

# ATTACHMENT 1

## 1398/2023/DA-DE

### 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
Location Plan + Site Analysis	DA0100	Smith + Tracey Architects	13.12.2023
Site Plan - Existing	DA0101	Smith + Tracey Architects	13.12.2023
Site Plan - Proposed	DA0102	Smith + Tracey Architects	13.12.2023
Existing Ground Floor	DA0200	Smith + Tracey Architects	13.12.2023
Existing L1 / Mezzanine	DA0201	Smith + Tracey Architects	13.12.2023
Existing Roof Plan	DA0202	Smith + Tracey Architects	13.12.2023
Existing Elevations	DA0250	Smith + Tracey Architects	13.12.2023
Existing Sections	DA0275	Smith + Tracey Architects	13.12.2023
Existing Sections	DA0276	Smith + Tracey Architects	13.12.2023
Waste Management Plan	DA0500	Smith + Tracey Architects	13.12.2023
Elevations	DA2000	Smith + Tracey Architects	13.12.2023
Sections	DA3000	Smith + Tracey Architects	13.12.2023
Landscape Plan	01	Kelly Royle Landscape Architect	5.12.2023
General Notes and Locality Plan	CIV-SK02 Issue P1	BCE Design Corporation Pty Ltd	December 2023
Proposed Drainage	CIV-SK03 Issue P1	BCE Design Corporation Pty Ltd	December 2023
Typical Civil and Drainage Details - Sheet 1	CIV-SK05	BCE Design Corporation Pty Ltd	December 2023

	Issue P1		
Typical Civil and Drainage Details – Sheet 2	CIV-SK06 Issue P1	BCE Design Corporation Pty Ltd	December 2023
Typical Pavement Details – Sheet 1	CIV-SK15 Issue P1	BCE Design Corporation Pty Ltd	December 2023

- Plan of Management prepared by Smart Planning & Design, dated 15 December 2023.
- Traffic Impact Assessment Report prepared by Quantum Traffic, Revision 2, dated 13 December 2023.
- Noise Impact Assessment prepared by Octave Acoustics, dated 25 May 2022.
- Air Quality Amenity Assessment prepared by SLR Consulting Australia Pty Ltd, Version -v1.0, dated June 2022.
- Hazardous Materials management Register prepared by JMB Environmental Consulting, dated 9 May 2022.
- Fire Safety Guideline Review Report prepared by Warrington Fire, Revision NCC1.0, dated 25 August 2022.

## 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:

- An amended landscape plan detailing grass to be planted only along the boundary where the drainage easement is located, with no alterations to the finished surface levels of the drainage easement.

## 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. Garbage Room

The garbage storage room identified on the approved plans shall:

- Be fully enclosed and shall be provided with a concrete floor, with concrete or cement rendered walls coved to the floor.
- The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket.
- A hose cock shall be provided within the room.
- Garbage rooms shall be vented to the external air by natural or artificial means.

## **6. Fencing**

A 1.8 metre high fence shall be erected on the site's side and rear boundaries behind the front building alignment at the sole cost of the developer. 'Colorbond' style metal fences that face a public space are not permitted.

## **7. 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.

## **8. Industrial or Commercial Vehicle Crossing and Layback**

The applicant shall provide a reinforced concrete footpath crossing and layback at the entrance to the property, in accordance with Council's Industrial or Commercial Vehicle Crossing Specification and the Council's Engineering Design for Development Guide and Standard Drawings (as amended). Where necessary, in accordance with the relevant service authority's requirements, conduits shall be provided under the footpath crossing.

A separate application for this work, which will be subject to a crossing inspection fee and inspections by Council, must be lodged with Council on the NSW Planning Portal as a Section 138 application.

## **9. Service Vehicle Loading, Unloading and Manoeuvring**

Service vehicles shall comply with the following requirements:

- a. Commercial/industrial use (tenants) of the site shall be serviced by either MRV, HRV, or AV sized service vehicle(s), or combinations of these, in accordance with relevant requirements of Council's Sustainable City DCP 2015 (as amended), any site specific DCP, and relevant parts of AS2890.2 and Austroads guides.
- b. Service vehicles shall be able to enter and exit the site in a forward direction, with only a single reversing movement permitted within the property.
- c. All vehicles awaiting loading, unloading or servicing shall be parked on site in a service bay, and not on adjacent or nearby private or public roads.
- d. All service bays shall include dedicated manoeuvring area (apron), both separated from other vehicular parking and manoeuvring area, modules, circulation roadways and ramps.
- e. Pedestrians, other than approved staff, shall be prevented from accessing any service bay or manoeuvring area.
- f. Waste from ongoing use of the development shall be managed in accordance with the approved waste, and operational management plans. Where a private waste collection service is required, a dedicated service bay immediately adjacent the bin storage area must be provided separate from any service bays required for the commercial/industrial tenants.
- g. A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of site servicing requirements, including directions to the service bays. Should the sign be damaged or removed, it shall be replaced within 48 hours.

## **10. 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.

## **11. 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.

## **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.

The storage of goods, materials and any other item must not be stored higher than the screening structure. All screen structures shall be constructed of high quality materials.

No material is to be stored outside of the approved screen structure.

## **13. No Storage of Flammable and Combustible Liquids**

The storage of flammable and combustible liquids and/or dangerous goods as defined under the Dangerous Goods Code shall not be stored on the site at all.

## **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.

## **15. 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.

## **16. Operating Hours**

The use of the premises/business shall be limited to:

Monday to Friday	7:00 am – 5:00 pm
Saturday	7:00 am – 1:00 pm
Sunday	Closed

## **17. Retail Sales**

The direct retail sale of goods from the premises is prohibited.

## **18. Car Parking Spaces**

Thirteen (13) car parking spaces including one disabled space shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

#### **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. Construction Certificate**

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

- a. the applicant shall appoint an appointed 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.

Applicants must submit a full application, providing all relevant development details, engineering and construction plans, calculations, models, reports, certification and meet all relevant consent requirements as part of the single application and submission package. Council will only permit staged construction, or modification to the development consent to permit a staged approach, if this has been discussed and approved prior to development approval as part of a pre-lodgement meeting and conditioned accordingly.

#### **21. Easement to Drain Stormwater**

This development is dependent on the applicant to drain water in the existing drainage. There shall be no construction, building works or alteration to finished surface levels permitted within any drainage easement(s) to convey overland flow, or surcharge from underground stormwater network. In this regard a restriction as to use of land shall be maintained over the easement on all burdened and benefited properties.

#### **22. Flood Development**

Prior to commencement of the development application, the applicant shall engage a professional engineer who specialises in hydraulic engineering and a professional engineer who specialises in civil engineering to prepare an overland flow analysis engineering report and plan, and to certify that the proposed development complies with the following restrictions and controls, to the satisfaction of Council's Executive Manager Infrastructure;

- a. Comply with Council's flood prone development objectives, performance criteria, and other requirements outlined in the relevant Council LEP, DCPs, and Engineering Design for Development Guide, the State Environmental Planning Policy (Biodiversity and Conservation) 2021, the NSW Flood Risk Management Manual, and Australian Rainfall and Runoff.
- b. Pre and post development modelling scenarios, parameters, configuration, sensitivity analysis, assumptions, calibration, and validation must be undertaken or provided and discussed in detail in the engineering report, supported by appropriate engineering justification and calculations and modelling using 1D/2D hydrodynamic flood model (e.g. TUFLOW).
- c. Building floor levels and garage floor level(s) shall be set based on Table 4.1 of the Engineering Design for Development Guide the calculated depth of storm/flood water during the modelled

peak of the 1% AEP design event within the property and any adjacent overland flow paths, channels, and waterways.

- d. All structures are to be constructed from flood compatible components and materials up to and including the 1% AEP Flood Level plus 500mm freeboard.
- e. A Structural Engineer's certificate certifying that all structures are designed to withstand forces of floodwaters, debris and buoyancy up to and including the 1% AEP flood level plus 500mm freeboard is to be submitted with the construction certificate application.
- f. There shall be NO storage of any material which may cause pollution or be potentially hazardous during PMF flood event.
- g. There shall be NO increase flood affectation elsewhere in the floodplain.
- h. There shall have reliable access for pedestrians and vehicles from the development, at a minimum level equal to the lowest habitable floor level of the development, to a safe refuge,
- i. There shall have open car parking spaces or carports that are no lower than the 5% AEP flood level.
- j. The driveway between car parking spaces and the connecting public roadway that will not be inundated by a depth of water greater than 0.3m during the 1% AEP flood event.

### **23. Engineering Design**

Engineering design of all proposed structures and works, unless modified by a condition of this consent or the approved plans and documents outlined in Condition 1, shall be designed and constructed in accordance with requirements outlined in the following Council documents (as amended);

- Specification for Construction of Subdivisional Road and Drainage Works,
- Engineering Design for Development Guide (as amended), and
- Campbelltown City Council Development Control Plan (where relevant).

All engineers engaged to prepare or certify engineering construction plans and documents prior to release of the construction certificate, or prior to construction, must provide a Design Certification Report, and fill out with detail relevant parts of the 'Engineering Plan Checklist', available in Appendix A of Council's Engineering Design for Development Guide, to the satisfaction of the appointed registered certifier.

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

All engineering design and construction plans, documents and work for the proposed development shall be in accordance with but not limited to current versions of the following documents, guides codes, and specifications;

- a. Specification for Construction of Subdivisional Road and Drainage Works,
- b. Campbelltown (Sustainable City) Development Control Plan 2015,
- c. Campbelltown City Council's Engineering Design for Development Guide,
- d. Landcom's Managing Urban Stormwater - Soils and Construction - March 2004 (aka The Blue Book),
- e. National Construction Code, Building Code of Australia,
- f. NSW Flood Risk Management 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, engineering design and construction plans comply with relevant, appropriate sections of these documents. The engineering report shall also include relevant design certification, any assumptions made, and maintenance and repair requirements for all structures, work, and services proposed as part of the development.

## **25. Comply with the Environmental Planning and Assessment Act 1979**

The requirements and provisions of Part 6, Section 6.3 of the *Environmental Planning & Assessment Act 1979* and Part 5 of the *Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021* must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

## **26. Final Fire Safety Certificate**

- (a) The Owner shall carry out an inspection and audit of all required fire safety measures installed within the building and contained within the Fire Safety Schedule attached to this Order; and
- (b) The Owner shall undertake all such remedial works necessary to ensure that those required fire safety measures contained within the attached Fire Safety Schedule are capable of operating/performing to at least the standard for which the measure was originally designed and implemented; and
- (c) A Final Fire Safety Certificate must be submitted to Council for any newly installed each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates;
  - i. has been assessed by a properly qualified person, and
  - ii. was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued;

## **27. Loading/Unloading of Material**

The loading/unloading of material shall occur wholly within the site at all times within the designated loading/unloading area. No loading/unloading of material shall occur on the public street or on any public property.

## **28. Quantity of Material to be stored**

The quantity of material to be stored on site shall not exceed the amount that can be stored within the approved storage domes and/or any other quantity specified in the any relevant legislation.

## **29. Commencement of Use**

The use of the premises shall not occur until such time as an occupation certificate is issued for the use of the storage domes, car parking, drainage works, and all other construction works required as part of this development consent.

## **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.

## **30. 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.*

### **31. Stormwater Drainage (Basic)**

Stormwater drainage system shall be provided in accordance with the approved plans, Council's Engineering Design for Development Guide, AS3500, and the Plumbing Code of Australia.

A detailed plan prepared by a professional engineer with stormwater drainage experience shall be submitted to the satisfaction of the appointed registered certifier prior to the issue of the construction certificate, demonstrating the internal drainage system designed in accordance with AR&R minor/major methodology, draining via gravity to the Council approved legal point of discharge shown on the approved plans.

### **32. Work on Adjacent Land**

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work approved on adjacent public land, applying to Council through the Section 68 Land Use application form.

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 issue of an occupation certificate. Consent from the adjacent land owners must be provided to Council in writing at the time of application.

### **33. 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.

### **34. 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).

### **35. Vehicle Swept Path Plan**

Prior to the appointed Principal Certifier issuing a construction certificate, a vehicle swept path plan shall be prepared by a qualified and experienced professional civil or traffic engineer registered on the NER and submitted to the satisfaction of the appointed registered certifier.

No construction certificate is permitted to be issued prior to the applicant demonstrating to the appointed registered certifier that formal written consent in the form of a Section 138 Permit has been issued by Council as per Section 138 and Section 139 of the *NSW Roads Act 1993 (as amended)*.



The Vehicle Swept Path Plans shall be in Accordance with submitted in:

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

### 36. Section 7.12 Contributions

#### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of **\$750** for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

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

#### Indexation

The monetary contribution is based on a proposed cost of carrying out the development of \$150,000 indexed to the quarter immediately prior to the date of this consent (\$150,000). This cost (and consequently the monetary contribution) must be indexed between the date of this consent and the date of payment in accordance with the following formula:

Indexed development cost (\$) =	$\$CC \times \frac{CPI_P}{CPI_C}$

Where:

- \$CC is the contribution amount shown in this certificate expressed in dollars
- $CPI_P$  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.
- $CPI_C$  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 – **136.4 - Dec 2023**.

#### Time for payment

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

#### How to make the contribution payment

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

### 37. Existing Drainage

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall engage a professional civil or hydraulic engineer with experience in stormwater management and submit design details and related calculations for the analysis of the existing drainage system in the subject area and Bunbury Curran Creek where it is proposed to discharge stormwater from the proposed development, to determine whether the existing system has sufficient capacity to adequately convey the increased flows. A cumulative impact assessment shall be carried out, showing the impact of possible future development of other lots within the same catchment to the same level as proposed for this

development, and discuss its effect on the existing stormwater management and drainage infrastructure.

### **38. Easement**

Prior to the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any pipe or conduit traversing Council community land, and associated easement(s). The applicant shall submit a Section 68 Land Use application using Council's pdf application form available online and contact Council's Duty Development Engineer on 46454608 to discuss prior to submission, quoting the Development Consent number and site address.

### **39. 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 a side or easement boundary, to the satisfaction of the certifying authority prior to the appointed Principal Certifier issuing a construction certificate.

The design shall clearly demonstrate that the walls/supports can withstand all applicable forces and can withstand an associated adjacent easement or earthworks excavation.

### **40. Internal Vehicle Driveway & Manoeuvring**

Prior to release of a construction certificate, a vehicle and pedestrian driveway access and manoeuvring plan shall be prepared by a professional engineer registered on the NER with traffic engineering qualifications and experience, to the satisfaction of the appointed registered certifier.

Internal driveways, parking, and manoeuvring areas shall be designed in accordance with Council's Engineering Design for Development Guide requirements, relevant parts of Australian Standards AS 2890.1, AS2890.2, and Austroads guides(as amended).

Swept path analysis for all design vehicles using the property shall be provided on a separate plan.

### **41. S138 Road Reserve Work Application and Consent**

A separate Council application and assessment process, administered through the NSW Planning Portal applies to obtain written consent from the local roads authority (Council) for all related works proposed in the road reserve, as per S138 and S139 of the *NSW Roads Act 1993* including but not limited to laybacks and access driveways, footpaths and shared pathways, road, kerb & gutter, drainage, utility services, street tree planting and any other civil works.

### **42. Pollution Control**

Prior to the appointed Principal Certifier issuing a construction certificate, a pollution control plan and report detailing engineering design, construction, operation and maintenance of all required stormwater pollution controls, water quality treatment, and rainwater harvesting/reuse systems, shall be prepared by a qualified and experienced professional engineer registered on the NER to the satisfaction of the appointed registered certifier.

The plan and report shall comply with preliminary engineering reporting, approved plans and electronic MUSIC-X modelling approved by Council, relevant guidelines of the Department of Climate Change, Energy, Environment and Water (DCCEEW) or equivalent State and Federal Authorities, Council's DCP and Engineering Design for Development Guide, manufacturer's specifications, operating & maintenance guides for third party proprietary infrastructure and devices.

### **43. Preliminary Hazard Analysis**

A Preliminary Hazardous Analysis is required to be submitted to the appointed Principal Certifier for approval prior to the issue of the construction certificate and must be prepared in accordance with the Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis (DoP 2011) and Multi-Level Risk Assessment (DoP 2011).

#### **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.

#### **44. 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.

#### **45. 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 certifier 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.

#### **46. 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.

#### **47. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including (but not limited to) kerbs, gutters, footpaths, walkways, reserves 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.

#### **48. 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.

#### **49. 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.

## **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.

### **50. 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.

### **51. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the approved Soil and Water Management Plan, Erosion and Sediment Control Plan, or both, and methodologies and requirements of the Landcom's Managing Urban Stormwater - Soils and Construction - March 2004 (aka The Blue Book), to the satisfaction of the principal certifying authority. The proposed erosion and sediment control devices and measures shall remain in place until the site has been stabilised and fully revegetated. Any proposed changes to the approved plans and controls shall be approved by Council's Development Engineering Team, unless emergency action is required to prevent environmental pollution.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

### **52. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of Landcom's Managing Urban Stormwater - Soils and Construction - March 2004 (aka The Blue Book). Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

### **53. 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.

### **54. 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, a minimum of 1.2 metres wide

and 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 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 is considered unsafe, and recover all reasonable costs incurred from the applicant.

## **55. Compliance with Council Specification**

All design and construction shall generally be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended),
- b. Council's (Sustainable City) DCP Volumes 1 and 2 (as amended),
- c. Landcom's Managing Urban Stormwater - Soils and Construction - March 2004 (aka The Blue Book), and
- d. Relevant Australian Standards and State Government publications.

## **56. Redundant Laybacks**

All redundant laybacks and access driveways shall be removed, and kerb and gutter reinstated, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the design requirements detailed in the Council's Engineering Design for Development Guide and standard Drawings (as amended).

### **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.

## **57. 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.

## **58. 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.

## **59. Works as Executed Plans**

Prior to the appointed registered certifier issuing an occupation certificate, the applicant shall submit to Council a copy of a work as executed plan, certified by a qualified and experienced professional registered surveyor, which has been prepared in accordance with the requirements detailed in

#### **60. Restoration of Public Roads**

Prior to issue of an occupation certificate, any restoration of the public road pavement required because of the development, shall be carried out by Council and all costs shall be paid by the applicant.

#### **61. 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.

#### **62. 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.

#### **63. Associated Works**

The applicant shall undertake any external site works required by the Development Engineer, that are made necessary by the development including additional road, drainage works or any other civil works to ensure safe, smooth connection between existing and new works.

#### **64. Upgrade works (Prior to issue of occupation certificate)**

The building must comply with the requirements of Section 62 of the *Environmental Planning & Assessment Regulation 2021* in relation to the provision of *category 1* fire safety measures (as applicable), prior to commencement of the change of use and issuing of an occupation certificate.

The following fire safety upgrading works are required prior to the issuing of an *Occupation Certificate* to ensure that the building is suitable for its new use:-

- a) Egress paths/exits must be free of obstructions/storage at all times.
- b) A system of emergency lighting shall be installed throughout the building to provide sufficient light in an emergency in accordance with the requirements of Part E4 of the BCA; Emergency lighting must be installed in the Warehouse in accordance with E4D2 of the BCA.
- c) All required exit doors must swing in the direction of egress complying with the requirements of D3D25 of the BCA. The exit doors shall be openable by single grip lever handle downward action latch set or pushing action in accordance with the requirements of D3D26 of the BCA and shall not encroach on the street alignment.
- d) Suitable emergency plans and procedures shall be prepared in conjunction with an appropriately qualified person or firm and comply with the relevant requirements of AS 3745-2010. Evacuation diagrams shall be located in prominent locations throughout the building.
- e) Certification must be submitted confirming that the existing hose reel system was designed and installed to the appropriate legislative requirements at the time of installation. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system
- f) Ensure that the existing attack fire hydrant stand located at the front boundary adjacent to the main entry to the property is maintained and cleared from all obstructions and storage of waste

materials to enable fire fighters to access and utilise the hydrant during their firefighting operation.

- g) Proposed solutions and recommendations listed in the Fire safety guideline review report, prepared by Warrington Fire, Job number: SY220042, Date: 25 August 2022 Revision: NCC1.0, are to be fully implemented and certified prior to the issue of Occupation Certificate.
- h) Prior to the issue of occupation certificate, the appointed Principal Certifier must ensure that the development complies with the requirements of Clause E1D17 & E2D21 of the NCC 2022, Provision for special hazards and a Certificate of Compliance must also be submitted to the appointed Principal Certifier.

## **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 4608.
- b. Nominate a Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

### **Advice 2. Tree Preservation Order**

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

A tree is defined as a perennial plant with self supporting stems that are more than three metres or has a trunk diameter more than 150mm measured one metre above ground level, and excludes any tree declared under the *NSW Biosecurity Act 2015* or included within the NSW Governments Greater Sydney Strategic Management Plan 2017-2022.

### **Advice 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. Retaining Walls**

A separate application for development consent shall be submitted and approved for any retaining walls that do not meet the exempt requirements of State Environmental Planning Policy (Exempt and Complying Development Codes)2008.

Consent must be received for the construction of any such retaining walls before work commences.

#### **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. Inspections – Civil Works**

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

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

#### **Advice 8. 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 certifier releasing the Occupation Certificate.

#### **Advice 9. 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 10. 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 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. 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 13. Bonds and Bank Guarantees**

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

#### **Advice 14. 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 15. 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**