

COUNCIL ASSESSMENT REPORT

Panel Reference	
DA Number	3511/2018/DA-C/B
LGA	Campbelltown City Council
Proposed Development	Section 4.55 (2) modification to a warehouse and associated earthworks, drainage, car parking, landscaping and signage
Street Address	Lots 241 & 242 DP 1222763, Corner Farrow and Blaxland Roads, Campbelltown
Applicant/Owner	Bunnings Group Ltd – Applicant Campbelltown City Council – Owner
Date of DA Lodgement	1/7/2019
Number of Submissions	N/A
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Development on Council land over \$5 million
List of All Relevant s79C(1)(a) Matters	• Environmental Planning and Assessment Act 1979 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Campbelltown (Urban Area) Local Environmental Plan 2002 • Campbelltown (Sustainable City) Development Control Plan 2015
List all documents submitted with this report for the panel's consideration	• Assessment report and conditions • Architectural Plans • Landscape Plans
Report by	Council
Report date	8 November 2019

Summary of 4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction	Yes
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	
Clause 4.6 Exceptions to development standards	No request
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	
Conditions	Yes
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	

Executive Summary

The Section 4.55(2) modification proposes the following works:

- Increase the height of the building by 1m;
- Reduce the level of excavation from the site to reduce the volume of spoil removal by 15991m³;
- Amendments to the grades to ramps to access the parking areas and timber trade sales area to accommodate the increase in height of the building.
- Minor reconfiguration to the undercroft parking area including an increase of 5 parking spaces; and
- The amendment of condition 1 to include the revised plans.

The site is located on the corner of Blaxland and Farrow Roads, Campbelltown and is currently vacant land with an existing watercourse and associated easements along the north-eastern edge of the site.

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

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

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

The original development application for construction of a commercial building for use as a hardware and building supplies outlet with associated signage, earthworks and landscaping was assessed by an independent consultant engaged by Council and was determined by the Panel on 8 April 2019 with a recommendation for approval.

This modification has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Having regard to these provisions, the

application has been found to be satisfactory. The proposal has been found to satisfy the relevant State Environmental Planning Policies. The proposal would also satisfy the relevant provisions of Campbelltown Local Environmental Plan 2015 and Campbelltown Development Control Plan 2015.

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

The Section 4.55 modification was notified to the properties notified as part of the original development application, no submissions were received in relation to the proposed modification.

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

1. Application Overview

1.1 The Site and Locality

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

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

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



Figure 1: Locality Map

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

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

1.2 Proposal

The proposed modification includes following:

- Increase the height of the building by 1m;
- Reduce the level of excavation from the site to reduce the volume of spoil removal by 15991m³
- Amendments to the grades to ramps to access the parking areas and timber trade sales area to accommodate the increase in height of the building.
- Minor reconfiguration to the under croft parking area including an increase of 5 parking spaces.
- The applicant has also requested the amendment of condition 1 to include the revised plans.

1.3 Site History

2321-2018-DA-S

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

Exempt Development - Culvert

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

3511/2018/DA-C

A development application for the construction of a commercial building for use as a hardware and building supplies outlet with associated signage, earthworks and landscaping was approved by the Western Sydney City Regional Planning Panel on 8 April 2019.

3511/2018/DA-C/A

A Section 4.55(1A) modification was lodged with Council to amend the approved plans and delete condition 48 to facilitate general vehicle entry. The proposal was referred to the RMS and was not supported. The applicant was advised to withdraw the application, which occurred on 8 October 2019.

1.4 Vision - Campbelltown 2027

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

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

Outcome 3 is the most relevant to the proposed development.

The strategy relevant to this application is as follows:

3.2 – Ensure that service provision supports the community to achieve and meets their needs.

3.4 – Retain and expand existing businesses and attract new enterprises to Campbelltown, offering opportunities for a diverse workplace including professional, technology and knowledge based skills and creative space.

The proposed modifications are consistent with the relevant strategies of the plan.

Report

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

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

2.1 Section 4.55 (2) applications - the modifications if approved are substantially the same development as the original consent. The increase in the height of the development does not affect adjoining properties and does not result in any noncompliance with applicable development standards.

2.2 Water Management Act 2000

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

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

The modification application was referred to the National Access Regulator, correspondence was received that a CAA was not required.

2.3 State Environmental Planning Policy (Infrastructure) 2007

The proposed modification does not increase the size of the building or the traffic access to the site, therefore referral of the proposed modification is not considered to be required for this application.

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

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

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

The proposal does not conflict with any of the relevant provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, and is therefore considered acceptable in this regard.

2.5 Relationship of Environmental Planning Instruments

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

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

2.6 Campbelltown (Urban Area) Local Environmental Plan 2002

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

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

- (a) are of such a size, shape or range as to require:
 - (i) a large area for handling, storage and display, and
 - (ii) direct vehicular access for customers’ vehicles to and from the site on which the goods are sold for the purpose of loading and unloading of the goods onto and from vehicles, or
- (b) are, in the opinion of the Council, of such a kind:
 - (i) as are required to be displayed in premises not easily accommodated in traditional commercial centres, and
 - (ii) as a person using them is unlikely to purchase frequently, including consumer durables (such as refrigerators, washing machines and stoves) and home improvement and hardware supplies”.

and

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

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

The proposed modifications are considered to be consistent with the objectives of the 4(b) Industry B Zone.

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

At the time of lodgment of the Section 4.55 modification, there were no relevant draft instruments.

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

4.1 Campbelltown (Sustainable City) Development Control Plan 2015

Pursuant to Clause 4.15 (1) (a) (iii) Council is required to consider the relevant provisions of the applicable development control plan of the Campbelltown Local Government Area (LGA), being SCDCP 2015.

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

Part 2 - Requirements Applying to All Types of Development

2.3 Views and Vistas

The proposed increase in height to the proposed development is not considered to affect views or vistas from the site or adjoining properties.

2.8 Cut and Fill Floor Levels

The proposed modification would result in a reduction in the total level of spoil being removed from the site. The reduction in spoil removal will also reduce construction traffic impacts on the immediate locality.

2.10 Water Cycle Management

The proposal will result in minor alterations to the stormwater system. However, the amendments are minor in nature and the existing conditions of consent have not been amended and would continue to apply.

Volume 3 – Part 5 Commercial Development

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

Provision	Comment	Compliance
5.2 Building Form & Character		
a) All building facades, including rear and side elevations visible from a public place or adjacent to residential areas, shall be architecturally treated to enhance the quality of the streetscape.	The proposed increase to the height of the building is not considered to contravene Section 5.2 with regard to building form and character.	Yes
5.3 Car Parking & Access		
d) Commercial development shall be designed to accommodate all related vehicle movements on site such that: i) all vehicles shall enter and exit the site in a forward direction; ii) the area for manoeuvring of delivery and service vehicles is separate from vehicle parking areas, and preferably accessed via a rear service lane; iii) cause minimal interference to the flow of traffic within the surrounding road network; and iv) safe and convenient access is provided for pedestrians.	The proposed increase in height of the building will impact upon the approved grades to the car park and ramps, particularly for delivery vehicles. However, this will be addressed with a condition of consent to ensure all ramps and grades comply with AS2890.	Yes, conditioned

5. **Section 4.15(1)(a)(iiia) Any Planning Agreement that has been entered into under Section 93F, or any draft planning agreement that a development has offered to enter into under Section 93F**

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

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

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

Council notes a discrepancy on the amended plans with regard to the overall ridge height of the building, which will be addressed as a condition of consent.

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

The proposed modifications do not affect the suitability of the site for the proposed development.

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

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

The Section 4.55 modification was notified to the properties notified as part of the original development application, no submissions were received in relation to the proposed development.

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

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

10. Conclusion

The a Section 4.55(2) 3511/2018/DA-C/B proposes modification of existing development consent for the construction of a commercial building for use as a hardware and building supplies outlet with associated signage, earthworks and landscaping at Lots 241 & 242 DP 1222763, corner of Farrow and Blaxland Roads, Campbelltown. The proposal has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

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

Therefore, the proposal is recommended for approval.

11. Officer's Recommendation

That Section 4.55(1A) modification 3511/2018/DA-C/B proposing the construction of bulky goods development comprising a Bunnings warehouse at Lots 241 & 242 DP 1222763, corner of Farrow and Blaxland Roads, Campbelltown be approved subject to the conditions of consent.

ATTACHMENT 1

3511/2018/DA-C/B

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

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

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

Except as amended by modification 3511/2018/DA-C/B as follows:

Plan/ Document No.	Version/ Revision	Prepared by	Date
030 Site & Roof Plan	Rev E	John R Brogan & Associates	04.10.2019
040 Areas Diagrams	Rev E	John R Brogan & Associates	04.10.2019
100 Undercroft Parking Level Plan	Rev E	John R Brogan & Associates	04.10.2019
101 Warehouse / Mezzanine Level Plan	Rev E	John R Brogan & Associates	04.10.2019
120 Sections	Rev D	John R Brogan & Associates	04.10.2019
130 Elevations	Rev D	John R Brogan & Associates	04.10.2019
2415 LP-01 Landscape Plan	Rev D	John Lock & Associates	03.10.2019
2415 LP-02 Landscape Elevations	Rev D	John Lock & Associates	03.10.2019
General	Rev 4	C & M Consulting Engineers	09.10.2019

<i>arrangement plan</i>			
<i>General arrangement plan – Warehouse Level</i>	<i>Rev 4</i>	<i>C & M Consulting Engineers</i>	<i>09.10.2019</i>
<i>Bulk earthworks cut/fill plan</i>	<i>Rev 4</i>	<i>C & M Consulting Engineers</i>	<i>09.10.2019</i>

2. Amended Plans

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

- Revised vehicular access and updated parking layout with required number of accessible spaces being 13 spaces.
- Updated Pylon Advertising Signage details to limit the height to 8m above natural ground level.
- ***Maximum ridge level of the building is limited to RL76.5***

3. Building Code of Australia

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

4. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

5. External Finishes

The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

6. Lighting

Illumination of the site is to be arranged to provide an appropriate level of lighting and in accordance with the requirements of *Australian Standard 4282 (as amended)* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises or traffic.

7. Operating Hours

The proposed hours of operation comprise:

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

8. Deliveries

Service vehicles accessing the site for the ongoing operation of the development shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.
- d. Deliveries are to be limited to the hours of operation only and;
- e. Deliveries within the AM peak period are restricted to small rigid vehicles only up to a maximum length of 12.5m.
- f. A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

9. Signage

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

10. Signage Illumination

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

11. Advertising Sign

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

12. Approved External Storage of Goods

All approved works, storage and display of goods, materials and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in condition 1. Any external works or storage/display of goods, materials or any other item associated with the development undertaken in accordance with the approved plans, must be adequately screened from the public view at all times.

13. Storage of Flammable and Combustible Liquids

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

14. Storage of Dangerous Goods

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

15. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

16. Unreasonable Noise, Dust and Vibration

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

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

17. Vehicle Parking Spaces

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

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

18. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends within the zone of influence of adjoining public infrastructure on adjoining

land or public roads, the person having the benefit of the development consent must at the person's own expense:

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

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

19. Construction Certificate

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

- a. the applicant shall obtain a construction certificate for the particular works;
- b. the applicant shall appoint a principal certifying authority; and
- c. the private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works.

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

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

- the files shall be in MP4 format
- file resolution shall be 640 by 480 pixels, 3Mbps and 25 frames per second
- each pipe reach (i.e. between two pits) shall be provided as a separate file
- the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage
- the speed and panning of the footage shall be sufficient to demonstrate that there are no significant cracks in the pipe and that the joints have been properly constructed
- the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and
- a summary report (*.pdf) shall accompany the data.

21. Reuse of excavated rock on site

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

22. Rain Water Tank(s)

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

23. Rubbish/Recycling Bin Storage

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

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

24. Engineering Design Works

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

25. Culvert

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with, relevant to the particular stage of works covered in the Construction Certificate, prior to the issue of that a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information relevant to the particular stage of works covered in the Construction Certificate, to comply with the following conditions of consent must be submitted with the application for that a construction certificate.

26. Utility Servicing Provisions

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authorities water or sewer infrastructure.

27. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

28. Geotechnical Report

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

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

- a. an overall assessment of all architectural and engineering plans for the proposed development and suitability in relation to the site's geotechnical characteristics,

and compliance with requirements outlined in the BCA, Campbelltown City Council's (Sustainable City) Development Control Plan, and Engineering Design for Development guide.

- b. Identify land that will be subject to subsidence, slip, slope failure or erosion, where; excavation and/or filling exceeds 900mm in depth, or is identified as filled land.
- c. preferred excavation/retention/stabilisation techniques and suitability of excavated materials for use in on-site earthworks.
- d. construction methods to avoid problem areas associated with loose materials and groundwater seepage.
- e. requirements for surface and subsurface drainage lines.
- f. analysis of the level of risk to all existing adjacent structures/buildings, including the scenario of vibratory rollers and other large earthworks machines used anywhere within the site the subject of these works. In the event that the proposed development, its construction, and use of vibratory rollers or other machinery could affect adjacent structures/buildings, high risk areas and method of mitigation must be identified on a plan and discussed in the report. This analysis shall include outlining the potential for possible damage to adjoining premises from excavation on the site, and specifying safe method(s) of underpinning the adjoining premises to prevent such damage.
- g. recommended treatment of any unstable areas within privately owned allotments surrounding the site the subject of these works.
- h. impact of the installation of services on overall site stability and specify recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation.
- i. specification of foundation conditions and footing requirements of the site, such as bearing pressures, pile design parameters, special techniques for expansive clays, saline soil conditions etc, and provide solutions for consideration of structural and civil engineers. Note Campbelltown is known for significant soil salinity issues, and footing design shall assume maximum salinity potential foundation soils, providing recommended design and mitigation strategies.
- j. extent and stability of any existing and proposed embankments.
- k. all required Geotechnical testing requirements.
- l. level of geotechnical supervision required for each part of the works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments.

29. Soil and Water Management Plan

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

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

- a. clearly identify site features, constraints, existing and proposed slope grades, soil types, and nature of the proposed land disturbing activities,
- b. specify the type and location of erosion and sediment control measures, and detail them on the plans in accordance with standard drawings and plan examples from the Blue Book.
- c. recommend rehabilitation, and revegetation techniques,
- d. specify measures to control dust generated from the site.

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

30. Dilapidation Report

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

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

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

31. Pollution Control

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

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

32. Traffic Committee

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

33. Construction Traffic Management Plan

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

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

- day to day management of all development related construction traffic and staff, visitor and public pedestrian movements in and around the site.
- method of daily log book keeping to record all construction traffic activities and movements, for review and approval by the site superintendent,
- external vehicle movements and routes,
- Traffic Control Plans for each stage of the development, in accordance with the State Roads Authority manual "*Traffic Control at Work Sites*" and *Australian Standard AS 1742.3 (as amended)*. A copy of the approved TCP shall be kept on site for the duration of the works in accordance with *Work Cover Authority* requirements. A copy shall be submitted to Council for its records. It is anticipated that TCP's will be revised during the construction phase of development, and approval obtained from Council for each revision
- internal site vehicle movements, routes and haul roads,
- number of truck/machinery and their related movements,
- location of truck/machinery maintenance and storage areas,
- fuel storage and filling operations areas, including bunding arrangements,
- hours of operation,
- access arrangements,
- methods to mitigate impacts of construction traffic on pedestrians and local traffic.
- removal of soil/rock from the site, and delivery of materials
- method(s) of briefing/informing all staff, construction workers, sub-contractors, supervisors, visitors, and relevant public adjacent to the site to ensure that the CTMP procedures are adhered to at all times.

34. Work on Public Land

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work on public land. Inspection of this work shall be undertaken by Council at the applicants expense and a compliance certificate, approving the works, shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

35. Detailed Drainage Design

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

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

36. Easements & Engineer's Details

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

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

There shall be no structural building columns positioned over Council's storm water culvert.

37. Design for Access and Mobility

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

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

- a. show compliance with recommendations and requirements outlined in relevant sections of;
 - . 'Design Compatibility Statement – NCC 2016 – Volume 1 – Bunnings Warehouse – Campbelltown, by Trevor R Howse, Issue No. 3, 17/09/2018
 - i. 'Disability Access Report – Bunnings Warehouse Campbelltown, by Lindsay Perry Access, Ref LP_18003, Issue No. 2, 11/09/2018.
 - ii. Council's Development Control Plan and Engineering Design for Development guide, the Building Code of Australia, Australian Standards AS 1428, and AS2890.
- b. show safe accessible paths and shared areas, and general pedestrian paths (delineated and non-delineated) are available from site boundary access points and parking bays to building entries/exists, with minimal, and adequately managed conflicts between pedestrian and vehicle maneuvering paths.

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- c. provide delineation details and specifications for accessible and general pedestrian access paths, eg line marking, signage, and tactile ground surface indicators.
 - d. provide pedestrian access from the intersection at Blaxland Road/Farrow Road, to the building front entry point. This shall be demonstrated on the plans.

38. Telecommunications Infrastructure

- a. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- b. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

39. Sydney Water

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to Sydney Water via the Sydney Water Tap In service, to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met.

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

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

40. Traffic

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

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

41. Vehicle Swept Path Plan

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

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

The Vehicle Swept Path Plans shall be submitted in;

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

41A. Driveway and ramp grades

All driveway and ramp grades are required to be designed to comply Australian Standard 2890 (as amended).

42. Engineered Vehicle Parking and Pavement

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

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

43. Culvert connection

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

44. Traffic Report

The traffic report prepared by transport and traffic planning associates ref. 17182 dated September 2018 Issue B shall be revised by the authors and shall include traffic counts and SIDRA modelling to identify the local road (Farrow Road/ Blaxland Road) AM peak as well as the identification of and the interaction of Bunning's traffic generation with that of the Farrow Road/ Blaxland Road intersection peaks. The revised report shall be submitted to the Principal Certifying Authority and Council's Executive Manager Infrastructure for review and approval prior to the issue of a Construction Certificate for building works.

45. Driveway Modification

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

46. Car Park Flood Mitigation

Prior to Council or an accredited certifier issuing a construction certificate for building works, the applicant shall provide amended plans which demonstrate no openings or building penetrations (including vents, windows and mechanical ventilation etc) are

located below the Probable Maximum Flood (PMF) level. The plans shall be in accordance with the Engineering Design Guide for Development and relevant Australian Standards and the plans shall be prepared by a qualified and experienced professional engineer. The PMF levels can be obtained from Council's Coordinator Stormwater and Structural Design - City Delivery.

47. Extension of median strip to Farrow Road

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

48. Western Vehicle Entry

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

49. Columns not to be located above Culvert

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

50. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the *Campbelltown City Council Section 94A Development Contributions Plan*.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the *Consumer Price Index - All Groups* (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or

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- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

51. Erosion and Sediment Control

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

52. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur

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- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

53. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

54. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

55. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

56. Footpath and Vehicular Crossing Levels

Prior to the commencement of any work, footpath and vehicular crossing levels are to be obtained from Council by lodging an application on the prescribed form.

57. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

58. Structural Engineer Details

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

59. Contamination – Unexpected Finds

Following the completion of the approved bulk earthworks and prior to the commencement of the approved construction works, the applicant shall submit to Council/PCA a statement from a suitably qualified person accredited by the Office of Environment and Heritage (OEH), works undertaken have not revealed any unexpected subsurface ground conditions, or if there has, any contaminated material has been assessed by a suitably qualified person and reported to Council, and if required, remediation works have been completed in accordance with the relevant requirements of Campbelltown City Council, the OEH and the Contaminated Land Management Act 1997.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

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

60. Construction Work Hours

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

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

61. Erosion and Sediment Control

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

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

62. Industrial / Commercial Driveway and Layback Crossing

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

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

63. Work Zones

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

64. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

65. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

66. Work As Executed Plans

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

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

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

d. All deviations from the approved Civil Works Engineering Plans.

e. All levels relative to Australian Height Datum.

67. Associated Works

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

68. Imported 'waste-derived' fill material

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

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

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

69. Traffic Management for Delivery Vehicles

Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall engage a suitably qualified and experienced professional traffic engineer to provide a plan and/or report that demonstrates suitable traffic management measures will be put in place during the operation of the development which will mitigate conflicts between delivery vehicles and general traffic with particular regard to the eastern entry to Farrow Road.

70. Completion of External Works Onsite

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

71. Council Fees and Charges

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

72. Waste Collection

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

73. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Coordinator.

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

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

74. Structural Engineering Certificate

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

75. Imported Fill

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

76. Service Authorities

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

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

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the

amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

77. Registration of Food Premises

Prior to the principal certifying authority issuing an occupation certificate, the food premises (café) and temporary food premises (charity barbecue) are required to be registered with Council and all requirements of conditions 78 to 80 satisfied.

78. FOOD CONSTRUCTION CONDITIONS

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

79. 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).

80. CHARITY BARBECUE AREA

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

- a. **CONSTRUCTION** – A designated location for the charity barbecue must be provided. The designated location must be provided with the following permanent fixtures:
 - i. **HANDBASIN** – A permanent hand basin must be provided to the charity barbeque area. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible no further than 5 metres away from any place where food handlers are handling open food.

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand basin (AS4674-2004 – Section 4.4).
 - ii. **WASH SINK** - A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand basin.

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- b. **REGISTRATION** - The premise is required to be registered with Council so that regular inspections can be carried out to ensure health standards are maintained. A business registration form is available on Council's website which must be completed and submitted to Council prior to the operations of the food business commencing.
- c. **NON PROFIT ORGANISATIONS** - The fundraising food stalls held at the premises are for fundraising and are only to be carried out by non-profit organisations.
- d. **FOOD STALL REQUIREMENTS** – The operation of all temporary food stalls must be carried out in accordance with the Food Act 2003, Food Regulations 2010, Australia New Zealand Food Standards Code and Council's 'Requirements for the Operation of Temporary Food Stalls'. A copy of Council's Requirements for the Operation of Temporary Food Stalls is available on line www.campbelltown.nsw.gov.au or alternatively by telephoning Council Customer Service Centre on 46 454000.
- e. **LOCATION** - The designated location of the food stall must:
- Not obstruct access to and through emergency exits, or pedestrian thoroughfares,
 - Not obstruct access to fire safety equipment,
 - Not be located within allocated car parking spaces or landscaped areas,
 - Be located within the curtilage of the building and not encroach onto neighbouring or public land.
- f. **REGISTER** – An up to date register must be kept at all times on site of all temporary food stall details. This must be available at all times for inspection at Council's request.
- g. **FOOD SAFETY SUPERVISOR** – A certified food safety supervisor, trained in the NSW Food Authority's safe food handling course, will need to be appointed. The food safety supervisor will be responsible for over seeing the operation of all temporary food stalls and ensuring they are operating in compliance with the conditions of this licence and NSW Food Safety Laws.
- h. **INSPECTIONS** - Council's Environmental Health Officers may inspect your temporary food stalls on a random basis. All inspections are unannounced to assess compliance with health and safety requirements. The applicant will be invoiced for the payment of all associated food inspection fees. Inspection fees are charged in accordance with Council's Fees and Charges Policy.
- i. **REVOCATION** – Council reserves the right to revoke any licence at any time if it is found that the temporary food stalls are not operating in accordance with the above requirements.

81. Construction

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

ADVISORY NOTES

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

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the Noxious Weeds Act (NSW).

Advice 3. Provision of Equitable Access

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards.

In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

Advice 4. Covenants

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

Advice 5. Salinity

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

Advice 6. Asbestos Warning

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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

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

Advice 7. Smoke Free Environment Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

Advice 8. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment

to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 9. Telecommunications Act 1997 (Commonwealth)

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

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

END OF CONDITIONS