

# ATTACHMENT 1

## 2278/2022/DA-RA

### Recommended Conditions of Consent

#### GENERAL CONDITIONS

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

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

#### 1. Approved Development

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

Plan Detail	Job Number	Prepared by	Date
DA Noise and Vibration Impact Assessment Revision 3	20220417.1/1811A/R3/GC	Acoustic Logic	18/11/22
Arboricultural impact Assessment & Tree Management Plan	6847.3	Redgum Horticultural	02/08/22
Basix Certificate	110055 r3.0	BCA Energy/Jensen Hughes	12/07/23
Basix Obligation Report	110055 r2.0	BCA Energy/Jensen Hughes	12/07/23
Basix Stamped Drawings	110055 r.2.0	BCA Energy/Jensen Hughes	12/07/23
Stormwater Concept Design – Revision G	20210072	SGC Consulting Engineers	03/06/22
Water Cycle Management Statement Issue B	20210072-R01	SGC Consulting Engineers	16/06/22
Flood Assessment Issue E	20210072-R02	SGC Consulting Engineers	02/08/22
CPTED Report Issue C	22.005	The Design Partnership	02/08/22
Additional Geotechnical Investigation, Salinity Assessment and Salinity Management Plan	E24711.G04,G17	Ei Australia	28/07/22
Heritage Impact Statement	28 July 2022	GBA Heritage	28/07/22
Landscape Concept Plan Issue E	Date: 06.04.2023	Sturt Noble Associates	06/04/23
Construction & Demolition Waste Management Plan	Revision C	Elephants Foot Consulting	08/08/22
Operational Waste Management Plan	Revision G SO1049	Elephants Foot Consulting	10/10/22
Preliminary Site Investigation	E24711.E01_Rev3	Ei Australia	16/06/22
NatHERS Certificate	#HR-R9IU62-01	BCA Energy/Jensen Hughes	15/06/21
Traffic Impact Assessment R12/22 Revision A	3343-22	Lyle Marshall	08/22
Qualitative Environmental Wind Assessment	610.30327-R03	SLR Consulting	July 22
Detailed Site Investigation and	E24711.E02_Rev1	Ei Australia	04/11/22

Salinity Assessment			
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Architectural Drawing List			
Sheet No.	Sheet Name	Current Revision	Date
D00.01 - 04	BASIX COMMITMENTS	B	01.08.22
D00.01 - 07	SITE PLAN	B	01.08.22
D00.01 - 08	DEMOLITION PLAN	B	01.08.22
D01.01 - 01	BASEMENT 5	B	01.08.22
D01.01 - 02	BASEMENT 4	B	01.08.22
D01.01 - 03	BASEMENT 3	B	01.08.22
D01.01 - 04	BASEMENT 2	B	01.08.22
D01.01 - 05	BASEMENT 1	C	28.10.22
D01.01 - 06	GROUND FLOOR	E	30.03.23
D01.01 - 07	LEVEL 01	C	28.10.22
D01.01 - 08	LEVEL 02	B	01.08.22
D01.01 - 09	LEVEL 03	B	01.08.22
D01.01 - 10	LEVEL 04	B	01.08.22
D01.01 - 11	LEVEL 05-07	B	01.08.22
D01.01 - 12	LEVEL 08	B	01.08.22
D01.01 - 13	LEVEL 09-11	B	01.08.22
D01.01 - 14	LEVEL 12	C	06.07.23
D01.01 - 15	LEVEL 13	C	06.07.23
D01.01 - 16	LEVEL 14	C	06.07.23
D01.01 - 17	LEVEL 15	C	06.07.23
D01.01 - 18	ROOF LEVEL	C	06.07.23
D01.02 - 01	TOWER A LEVEL 2 PLAN	B	01.08.22
D01.02 - 02	TOWER A LEVEL 3 PLAN	B	01.08.22
D01.02 - 03	TOWER A LEVEL 4 PLAN	B	01.08.22
D01.02 - 04	TOWER A LEVEL 5-7 PLAN	B	01.08.22
D01.02 - 05	TOWER A LEVEL 8-11 PLAN	B	01.08.22
D01.02 - 06	TOWER A LEVEL 12 PLAN	C	06.07.23
D01.02 - 07	TOWER A ROOF PLAN	C	06.07.23
D01.03 - 01	TOWER B LEVEL 2 PLAN	B	01.08.22
D01.03 - 02	TOWER B LEVEL 3 PLAN	B	01.08.22
D01.03 - 03	TOWER B LEVEL 4 PLAN	B	01.08.22
D01.03 - 04	TOWER B LEVEL 5-7 PLAN	B	01.08.22
D01.03 - 05	TOWER B LEVEL 8-11 PLAN	B	01.08.22
D01.03 - 06	TOWER B LEVEL 12 PLAN	C	06.07.23
D01.03 - 07	TOWER B ROOF PLAN	C	06.07.23
D01.04 - 01	TOWER C LEVEL 1 PLAN	C	28.10.22
D01.04 - 02	TOWER C LEVEL 2 - 3 PLAN	B	01.08.22
D01.04 - 03	TOWER C LEVEL 4-7 PLAN	B	01.08.22
D01.04 - 04	TOWER C LEVEL 8 PLAN	B	01.08.22
D01.04 - 05	TOWER C LEVEL 9-13 PLAN	B	01.08.22
D01.04 - 06	TOWER C LEVEL 14 PLAN	C	06.07.23
D01.04 - 07	TOWER C LEVEL 15 PLAN	C	06.07.23
D01.04 - 08	TOWER C ROOF PLAN	C	06.07.23
D01.05 - 01	TOWER D LEVEL 1 PLAN	B	01.08.22
D01.05 - 02	TOWER D LEVEL 2-3 PLAN	B	01.08.22
D01.05 - 03	TOWER D LEVEL 4-13 PLAN	B	01.08.22

D01.05 - 04	TOWER D LEVEL 14 PLAN	C	06.07.23
D01.05 - 05	TOWER D ROOF PLAN	C	06.07.23
D01.06 - 01	TOWER E LEVEL 1 PLAN	B	01.08.22
D01.06 - 02	TOWER E LEVEL 2-3 PLAN	B	01.08.22
D01.06 - 03	TOWER E LEVEL 4-7 PLAN	B	01.08.22
D01.06 - 04	TOWER E LEVEL 8 PLAN	A	10.06.22
D01.06 - 05	TOWER E LEVEL 9-12 PLAN	B	01.08.22
D01.06 - 06	TOWER E LEVEL 13 PLAN	C	06.07.23
D01.06 - 07	TOWER E ROOF PLAN	C	06.07.23
D02.01 - 01	SITE ELEVATION NORTH-EAST	C	06.07.23
D02.01 - 02	SITE ELEVATION NORTH-WEST	D	06.07.23
D02.01 - 03	SITE ELEVATION SOUTH-EAST	C	06.07.23
D02.01 - 04	SITE ELEVATION SOUTH-WEST	D	06.07.23
D02.02 - 01	TOWER A NORTH-EAST ELEVATION	C	06.07.23
D02.02 - 02	TOWER A NORTH-WEST ELEVATION	D	06.07.23
D02.02 - 03	TOWER A SOUTH-EAST ELEVATION	C	06.07.23
D02.02 - 04	TOWER A SOUTH-WEST ELEVATION	C	06.07.23
D02.03 - 01	TOWER B EAST ELEVATION	C	06.07.23
D02.03 - 02	TOWER B WEST ELEVATION	C	06.07.23
D02.03 - 03	TOWER B NORTH ELEVATION	C	06.07.23
D02.03 - 04	TOWER B SOUTH ELEVATION	C	06.07.23
D02.04 - 01	TOWER C NORTH-EAST ELEVATION	C	06.07.23
D02.04 - 02	TOWER C NORTH-WEST ELEVATION	D	06.07.23
D02.04 - 03	TOWER C SOUTH-EAST ELEVATION	C	06.07.23
D02.04 - 04	TOWER C SOUTH-WEST ELEVATION	D	06.07.23
D02.05 - 01	TOWER D NORTH-EAST ELEVATION	C	06.07.23
D02.05 - 02	TOWER D NORTH-WEST ELEVATION	C	06.07.23
D02.05 - 03	TOWER D SOUTH-EAST ELEVATION	C	06.07.23
D02.05 - 04	TOWER D SOUTH-WEST ELEVATION	C	06.07.23
D02.06 - 01	TOWER E NORTH-EAST ELEVATION	C	06.07.23
D02.06 - 02	TOWER E NORTH-WEST ELEVATION	C	06.07.23
D02.06 - 03	TOWER E SOUTH-EAST ELEVATION	C	06.07.23
D02.06 - 04	TOWER E SOUTH-WEST ELEVATION	C	06.07.23
D02.07 - 01	SITE SECTION AA	C	06.07.23
D02.07 - 02	SITE SECTION BB	C	06.07.23
D02.07 - 03	SITE SECTION CC	D	06.07.23
D02.07 - 04	SITE SECTION DD	C	06.07.23
D02.08 - 01	BUILDING SECTION - TOWER A	C	06.07.23
D02.08 - 02	BUILDING SECTION - TOWER B	C	06.07.23
D02.08 - 03	BUILDING SECTION - TOWER C	D	06.07.23
D02.08 - 04	BUILDING SECTION - TOWER D	C	06.07.23
D02.08 - 05	BUILDING SECTION - TOWER E	C	06.07.23
D05.01 - 01	TOWER A - PRE & POST ADAPTABLE / SILVER LEVEL UNITS	B	01.08.22
D05.01 - 02	TOWER B - PRE & POST ADAPTABLE / SILVER LEVEL UNITS	B	01.08.22
D05.01 - 03	TOWER B - SILVER LEVEL UNITS	B	01.08.22
D05.01 - 04	TOWER C - PRE & POST ADAPTABLE / SILVER LEVEL UNITS	B	01.08.22
D05.01 - 05	TOWER C & E - SILVER LEVEL UNITS	B	01.08.22
D05.01 - 06	TOWER E - PRE & POST ADAPTABLE / SILVER LEVEL UNITS	B	01.08.22
D05.01 - 07	TOWER E - SILVER LEVEL UNITS	B	01.08.22

D05.01 - 08	TOWER D - PRE & POST ADAPTABLE SILVER LEVEL UNITS	B	01.08.22
D05.01 - 09	TOWER D - SILVER LEVEL UNITS	B	01.08.22
D07.02 - 02	FENCING PLAN	A	21.02.23
D07.02 - 03	FENCING DETAILS	A	21.02.23
D07.04 - 01	STORAGE DIAGRAMS LEVEL B4-B5	B	01.08.22
D07.04 - 02	STORAGE DIAGRAMS LEVEL B3	B	01.08.22
D07.04 - 03	STORAGE DIAGRAMS LEVEL 1-2	B	01.08.22
D07.04 - 04	STORAGE DIAGRAMS LEVEL 3-4	B	01.08.22
D07.04 - 05	STORAGE DIAGRAMS LEVEL 5-6	B	01.08.22
D07.04 - 06	STORAGE DIAGRAMS LEVEL 7-8	B	01.08.22
D07.04 - 07	STORAGE DIAGRAMS LEVEL 9-10	B	01.08.22
D07.04 - 08	STORAGE DIAGRAMS LEVEL 11-12	B	01.08.22
D07.04 - 09	STORAGE DIAGRAMS LEVEL 13-14	B	01.08.22
D08.01 - 01	EXTERNAL MATERIAL FINISHES SCHEDULE	C	06.07.23
D08.01 - 02	INTERNAL STREET VIEW	A	01.08.22
D09.01 - 14	SITE CONTEXT PRESENTATION		
D09.02 - 01	PROPOSED MAXIMUM BUILDING HEIGHTS	B	01.08.22
D10.01 - 01	STAGING DIAGRAM 01, 02	C	28.10.22
D10.01 - 02	STAGING DIAGRAM 03, 04 QUEEN STREET PHOTOMONTAGE / CGI IMAGE	B	01.08.22 Received 22.06.22

## 2. 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 minimum of 10% of the total number of dwellings within the development shall be adaptable dwelling(s).
- A 20,000 litre rainwater tank(s) shall be provided in a location that is not visible from the street or public places.
- Garbage chutes shall feed into a garbage container or mechanical compaction device located in the bin storage room.
- The end-of-trip room shall have at minimum a change room with showers and toilets.
- The roller shutter of the loading dock facing Queen Street shall be recessed by a minimum of 5 metres so as to reduce its visual prominence.
- Provision of direct pedestrian access from the podium of the southern building to RW-01, without having to enter the basement level.

## 3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

## 4. Contract of Insurance (residential building work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This clause does not apply:

- a. To the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of that regulation, or
- b. To the erection of a temporary building.

## **5. Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the appointed Principal Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal certifier is required to be appointed:
  - i. The name and licence number of the principal certifier, and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the appointed Principal Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.

## **6. 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.

## **7. 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.

All glass used in building facades shall have a low reflectivity index.

Any roof mounted plant rooms, roof mounted air conditioning units and other roof mounted services and roof mounted equipment shall be screened from view within the approved roof structures and architectural elements. Separate development consent shall be obtained for any such roof mounted services or equipment that would be located outside of the approved roof structures and architectural elements.

## **8. Waste Management**

- a. The garbage storage rooms identified on the approved plans shall:
  - i. Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.

- ii. Have its floor graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
  - iii. Have hot and cold water hose cocks shall be provided within the room through a centralised mixing valve.
  - iv. Be finished with a smooth faced, non-absorbent material(s) in a light colour and capable of being easily cleaned.
  - v. Be vented to the external air by natural or artificial means.
  - vi. Have its outlet area, in which the chute outlets and mechanical collection devices are located, be secured to prevent access by unauthorised persons.
  - vii. Be graded and drained to a Sydney Water approved drainage fitting.
  - viii. Have a self-closing door openable from within the room.
  - ix. Be constructed in such a manner to prevent the entry of vermin.
  - x. Restrict access to the on-site manager and prevent access to residence.
- b. A garbage room is to be provided for the Retail and Commercial premises separate from the residential garbage room. Residents shall not have access to the retail/commercial garbage room, and occupants of the commercial component of the development shall not have access to the residential waste rooms. Access control shall be implemented to waste rooms to achieve this outcome.
  - c. All commercial premises shall hold evidence of a contract with a licensed collector for garbage and recycling collection.
  - d. Any mechanical compaction device within the buildings shall comply with the following requirements:
    - i) maximum compaction rate of 2:1;
    - ii) designed to accommodate general household garbage only and
    - iii) not be used to compact recyclables.

## **9. Fencing**

A 2.4 metre high fence shall be erected on the site's rear boundary at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

## **10. 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.

## **11. Driveway**

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

All driveways in excess of 20 metres in length shall be separated from the landscaped areas by the construction of a minimum 150mm high kerb, dwarf wall or barrier fencing.

## **12. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- All vehicular entries and exits shall be made in a forward direction.
- All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- 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.

### **13. Advertising Signs – Separate DA Required**

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

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

Signage displaying the name or logo of the developer/builder anywhere on the buildings or site is strictly prohibited.

### **14. 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, or 48 hours from the end of a weekend or public holiday during which the graffiti appears.

### **15. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997, unreasonable dust or vibration, and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

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

### **16. Finished Floor Levels and Finished Building Height Levels**

The finished floor level for all habitable dwellings is to be a minimum of 500 mm above the 1% Annual Exceedance Probably flood level.

The finished floor level of the commercial retail tenancies along the frontage of Queen Street shall be constructed to 59.55 m AHD.

The maximum constructed building heights shall not exceed the heights nominated in the table below:

<b>Building</b>	<b>Maximum Building Height</b>
Tower A	48.45 metres
Tower B	47.95 metres
Tower C	57.1 metres
Tower D	53.45 metres

## **17. 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 Guide (as amended) and relevant Campbelltown City Council Development Control Plan (as amended).

## **18. Car Parking Spaces**

All car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards AS 2890.1,2, and 6 (as amended).

The basement car park shall be developed with the infrastructure required for electric vehicle charging.

## **19. 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.

## **20. 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.

## **21. Rain Water Tank(s)**

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

## **22. 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.

## **23. Pollution Control**

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.

**NSW INDUSTRIAL NOISE POLICY** –The use of the premise must not exceed the noise criteria outlined in the NSW Industrial Noise Policy.

**ACOUSTIC COMPLIANCE REPORT** - An Overall Acoustic Compliance Report shall be prepared within 90 days after the completion of construction and commencement of full-scale operations of the premise, to confirm the noise is compliant with the operating development and to address any resulting issues.

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

**OPERATIONAL NOISE MANAGEMENT PLAN** - Prior to the issue of a Construction Certificate, an overall ongoing Operational Noise Management Plan shall be prepared for the development (covering all relevant aspects of the development). The Management Plan shall ensure the introduction of ongoing use of best practice noise management and minimisation operations and procedures, and to assist in ensuring the acoustic compliance of the development.

The Operational Noise Management Plan shall be subject to amendment, should the need arise. At the regulatory authority's' direction, the Noise Management Plan shall be amended to incorporate any measures or procedures deemed necessary for the development to achieve acoustic compliance.

## **24. 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.

Any lighting of external areas within the development such as the rooftop shall be designed and located in a manner to prevent light spill and/or glare impacts on neighbouring premises.

## **25. Car Washing Requirements**

In the event a car washing area is designated, the car washing area must be provided with appropriate measures to prevent wastewater entering the stormwater system.

The area must be provided with a floor waste (drain) to dispose of the wastewater to the sewerage system via a trade waste agreement in accordance with Sydney Water's Requirements. Please contact Sydney Water on 132092 for further information.

## **26. Chemical Storage Area**

In the event chemicals are stored on site the chemical store room must be constructed with smooth and impervious floors, walls and ceiling to enable easy cleaning.

Appropriate ventilation, bunding and storage of the chemical must be provided within the room in accordance with SafeWork NSW and the Safety Data Sheets for each chemical to prevent any pollution incidents or risk to public health and safety.

All chemical waste must be collected and disposed of appropriately by a waste transporter and treatment facility licensed by the DEC – Department of Environment and Conservation (Protection of the Environment Operations (Waste) Regulation 2014).

## **27. Laundry Room Requirements**

The laundry room must be constructed with smooth and impervious floors, walls and ceiling to enable easy cleaning.

Appropriate ventilation (where applicable) must be provided in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings within the laundry room.

The laundry must be provided with a trade waste agreement in accordance with Sydney Water requirements. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to issue of an Occupation Certificate. Please contact Sydney Water for information and requirements for trade waste agreement by calling 13 20 92.

## **28. Use of Building - Separate Consent Required**

Separate consent is required for the use of the retail and commercial premise/s prior to the occupation of the building particularly for food premises, skin penetration premises, beauty salon or hairdresser.

No approval is given in this consent for the use of a regulated system i.e. cooling tower for which separate consent (or modification of this consent) is required.

## **29. Site Management**

The property owner, site superintendent and contractors shall be responsible for implementing a site management plan and measures, ensuring the following procedures are carried out:

- a) provide erosion and sediment controls according to the Blue Book;
- b) Prevent sediment and/or building materials being carried or washed onto the footway, gutter, road, or into Council's stormwater drainage system;
- c) Ensure soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways;
- d) Ensure safe access to and from the site including the road reserve and footpath areas, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like;
- e) Ensure safe loading and unloading of excavation machines, building materials, formwork and the erection of the structures within the site and not within Council's road reserve;
- f) Ensure storage on site of all excavated material, construction materials and waste containers during the construction period (except where otherwise approved); and
- g) Ensure support of any excavation beside any adjoining property or the road reserve is designed by a Chartered Civil Engineer registered on the NER.

In addition, the following recommendations of the Detailed Site Investigation report for this site shall be complied with:

- Following removal of the asbestos containing materials identified, an asbestos clearance inspection and certificate should be completed by a suitably qualified professional (SafeWork NSW Licensed Asbestos Assessor).
- Following demolition and removal of associated wastes, an inspection of the exposed soil surfaces should be performed by a suitably qualified environmental consultant to ensure there are no unexpected finds.
- Any material being removed from the site (including surplus soil and potential virgin excavated natural materials (VENM)) requires classification for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines.
- Any material being imported to the site (i.e. for landscaping purposes) should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.

### **30. Hoarding Requirements**

Where any works associated with the approved development are located in close proximity to a public place such that occupation of part of the public place may be required to complete the development, then it will be necessary to erect either an "A" Class or "B" Class hoarding. Should a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

The approved development includes/requires either an "A" Class or "B" Class or both type of hoarding to be erected. Should such a hoarding need to be constructed on or over Council land/property, then the following requirements will apply:-

#### **• "A" Class Requirements**

An engineer certified "A" Class hoarding is to be constructed on the footpath adjacent to the building site to protect pedestrians during demolition of the existing building and construction of the new building.

#### **• "B" Class Hoardings**

An engineer certified overhead "B" Class hoarding, complying with the requirements of the Department of Industrial Relations & Technology, shall be constructed over Council's footpath to protect pedestrians during demolition of the existing building and the erection of the new building.

A formal hoarding application shall be made to Council and demolition or construction work must not commence until the hoarding has been erected and then approved by Council and all applicable fees and charges paid.

### **31. Engineering Guides, Codes & Specifications**

All engineering design and construction work for the proposed development shall comply with, but not be limited to, the current versions of the following documents, guides codes, specifications, (as amended);

- a) Council's Specification for Construction of Subdivisional Road and Drainage Works,
- b) Council's Campbelltown (Sustainable City) Development Control Plan 2015,
- c) Campbelltown City Council's Engineering Design for Development Guide (as amended),
- d) Managing Urban Stormwater - Soils and Construction ( a.k.a. the Bluebook),
- e) National Construction Code, Building Code of Australia,
- f) NSW Floodplain Development Manual,
- g) Australian Rainfall and Runoff,
- h) Austroads Guides,
- i) RMS Guide to Traffic Generating Development
- j) Planning for Bushfire Protection,
- k) Australian Standards and State Government publications.

An engineering report shall be prepared by a qualified and experienced professional civil engineer registered on the NER detailing how the development complies with these documents, e.g. objectives, parts, clauses, requirements, controls, recommendations. The engineering report shall also include design certification and any assumptions made.

### **32. Endeavour Energy Conditions**

- a. Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
- b. Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
- c. Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
- d. Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
- e. Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
- f. All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
- g. For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
- h. The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
- i. Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
- j. No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
- k. Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
- l. The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.

- m. Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
- n. Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
- o. Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
- p. Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
- q. Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
- r. Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
- s. Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
- t. The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
- u. Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
- v. Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
- w. Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.

### **33. Sydney Trains – General**

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- a. oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- b. acts as the authorised representative of the Applicant; and
- c. is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).

### **34. Safety and Security**

- a. All residential car parking areas shall be electronically accessed-controlled.
- b. CCTV cameras shall be effectively installed around the premises, in accordance with Australian Standards. Trained staff in the operation of the CCTV system shall always be working.
- c. Extensive CCTV camera coverage shall cover all entry and exit points, with adequate lighting to be used in conjunction with the cameras.
- d. CCTV cameras shall cover all 'blind spots' in and around the facility, including the car park area.

- e. Lighting shall be designed to meet or exceed the Australian and New Zealand Lighting Standards.
- f. Australian and New Zealand Lighting Standard 1158.1 – Pedestrian requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- g. Adequate lighting shall be used when operating CCTV cameras during times of low light and darkness.
- h. Lighting shall illuminate pedestrian routes, dwelling entries, internal and external communal areas such as hallways, foyers, lifts, and stairwells.
- i. Effective signage and/or directional signs shall be installed to provide guidance to visitors in locating prohibited areas.
- j. Unit numbers shall be clearly visible from stairwells and lifts, and names of buildings, maps, and facilities shall be clearly signposted.
- k. Warning signs shall be posted around the perimeter of the business to alert intruders of implemented security treatments to reduce opportunities for crime, such as:  
 "Warning. This property is under electronic surveillance."  
 "Warning. No large amounts of cash are kept on these premises."
- l. Obstacles and rubbish shall be removed from property boundaries, footpaths, driveways, car parks, and buildings to restrict concealment of offenders (including the construction phase).
- m. Any new landscaping shall be designed to eliminate concealment or entrapment areas and shall be regularly maintained.
- n. Graffiti-resistant materials shall be strongly considered, particularly on fences, ground floor, carparks, and areas accessible by other structures, to reduce malicious damage.
- o. A graffiti management plan shall be incorporated into the maintenance plan for the development, ensuring the quick removal of graffiti within a forty-eight-hour period.
- p. Furniture shall not pose a threat to be used as a weapon or cause malicious damage. This includes chairs, tables, planter boxes, garden rocks, garden statues, etc.
- q. The premises shall be fitted with single cylinder locksets complying with the Building Code of Australia.
- r. Ground floor windows shall be reinforced with a shatter-resistant film to restrict unauthorised access.
- s. Emergency evacuation plans shall be implemented, prominently displayed, and regularly maintained to assist staff and emergency services in the event of an emergency.
- t. Staff shall receive suitable training in evacuation procedures.
- u. The premises shall be fitted with an intruder alarm system designed and installed according to the Australian Standard (Domestic and Commercial Alarm Systems) to enhance the security of the development.
- v. Security sensor lights and a security company shall be utilised to monitor the construction site during the construction phase, as offenders often target this type of development.
- w. Storage cages in the basement shall be fitted with locks conforming to the Australian Standard, as they are often targeted by thieves due to limited surveillance in these basements.
- x. Mailbox facilities installed at the location shall have Australian Standard locks fitted. These mailboxes shall have good surveillance, and lighting shall be included to illuminate them in darkness.
- y. The residential car park area shall be secured to prevent offenders from entering.

### **35. Crane Use**

Any crane proposed for use during construction at the site shall be installed and maintained in a safe manner at all times and located/stored in such a way that damage to neighbouring properties and Council's road is minimised.

### **36. Pedestrian Connectivity**

This development consent is issued on the basis that direct pedestrian access between the subject site and the following sites will be made available. In this regard, the applicant shall not prevent the provision of pedestrian access between the subject site and these sites provided that the opportunity exists for access to be made available on reasonable terms:

- The adjoining site to the north-east (18-20 Queen Street)
- The adjoining site to the south-west upon its redevelopment (34 Queen Street)
- Any portion of the adjoining site to the south-east that becomes public open space.

Should the planned supermarket or big box retailer in the southern building not eventuate, Council's expectation is that the planned pedestrian linkage from road RW-01 through the southern building to road RW-03 will be provided.

Reason: Pedestrian connectivity has been an important principle guiding the master planning process for the site.

### **37. Ground level Play Area**

Any security fencing that is installed on land to which this development consent relates shall not limit access to the future playground in the eastern corner of the site to residents only. In this regard, the play area is to be made available to commercial visitors to the site.

### **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.

#### **37A. Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground slab level, the Principal Certifier is to be provided with plans demonstrating that all services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) will be enclosed in a manner that compliments the design of the building and is in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

*(Reason: To ensure essential services are appropriately screened and to ensure that the development achieves Design Excellence as required by Clause 7.13 of the Campbelltown Local Environmental Plan 2015)*

#### **37B. Pre-Construction Flood Study**

Prior to the issue of any Construction Certificate, the applicant shall prepare a post-development flood study having regard to potential overland flow impacts from the eastern site boundary, and submit the flood study to Council for approval. The flood study shall indicate minimum finished floor levels required to achieve the freeboard prescribed by the *Campbelltown (Sustainable City) Development Control Plan 2015 (Volume 1, Part 2)*, for all retail and commercial tenancies adjacent to proposed Road 1 (RW-01) and Road 2 (RE-02).

The Construction Certificate shall incorporate the finished floor levels included in the flood study endorsed by Council.

### **38. 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 authority's water or sewer infrastructure.*

### **39. 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.

#### **40. 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.

#### **41. Road Construction (Shoulder)**

Prior to issue of a Construction Certificate, the applicant shall submit engineering details of the required road construction described below:

Road shoulder (minimum pavement width 2.5 metres) shall be constructed in Queen Street adjacent to the subject land to include footpath formation, kerb and gutter, drainage, pavement construction including reconstruction of any temporary (sealed or unsealed) pavement or road shoulder, sealing and service adjustments 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 Guide (as amended)*.

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

#### **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. 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) and obtain approval from an accredited person. 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.

#### **44. Stormwater Management Plan**

Prior to issue of a Construction Certificate or Subdivision Works Certificate (whichever applies), 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.

Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Queen Street.

All proposals shall comply with the requirements detailed in Council's *Engineering Design for Development Guide (as amended)*.

The 4 metre wide turf lined swale at the eastern edge of the property shall be altered to provide an equivalent capacity concrete swale with additional pits to convey run off from the neighbouring school site.

#### **45. Inundation by Flood Waters**



Prior to issue of a Construction Certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with the requirements detailed in Council's Engineering Design for Development Guide (as amended), as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a) The calculated 1% AEP flows at this location and the extent of any inundation affecting the development;
- b) Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c) Measures proposed to ensure compliance with the design requirements of the Campbelltown (Sustainable City) DC (as amended).

In addition to the above:

- i. Site fill levels shall be at or above the calculated 1% AEP flood level and habitable floor levels shall be in accordance with the freeboard requirements detailed in Council's Engineering Design for Development Guide (as amended).
- ii. Any filling required shall be undertaken in accordance with the requirements detailed in Council's Specification for Construction of Subdivision Road and Drainage Works (as amended), Australian Standard AS 3789 - *Guidelines for Earthworks for Commercial and Residential Development (as amended)*, and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan, certified by a qualified surveyor, shall be submitted to Council for approval, prior to release of the occupation certificate.

#### **46. Dilapidation Report**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

#### **47. 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.

#### **48. 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.

#### **49. 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.

#### **50. 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).

## 51. Architectural Finishes Validation Statement

A construction certificate shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'Architectural Finishes Validation Statement'.

The 'Architectural Finishes Validation Statement' shall confirm that the plans relied upon for issue of the construction certificate are not inconsistent with the approved plans described in Conditions 1 and 2 with specific regard to the architectural design elements, colours, finishes and treatments that are provided to the building's exterior.

Where circumstances require, another qualified designer may prepare the written confirmation, subject to receipt of written approval for such a change from Council's Manager Development Services.

## 52. Section 7.11 Contribution

### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$8,335,576.47** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

Open space and recreation facilities	57% of total
Community facilities	16.4% of total
Traffic, transport and access facilities	16.1% of total
Cycleways	5.6% of total
Town centre public domain facilities	3.5% of total
Plan management and administration	1.4% of total
<b>Total</b>	<b>\$8,335,576.47</b>

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 must be indexed between the date of this certificate and the date of payment in accordance with the following formula:

$$\frac{\$CC \times CPI_P}{CPI_C}$$

Where:

- \$CC is the contribution amount shown in this certificate expressed in dollars.
- CPI<sub>P</sub> is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution.
- CPI<sub>C</sub> is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate – **132.7 – March 2023**.

### Time for payment

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

#### Works in kind agreement

This condition does not need to be complied with to the extent specified, if a works in kind agreement is entered into between the developer and the Council.

#### 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.

#### Deferred or periodic payments

Deferred or periodic payments of contributions may be accepted if the applicant meets the Council's requirements set out in the contributions plan.

### **53. Acoustic Requirements**

Prior to the issue of a construction certificate, all of the recommended measures within the DA Noise and Vibration Impact Assessment (20220417.1/1811A/R3/GC Revision 3) prepared by Acoustic Logic dated 18 November 2022 shall be shown on the Construction Certificate plans.

### **54. External Lighting Plan**

An external architectural lighting design plan shall be provided for the development which creates a sense of place and contributes to the identification of the Campbelltown CBD core and the night time economy.

Prior to the issue of a Construction Certificate, the external architectural lighting design plan shall be submitted to Council for the written approval of Council's Executive Manager Urban Centres.

### **55. Basement Design and Salinity**

Prior to Council or an accredited certifier issuing a construction certificate, the design of all basements is to be assessed to determine whether they are appropriate for the site. The assessment is to consider the following factors: impact on the water table and interception of groundwater flows, whether tanking is required for the basement, and whether the design is suitable for the site salinity.

### **56. Civil Works under S138 Roads Act**

Prior to issue of any construction certificate, a S138 Roads Act application, including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for construction of (variable) in (variable).

Detailed engineering plans for the proposed works in (variable) road reserve shall be submitted to Council for approval. All works shall be carried out in accordance with Roads Act approval including the stamped approved plans and Council specifications.

The S138 application shall include the extension of the central median in Queen Street to Council's satisfaction, in order to prevent right turns into and out of the site except via the signalled intersection.

### **57. Sydney Trains – Construction Certificate Requirements**

Prior to the issuing of a Construction Certificate, the Applicant shall prepare and provide to Sydney Trains for review, comment, and written endorsement the following final version rail specific items in

compliance with the relevant ASA Standards (<https://www.transport.nsw.gov.au/industry/asset-management-branch>):

- a. Geotechnical and Structural report/drawings that meet Sydney Trains' requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
- b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and/or structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- d. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains' easement and rail corridor land.
- e. An FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.
- f. A Monitoring Plan.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.

The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

## **58. Erosion and Sediment Control**

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

The SWMP must;

- a) be prepared in accordance with the methodologies and requirements of Landcom's Managing Urban Stormwater - Soils and Construction (2004) (aka The Blue Book), Council's Engineering Design for Development Guide (as amended), and be prepared and implemented in accordance with all geotechnical engineering requirements specified for the development.
- b) clearly identify site features, constraints, existing and proposed slope grades, soil types, and nature of the proposed land disturbing activities,
- c) specify the type and location of erosion and sediment control measures, and detail them on the construction certificate plans in accordance with relevant standard drawings, diagrams and plans from the Blue Book,
- d) recommend rehabilitation, and revegetation techniques,
- e) specify measures to control dust generated from the site,
- f) provide civil works and structural engineering details for all erosion and sediment controls, and
- g) provide manufacturers installation and operation details for all proprietary products.
- h) specify fencing for temporary sediment ponds/traps where batter slope exceeds 1 vertical to 5 horizontal,
- i) show details of securing the site against unauthorised access,
- j) provide a stabilised and drained; site entry and exit point, with circulation road(s) to all site construction offices, temporary onsite staff car park areas, and any machinery storage/maintenance areas,
- k) be staged to minimise the area of soils exposed at any one time,
- l) conserve topsoil for reuse on site, and identify on the plan the location of proposed soil, and materials stockpile locations,
- m) preserve existing native and riparian vegetation in accordance with any Council approved vegetation report or legislative requirements,
- n) control surface water flows safely through the construction site, from all storm events up to and including the 1% AEP event, in a manner that:
  - i. diverts clean run-off around disturbed areas.
  - ii. Minimises slope gradient and flow distance within disturbed areas.
  - iii. Is non-erodible.
  - iv. Allows prompt rehabilitation of the site.
- o) trap eroded sediment on site as close as practicable to the source, with scour protection designed for the 10 year ARI event. (Note: Hay bales are not to be used as sediment control devices. Straw bales are permitted),
- p) provide details of a self-auditing program, including monitoring and maintenance of erosion and sediment control measures, weather forecasting (at least the 3-day forecast), staging of rehabilitation and site stabilisation works, up to and including completion of any maintenance period (includes landscaping). A log book shall be kept onsite and be made available at all times for all staff, government authorities, and authorised site visitors to access, for record keeping of these requirements, and provision of standing orders and emergency actions to be observed during normal work hours, after-hours, weekends, and holidays.

## **59. Surrender of Concept Development Consent**

Prior to the issue of a Construction Certificate, 308/2019/DA-CD shall be surrendered in accordance with Clause 68 of the Environmental Planning and Assessment Regulation 2021.

## **60. Airspace**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant must provide separate notification in writing to the operator of Campbelltown Hospital Landing Site (HLS) as well as Airservices Australia ([vod@airservices.com](mailto:vod@airservices.com)) of the proposal to erect the approved building and associated cranes to be used for the construction of the development. The notification is to include an appropriate level of detail that clearly provides an understanding of the proposed timeframes for the erection of the tower, and is to include the design, finishes, maximum height of the tower and details of the cranes to be used in the construction of the tower.

Where the operator of the HLS requires the installation of additional aviation safety devices on the building or cranes, the applicant shall immediately inform Council's Executive Manager of Urban Centres, where a decision will be made as to whether the installation of the device(s) would require separate assessment and approval.

## **61. Loading Dock Management Plan**

Prior to the issue of a construction certificate, a Loading Dock Management Plan must be prepared for the development. The plan must be prepared by a suitably qualified traffic consultant, and include:

- a. Restrictions on delivery and operating times to ensure deliveries do not occur during times of peak pedestrian movements (all deliveries are to occur outside the hours of 7am to 9:30am and 2:30pm to 6pm).
- b. Details of a pre-booking system, whereby deliveries to the site are to be undertaken only during an allocated time slot and booked in advance.
- c. Controls on duration of stays.
- d. Measures to ensure there is no queuing of delivery vehicles, including details of alternate parking locations to redirect vehicles when queuing occurs.
- e. Measures to ensure that all vehicles enter and leave the site in a forward direction.
- f. Management of conflicts between pedestrians and the service vehicles using the loading bays to ensure pedestrian safety and efficient unloading, including the use of infrared signal systems to protect pedestrians.
- g. Management of incidents at the access to the loading docks.
- h. Controls on the placement of skips, pallets, etc.
- i. Procedures for tradesman access and parking.

The Loading Dock Management Plan shall be submitted to Council for the written approval of Council's Executive Manager Urban Centres, and shall form part of the approved documentation of the development.

## **62. Crime Prevention through Environmental Design**

Prior to the issue of a construction certificate, all of the recommendations within the Crime Prevention through Environmental Design report prepared by The Design Partnership dated August 2022 shall be shown on the construction certificate plans.

## **63. Detailed Review of Landscape Plans by Council**

Prior to issue of a Construction Certificate, the applicant must submit detailed Landscape Plans (including the details, material schedule, costing and specifications) to Council for review and approval. The written endorsement of Council's Open Space Executive Manager shall be obtained prior to issue of a Construction Certificate. In this regard, the following information shall be submitted:

- a. Landscape plans that include the following information:
  - i. the design and delivery of the proposed landscape treatment (pavement, tree planting, furniture, lighting) to the full length of the development's Queen Street frontage and to the full width of the Queen Street frontage (i.e. from the existing boundary line to the back of the existing kerb line);

- ii. the location, level, height, dimensions, material, specification and construction details of all landscape elements including but not limited to:
    - hardworks such as pavements, ramps, steps, fencing, handrails, walls;
    - softworks such as soil, plantings, mulch, tree guards, fertiliser, turf;
    - civil infrastructure such as kerb and gutter, pram ramps;
    - street furniture such as DDA compliant seating, waste receptacles;
    - pedestrian and vehicular lighting.
  - iii. the location, level, height, dimensions, material, specification and construction details of all raised/containerised planting beds. All raised/containerised planting beds must be appropriately drained and irrigated and contain an appropriate depth of soil to sustain plant life long-term. Computations of the roof structure to demonstrate load-bearing capacity must be submitted;
  - iv. all tree management and protection measures as per the relevant Australian Standards and recommendations made by the Arborist Report: Arboricultural Impact Assessment, 22 – 32 Queen Street Campbelltown, Reference 6847.2 (2645), (Redgum Horticultural 2022);
  - v. all access ramps bound on both sides by retaining/free standing walls designed to a minimum 1.8m width to accommodate anticipated high levels of pedestrian traffic.
- b. An Internal Streetscape Asset Maintenance and Management Plan for Council review and approval. On-going maintenance and liability of the assets located within the internal streetscape network including planting areas remains the responsibility of the applicant. The applicant must ensure that the internal streetscape is cleaned, free of hazards, fully operational and that planting areas receive the appropriate level of ongoing maintenance and care to ensure that the plant material continues to thrive.
  - c. A Communal Open Space Asset Maintenance and Management Plan for Council review and approval. On-going maintenance and liability of the assets located in communal open space including planting areas, sand play and children's play areas remains the responsibility of the applicant. The applicant must ensure that communal open space is cleaned, free of hazards and fully operational. Planting areas must receive the appropriate level of ongoing maintenance and care to ensure that the plant material continues to thrive and children's sand and play areas must be maintained to meet the requirements of the relevant Australian Standards.
  - d. A Public Art and Domain Strategy and Design Proposal that reinforces the significance of the heritage landscape.
  - e. A comprehensive Public Domain Plan that complies with the requirements of the relevant Australian Standards for equal access and includes details and specifications which are prepared in accordance with the following guidelines:

#### General Layout

- Furniture elements are to be placed a minimum 500mm from the face of kerb and must not impede upon the clear path of travel;
- Seating is to be provided every 30m;
- DDA Compliant Seating is to be provided a minimum 12m from intersections (from the kerb line) and every 30m;
- Street Trees to be placed 1m from the face of kerb and comply with minimum clearance distances to other public domain elements as outlined below:

Public Domain Element	Minimum Clearance
Street Intersection	10m (from kerb line)
Traffic Signals	10m

Bus Stops	3m
Pedestrian Crossings	10m
Driveways 3m	3m
Stormwater Lintel/Pits	3m
Street Light Pole	4m
Service Pit	1m

- Vehicular and Pedestrian Lighting to be located in accordance with the relevant Australian Standards.

#### Pavement Guidelines

- Preferred pavement design comprises use of the Primary Pedestrian Pavement incorporating an irregular pattern and variable widths of Secondary Pedestrian Pavement (laid from the back of kerb to property/building line).
- Preferred pedestrian pavement cross fall is 1-2.5% maximum along clear path of travel;
- Pedestrian Pavement to have a minimum P4 slip resistance rating in wet conditions;
- Pedestrian and Vehicular Pavement is to be laid perpendicular to the kerb line in a stretcher bond pattern;
- Stretcher Bond Pattern to start at back of kerb with a full length paver. Adjoining paver to be half-length to form the stretcher bond pattern;
- Pedestrian Pavement to be laid on 30mm depth wet sand:cement mortar bed on 100mm thick reinforced (SL72) concrete blinding layer (or fibre reinforced concrete) on 50mm depth DGB20 base course compacted to 98% MDD on compacted subgrade;
- Vehicular Pavement to be laid on 30mm fine bedding concrete mortar mix on 175mm thick reinforced (SL82) concrete blinding layer on 50mm depth DGB20 base course compacted to 98% MDD on compacted subgrade;
- Kerb Ramps to be placed in accordance with the relevant Australian Standards and 2.1m wide along the Queen Street frontage;
- Service pit lids to be infilled with granite pavers to match adjoining pavement.

#### Queen Street Materials Palette

- Primary Pedestrian Pavement: 600mm x 300mm x 40mm thick granite pavers (Bush hammered Honey Jasper) laid perpendicular to the kerb line and in a stretcher bond pattern;
- Secondary Pedestrian Pavement: 600mm x 300mm x 40mm thick granite pavers (Adelaide Austral Black Exfoliated) laid perpendicular to the kerb line and in a stretcher bond pattern;
- Vehicular Pavement: 300mm x 150mm x 60mm thick granite pavers (Bush hammered Honey Jasper) laid perpendicular to the kerb line and in a stretcher bond pattern;
- Tactile Paver: 300mm x 300mm x 40mm thick granite paver (Adelaide Austral Black Exfoliated);
- Kerb Ramp Infill: 300mm x 300mm x 40mm thick granite paver (Honey Jasper Exfoliated);

#### Internal Street Pavement Materials

- To create a legible and cohesive public domain throughout the city, it is recommended that Queen Street Pavement Materials are intertwined into the internal street system;

#### Queen Street Tree Planting



- Street trees to be *Elaeocarpus eumundii* planted at 200L pot size (3.6m high, 60mm calliper, 1.5m clear trunk);
- Street trees to be placed 6-8m centres and 0.75m off the face of kerb;
- Strata Vault Structural Cells (By CityGreen) or an equivalent system is to be used for street trees and designed to have a minimum soil volume of 24m<sup>3</sup> per tree;
- Subsoil Drainage to be provided to street trees and connected into the existing stormwater system;
- Street tree surrounds to be 1.8m wide (width of Pavement Band) x 1.5m long and comprise a 350mm radius of horticultural grade mulch around the tree trunk (do not mulch against the stem of the tree) in a porous pavement infill (Stonesett Delux Black Ash or similar).

#### Queen Street Seating

- Seating to be DDA compliant with back and arm rests;
- Seating materials must be comfortable, robust and durable;
- Orient seating towards the building and preferably under shade from trees

#### **64. Stormwater design compatibility**

Prior to the issue of a construction certificate, demonstration is required that the approved stormwater drainage design for the site will be able to accommodate the stormwater flows from the community building/communal open space to be located in the eastern corner of the site. Evidence of this shall be provided to the Principal Certifier.

#### **65. Construction Management Plan**

Prior to Council or the appointed Principal Certifier issuing a construction certificate, detailed Construction Management Plan (CMP) prepared by a suitability qualified person shall be submitted to Council. The CMP must be prepared in consultation with the adjoining owners and must include (but not limited to) the following details:

- Plan of proposed construction storage area
- Parking for construction workers during the demolition and construction phases
- The staging and timing of the construction works.
- Traffic and pedestrian management
- Timing of delivery of materials
- Dust suppression measures
- The proposed access points to the site during construction
- Treatment of barricading/ fencing for construction and restricting access
- Pedestrian access plan showing movements around the site during the demolition and construction phases
- Address all environmental aspects of the developments demolition and construction phases including soil and water management/erosion and sediment control plan, noise and vibration management plan, dust suppression/dust management plan, waste management and litter control.
- Timing of waste collection during construction

Copies of the approved CMP 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.

Should the CMP identify the need to occupy the public road to perform site construction activities, the applicant shall separately obtain approval for a Road Occupancy and Standing Plant application from Council's Executive Manager Infrastructure, prior to the undertaking of any demolition or construction works on the development site.

Council reserves the right to request modification to the CMP during the development works, in order to maintain adequate and safe management of vehicular and pedestrian traffic.

## **66. Signage Plan**

Prior to the issue of a Construction Certificate, a Signage Plan shall be submitted to Council for the written approval of Council's Executive Manager Urban Centres.

The Signage Plan shall nominate the locations and sizes of signage for all of the commercial tenancies, in a manner that integrates the signage with the design of the approved buildings and complies with the provisions of Part 16 of the Campbelltown Sustainable City Development Control Plan 2015.

The installation of signage that is consistent with the approved Signage Plan will not require development consent.

## **67. Pedestrian Safety Management Plan**

Prior to the issue of a construction certificate, a Pedestrian Safety Management Plan must be prepared for the development. The plan must be prepared by a suitably qualified traffic consultant, and include at minimum:

- a. Proactive management of pedestrian safety near vehicular access points.
- b. The method of proactively managing pedestrian safety near loading dock entries when trucks are entering and/or leaving the site.
- c. Appropriate signage, line marking and footpath treatments to ensure pedestrian safety.

The Pedestrian Safety Management Plan shall be submitted to Council for the written approval of Council's Executive Manager Urban Centres, and shall form part of the approved documentation of the development.

## **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.

## **68. 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.

## **69. 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.

#### **70. 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.

#### **71. 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.

#### **72. 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.

#### **73. 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.

#### **74. 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.

#### **75. Fencing**

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

#### **76. Structural Engineer Details**

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

#### **77. Sydney Trains – Requirements Prior to Works Commencing**

Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

#### **78. Sydney Trains – Requirements During Construction**

During all stages of the development the Applicant must take extreme care to prevent any form of pollution entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.

The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

#### **79. Crane Construction**

Prior to the commencement of any works, written approval must be obtained from the Safety Manager of Police Transport and Public Safety Command, in relation to the following:

- (a) The start date including the commencement of construction of the crane.
- (b) The end date of the crane including the deconstruction of the crane
- (c) RL, of the crane fully extended
- (d) Confirmation that the crane is lit and marked
- (e) Drawings of the crane on site

The response from the Safety Manager must be provided to Campbelltown City Council for record keeping purposes.

#### **80. Airspace License Agreement**

Prior to the commencement of any works on the site, the applicant is to enter into an airspace license agreement with Council for the purpose of operating a crane on commercial terms. You are required to contact Council's Executive Manager of Strategic Property to arrange this.

The airspace licence is subject to fees and charges which are published on Council's website and charged for the duration that the crane is in operation.

A draft airspace licence can be provided once the following information is provided to Council:

- (a) Size and design of crane including detailed drawings and any engineer certification.
- (b) Intended duration that the crane will be in place.
- (c) Confirmation that approval to install the crane on Council's land or road way has been obtained.

An Airspace licence will only be granted once all relevant approvals are secured that relate to the installation of the crane.

## **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.

### **81. 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.

### **82. 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.**

### **83. 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.

### **84. Protection of Existing Trees**

During construction, no trees that are approved to be retained 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.

### **85. 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.

#### **86. 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.

#### **87. 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.

#### **88. 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.

#### **89. 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.

#### **90. 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.

#### **91. 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.

#### **92. Footpath Kerb and Gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb and gutter, adjacent to the site, in Queen Street. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with 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).

#### **93. Pavement Thickness Determination**

A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) shall be forwarded to the principal certifying authority a minimum of 2 working days prior to the inspection of exposed sub grade for pavement thickness determination.

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

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

#### **95. 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.

#### **96. Redundant Laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter 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).

#### **97. 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 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.

### **98. 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.

### **99. 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.

### **100. 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 0.3m 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.

### **101. Inundation by Flood Waters**

The subject land has been identified as being at risk from inundation by flood waters in the 1:100 year flood. Consequently, prior to the principal certifying authority issuing a subdivision certificate.

- a. The subject lots shall be filled to the levels specified by Council;
- b. The filling works 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);
- c. The finished surface levels shall comply with the approved engineering drawings;
- d. A registered surveyor shall certify the finished surface levels.

### **102. Crime Prevention through Environmental Design**

Prior to the issue of an occupation certificate, all of the recommendations within the Crime Prevention through Environmental Design report prepared by The Design Partnership dated September 2022 shall be implemented.

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

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

### **104. BASIX**

Prior to the appointed principal certifier issuing an occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

#### **105. 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.

#### **106. Mechanical Ventilation**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a compliance certificate certifying that:

- The mechanical ventilation exhaust system has been installed in accordance with Australian Standard AS1668 Part 1 and 2.
- The exhaust hood and air conditioning system has been installed in accordance with Australian Standard AS1668 (Mechanical Ventilation and Air Conditioning Code), and Australian Standard AS1055 (Acoustics – Description and Measurement of Environmental Noise).

#### **107. 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.

#### **108. Registering 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 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)

#### **109. 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.

#### **110. Service Authorities**

To ensure that an adequate level of services and infrastructure is provided to this development, prior to the appointed Principal Certifier issuing an Occupation 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.

#### **111. Registration of Right of Carriageway**

Prior to the issue of an occupation certificate, the applicant shall register a Right of Carriageway in favour of Council over the shared path that traverses the front of the site. Council shall be empowered as the authority to release, vary or modify this right of carriageway.

#### **112. 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.

#### **113. Advance Warning Signage - Childcare Centre**

Prior to the appointed principal certifier issuing an occupation certificate, approved "Childcare Centre" warning signs shall be erected along the approach roads to the proposed development. In this regard, the applicant shall liaise with Council's Traffic Engineer to determine the specific location and relevant signage types prior to the completion of a detailed signage and line marking plan. The final plan is to be submitted to Council and approval received from Council's Traffic Committee prior to the erection of any of the required signs. All approved signage is to be supplied and erected by Council at the applicant's expense. All fees and charges associated with the supply and erection of the approved signage will be in accordance with Council's current schedule of fees and charges.

#### **114. Consolidation of Allotments**

Prior to Council or an appointed certifier issuing any occupation certificate, the applicant shall provide evidence that the allotments that are the subject of the application have been consolidated. The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information. Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

#### **115. Inspection of Public Domain**

Prior to the issue of an occupation certificate, a representative of Council is required to attend the site for the purposes of inspection, identification of defects and written approval of the Queen Street public domain. Council is to be notified in writing of upon completion of works and an inspection arranged.

A full set of works as executed drawings for the Queen Street public domain shall be made available to Campbelltown City Council following construction and prior to the issue of an occupation certificate. Works as executed drawings must be provided in their original native format and in PDF form.

#### **116. Public Indemnity Insurance – Onsite Waste Collection**

The applicant to the development application indemnifies Council and its contractors and agents against any claims, proceedings, actions or demands arising from or in relation to any damage howsoever caused to the road surface, paving or drainage within the Development by the operation

by Council or its contractors or agents in the collection of domestic waste except to the extent that such damage results from any misconduct or negligent act or omission of Council or its contractors or agents.

Prior to the issue of an occupation certificate, the applicant shall provide Council with a copy of its public liability insurance policy valid for 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising. Each year the body corporate must furnish Council with a copy of its renewed public liability insurance policy valid for the next 12 months to satisfy Council that in the event that such a claim arises, a public liability insurance policy is in place to respond to any claim arising.

#### **117. Maintenance of façade**

The facade of the development is to be maintained to a good standard, and a 88E positive covenant shall be registered on the title of the land prior to the issue of an occupation certificate obliging the owner of the land to comply with this obligation, and enabling the Council to conduct any work necessary to facilitate compliance if in the reasonable opinion of the Council the owner fails to do so.

#### **118. End Architectural Finishes Validation Statement**

An occupation certificate (including an interim occupation certificate) shall not be issued for the subject building until the qualified designer who prepared the 'Design Verification Statement' submitted with the development application, prepares a separate written 'End Architectural Finishes Validation Statement'.

The 'End Architectural Finishes Validation Statement' shall confirm that the building's exterior has been constructed and completed in a manner that is not inconsistent with the approved plans described in Conditions 1 and 2 and the plans relied upon for issue of the construction certificate, with specific regard to the architectural design elements, colours, finishes and treatments.

Where circumstances require, another qualified designer may prepare the written 'End Architectural Finishes Validation Statement', subject to receipt of written approval for such a change from Council's Manager Development Services.

#### **119. Acoustic Certification**

Noise levels within the premises or at any receiver shall not exceed the relevant noise criteria detailed in the DA Noise and Vibration Impact Assessment (Revision 3) 20220417.1/1811A/R3/GC prepared by Acoustic Logic dated 18 November 2022.

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

#### **120. Community Building and Private Open Space DA**

Prior to the issue of an occupation certificate, the community building/facilities and private open space proposed under DA-3858/2022/DA-O (or separate application) shall be completed.

#### **121. Compliance Certificate**

All the works on public area (including all works approved under the relevant Section 138 application as required by condition 56) in relation to the development shall be completed as per the

Council approved plans. A compliance certificate, approving the works as constructed, shall be obtained from Council prior to the Principal Certifier issuing an occupation certificate.

## **122. Sydney Trains – Occupation Certificate Requirements**

The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.

## **123. Removal of Existing Substations**

Prior to the issue of an occupation certificate, all of the existing electrical substations shall be removed from the site and road reserve in front of the site. All substations serving the approved development shall be within the substation rooms shown on the approved plans.

## **ENVIRONMENTAL HEALTH CONDITIONS**

### **124. Food Premise Pollution Control**

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 design 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

#### **1256. Charcoal Cooking**

The use of charcoal as a method of cooking is prohibited for this development.

#### **126. Mobile Food Vehicle**

In the event a mobile food vehicle operates at the premises (this includes during construction), the food business must comply with the following:

- [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008 – Subdivision 27A Mobile Food and drink outlets](#)
- Food Act 2003
- Food Regulation 2015
- NSW Food Authority's – Guidelines for mobile food vending vehicles
- Australia New Zealand Food Safety Standards Code,
- and where applicable, AS4674:2004 - Design, construction and fit-out of food premises.

REGISTRATION – The mobile food vehicle is required to be registered with Council. A mobile food vehicle registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing.

MOBILE FOOD VEHICLE INSPECTIONS - Council reserves the right to inspect the mobile food vehicle operating at premises to ensure health standards are maintained. The food operator will be responsible for the payment of all associated food inspection fees, which are reviewed annually and published in Council's adopted schedule of fees and charges.

Council reserves the right to revoke the approval of the mobile food vehicle operating/trading at the premises if the operator fails to comply with Council's consent.

WASTE - All waste and recycling generated from the mobile food vehicles are to be kept within appropriate storage receptacles on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or in such a manner that it will become a litter, vermin, odour or health nuisance.

WASTEWATER – The mobile food vehicle must have appropriate measures to prevent wastewater from the vehicle entering the stormwater system. All waste water must enter the sewerage system.

#### **127. Food Premises Construction**

The construction, fit-out and finishes of all food premises within this development must be constructed in accordance with the *Food Act 2003*, *Food Regulation 2015*, Food Standards Code Australia and New Zealand and Australian Standard 4674-2004 Design, construction and fit-out of food premises. This is inclusive of the proposed childcare centre.

## **128. Separate Consent**

A separate development application or complying development certificate application is to be submitted for each of the proposed developments to demonstrate compliance with the requirements of the Australia New Zealand Food Standards Code and AS4674-2004: Design, construction and fit-out of food premises. The plans must include the following:

- a) A detailed description of the types of food related procedures and practices that will take place, such as preparation, handling, storage, packaging, cleaning etc.
- b) A detailed floor plan, drawn to scale, and showing:
  - i. The proposed floor layout and use of each room/area.
  - ii. Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings).
  - iii. Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
  - iv. Locations and design details of proposed hand washing facilities.
  - v. Locations and design details of proposed washing facilities and any floor wastes.
  - vi. Proposed location and details of all fixtures, fittings and appliances (including the proposed method of installation).
  - vii. Details showing location, capacity and clearance of hot water services.
  - viii. Design and construction details of cool rooms and/or freezer rooms, including condensation collection and disposal.
  - ix. Proposed location and details of storage facilities for cleaning equipment and staff personal belongings.
  - x. Proposed location and details of all waste storage areas.
  - xi. Proposed location of the Grease Trap

## **129. Food Premises Fit-Out Pre-Construction Meeting**

Prior to any construction work commencing on the fit-out of the food premises, the applicant/builder/private certifier must contact Council's Environmental Health Officers on 02 4645 4604 to arrange an onsite meeting /phone call to discuss the requirements of the fit out under this Consent.

## **130. Retail/Commercial Store Room**

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

- a. A smooth, even and non-slip floor surface;
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004;
- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2);
- d. Shelving or storage racks must be designed and constructed to enable easy cleaning; and
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

PLEASE NOTE: CAGED STORE ROOMS ARE NOT PERMITTED FOR RETAIL/COMMERCIAL USE.

## **131. Ongoing Use**

The ongoing operation of the food premises in relation to the fitout, fixtures, equipment installed and construction must be maintained in a manner to ensure compliance with the Food Act 2003, Food

### **132. Grease Arrestors**

All grease arrestors must be located outside of where food and equipment is handled or stored and installed on the private land. Access to grease arrestors for emptying must not be through an area where open food is handled or stored or where food contact equipment and packaging materials are handled or stored (AS 4674-2004, Section 2.3).

No grease trap is permitted to be installed/constructed on Public /Council Land.

Please contact Sydney Water for information and requirements for grease arrestors by calling 13 20 92.

### **133. Smoke Free Areas**

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

### **134. Toilet Facilities and Handbasins**

A toilet for staff must be provided for the premises. The toilet cubicle must be separated from areas where open food is handled, displayed or stored by one of the following:

- a. An intervening ventilated space fitted with self-closing doors; or
- b. Self-closing doors and mechanical exhaust systems that operate when the sanitary compartment is in use for at least 30 seconds after the cubicle is vacated (AS 4674-2004, Section 5.2).

Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored

A hand basin must be located within the toilet cubicle. The basin must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed to a temperature of at least 40°C and fitted with a hands-off type tap set (AS 4674-2004, Section 4.4). The basin must be provided with soap and disposable paper towels from a dispenser.

### **135. Waste & Recycling Storage, Collection and Disposal**

The business operator must enter into a commercial waste contract agreement (residential bins are not permitted) for regular waste & recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.

All waste and recycling generated from the business are to be kept within an appropriate storage receptacle on the premises. Waste is not to be stored or placed outside of a waste storage receptacle or on Council/Public land or in such a manner that it will become a litter, odour or health nuisance.

### **136. Construction of the Waste Storage Areas and Rooms**

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



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

### **137. Regulated System/s Conditions**

In the event a regulated system is installed, the following conditions have been applied to ensure that the use of the building is carried out in such a manner that is consistent with the Public Health Act 2010, Public Health Regulation 2022, Local Government Act 1993 and associated technical standards.

**CONSTRUCTION** - Any regulated system on the premises must be designed and installed in accordance with the *Public Health Act 2010*, Public Health Regulation 2022 and AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning.

**SAFE ACCESS** - There must be safe and easy access to the regulated system for the purpose of cleaning, inspection and maintenance. Safe access must comply with Section 2.1.2 of AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning.

**WASTEWATER DISCHARGE** - The regulated system must have appropriate measures to prevent wastewater from the system entering the stormwater system. All waste water must enter the sewerage system.

**TRADE WASTE AGREEMENT** - A trade waste agreement must be provided in accordance with the local water authority if the regulated system discharges more than 500 litres per day. Please contact Sydney Water on 132092 for further information.

**COMPLIANCE CERTIFICATE** - Provide a compliance certificate to certify that the regulated system/s is constructed and installed in accordance with the above requirements.

**OPERATION** - Any regulated system on the premises must comply and operate in accordance with the *Public Health Act 2010* and Public Health Regulation 2022.

**INSPECTION** - Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake for an inspection of the premises. An inspection fee will be charged in accordance with Council's current schedule of fees and charges

**REGISTRATION** - The regulated system is required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. A business registration form is available on Council's website which must be completed and submitted to Council prior to the release of the occupation certificate.

### **138. GYM**

**SOUND AND VIBRATION** - The internal sound system shall not be of an audible level outside the building or the recreational facility.

The development is required to implement sufficient soundproofing and shock absorbing measures so as to not cause an interference with the amenity of the neighbourhood/residents by reason of the emission of noise or vibration.

### **139. Public Swimming Pool/Spa/Water Park Condition**

In the event a public swimming pool/spa/water park is constructed, the following conditions have been applied to ensure that the use of the development is carried out in such a manner that is consistent with the Public Health Act 2010 and Public Health Regulation 2022.

**CONSTRUCTION** - Any public swimming pool/spa/water park on the premises must be designed and constructed in accordance with the *Public Health Act 2010* and Public Health Regulation 2022.

**WASTEWATER DISCHARGE** - The public swimming pool/spa/water park must have appropriate measures to prevent wastewater entering the stormwater system. All waste water must enter the sewerage system.

**TRADE WASTE AGREEMENT** – If applicable, a trade waste agreement must be provided in accordance with the local water authority. Please contact Sydney Water on 132092 for further information.

**COMPLIANCE CERTIFICATE** -Provide a compliance certificate to certify that the public swimming pool/spa/water park is constructed and installed in accordance with the above requirements.

**OPERATION** - Any public swimming pool/spa/water park on the premises must comply and operate in accordance with the *Public Health Act 2010* and Public Health Regulation 2022.

**INSPECTION** - Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted (Phone 4645 4604) to undertake for an inspection of the premises. An inspection fee will be charged in accordance with Council's current schedule of fees and charges

**REGISTRATION** - The public swimming pool/spa/water park is required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. A registration form is available on Council's website which must be completed and submitted to Council prior to the release of the occupation certificate.

#### **140. Separate Consent - Skin Penetration/Hairdresser/Beauty Salons**

A separate development application or complying development certificate application is to be submitted for each of the proposed developments to demonstrate exactly how the proposed development complies with the requirements of the Public Health Act 2010 and the Local Government Act 1993. The plans must include the following:

- 1) A detailed description of the types of beauty and skin penetration procedures and practices that will take place, such as hairdressing, waxing, facials, microdermabrasion, pedicures, manicures, tattooing etc.
- 2) A detailed floor plan, drawn to scale, and showing:
  - The proposed floor layout and use of each room/area.
  - Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings).
  - Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
  - Locations and design details of proposed hand washing facilities.
  - Locations and design details of proposed washing facilities/sterilisation area.
  - Proposed location and details of all fixtures, fittings and appliances (including the proposed method of installation).
  - Proposed location and details of storage facilities for cleaning equipment and staff personal belongings.

- Proposed location and details of all waste storage areas
- Proposed location of the toilet facilities and hand wash basin

#### **141. Skin Penetration/Hair/Beauty Fit Out Pre-Construction Meeting**

Prior to any construction work commencing on the fit out of the skin penetration, hairdresser, barber or beauty salon premises, the Applicant/Builder/Private Certifier must contact Council's Environmental Health Officer (Phone 4645 4604) to arrange an onsite meeting to discuss the premises design, fit out, other related requirements under this Consent.

#### **142. Ongoing Operation**

The ongoing operation of the premises in relation to the fitout, fixtures, equipment installed and construction must be maintained in a manner to ensure compliance with the Public Health Act 2010, Public Health Regulation 2012, Local Government Act 1993 and associated technical standards.

#### **143. Skin Penetration/Beauty/Hairdresser Construction**

The construction, fit-out and finishes of all skin penetration, hairdresser, barber or beauty salon use within this development must be constructed in accordance with the *Public Health Act 2010*, *Public Health Regulation 2012*, *Local Government Act 1993* and associated technical standards.

### **ADVISORY NOTES**

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

#### **Advice 1. Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires you to:

- 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.
- Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- Give Council at least two days notice prior to the commencement of any works.
- Have mandatory inspections of nominated stages of the construction inspected.
- Obtain an occupation certificate before occupying any building or commencing the use of the land.

#### **Advice 2. 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 3. Smoke Alarms**

All NSW residents are required to have at least one working smoke alarm installed on each level of their home. This includes owner occupier, rental properties, relocatable homes and any other residential building where people sleep.

The installation of smoke alarms is required to be carried out in accordance with AS 3786. The licensed electrical contractor is required to submit to the appointed Principal Certifier a certificate certifying compliance with AS 3000 and AS 3786.

### **Advice 4. Filling on Site**

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

### **Advice 5. Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

### **Advice 6. Covenants**

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

### **Advice 7. Inspection within Public Areas**

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

### **Advice 8. Adjustment to Public Utilities**

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

### **Advice 9. 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 10. Swimming Pools - Limit evaporation and save water**

To limit evaporation and save water, Council encourages that you investigate placing a pool blanket over the swimming pool.

### **Advice 11. 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)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

#### **Advice 12. 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 13. 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.

#### **Advice 14. Swimming Pool Owner's Responsibility**

- a. A securely fenced pool is no substitute for responsible adult supervision. When children are in or around a swimming pool they should always be responsibly supervised.
- b. Since October 2013 Swimming pool owners are required, under the provisions of the Swimming Pool Act, to register their swimming pools online on the NSW Swimming Pools Register.

A penalty (currently \$220) may apply to owners who fail to register their pool.

For further information visit the Department of Local Government website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) or Campbelltown City Council website [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au).

- c. As from 29 April 2016, owners of properties with a swimming pool are required under the relevant provisions of the *Swimming Pools Act* to:
  - If selling a property - obtain either a valid Certificate of Compliance, Certificate of Non-Compliance or Occupation Certificate (as applicable) prior to sale of their property; or
  - If leasing a property - obtain a valid Certificate of Compliance or Occupation Certificate (as applicable) prior to lease of their property.

For further information visit the Department of Local Government website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) or Campbelltown City Council website [www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au).

**END OF CONDITIONS**

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