

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan Detail	Job Number	Prepared by	Date
Macarthur Gardens North Urban Design and Landscape Report		Urbis	12 December 2021
Macarthur Gardens North – Masterplan – Environmental Noise and Vibration Assessment	TL100-05F01	Renzo Tonin & Associates	3 December 2021
Macarthur Gardens North Ecologically Sustainable Development Report	Revision 02	WSP	1 October 2020
Amended Civil Engineering plans	19-036-DA-C0100 A	IDC	26 Aug 2022
Macarthur Gardens North DA Master Plan Vegetation Management Plan	V3	Eco Logical Australia	9 August 2022
CPTED Assessment – Macarthur Gardens North	Version 2	Urbis	23 November 2021
Biodiversity Development Assessment Report Version 6	20SYD - 16415	Ecological Australia	25 Oct 2022
Macarthur Gardens North Precinct Operational Waste Management Masterplan Subdivision	Revision A	Elephants Foot Recycling Solutions	6 December 2021
Macarthur Gardens North Riparian Assessment	Version 3	Eco Logical Australia	27 Oct 2022
Plan of Proposed Subdivision	15038(SUPER)PS - Sheets 1 and 2 (Revision B)	JMD Development Consultants	12 December 2021
Updated Contamination Assessment – Macarthur Gardens North	58989 / 130099 Revision A	JBS&G	25 June 2020
Bushfire Protection Assessment – Macarthur Gardens North Master Plan	20SYD_16415	Eco Logical Australia	30 November 2021

Any further development applications for the subject land shall also be consistent with the approved plans and the conditions of this consent.

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. 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.

4. Construction Certificate

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

- a. the applicant shall appoint a Principal Certifier;
- b. the applicant shall obtain a construction certificate for the particular works; and
- c. 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.

5. Aboriginal Heritage Impact Permit

Development of the site shall at all times adhere to the conditions of the Aboriginal Heritage Impact Permit C0004819 issued by the NSW Office of Environment and Heritage on 3 May 2019.

In addition, an unexpected finds protocol shall be included in the Construction Management Plan in the event that potential Aboriginal objects are encountered.

6. Bushfire Safety Authority - Rural Fire Service

Each stage of the development of the site shall comply with the terms of the Bushfire Safety Authority attached to this consent (DA20220128002094-Original-1), issued by the NSW Rural Fire Service on 6 March 2022.

7. General Terms of Approval - Natural resources Access Regulator

Development on the site shall be carried out in accordance with the attached General Terms of Approval issued by the Natural Access Regulator on 14 June 2022.

8. Endeavour Energy Conditions

Development of the site shall take place in accordance with the conditions issued by Endeavour Energy (attached) on 12 May 2022.

9. Sydney Trains Conditions

Development on the site shall take place in accordance with the attached conditions issued by Transport for NSW (Sydney Trains) dated 3 May 2022.

10. Consultation with Transport for NSW

Transport for NSW requires that the applicant continue to liaise with Transport for NSW regarding the proposed pedestrian bridge connecting to Macarthur Railway Station, and throughout the development of the site.

The applicant should be aware the proposed pedestrian bridge is adjacent to the corridor boundary. The Applicant/Developer shall engage in pre-DA discussions with Transport for NSW prior to the lodgement of any planning approval applications for development that involves any upgrade, change or alterations to the existing pedestrian connection to Macarthur Railway Station.

11. Crime Prevention through Environmental Design

All stages of the development of the site shall incorporate the recommendations of the CPTED Assessment prepared by Urbis dated 23 November 2021. In addition, the following recommendations of the Campbelltown City Police Area Command shall be implemented within the Macarthur Gardens North estate.

Surveillance

- Lighting and wayfinding shall be implemented throughout the pedestrian walkways and cycleways to Council's satisfaction.
- CCTV shall be implemented at the Station Arrival Precinct.
- A maintenance schedule shall be developed and implemented for landscaping to maintain clear sightlines throughout the Concept Plan area, especially underneath the bridge in the Station Arrival Precinct.

Access Control

- At the detailed design stage, the design of vehicle entry and exit points and potential safety measures shall be considered to minimise conflicts between pedestrians and vehicles, such as safety mirrors or sensors.
- Directional signage shall be implemented throughout the Concept Plan area to guide access to key public spaces within the Concept Plan area such as The Station Arrival Plaza, commercial and retail areas and parks, as well as neighbouring uses such as Macarthur Station, Macarthur Shopping Centre, WSU and TAFE.

Territorial Re-enforcement

- The use of different pavement patterns or colours shall be considered, to clearly define public and private areas. The use of walls/fences or other site features could also be considered.
- Lighting along the boundaries of public spaces and pedestrian and cycle paths shall be implemented to provide pedestrians with constant boundary markers at night, to Council's satisfaction.

12. Consistency of future Development Applications

While this consent remains in force, the determination of any subsequent Development Applications for the subject site must be consistent with this consent.

13. Access Denied

Vehicular access to and from the proposed allotments to Goldsmith Avenue is denied, and appropriate restrictions on title shall be registered in this regard.

14. Flood Level Controls

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The Minimum floor level for the proposed buildings within Macarthur Garden North is to be at or above the flood level of the Critical Dam Crest Failure (DCF) scenario basins/dams located western side of the subject site.

15. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements set out in Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan.

- a. Mobility parking shall be provided as part of the development.
- b. Bicycle parking facilities shall be installed at the Station Arrival Plaza.
- c. A footpath shall be provided on both sides of "Road 2".

- d. All relocated pedestrian crossings proposed for Goldsmith Avenue shall be installed as Raised Pedestrian Crossings.
- e. The pedestrian linkage between the Station Arrival Plaza and Macarthur Station shall comply with the minimum access requirements contained within Australian Standard 1428 – Design for Access and Mobility.
- f. Provision shall be made for a Kiss and Ride facility in close proximity to the Station Arrival Plaza, and the design shall be subject to the approval of the Campbelltown Local Traffic Committee.

A bicycle management plan shall be submitted with subsequent built form Development Applications for the Macarthur Gardens North estate. The bicycle management plan shall detail the procedures to be adopted to ensure that bicycles are not abandoned in either public places or on private land and to ensure that bicycle storage areas are maintained to an acceptable standard.

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.

16B. Acoustic Report

Prior to the issue of a construction certificate for the Fitness Park, an acoustic report shall be prepared to determine whether the noise levels associated with the Fitness Park would be compliant with the relevant acoustic criteria and would ensure an appropriate level of amenity for residents. If in the opinion of Council, the noise levels associated with the Fitness Park are not compliant or appropriate, the Fitness Park shall be revised to an alternative suitable and viable option that the applicant and Council both agree upon. In the event of such a change, plans and details of such option shall be submitted for the approval of Council's Executive Manager Open Space prior to the issue of a construction certificate for the Fitness Park.

17. Location of Amenity Buildings

Prior to the issue of a construction certificate for the landscape design of the open space areas, written confirmation shall be provided by Council's Executive Manager Open Space that the proposed locations of amenity buildings within the open space areas are satisfactory with regard to public amenity.

18. Width of Shared Path

Prior to the issue of a construction certificate, the applicant shall provide plans to Council showing the proposed 2 metre wide shared path along Bow Bowing Creek Reserve as widened to 3 metres.

If an amendment is agreed between the applicant and Council, and this results in more vegetation being removed, an amended Biodiversity Development Assessment Report is required to be submitted to Council for the written approval of Council's Executive Manager Urban Centres. If any resultant compensatory replanting is to be undertaken, the landscape plans shall be modified in order to show this replanting. If a monetary offset is to be paid, documentary evidence shall be provided to the Principle Certifier that this offset has been paid to Council.

19. Landscaping Species

Prior to the issue of a construction certificate, *Pennisetum alopecuroides* shall be deleted from the landscape plans as this plant species has weed-like tendencies.

20. Updated Flood Modelling

Updated TUFLOW modelling shall be provided for Council's approval that reflects the updated materials proposed to be used in the construction of the retaining walls, the dimensions of the retaining walls, and the types of landscaping proposed.

21. Retaining Wall Requirements

If gabion walls are used as the retaining wall solution, then:

- a. Rocks used in gabion walls must meet the appropriate criteria for hardness/durability.
- b. Shale is not to be used.
- c. Gabion baskets must not be accessible.

Where fall height from accessible areas may be problematic, appropriate barriers are to be proposed.

22. Road Safety Audit

A Road Safety Audit must be undertaken on the suitability of the location of proposed crossing location number 3. If the audit determines that the crossing poses an unacceptable road safety risk, the crossing shall be rectified or relocated to a safer location to the satisfaction of Council. If the crossing is relocated, the bicycle path/crossing shall be relocated as well to ensure that a continuous cycle path is provided from the Station Plaza to both directions of Goldsmith Avenue and vice versa.

23. Pollution Control

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

24. Road Construction (New)

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit engineering details of all new roads.

Full construction of all new roads to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable) City DCP - Volumes 1 and 3 (as amended).

All inspections are to be undertaken by Council and principal certifying authority shall not issue a subdivision certificate until Council has issued a compliance certificate for the road construction.

25. 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. On-street car parking is to be time-limited to discourage commuter parking.

26. Stormwater Management Plan

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit engineering details of a formal drainage system designed to conform and with the design requirements of the Council's 'Engineering Design Guide for Development' (as amended) and the applicable development control plan, including the creation of appropriate drainage reserves and/or easements.

Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

27. 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 applicant's expense and a compliance certificate, approving the works, shall be obtained from Council prior to the Principal Certifier issuing an occupation certificate.

28. Geotechnical Report

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a geotechnical validation report prepared by a NATA registered lab shall be submitted which confirms the suitability of the site for the intended final land use, 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.

29. 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.

30. 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.

31. 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.

32. Biodiversity Offset Credit Requirements

- a) The following like for like offset ecosystem credits are required to be retired for the proposal, and evidence of the acquiring of the offset ecosystem credits is to be submitted to Council's Executive Manager Urban release for approval.

Plant Community Type (PCT)	Offset Requirement (Like for Like)	IBRA	Credits Required
849 Cumberland Shale Plains Woodland	Cumberland Shale Plains Woodland in the Sydney basin Bioregion. This includes PCTs 849 and 850	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or Any IBRA subregion that is within 100 kilometers of the	2 (No HBTs)

		outer edge of the impacted site.	
835 Cumberland Riverflat Forest	River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions This includes PCTs: 686, 828, 835, 941, 1108, 1109, 1212, 1228, 1293, 1318, 1326, 1386, 1504, 1556, 1594, 1618, 1720, 1794	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	13 (HBTs)
1071 Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion	Coastal Freshwater Lagoons This includes PCTs: 781, 783, 1071, 1735, 1736, 1737, 1740, 1741, 1742	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	3 (No HBTs)

- b) The following like for like offset species credits are required to be retired for the proposal, and evidence of the acquiring of the offset ecosystem credits is to be submitted to Council's Executive Manager Urban release for approval.

Species	Offset Requirement (Like for Like)	IBRA subregion	Credits Required
<i>Meridolum corneovirens</i> Cumberland Plain Land Snail	<i>Meridolum corneovirens</i> Cumberland Plain Land Snail	Any in NSW	14
<i>Myotis macropus</i> Southern Myotis	<i>Myotis macropus</i> Southern Myotis	Any in NSW	19

33. Arboricultural Impact Assessment Report and Koala Feed Tree Offsets

Prior to the issue of a construction certificate, an Arboricultural Impact Assessment Report (AIA), as required by the submitted BDAR (Version 6, 22 October 2022), shall be submitted to Council for the assessment and approval of Council's Executive Manager Urban Centres.

The AIA shall identify the quantity of potential koala feed trees to be removed (including Diameter at Breast Height), within the area mapped in Figure 16 – Area Requiring offsets of the submitted BDAR (Version 6, 22 October 2022). Under Section 7 of the Campbelltown Koala Plan of Management, offsets are required, either in the form of compensatory replanting or a monetary offset.

If compensatory replanting is to be undertaken, the landscape plans shall be modified in order to show this replanting. If a monetary offset is to be paid, documentary evidence shall be provided to the Principle Certifier that this offset has been paid to Council.

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. Vegetation Retention

- Prior to any works being undertaken a temporary fence is to be installed to protect and limit access to the area of retained vegetation, a no go zone area is to be disseminated to unauthorised personnel to limit direct and indirect impacts.
- Prior to any works sediment fencing is to be put in place to control sediments into the receiving environment – for the duration of the development.

35. Pre-clearance Surveys

Pre-clearance surveys of the on-site approved vegetation for removal are to be undertaken for:

- Hollow Bearing Trees
- Cumberland Plain Land Snail (CPLS) habitat as noted in Figure 12 of the Macarthur Gardens North Masterplan DA Biodiversity Development Assessment Report dated 22 October 2022 (V6 by Ecological Australia).

36. Vegetation Removal

The area of vegetation removal as depicted in Figure 16 (Impacts requiring Offset) of the Macarthur Gardens North Masterplan DA Biodiversity Development Assessment Report dated 22 October 2022 (V6 by Ecological Australia) is only to be removed when the Offset obligation for Ecosystem credits and Species credits is submitted to Council's Executive Manager Urban release for approval.

37. Modification or Surrender of 1571/2015/DA-CW

Prior to the commencement of works, a modification application in respect of 1571/2015/DA-CW shall be submitted to Council and approved. The modification application shall make the works approved under 1571/2015/DA-CW consistent with the works approved under this development consent. Alternatively, 1571/2015/DA-CW shall be surrendered.

38. 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.

39. 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.

40. 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.

Alternatively, portable toilets that are pumped out and cleaned periodically as required may be used.

41. 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.

42. 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.

43. 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.

44. 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.

45. Site Validation

Prior to the commencement of works, the recommended actions of the Updated Contamination Assessment prepared by JBS&G dated 25 June 2020 shall be undertaken, and a Site Validation Report shall be prepared and submitted to Council.

46. Construction Environmental Management Plan

A Construction Environmental Management Plan shall be submitted to Council's Executive Manager Urban Centres for approval. The plan shall include but not be limited to:

- Timing of works and noise limitations during construction phase
- Dust monitoring – dust suppression activities to be undertaken
- Hygiene protocols – washdown of vehicles and machinery to prevent the spread of weeds and pathogens such as Phytophthora and Myrtle rust
- Staff training – communication of protected areas to personnel, no go zones, authorised personnel (as part of VMP).

47. Vegetation Removal

- An ecologist is to be present when tree felling is to be undertaken on site, for relocation of any fauna that is present during tree felling operations (into the retained vegetation area).
- The removal of one (1) Hollow Bearing Tree (HBT), will require the replacement of that HBT with a ratio of 1:2. Thus two (2) hollow replacement boxes are required to be placed within the area of retained vegetation.

48. Traffic Control Plans

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

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.

49. 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 500m² (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

50. Earth Works/Filling Works

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

- f. 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;
- g. 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
- h. 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. 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.

52. 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.

53. 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.

54. Protection of Existing Trees

During construction, no trees outside of the approved development footprint are to be cut down, lopped, destroyed or removed without the separate written approval of 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.

55. Excavation and Backfilling

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

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

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and
- Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

56. 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 appointed Principal Certifier.

57. Public Safety

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

58. Compliance with Council Specification

All design and construction work shall be in accordance with:

- Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- Campbelltown (Sustainable City) DCP - Volumes 1 and 3 as amended
- Soils and Construction (2004) (Bluebook) and
- Relevant Australian standards and State Government publications.

59. Associated Works

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

60. 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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision 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 subdivision certificate.

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

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

- c. the files shall be in MP4 format
- d. file resolution shall be 640 by 480 pixels, 3 Mbps and 25 frames per second
- e. each pipe reach (i.e. between two pits) shall be provided as a separate file
- f. the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage
- g. 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
- h. the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and
- i. a summary report (*.pdf) shall accompany the data.

62. Section 73 Certificate – Subdivision Only

Prior to the appointed Principal certifier issuing a subdivision certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall 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 shall 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 Council prior to the release of the subdivision certificate.

63. Payment of S7.11 Contributions

Prior to the issue of a Subdivision Certificate, payment of Section 7.11 contributions applicable under the Campbelltown Local Infrastructure Plan 2018 is to be made for the five allotments to be created under this consent. Based on \$20,000 per allotment, the applicable payment is \$100,000.

64. Service Authorities

To ensure that an adequate level of services and infrastructure is provided to this development, prior to the appointed Principal Certifier issuing a Subdivision Certificate the following is required:

- a. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development
- b. Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development

- c. Gas supplier (if relevant)- Evidence demonstrating that satisfactory arrangements have been made with a gas supplier to service the proposed development; and
- d. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

All construction work shall conform to the relevant authorities' specifications.

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

65. Final Inspection – Works as Executed Plans

Prior to the appointed principal certifying authority issuing an occupation/a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements detailed in the Campbelltown (Sustainable City) DCP Volume 3 (as amended).

The applicant shall **also** submit a copy of the Works as Executed information to Council in 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 0.3.m 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.

66. Council Fees and Charges

Prior to the appointed Principal Certifier issuing a subdivision 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.

67. 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.

68. Undergrounding of Power Lines

Prior to the issue of a Subdivision Certificate, the existing High Voltage aerial power line that traverses the site shall be placed underground within the development footprint to suit the proposed works in accordance with the requirements of the relevant Energy Authority (as per Drawing No. 19-036-DA-C3100 Rev G prepared by IDC dated 26 August 2022).

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. Filling on Site

Council's records in respect of this lot indicate that varying depths of filling covers the natural ground surface.

Advice 2. 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 3. Subdivision Certificate Fee

A Subdivision Certificate fee is payable on submission of the subdivision certificate application to Council. The exact amount will be calculated at the rate applicable at the time of lodgement.

Advice 4. 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 5. 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 6. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted for Council's assessment through the NSW Planning Portal:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed
- A copy of each required service authority certificate
- A draft plan administration sheet (including subdivision certificate)
- A draft deposited plan/ strata plan (if required) drawing
- A Section 88B instrument (where required), and
- A letter from the registered owner providing owners consent for subdivision application.

NSW Planning Portal <https://www.planningportal.nsw.gov.au/>

Upon Council's direction, the applicant must supply three final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the Surveying and Spatial Information Regulation 2017.

Advice 7. 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