

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
Legend	DR-000 Issue 0	Stellen Consulting	18.07.2024
Pipe Layout	DR-001 Issue 1	Stellen Consulting	8.11.2024
Pipe Layout	DR-002 Issue 1	Stellen Consulting	8.11.2024
Details - Sheet 1	DR-003	Stellen Consulting	18.07.2024

	Issue 0		
Details – Sheet 2	DR-004 Issue 0	Stellen Consulting	18.07.2024
Details – Sheet 3	DR-005 Issue 0	Stellen Consulting	8.11.2024

- 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.
- Preliminary Site Investigation prepared by Benbow Environmental, Revision 4, dated September 2024.
- Detailed Site Investigation prepared by Benbow Environmental, Revision 2, dated October 2024.
- Flood Risk Management Plan prepared by Stellen Civil Engineering, Revision 2, dated 15 October 2024.
- Waste Management Plan prepared by Quantum Traffic, dated 5 September 2022.
- Preliminary Hazard Analysis prepared by Benbow Environmental Revision 3, dated 14 August 2024.

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. Driveway

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

Driveways shall be constructed using decorative paving materials such as pattern stencilled concrete, coloured stamped concrete or paving bricks. The finishes of the paving surfaces are to be non-slip and plain concrete is not acceptable.

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, 2890.2 and 2890.6 (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. The floor levels of the new structures 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.
- c. All structures are to be constructed from flood compatible components and materials up to and including the 1% AEP Flood Level plus 500mm freeboard.
- d. 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.
- e. There shall be NO storage of any material which may cause pollution or be potentially hazardous during PMF flood event.
- f. There shall be NO increase flood affectation elsewhere in the floodplain.
- g. 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,
- h. There shall have open car parking spaces or carports that are no lower than the 5% AEP flood level.
- i. 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 Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* guide and *Campbelltown (Sustainable City) DCP 2015 (as amended)*.

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 consent; 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. Storage of batteries and car parts

The storage of lead acid batteries and car parts with an oily residue are to be stored within the building in an appropriately bunded storage area. These items are not to be stored externally at any time.

30. No construction within drainage easements

No construction, building works or alteration to the finished surface levels, as shown on the Works as Executed plans, shall be permitted within the existing drainage easements. In this regard, a suitably worded Restriction As To User shall be maintained over the easement on all burdened and benefited properties.

31. Waste Removal

The removal, handling and disposal of asbestos or other hazardous materials shall be carried out in accordance with WorkCover NSW, NSW Environment & Protection Authority (EPA), Office of Environment and Heritage and other regulatory authority guidelines and requirements.

32. 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.

Underground Petroleum Storage System – Decommissioning and Removal

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the underground petroleum storage system is required to be decommissioned and removed. In this regard the following is required:

- a. Prepare an Environmental Management Plan (EMP) prior to removal of storage tanks by a suitably qualified person, with reference to Section 6 of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2019. The EMP is to be forwarded to Council's Manager Development Assessment for approval.
- b. Prepare an Unexpected Finds Protocol (UFP) and include in the EMP.
- c. The removal and disposal of the UPSS must comply with Australian Standard AS 4976-2008 (*The Removal and Disposal of Underground Petroleum Storage Tanks*).
- d. The proponent must notify Council no later than 30 days before the system is decommissioned or removed.
- e. A notice of completion of remediation work must be submitted to Campbelltown Council within 30 days after the completion of work and comply with State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4.15.
- f. The report must describe the processes used to remove the tanks concerned, assess contamination at the storage site, and detail any remediation work carried out during the removal of the tank.
- g. The report must be prepared by a duly qualified person and describe the processes used to decommission the storage system and those used to assess contamination at the storage site.
- h. The report must also describe any remediation works that were carried out during the removal of the tanks and be prepared using the *Guidelines for implementing the Protection of the Environment Operations* (Underground Petroleum Storage Systems) Regulation 2019, Appendix 6 Checklist.
- i. Should unexpected contamination or environmental problems occur during the decommissioning process, a contingency plan as part of the EMP is to be implemented.

34. Utility servicing provisions

Before the issue of 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.

35. Soil and water management plan

Before the issue of a construction certificate, a detailed soil and water management plan shall be submitted for approval.

36. Stormwater Management Plan

Prior to Council or the appointed Certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to the site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval.

Floor levels of all new structures shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to Bunbury Curran Creek.

All proposals shall comply with the requirements detailed in Council's *Engineering Design for Development (as amended)* guide, *Australian Rainfall and Runoff (current version)* and the *NSW Flood Risk Management Manual*.

37. Inundation by flood waters

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

- a) The calculated 1% AEP flows at this location and the extent of any inundation affecting the development;
- b) Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c) Measures proposed to ensure compliance with the design requirements of the *Campbelltown (Sustainable City) DCP - Volume 3 (as amended)*.

In addition to the above:

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

38. Dilapidation report

Prior to Council or the appointed Certifier issuing a construction certificate, the applicant shall submit a dilapidation report for all buildings in the vicinity of the subject works and for any other infrastructure that may be affected by the works on the subject site.

39. Work on Adjacent Land

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

40. 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.

41. Sydney Water

Before the issue of 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 certifier prior to issue of a construction certificate.

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

42. 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.

43. 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 (\$) =	$\$CC \times CPI_p$
	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 for an invoice which will also provide details of the various methods of payment available, prior to payment.

44. Existing Drainage

Prior to Council or the appointed Certifier issuing a Construction Certificate, the applicant shall 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.

45. 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.

46. 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.

47. Vehicle turning movements

Prior to Council or the appointed Principal Certifier issuing a construction certificate, vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking and provided to Council's Executive Manager Infrastructure (or equivalent) for approval.

In this regard the Vehicle Tracking files and associated development proposal shall be submitted in .dwg/.dxf format and the speed environment used in the assessment must be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

48. 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.

49. Civil Works under S138 Roads Act

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall obtain written approval from Council for any proposed work within an existing road reserve. The Section 138 permit including payment of plan assessment and inspection fees shall be lodged with Campbelltown City Council for construction of driveway in Noonan Road reserve.

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

50. Works outside the site boundary

Prior to Council or the appointed Principal Certifier issuing a construction certificate, engineering plans for any work outside the site boundary shall be submitted to Council for approval. All works shall comply with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* guide and the applicable *Development Control Plan* and shall be inspected by Council at all stages of construction.

A compliance certificate for the work shall be obtained from Council prior to the principal certifying authority issuing an occupation certificate.

Council assessment and inspection fees, apply to the above requirements.

51. Pollution Control

Prior to Council or the appointed Principal Certifier issuing a construction certificate, the applicant shall provide engineering details to Council for approval of a suitable gross pollutant trap(s) and/or water quality treatment device(s) in accordance with the relevant guidelines of the Office of Environment and Heritage – NSW (OEH) and the requirements detailed in Council's *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP2015 (as amended)*, for the stormwater drainage system prior to discharge from the site.

52. Flood emergency kit

Prior to Council or the appointed Principal Certifier issuing a construction certificate, a Flood Emergency Kit should be prepared to the satisfaction of Council or the appointed certifier. The Flood Emergency Kit should be located within a habitable room in which the floor level is at or above the FPL i.e. 1% AEP flood level plus freeboard 0.5m and made conspicuous and easily accessible to occupants and visitors at all times. The Flood Emergency Kit should include but not be limited to the following items as minimum:

- a. A Flood Emergency Response letter, prepared by a practicing engineer with experience in Floodplain Risk Management, that details;
 - local flood; levels, depths, duration, timing, extents,
 - closest refuge areas and safe evacuation routes (both internal and external to site),
 - building floor levels and their relationship to local flood levels,
 - possibility of over floor flooding and expected depths,
 - possibility of local roads being closed due to flooding,
 - the need and capability for occupants to wade out or use a vehicle to escape rising flood water,
 - access and egress availability for emergency services,
 - consideration of local Emergency Plans and Council adopted Flood Study recommendations
- b. Emergency service contact information (NSW SES, Police, Ambulance, Hospital etc.)
- c. Provision of emergency communications i.e. battery-operated AM/FM radio and Two-way radios etc.

- d. Food, water, First aid, medical supplies, batteries, chargers and other essential supplies for all occupants and visitors if a stay-in-place evacuation strategy is advised by the NSW SES.

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.

53. Erosion and sediment control

Before any site work commences on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

54. Erection of construction sign

Before any site work commences on the land, signs must be erected in prominent positions on the site:

1. 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
2. Stating that unauthorised entry to the work site is prohibited
3. 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)
4. Stating the approved construction hours in which all works can occur
5. 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.

55. 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.

56. 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.

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.

58. 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.

59. 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.

60. 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.

61. 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

62. 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.

63. 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.

64. Compliance with Council Specification

All design and construction work shall be in accordance with:

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

65. Industrial / Commercial driveway and layback crossing

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

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

66. 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.

67. Redundant Laybacks

All redundant laybacks shall be reinstated as conventional kerb and gutter, in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

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.

68. 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 > 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.

69. Structural engineering certificate

Before the issue of the relevant 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.

70. Final inspection – Works as Executed plans

Prior to Council or the appointed Principal Certifier issuing an occupation certificate, the applicant shall submit to Council a copy of a work as executed plan, certified by a qualified surveyor, which has been prepared in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

71. 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.

72. 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.

73. 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.

74. Compliance Certificate

All the works on public area in relation to the development shall be completed as per the Council approved plans. A compliance certificate, approving the works, shall be obtained from Council prior to issue of an occupation certificate.

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. Adjustment to Public Utilities

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

Advice 9. 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 10. 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 11. 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 12. 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 13. Telecommunications Act 1997 (Commonwealth)

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

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

Advice 14. 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 15. 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.

END OF CONDITIONS