**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 other conditions of consent.

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan/****Document No.** | **Version/****Revision** | **Prepared by** | **Date** |
| Environmental Impact Statement 218439\_EIS\_001B.docx | Final | Premise | 28 June 2019 |
| EIS Appendix A SEARS |  | Department of Planning & Environment | 19 September 2018 |
| EIS Appendix CFlora and Fauna Assessment |  | Biosis | 12 June 2019 |
| EIS Appendix DAboriginal Due Diligence Assessment |  | Biosis | 17 January 2019 |
| EIS Appendix EPhase 1 Preliminary Site Investigation | Final | Premise | 15 March 2019 |
| Architectural Plans Cover Page, A-01, A-02, A-03, A-04, A-05, A-06 & A-07 | DA Issue (Title Revised) | Ideas – Iftekhar Design Associates | 24 April 2019 |
| Civil DesignSheets 01 and 02 | Issue for DA | Campbelltown City Council | Undated |
| Erosion & Sedimentation Control Plan C001, C002 & C003 | A | Premise | 7 June 2019 |
| Concept Landscape Plan | A | B & E Landscape Architects | 9 May 2019 |
| Arborist Report |  | Horticultural Management Services | 15 April 2020 |

**2. 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.

**3. 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.

**4.** **External Finishes**

The external finishes shall be in accordance with the surrounding industrial area colour palate and materials for consistency.

**5.** **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.

**6. Hours of Operation**

The hours of operation shall be between:

* + 7:00am to 5:00pm Monday to Saturdays
	+ Closed Sundays and Public Holidays

**7. Advertising Signs – Separate DA Required**

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

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

**8.** **Storage of Goods**

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

**9. 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.*

**10. 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.

**11. Switchboards/Utilities/Air Conditioning Units**

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

**12. Deliveries**

Vehicles servicing the site and making deliveries shall comply with the following requirements:

a. All vehicular entries and exits shall be made in a forward direction.

b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

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

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

**13.** **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.

**14. 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.

**15.** **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.

**16. Rain Water Tank**

A rain water tank (min 5000L) shall be installed on site for irrigation and reuse purposes (eg the flushing of toilets).

**17. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set outinthe *Campbelltown (Sustainable City) DCP and Engineering Design for Development guide (as amended).*

**18. Watercourse**

The proposed works are located on waterfront land associated with Biriwiri Creek, a fourth order watercourse. Due consideration to the NRAR guidelines should be shown in the final design for the facility. The guidelines can be accessed from the NRAR website: https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities.

**19.** **Driveway**

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

**20. Tree Retention**

The following trees are required to be retained on site – T1, T2 *Eucalyptus crebra* (Narrow leaved Ironbark), and T3, T4,T6 *Eucalyptus tereticornis* (Forest Red Gum) as identified in Section 7.2 and Figure 5 of the Arborist report (Horticultural Management Services, dated 1 May 2020).

**21. Tree Removal**

The following trees are permitted to be removed – T5 *Eucalyptus tereticornis* (Forest Red Gum), and T7 *Casuarina glauca* (Swamp She-Oak) as identified in Section 7.2 and Figure 5 of the Arborist report (Horticultural Management Services, dated 1 May 2020):

* 1. The felled tree logs generated from the removal of T5 and T7 are required to be re-installed in the Drainage Reserve (to the south of the development footprint), to ensure that habitat values for fauna are retained on site

**22. Offset Planting**

Trees comprising the endangered River Flat Eucalypt Forest, approved for removal (as specified in Condition 2) are required to be offset at a minimum ratio of 1:8 on site to be consistent with the NSW Environment, Energy and Science (EES) Biobanking Assessment Method (BBAM).

**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.

**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.

**24.** **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.*

**25.** **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.

**26.** **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 and engineering plans for any work outside the site boundary shall be submitted to Council for approval. All works shall comply with the requirements detailed in Council’s Engineering Design Guide for Development (as amended) and Campbelltown (Sustainable City) DCP (as amended) and shall be inspected by Council’s Development Engineer at all stages of construction.

Inspection of this work shall be undertaken by Council at the applicant’s expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

A compliance certificate for the work shall be obtained from Council prior to the Principal certifying authority issuing an occupation certificate. Council assessment and inspection fees apply to the above requirements.

**27.** **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.

**28.** **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.

**29.** **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.

Coloured arrow markings are to be indicated on the pavement within the site to indicate the direction of movement of vehicles within the site.

**30.** **Vehicle Parking Spaces**

The proposed gravel vehicle parking spaces shall be designed and marked, and made identifiable for all users/vehicle types of the site, including car and trailer combination, in compliance with Council’s DCP and 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.

**31.** **Soil and Water Management Plan**

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

**32.** **Stormwater Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the Stormwater management plan shall be modified to include the Stormwater treatment to meet the Stormwater quality objectives as specified in Council’s Engineering design guide for development.

Stormwater pipeline in the road reserve connecting property to Council’s existing kerb inlet pit shall be reinforced concrete pipe minimum 375mm diameter and minimum class 3 pipe.

All proposals shall complywith Council’s ‘*Engineering Design Guide for Development*’ (as amended) and the applicable development control plan.

**33. Landscape Plan**

Prior to the issuing of a Construction Certificate (CC), the proponent is required to revise the Landscape Plan (B+E Landscape Architects, dated 9 May 2019) which is to be submitted to Council’s Executive Manager Urban Centres for (in writing) approval:

1. The Landscape Plan is to be amended to include the required replacement trees and offset plantings (as outlined above, in Condition 6), and:
	* 1. Clearly state the species, density, number and areas/ location of replacement plantings to be undertaken on site
		2. Species selected are to be characteristic of RFEF, and consistent with those species listed in the NSW Scientific Committee Final Determination listing. At a minimum, replacement plantings should include the following canopy species that are endemic to the area: *E. tereticornis*, *E. crebra*, and *Casuarina glauca*

**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.

**34.** **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.

**35.** **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.

**36.** **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.

**37.** **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.

**38.** **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.

**39.** **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.

**40. 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.

**41.** **Vehicular Access during Construction**

Prior to the commencement of any works on the land, vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

**42.** **Footpath and Vehicular Crossing Levels**

All the works in the road reserve including, vehicle crossings, kerb & gutter, Layback and stormwater works shall be in compliance with Council’s Engineer Design guide for developments (as amended) and standard drawings.

Vehicle crossings and Layback shall be constructed as per specifications for industrial vehicle crossing in Council’s standard drawings SD-R10 sheets 1 & 2.

Stormwater pipeline in the road reserve connecting property to Council kerb inlet pit shall be reinforced pipe minimum class 3.

**43. Tree Protection Measures**

Tree protection measures must be implemented on site in accordance with *Australian Standards AS4970 - Protection of Trees on Development Sites*:

1. All compound/ stockpile, laydown, vehicle park up and amenities shall be located in cleared areas and beyond the dripline of existing trees
2. Prior to the commencement of any works, the area required for site access will be clearly demarcated to ensure there is no damage to native vegetation outside of the development impact zone.

**DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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

**44.** **Construction Work Hours**

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

Monday to Friday 7.00am to 6.00pm

Saturday 8.00am to 5.00pm

Sunday and public holidays No Work.

**45.** **Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook),* the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

***Note: On the spot penalties up to $8,000 will be issued for any non-compliance with this requirement without any further notification or warning.***

**46.** **Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m2 (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

**47.** **Fill Contamination**

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

**48.** **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.

**49.** **Excess Material**

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

**50.** **Earth Works/Filling Works**

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

a. Undertaken in accordance with Council's *'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended), AS 3798 'Guidelines for Earthworks for Commercial and Residential Development' (as amended)*, and approved construction drawings;

b. Supervised, monitored, inspected, tested and reported in accordance with *AS 3798 Appendix B 2(a) Level 1 and Appendix C* by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and

c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and *AS 3798*.

**51.** **Revegetation**

Revegetation to the requirements of the manual – *‘Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of earthworks, and shall be fully established prior to release of Occupation Certificate.

**52.** **Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2 metres wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with *AS 1742.3*, the requirements set out in the State Roads Authority manual *"Traffic Control at Work Sites" (as amended),* all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all *Work Cover Authority* requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

**53.** **Compliance with Council Specification**

All design and construction work shall be in accordance with:

a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended);

b. *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended;*

c. ‘Soils and Construction (2004) (Bluebook); and

d. Relevant Australian standards and State Government publications.

**54.** **Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site. Grass verge shall be re-graded, topsoiled and turfed to match new vehicle crossing levels. All works shall be in accordance with Council’s *Engineering Design guide for developments, relevant Campbelltown (Sustainable City) DCP (as amended)*.

**55.** **Industrial / Commercial Driveway and Layback Crossing**

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

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.

**56.** **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.

**57. Arborist Report**

The recommendations made in Section 9 of the Arborist report (Horticultural Management Services, dated 1 May 2020) are required to be implemented on site.

**58. Flora and Fauna Assessment Report**

The recommendations made on page 9 of the Flora and Fauna Assessment report (Biosis, dated 12 June 2019) are required to be implemented on site.

**59.** **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.

**60.** **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.

**61. Associated Works**

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

**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".

**62. 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.

**63.** **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.

**64. 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).

**65. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

**66. Completion of External Works**

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 consent authority.

**67. Structural Engineer’s Certification**

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.

**68. Contaminated Land**

Prior to the principal certifying authority issuing a occupation certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A*. registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

**69.** **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
* 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.

**70. Weeds**

Prior to the issuing of an Occupation Certificate the proponent is required to submit a progress report to Council’s Executive Manager Urban Centresin writing for approval in relation to the control and management of weeds across the site. The report is required to address the targeted removal of all introduced weeds on site listed in the NSW *Biosecurity Act 2015*, as identified in the Arborist report (Horticultural Management Services, dated 1 May 2020), including but not limited to:

1. Broad leaf privet, Pyracantha, Cotoneaster, Asparagus fern, African Olive, Sweet Briar, Fireweed and Blackberry

**71.** **Restoration of Public Roads**

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

**72.** **Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

**73.** **Compliance Certificate**

All the works on public area in relation to the development shall be completed as per the Council approved plans. A compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

**74.** **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:

1. 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.
2. Works not complete, and approved bonded works.
3. the extent, depth and final levels of filling, and location of all underground service conduits.
4. All deviations from the approved Civil Works Engineering Plans.
5. All levels relative to Australian Height Datum.

**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. 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**