 50mm minimum in width and splayed at 45°.

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard (AS 4674-2004, Section 3.1.5).

89. Penetrations/Service Lines

INTEGRAL PENETRATIONS/SERVICE LINES - All service pipes, conduits and electrical wiring must be concealed in the floor, walls, plinths or ceiling (AS 4674-2004, Section 3.2.9).

EXTERNAL PENETRATIONS/SERVICE LINES - External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

90. Wall Requirements

Cavity walls are not permitted. All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS 4674-2004. The finishing materials of the wall surfaces must provide an even surface, free of fixing screws, open joint spaces, cracks or crevices (AS 4674-2004, Section 3.2).

91. Window Sills

Window sills located within a food preparation area or food service area must be located 450mm above the top of any bench or sink and tiled at a splayed angle of 45°.

92. Ceiling Construction

Drop-in panel style ceilings are not permitted in food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the food premises 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 intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed (AS 4674-2004, Section 3.2).

93. Light Fittings

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with ceiling; or
- b. Designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate (AS 4674-2004, Section 2.6.2).

94. Hand Wash Basins

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible from no further than 5 metres away from any place where food handlers are handling open food (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels must be provided (AS 4674-2004, Section 4.4).

95. Dishwashing Machines

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for two minutes or 75°C for 10 minutes (AS 4674-2004, Section 4.1.6).

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

96. Equipment Wash Sinks

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

or

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure (AS 4674-2004, Section 4.1).

97. Cleaner's Sink

A cleaner's sink is to be installed in a location outside of the food preparation area and must be serviced with hot and cold water through taps fitted with hose connectors. (AS 4674-2004, Section 4.1.8).

98. Tap Fittings

Hot and cold wall mounted taps must be installed fitted with hose connectors and positioned at least 600mm above the floor in a convenient and accessible location within the food preparation area and adjacent to the floor waste (AS 4674-2004, Section 4.1.8).

99. Fittings and Fixtures

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 and 4.3).

100. Benches

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices (AS 4674-2004, Section 4.2).

101. Storage Cabinets/Cupboards

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints (AS 4674-2004, Section 4.2).

102. Shelving

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. All shelving must be constructed at least 150mm from the floor level (AS 4674-2004, Section 4.2).

103. Food Display Units

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Standards Code 3.2.2).

104. Self-Service Appliances

Self-service food appliances must be constructed so as to comply with the, '*National code for the construction and fit-out of food premises*' as published by the Australian Institute of Environmental Health.

105. Food Storage

Any appliance used for the storage of hot and/or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance.

106. Cool Room and Freezer Room

The cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the cool room and freezer room adjacent to the door.

All metal work in the cool room and freezer room must be treated to resist corrosion.

Condensation from the refrigeration units/cool room/freezer room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

The cool room and freezer room must be provided with:

- a. A door which can at all times be opened internally without a key; and
- b. An approved alarm device located outside the room, but controllable only from the inside.

107. Condensation Collection

Condensation from refrigeration units, freezer units and coffee machines must be directed to a tundish, installed in accordance with Sydney Water requirements (Food Standards Code 3.2.3).

108. Mechanical Exhaust Ventilation

A food premises must be provided with a kitchen exhaust hood complying with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and where applicable, Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings, where:

- a. Any cooking apparatus has:
 - i. A total maximum electrical power input exceeding 8 kW; or
 - ii. A total gas power input exceeding 29 MJ/h; or
- b. The total maximum power input to more than one apparatus exceeds:
 - i. 0.5 kW electrical power; or
 - ii. 1.8 MJ gas per m² of floor area of the room or enclosure; or
- c. Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with the AS/NZS 1668.1:1998 and 1668.2:2012, must be provided to the certifying authority prior to the issue of an Occupational Certificate.

109. Pest Protection

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes must be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between cool room walls and premises walls, must be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as cool rooms, must be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

110. Locker Storage for Staff Belongings and Equipment

Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings (AS 4674-2004, Section 5.1).

111. Hot Water Service

The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

112. Smoke Free Areas

Any enclosed eating area must be smoke free. Smoking is not permitted in all outdoor eating areas. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (*Smoke Free Environment Act 2000*). Please refer to NSW Health website for further information <http://www.health.nsw.gov.au>

113. Office Materials

Facilities for storing paperwork and other materials associated with the administration of the business must be in a designated room for office use or in an enclosed cupboard or drawer dedicated for that use (AS 4674-2004, Section 5.1.3).

114. Store Room

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- a. A smooth, even and non-slip floor surface

-
- b. 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
 - c. The 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 (AS 4674-2004, Section 3.2)
 - d. Shelving or storage racks must be designed and constructed to enable easy cleaning
 - e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

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 4.17 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. 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. 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 - Volumes 1 and 3 (as amended)*.

Advice 6. 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 7. 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 8. 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.

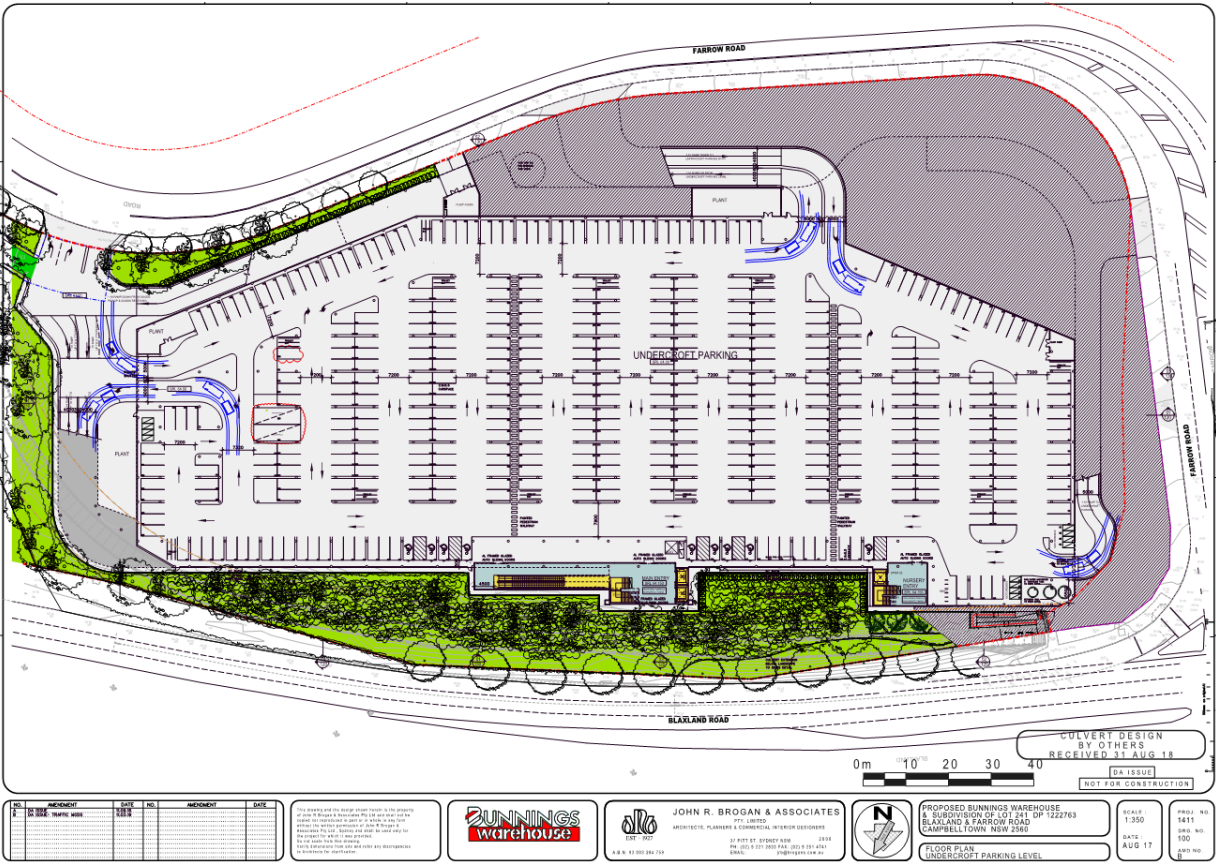
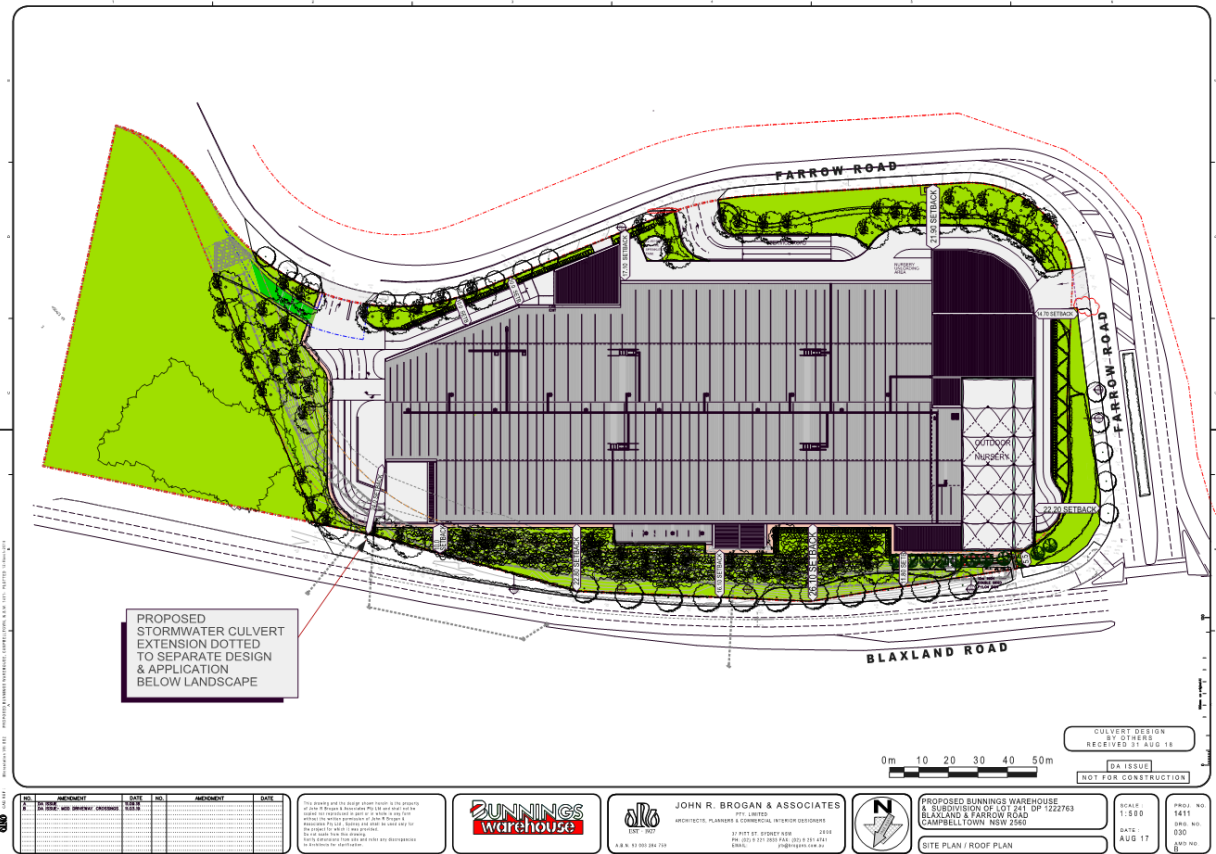
Advice 9. Telecommunications Act 1997 (Commonwealth)

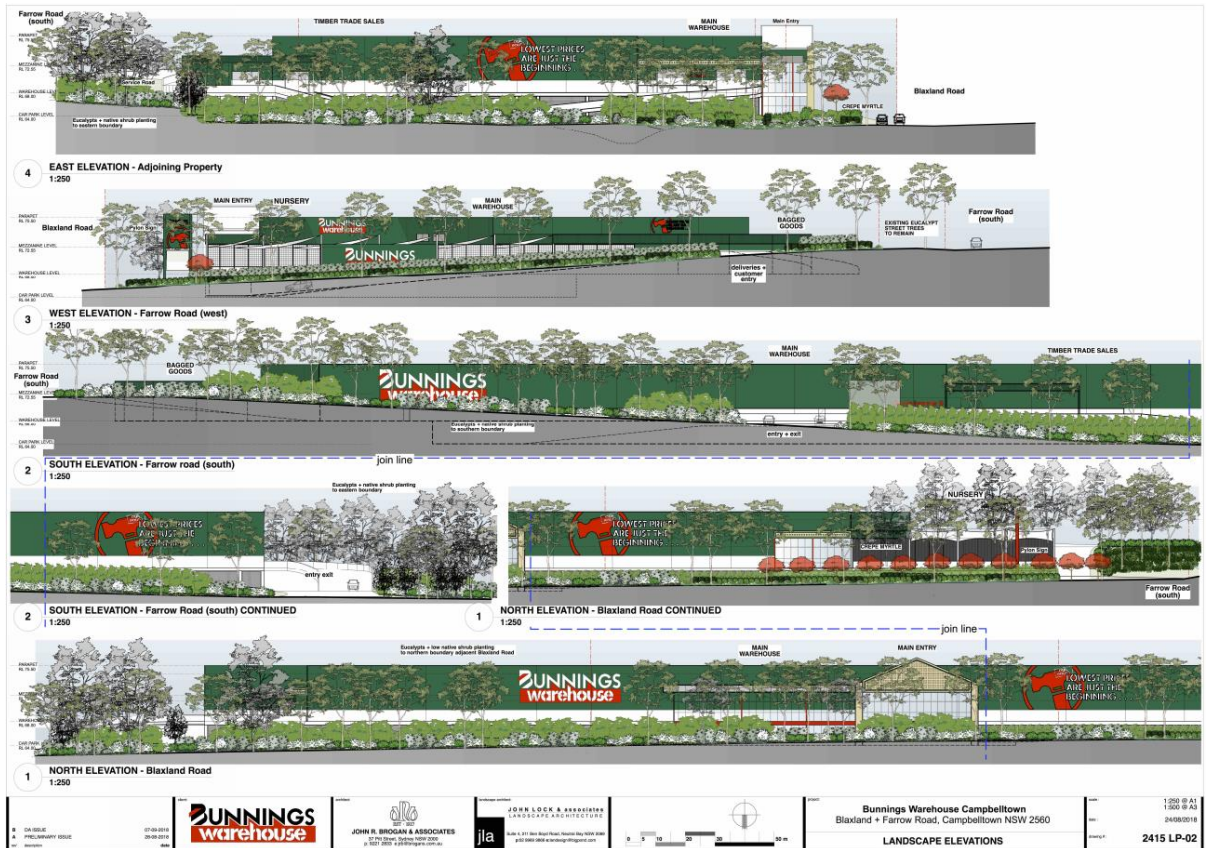
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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

Attachment 2 - Architectural Plans





Attachment 4 – Photomontages



