

**ATTACHMENT 1**  
**2036/2021/DA-C**  
**Recommended Conditions of Consent**

**GENERAL CONDITIONS**

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

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

**DEFERRED COMMENCEMENT**

This is a "Deferred Commencement" consent that is granted subject to conditions under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 that the consent is not to operate until the applicant satisfies Campbelltown City Council ("Council") as to the matters set out in the Schedule A below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to the matters in Schedule A is 12 months.

If the applicant produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative subject to compliance with conditions outlined in Schedule "B".

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse

**SCHEDULE A**

The conditions of Schedule 'A' are set out as follows:

This development consent shall not operate until such time as the following matters are satisfied to the written approval of Council:

1. The applicant is to obtain in-principle approval for the modification to the existing traffic control signals at the intersection of Camden, Kellicar and Narellan Roads. In order to obtain in-principle approval, the applicant is required to submit the design of the proposed modified traffic control signals at the intersection of Camden, Kellicar and Narellan Roads. in accordance with the TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)). The certified copies of the signal design and civil design plans shall be submitted to TfNSW for review and approval. Documents should be submitted to [Development.Sydney@transport.nsw.gov.au](mailto:Development.Sydney@transport.nsw.gov.au)

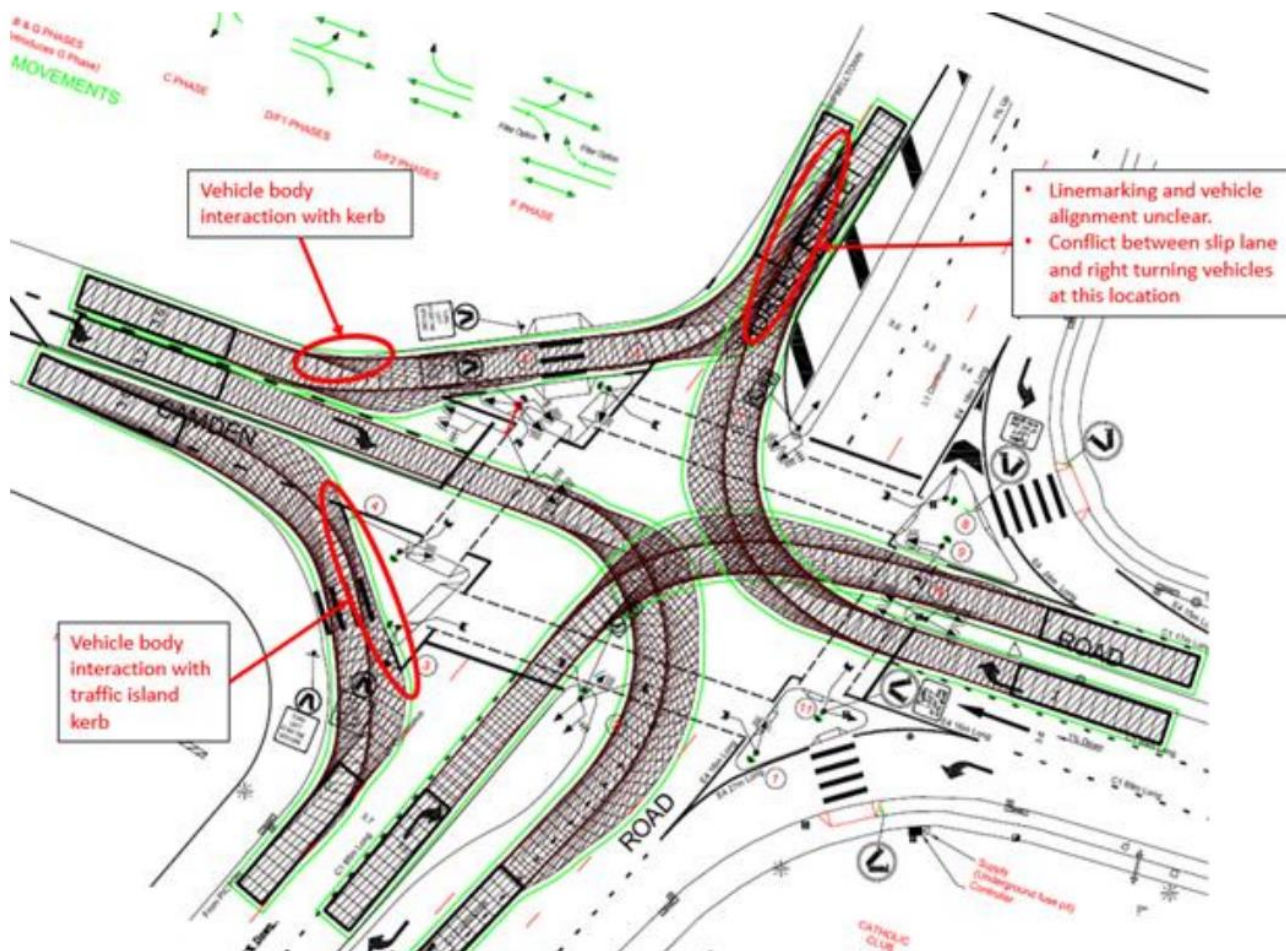
It must be noted that the consent for the proposed traffic control light under Section 87 of the Roads Act, 1993 has not been granted by TfNSW at this stage.

The following items are required to be addressed in the design:

- a. Proposed observation angles from drivers in the Kellicar Road slip lane, waiting to turn left into Camden Road, to vehicles approaching from the east appear to be too severe. Observation angles should be no less than 70 degrees and in accordance with Austroads

Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections to provide a satisfactory observation angles for drivers.

- b. Proposed observation angles from drivers in the Camden Road slip lane, waiting to turn left into Hurley Street, to vehicles approaching from the south appear to be too severe. Observation angles should be no less than 70 degrees and in accordance with Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections to provide a satisfactory observation angles for drivers.
- c. Proposed observation angles from drivers in the Hurley Street slip lane, waiting to turn left into Camden Road, to vehicles approaching from the west appear to be too severe. Observation angles should be no less than 70 degrees and in accordance with Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections to provide a satisfactory observation angles for drivers.
- d. The reverse curve geometry at the proposed right turn bay on Camden Road can result in poor lane discipline due to kinks in curvature. The geometry should be revised and curves of sufficient radius and an adjoining straight line be provided.
- e. A minimum offset of 0.5m should be provided to the island edge.
- f. Mast arms for proposed traffic signals require 2m offset.
- g. Swept path movements should be provided on separate swept path plans to improve legibility of line marking and vehicle alignments. Please see the attached image for your reference.
- h. Swept path movements for left turning vehicles from Camden Road onto Hurley Street indicate inadequate clearances as vehicles encroach onto the kerb to perform this movement. Please see the attached image for your reference.
- i. Swept path movements for left turning vehicles from Camden Road onto Hurley Street indicate conflict with right turning vehicles from Camden Road. Please see the attached image for your reference.
- j. Swept path movements for left turning vehicles from Kellicar Road onto Camden Road indicate inadequate clearances as vehicles encroach onto the traffic island kerb to perform this movement. Please see the attached image for your reference.
- k. SIDRA queuing distances indicate road space on the south western leg of Camden Road is inadequate for post-development AM and PM peak traffic. Queuing encroaches the north bound slip lane from Narellan Road at the neighbouring intersection at Narellan and Kellicar Road (indicated in red in the image below), and will adversely impact the performance of the state classified road network.



2. The stormwater design plan is required to be amended to ensure all works are not located within Transport Asset Holding Enterprise (TAHI) land. The design of the stormwater is required to obtain written approval (concurrence) from Sydney Trains pursuant to Clause 86 of State Environmental Planning Policy (Infrastructure) 2009.

## **SCHEDULE B**

### **2. 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.

<b>Plan/ Document No.</b>	<b>Version/ Revision</b>	<b>Prepared by</b>	<b>Date</b>
DA-010 Site Plan	10	Team 2 Architects	15/06/2021
DA-011 Site Plan Proposed - Overall	17	Team 2 Architects	15/06/2021
DA-011.1 Site Plan Proposed - Overall	3	Team 2 Architects	26/11/2021
DA-012 Site Plan Proposed	24	Team 2 Architects	20/10/2021
DA-013 Site Analysis Plan	6	Team 2 Architects	15/06/2021
DA-101 Floor Plan - Ground	27	Team 2 Architects	22/10/2021
DA-102 Floor Plan - Level 1	21	Team 2 Architects	15/06/2021
DA-103 Floor Plan - Level 2	21	Team 2 Architects	15/06/2021
DA-104 Floor Plan - Level 3	22	Team 2 Architects	15/06/2021
DA-105 Roof Plan	13	Team 2 Architects	15/06/2021

DA-201 Elevations - North - South	14	Team 2 Architects	26/06/2021
DA-202 Elevations - West - East	13	Team 2 Architects	15/06/2021
DA-301 Section - AA	14	Team 2 Architects	15/06/2021
DA-302 Section - BB	14	Team 2 Architects	15/06/2021
DA-303 Section - CC	9	Team 2 Architects	15/06/2021
DA-800 Shadow Diagrams - Existing	6	Team 2 Architects	15/06/2021
DA-801 Shadow Diagrams - Proposed	6	Team 2 Architects	15/06/2021
DA-900 External Finishes	8	Team 2 Architects	15/06/2021
DA-910 Perspective	6	Team 2 Architects	15/06/2021
DA-911 Perspective	5	Team 2 Architects	15/06/2021
DA-912 Perspective	5	Team 2 Architects	15/06/2021
DA-914 Perspective	4	Team 2 Architects	15/06/2021
DA-915 Perspective	1	Team 2 Architects	15/06/2021
DA-916 Perspective	1	Team 2 Architects	15/06/2021
DA-917 Perspective	1	Team 2 Architects	15/06/2021
DA-918 Perspective	1	Team 2 Architects	15/06/2021
C01 Notes and Legend Sheet	P8	TTW	19.10.21
C02 Soil & Water Management Plan / Erosion & Sediment Control Plan	P8	TTW	19.10.21
C03 Overall Plan	P2	TTW	19.10.21
C05 Siteworks & Stormwater Plan Sheet 1	P8	TTW	19.10.21
C07 Swept Path Analysis of an 8.8m Rigid Vehicle	P8	TTW	19.10.21
C08 Swept Path Analysis of an 8.8m Rigid Vehicle (Option 2)	P8	TTW	19.10.21
C10 Bulk Earthworks Plan	P7	TTW	19.10.21
C15 Detail Sheet 1	P8	TTW	19.10.21
Landscape Plans L-000, L-100C, L-100, L-101, L-102, L-103, L-501	F	Site Image Landscape Architects	19.10.2021
Landscape Plans L-500	D	Site Image Landscape Architects	07.04.2021
Signage Plans (11 sheets)	00	Signcraft	15/06/2021
Stormwater Management Report		TTW	08 April 2-21
Arboricultural Impact Assessment Statement		Our Garden Path Pty Ltd	4 June 2021
Flora and Fauna Assessment	3	Eco Logical Australia	12 October 2021
Access Assessment Report	112924-Accessr1	BCA Access	3 June 2021
BCA Assessment Report	112924-BCA-r2	BCA Logic	3 June 2021
Preliminary (Stage 1) Site Investigation - Contamination Assessment And Waste Classification	E33438PLrpt	JK Environments Pty Ltd	30 September 2020

Detailed (Stage 2) Site Investigation	E33438PLr pt2	JK Environments Pty Ltd	24 February 2021
Remediation Action Plan (RAP)	E33438PLr pt3-RAP	JK Environments Pty Ltd	8 November 2021
Geotechnical Investigation	33438Arpt	JK Environments Pty Ltd	7 October 2020
Preliminary Structural and Aero-acoustic Assessment of Proposed Louvres Letter		TTW	25/02/2021
Report on BCA Section J Compliance	C	DSA Consulting	01/06/2021
Services Spatial	F	DSA Consulting	26 May 2021
Traffic and Parking Assessment	F	Transport and Traffic Planning Associates	October 2021
Waste Management Plan		Applicant	22/06/2021

### 3. Amended Plans

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

- a. The plans shall be amended to provide separate waste storage for cytotoxic waste.
- b. The bin storage area shall be designed and constructed in accordance with Volume 1 Part 5 of the Campbelltown (Sustainable City) Development Control Plan 2015.
- c. The landscape design shall be amended to comply with Endeavour Energy's requirements for easement around substations

### 4. Transport for NSW Requirements

The development shall be carried out in accordance with the final approval letter and intersection design, and any requirements stated within the letter, as agreed to by Transport for NSW.

### 5. Road Occupancy License

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Narellan Road and Kellicar Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

### 6. No construction zones

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Narellan Road or Kellicar Road.

### 7. Landscape

- At least 2 advanced Eucalypts sp and native landscaping is to be planted within the site in accordance with the council approved landscape plan.
- Council is to conduct a site inspection with the applicant to determine that replacement plantings have been undertaken as required.

### 8. Importation of Fill

a) All fill material imported to the site shall meet one of the characterisations detailed the table below:

Defining Instrument	Definition	Where the material may be used
Protection of the Environment Operations Act, 1997	Virgin Excavated Natural Material	Any part of the site
Protection of the Environment Operations (Waste) Regulation 2014	The following resource recovery exemptions: § Excavated natural material § Foundry sand § Recovered fines (provided no samples have a benzo(a)pyrene concentration exceeding 3 mg/kg 'dry weight')	Any part of the site
N/A	Non-waste engineered construction materials	Any part of the site

b) At all times during land filling works the site is to be secured with construction fencing. All access points and road frontages are to be video monitored and recorded with records being maintained for the duration of works and at least 2 years after the completion of filling works.

c) In the event of unauthorised dumping on the site or delivery of a contaminated load all works are to cease and the Site Auditor is to be advised. Work may not resume until the contaminated material is removed to the satisfaction of the Site Auditor and written confirmation of this satisfaction is issued under this condition.

Reason: To reduce the risk of unauthorised introduction of contamination into the filling operation.

## 9. Packaged Food Only

As there are no satisfactory facilities for handling fresh food or produce, all food sold for which this Consent applies must be:

- Pre-packaged and sold in its original manufacturer's packaging (this include herbs, spices, rice, nuts, grains and legume)
- Whole, raw fruits and vegetables.

All food for sale must be properly labelled in accordance the Food Act 2003 and the Food Standards Code.

This Consent does not allow for the preparation, handling or sale of fresh, raw or pre-cooked non-packaged food.

## 10. Regulated Systems Conditions

In the event a regulated system is installed at the premises, the regulated system must comply with the Public Health Act 2010, Public Health Regulation 2012, Local Government Act 1993 and associated technical standards. Any regulated system/s on the premises must be designed and installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning and managed in accordance with AS/NZS 3666.3:2011 Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of cooling water systems.

## **11. Pollution Management**

The following conditions have been applied to ensure that all activities involving the operation of the premises are carried out in a manner which will prevent undue air, land, water pollution, noise pollution and waste management practices in accordance with the Protection of the Environment Operations Act 1997 Protection of the Environment Operations (Waste) Regulation 2014, Protection of the Environment Operations (Noise) Regulation 2017, Local Government Act 1993, Local Government Regulation 2005 and associated technical standards:

### **AMENITY OF THE NEIGHBOURHOOD**

The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products, particularly from machinery, vehicles, warning sirens, public address systems and the like.

### **OFFENSIVE NOISE**

The development must be designed so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not emit 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997: Offensive noise means noise:

- a) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - i) Is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

### **UNREASONABLE NOISE, ODOUR, DUST AND VIBRATION**

In the event of a noise, fumes, odour, dust, or waste related issue arising during the implementation, construction and ongoing operation of this development, the person in charge of the premises shall when instructed by Council, cause to carry out an investigation by an appropriate 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.

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

### **Health and Public Nuisance**

The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises

## **12. Trees**

The development shall be carried out in accordance with recommendations of Arboricultural Impact Assessment Statement prepared by Our Garden Path Pty Ltd, dated 4 June 2021.

### **13. 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.

### **14. 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 consistent with BASIX requirements.

### **15. 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.

### **16. 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.

### **17. Driveway**

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

### **18. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

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

### **19. Advertising Sign**

- All signage is to be erected/supported in a safe and secure manner.
- At no time shall the intensity, period of intermittency and hours of illumination of the signage cause injury to the amenity of the neighbourhood.



- No signage on site shall flash, move or display electronic images.
- 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.

## **20. 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.

## **21. Storage of Goods**

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

## **22. 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.

## **23. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* guide and the applicable *Development Control Plan*.

## **24. Operating Hours**

The use of the premises/business may operate 23 hours a day, with the bulk of patients coming to the site to attend pre appointed bookings between 7am and 6pm. Occasional patients may require appointments outside of these hours, and staff and cleaners will be on the premises outside of the key hours.

## **25. Car Parking Spaces**

Car parking spaces shall be designed, sealed, line marked, and adequately signed for all relevant users in accordance with Council's *Engineering Design for Development (as amended)* guide and Australian Standards AS1428, AS1742 and AS2890 (*as amended*).

## **26. 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.

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

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

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

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

## **28. Construction Certificate**

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

- a. the applicant shall appoint a Principal Certifier;
- a. the applicant shall obtain a construction certificate for the particular works; and
- b. when Council is not the Principal Certifier, the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

## **30. Land dedication**

The proponent is required to dedicate land as public road for the maintenance of the Traffic Control Signals and associated infrastructure, further details will be included as part of the Works Authority Deed process.

## **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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

## **31. Substation**

The padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Details regarding the location and easement shall be provided to the Principal Certifier prior to the issue of a Construction Certificate for the building.

## **32. Transport for NSW**

The proposed modification to the Traffic Control Signal at the intersection of Camden, Kellicar and Narellan Roads shall be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on [www.transport.nsw.gov.au](http://www.transport.nsw.gov.au)). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW

for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

### **33. Accredited Service Provider**

A Level 3 Accredited Service Provider's (ASP) is to be engaged by the developer to ensure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. The application shall submit documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate.

### **34. Street lighting**

Prior to the issue of a Construction Certificate, the applicant shall liaise with Endeavour Energy regarding the requirements to upgrade the existing 'out of service' street lighting to Camden Road, with regard to replace the existing street lights. Street lighting is regarded as protected works under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW) and may be managed as if an easement is in place.

### **35. Utility Servicing Provisions**

Prior to Council or the appointed Principal 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.*

### **36. Waste Management Plan**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a Waste Management Plan shall be prepared in accordance with the relevant Sections of Volume 1 Parts 2 and 6 of the Campbelltown Sustainable City Development Control Plan 2015 to the satisfaction of Council.

The Waste Management Plan is required to address the storage and collection of cytotoxic waste.

### **37. Geotechnical Report**

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

### **38. Soil and Water Management Plan**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

### **39. Waste Management – Private Collection**

Prior to Council or the appointed Principal Certifier issuing a construction certificate a waste service agreement is required to be provided in writing to Council stating that a waste agreement has been obtained from a licensed authorised contractor utilising a medium rigid vehicle that service 1100litre bins and all other stream of waste generated from the development.

### **40. Road Construction (New)**

Prior to Council or the appointed Certifier issuing a Construction Certificate, the applicant shall submit design details for the proposed road reconstruction to Council's Executive Manager Infrastructure (or equivalent) for approval.

The category and traffic loading to be adopted for the design of the road pavement shall be as follows;

Road	Category	Traffic Loading
Camden Road	F	5 x 10 <sup>6</sup>

Construction of the road shall be undertaken in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

All inspections are to be undertaken by Council and the principal certifying authority shall not issue the subdivision certificate until all works have been completed satisfactorily.

### **41. Traffic**

Prior to Council or the appointed Certifier issuing a Construction Certificate, the following shall be addressed and submitted to Council's Executive Manager Infrastructure (or equivalent) for approval;

- The design plans show the left hand slip lanes into and out of Camden Road being removed, these must be reinstated. Removal of these slip lanes will significantly reduce the efficiency and safety of the intersection.
- The cul-de-sac head must have a minimum radius to accommodate a garbage truck of 10.4m length undertaking a U-turn without having to make a multi-point turn.
- A design road safety audit must be completed once the above issues have been rectified and any additional issues addressed prior to submission to Council. This audit must also consider pedestrian movements.

### **42. Traffic Committee**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

### **43. Stormwater Management Plan**

Prior to Council or the appointed Certifier issuing a Construction Certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and

disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Stormwater shall be conveyed from the site to the nearest drainage system under Council's control.

The proposed outlet at Menangle Road must be streamlined into the pit with the flows discharging from the large pipes flowing through the Marketfair site.

The site stormwater drainage system shall comply with requirements detailed in the applicable *Development Control Plan*, Council's *Engineering Design for Development (as amended)* guide, *Australian Standard AS3500*, *Australian Rainfall and Runoff (current version)* and the *NSW Floodplain Development Manual*.

#### **44. Work on Public Land**

Prior to Council or the appointed Principal 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 Certifier issuing an occupation certificate.

#### **45. On-Site Detention Facility**

Prior to Council or the appointed Certifier issuing a Construction Certificate, the applicant shall submit details & design calculations of the On-Site Detention (OSD) system for approval. OSD system shall comply with the requirements detailed in the Council's 'Engineering Design Guide for Development (as amended)'.

#### **46. Design for Access and Mobility**

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

#### **47. 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 appointed Principal Certifier 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.

#### **48. Sydney Water**

Prior to Council or the appointed Principal 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 appointed Principal Certifier prior to issue of a construction certificate.

The Sydney Water Tap In service can be accessed at [www.sydneywater.com.au](http://www.sydneywater.com.au).

#### **49. Vehicle turning movements**

Prior to Council or the appointed Certifier issuing a Construction Certificate, vehicle turning movement plans shall be prepared by an appropriately qualified and experienced professional engineer, and provided to Council's Executive Manager Urban Centres (or equivalent) for approval.

The plans shall include but not be limited to the following:

- a. demonstrate compliance with all relevant requirements of Austroads Guides to Road Design, AS2890, Council's Development Control Plan and Engineering Design for Development guides.
- b. show a single swept path for every vehicle type and associated manoeuvring within the development, including garbage collection vehicles with three axles and up to 10.4 metres in length. Manoeuvring paths are to be unbroken, generated using Autocad Vehicle Tracking (or similar) swept path analysis software, on appropriately scaled engineering plans, for all vehicles that will access the development. Paths must begin and finish at least 50m beyond the relevant property entry/exit point.
- c. show wheel, chassis, and clearance path lines using different line types and/or colours,
- d. paths shall be generated using maximum signposted vehicle speeds, without any reduction in velocity or full lock-to-lock turning, unless all assumptions and adequate justification for doing so are provided in writing as a separate design report,
- e. be supported by a separate design report that informs of model set up methodology, parameters and assumptions used, generated output files and results from the software, conclusion and recommendations

The Vehicle Swept Path Plan shall be submitted as A3 hardcopy, electronic PDF copy, and in .dwg/ .dxf file format, and software native file format.

## **50. Construction Traffic Management Plan**

Prior to the commencement of works / issue of a Construction Certificate (whichever comes first), a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, shall be submitted to Council's Executive Manager Urban Centres (or equivalent) for approval.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

## **51. Section 7.12 Contributions**

### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$245,802.08** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

The contribution rate will be adjusted on a quarterly basis with CPI indexation as detailed in Section 6.3.2 of the Plan. The exact amount of the contribution will be calculated at the rate applicable at the time of payment.

### Indexation

The monetary contribution is based on a proposed cost of carrying out the development of **\$24,580,208.00** indexed to the quarter immediately prior to the date of this consent. This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$) =	$\$C_0 \times \frac{\text{Current CPI}}{\text{Base CPI}}$

Where:

- $\$C_0$  is the original development cost estimate.
- Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the time of the quarter immediately prior to the date of payment.
- Base CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of lodgment of the development application.

#### Time for payment

The contribution must be paid prior to the release of a construction certificate for any works authorising construction above the floor level of the ground floor.

#### How to make the contribution payment

Contact Council's Development Contributions Officer on 4645 4000 or email, [council@campbelltown.nsw.gov.au](mailto:council@campbelltown.nsw.gov.au) for an invoice which will also provide details of the various methods of payment available, prior to payment.

## **52. Tree Removal**

a) Trees approved for removal include the following trees as identified in the Arboricultural Impact Assessment Statement (AIA) dated 4th June 2021 prepared by Our Garden Path Pty Ltd:

- Trees 1 and 2;
- All other trees identified within the report are to be retained.

A qualified ecologist shall be present during tree removal to ensure any fauna present can be relocated to a nearby area of native vegetation.

## **53. Protection of retained trees**

a) Trees to be retained, are detailed in the Arboricultural Impact Assessment Statement (AIA) dated 4th June 2021 prepared by Our Garden Path Pty Ltd and include the following:

- Trees 3 and 4.
- Non-Destructive Root Investigation works will need to be undertaken to ascertain location of roots prior to any excavation works.

b) The applicant is to demonstrate that the following;

- A site specific tree protection plan has been produced and at a minimum includes;
  - a. Measures to minimise impacts to retained trees in accordance with chapter 6 of the Arboricultural Impact Assessment Statement (AIA) dated 4th June 2021 prepared by Our Garden Path Pty Ltd

c) All works within proximity to retained trees will comply with ANS 4970 Protection of Trees on Development Sites:

- All compound/ stockpile, laydown, vehicle park up and amenities shall be located in cleared areas and beyond the dripline of retained trees.
- Prior to the commencement of works temporary and permanent protective fencing must be erected around all trees identified for retention.

- 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.

#### **54. Wildlife Protection**

A suitably qualified ecologist must examine Trees 1 and 2 prior to removal to ensure no microbats or native fauna are present, as specified in the Flora and Fauna Assessment (FFA) dated 12 October 2021 by Eco Logical Australia. Specific attention is required to identify native wildlife, including those using external nests, tree hollows or decorticating bark. If native wildlife species are located, they are to be salvaged and relocated to the nearest suitable habitat in accordance with authorisation under the Wildlife Act 1975.

The ecologist must be on site during the tree removal.

Prior to removal of trees 2, two micro-bat boxes must be installed by a suitably qualified ecologist.

#### **55. Section 138 approval**

Prior to Council or the appointed Principal Certifier issuing a Construction Certificate, the applicant shall lodge a S138 Roads Act application with the relevant roads authority for any proposed civil works within the public road reserve.

The application shall be accompanied with detailed engineering plans designed in accordance with the requirements detailed in *Austrroads Guides* and Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

#### **56. Geotechnical**

The design and construction of any structures within the ground shall be in accordance with any geotechnical provisions.

#### **57. Land Remediation**

A site auditor shall be appointed for the project prior to the release of any construction certificate for the development. The site auditor must be a person accredited under the Contaminated Land Management Act, 1997. Council's Executive Manager Urban Centres (CEMUC) shall be notified of the appointment of the site auditor at least 2 business days prior to the commencement of any remediation works. This notification requirement is in addition to the requirements of SEPP 55.

The site auditor appointed under this condition may issue reasonable directions in relation to works on the land and may require changes to the endorsed remediation action plan. The remediation of the land must be undertaken in accordance with any directions or requirements so given by the site auditor. This includes, without limitation, requiring other work on the site to cease to enable the remediation to be undertaken to the auditor's satisfaction. Any failure to comply with such directions or requirements will constitute a breach of this consent condition and an offense against the Environmental Planning and Assessment Act, 1979. The power to issue directions or requirements under this condition is additional to any other powers of the auditor under this consent and the Contaminated Land Management Act, 1997.

Any person having benefit of this consent may not replace a site auditor appointed under a condition of this consent without the approval of the CEMUC. The power for the CEMUC to approve the appointment of a new site auditor is a power created by this condition and is not a reference to a need for further development consent under the EP&A Act. The CEMUC may withhold approval under this condition unless they are satisfied that the previously appointed site auditor is unwilling or unable to continue servicing the project.



No construction certificate may be issued under this consent unless the auditor has confirmed, in writing that:

1. All (if any) remediation works required to be undertaken prior to the release of the construction certificate have been satisfactorily completed.
1. The construction certificate plans are consistent with the RAP and any building element required to cap contaminated material has been designed to be suitable for that capping purpose.

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

### **58. Stormwater details TfNSW**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

### **59. Excavation details to TfNSW**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures adjacent to Kellicar Road and Narellan Road to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work

### **60. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

### **61. Erection of Construction Sign**

Prior to the commencement of any works on the land, signs must be erected in prominent positions 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 (a digital copy is provided with this consent that can be printed, laminated and affixed to the site or a corflute sign is available for free pick up at Council's administration office)
- 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 signs are 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.

## **62. 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.

## **63. 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.

## **64. Vehicular Access during Construction**

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

## **65. Public Property**

Prior to the commencement of any works on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) 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.

## **67. 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.

## **68. Fencing**

An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

## **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.

## **69. Construction Work Hours**

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

Monday to Friday	7.00 am to 6.00 pm
Saturday	8.00 am to 5.00 pm
Sunday and public holidays	No Work.

## **70. 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.**

## **71. 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.

## **72. Protection of Existing Trees**

During construction, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council unless those trees are within three metres of the footprint of a building that has been approved by Council.

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

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

### **73. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98 per cent 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 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

### **74. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual *Managing Urban Stormwater: Soils and Construction, Volume 1 (the Blue Book)*. Construction areas shall be treated/regularly watered to the satisfaction of the Principal Certifying Authority.

**Note: Council may impose significant financial penalties for any non-compliance with this requirement without any further notification or warning.**

### **75. Termite Control**

The building shall be protected from subterranean termites in accordance with Australian Standard 3660.1. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

### **76. 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.

### **77. Earth Works/Filling Works**

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

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

### **78. 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 the maintenance security bond.

## **79. 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 1.2m 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.

## **80. 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)*;
- a. Council's *Engineering Design for Development (as amended)* guide;
- b. Council's applicable *Development Control Plan*;
- c. Landcom's *Managing Urban Stormwater: Soils and Construction, Volume 1 (the Blue Book)*;
- d. TfNSW *Traffic Control at Work Sites Technical Manual*;
- e. Australian Standard AS 2890 various (*Parking Facilities*);
- f. Australian Standard AS 1742 various (*Manual of uniform traffic control devices*); and
- g. Other relevant Australian Standards, Austroads and State Government publications.

## **82. Footpath**

Concrete footpath paving shall be constructed in accordance with Council's Standard Drawing SD-R12 detailed in Council's *Engineering Design for Development (as amended)* guide and to the satisfaction of Council.

Areas not concreted shall be topsoiled and turfed. The footpath formation may need to be extended beyond the site boundaries to provide an acceptable transition to the existing footpath levels.

## **83. Pavement Thickness Determination**

A road pavement design and pavement thickness report prepared by a N.A.T.A. registered laboratory and appointed by the applicant, shall be submitted to the principal certifying authority for approval, a minimum of 2 working days prior to the inspection of the exposed sub grade.

The pavement design shall be prepared in accordance with the requirements detailed in Council's *Engineering Design for Development (as amended)* guide.

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

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrances to the property in accordance with Council's *Industrial/Commercial Vehicle Crossing Specification and Engineering Design for Development (as amended)* guide.

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council prior to pouring the concrete. Where necessary, conduits shall be provided under the footpath crossing, in accordance with the relevant service authority's requirements.

#### **85. 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 other civil works directed by Council, to make a smooth junction with existing work.

#### **86. 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.

#### **87. Imported 'waste-derived' fill material**

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

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); and
- 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.

#### **88. Inspections – Civil Works**

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council:

- a. EROSION AND SEDIMENT CONTROL –
  - Direction/confirmation of required measures.
  - After installation and prior to commencement of earthworks.
  - As necessary until completion of work.
- a. STORMWATER PIPES – Laid, jointed and prior to backfill.
- b. SUBSOIL DRAINS – After:
  - The trench is excavated.
  - The pipes are laid.
- c. SUBGRADE – Joint inspection with a NATA Registered Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- d. SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.

- e. CONDUITS – Laid and jointed prior to backfilling.
- f. PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- g. SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- h. BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- i. OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- j. CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- k. ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- l. FINAL INSPECTION – All outstanding 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 the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

### **89. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

### **90. Waste Collection**

Prior to the issue of any Occupation Certificate, proof of a fully executed Service Agreement made with a licensed waste collection contractor shall be provided to the Executive Manager Urban Centres which includes details for the collection of waste (including cytotoxic waste, where required) and recycling in vehicles dedicated to each stream for this particular premises. The Agreement must include the vehicle dimensions that are in accordance with the information provided in the approved traffic impact report prepared by Traffic and Parking Assessment dated October 2021 Revision F.

### **91. Structural Engineering Certificate**

Prior to the appointed Principal Certifier issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings, the relevant Standards Association of Australia Codes and is structurally adequate.

### **92. Completion of External Works Onsite**

Prior to the principal certifying authority issuing an occupation certificate, all external works including road works and intersection upgrades, 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.

### 93. Restriction on the Use of Land

Prior to the appointed Principal Certifier issuing an Occupation Certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a. *Access Denied – Kellicar Road*
- b. *Right of Carriageway – where applicable*
- c. *Any other restrictions e.g. Refuse Collection*

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

### 94. Contaminated Land

Prior to the Principal Certifying Authority issuing any occupation certificate, the applicant shall provide either:

- a) A category "A1" site audit statement for the whole site specifying that it is suitable for the proposed use, OR
- a) A category "A2" site audit statement endorsed by Council's Executive Manager Urban Centres as satisfactory under this condition.

### 95. Final Inspection – Works as Executed Plans

Prior to the appointed Principal Certifier issuing an Occupation Certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

#### Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every 5m within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of 15 site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

#### Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 – Coordinate System
- All level information to Australian Height Datum (AHD)

*AutoCAD Option*



- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type                -     zip  
 File Format                -     AutoCAD 2004 Drawing Format or later  
 Transmittal Options       -     Include fonts  
 Include textures from materials  
 Include files from data links  
 Include photometric web files  
 Bind external references  
 The drawing is **not** to be password protected.  
*MapInfo Option*

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

## **96. CCTV footage verifying integrity of all new pipes and existing pipes**

Prior to the appointed Principal 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.

## **97. Engineering Documentation**

Prior to the appointed Principal Certifier issuing an Occupation Certificate, the applicant shall submit to Council the following documents:

- a. Two copies of geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
- b. Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*, and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be collated and suitably bound.

## **98. Restoration of Public Roads**

Prior to the appointed Principal Certifier 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.

**99. Public Utilities**

Prior to the appointed Principal Certifier 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.

**100. Service Authorities**

Prior to the appointed Principal Certifier issuing an Occupation Certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water, Integral Energy, Telecommunication* and where applicable the relevant gas company, shall be submitted stating that satisfactory arrangements have been made for the installation of service conduits for the proposed lot. All construction work shall conform to the relevant authority's specification/s.

**101. Line Marking / Sign Posting Documentation (development)**

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

**102. Registration of Levels**

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

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

**6. Retaining**

Prior to the appointed principal certifier issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

**7. Termite Protection**

Prior to the appointed principal certifier issuing an occupation certificate, certification from a licensed pest controller shall be submitted certifying that the termite treatment has been installed in accordance with AS3660.1.

**8. Council Fees and Charges**

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

## **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

### **Advice 1.1.1. 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 4608.
- b. Nominate a Principal Certifier 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 1.1.2. 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 *NSW Biosecurity Act 2015* or included within the NSW Governments Greater Sydney Strategic Management Plan 2017-2022.

### **Advice 1.1.3. 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 1.1.4. Inspections – Civil Works**

Where Council is nominated as the principal certifying authority for civil works, the following stages of construction shall be inspected by Council.

- a. EROSION AND SEDIMENT CONTROL –
  - i. Direction/confirmation of required measures.
  - ii. After installation and prior to commencement of earthworks.
  - iii. As necessary until completion of work.
- b. STORMWATER PIPES – Laid, jointed and prior to backfill.
- c. VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- d. FINAL INSPECTION – All outstanding work.

#### **Advice 1.1.5. Inspection within Public Areas**

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

#### **Advice 1.1.6. Adjustment to Public Utilities**

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

#### **Advice 1.1.7. 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 1.1.8. Asbestos Warning**

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

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

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

**Advice 1.1.9. Dial before you Dig**

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

**Advice 1.1.10. Endeavour Energy**

The proposal shall ensure the following requirements are addressed from Endeavour Energy's document Standard conditions for Development Applications and Planning Proposals. Version 1:

- Asbestos
- Asset planning
- Asset relocation
- Contaminations
- Demolition
- Dial before you dig
- Driveways
- Earthing
- Easement management
- Emergency contact
- Flooding
- Network asset design
- Protected works
- Prudent avoidance
- Public safety
- Safety clearances
- Streetlighting
- Sustainability, and

Vegetation management

**END OF CONDITIONS**