

**ATTACHMENT 1**  
**584/2024/DA-SL**  
**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. Erection of signs**

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - a. showing the name, address and telephone number of the principal certifier for the work, and
  - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
  - a. maintained while the building work, subdivision work or demolition work is being carried out, and
  - b. removed when the work has been completed.
4. This section does not apply in relation to—
  - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

*Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.*

**2. Notification of Home Building Act 1989 requirements**

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- a. for work that requires a principal contractor to be appointed—
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
- b. for work to be carried out by an owner-builder—
  - i. the name of the owner-builder, and
  - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
- 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

*Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.*

### **3. Shoring and adequacy of adjoining property**

- 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense —
  - a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  - b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3. This section does not apply if —
  - a. the person having the benefit of the development consent owns the adjoining land, or
  - b. the owner of the adjoining land gives written consent to the condition not applying.

*Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.*

### **4. Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan no.	Revision no.	Plan title	Drawn by	Date of plan
DA030	2	Demolition Plan	Scott Carver	9 August 2024
DA040	1	Site Plan	Scott Carver	25 January 2024
DA097	2	Basement 3	Scott Carver	9 September 2024
DA098	2	Basement 2	Scott Carver	9 September 2024
DA099	3	Basement 1	Scott Carver	9 September 2024
DA100	3	Ground Floor	Scott Carver	9 September 2024
DA101	4	Level 1	Scott Carver	9 September 2024
DA102	4	Levels 2, 4 and 6	Scott Carver	9 September 2024
DA103	4	Levels 3 and 5	Scott Carver	9 September 2024
DA107	2	Level 7	Scott Carver	9 September 2024
DA108	2	Roof	Scott Carver	9 September 2024
DA150	1	Emily Cottage	Scott Carver	25 January 2024
DA152	1	Sections & Elevations – Emily Cottage	Scott Carver	25 January 2024
DA201	3	Overall Elevations – North and South	Scott Carver	9 September 2024
DA202	2	Overall Elevations – East and West	Scott Carver	9 September 2024
DA301	3	Overall Sections – Sheet 1	Scott Carver	9 September 2024
DA302	3	Overall Sections – Sheet 2	Scott Carver	9 September 2024
DA401	2	Typical Unit Layouts – Sheet 1	Scott Carver	17 May 2024
DA402	1	Typical Unit Layouts – Sheet 2	Scott Carver	25 January 2024
DA403	1	Typical Unit Layouts – Sheet 3	Scott Carver	25 January 2024
DA404	1	Typical Unit Layouts – Sheet 4	Scott Carver	25 January 2024
DA405	1	Typical Unit Layouts – Sheet 5	Scott Carver	25 January 2024
DA406	1	Typical Unit Layouts – Sheet 6	Scott Carver	25 January 2024
SK-150	A	Camden Road Street Study	Scott Carver	14 October 2024
DA01	B	Cover Sheet, Drawing List and Locality Plan	Diversi Consulting	16 July 2024
DA02	A	General Arrangement Plan	Diversi Consulting	13 February 2024
DA03	A	Setout Plan	Diversi Consulting	13 February 2024
DA04	A	Erosion and Sediment Control Plan	Diversi Consulting	13 February 2024
DA05	A	Erosion and Sediment Control Details	Diversi Consulting	13 February 2024
DA06	A	Earthworks Cut & Fill Plan	Diversi Consulting	13 February 2024

DA07	A	Civil Works Plan	Diversi Consulting	13 February 2024
DA08	A	Driveway Longitudinal and Typical Sections	Diversi Consulting	13 February 2024
DA09	A	Public Domain Longitudinal Sections	Diversi Consulting	13 February 2024
DA10	A	Public Domain Cross Sections Old Menangle Road	Diversi Consulting	13 February 2024
DA11	A	Public Domain Cross Sections Camden Road	Diversi Consulting	13 February 2024
DA12	A	Stormwater Catchment Plan Internal	Diversi Consulting	13 February 2024
DA13	A	Stormwater Catchment Plan External	Diversi Consulting	13 February 2024
DA14	A	Stormwater Longitudinal Sections Sheet 1	Diversi Consulting	13 February 2024
DA15	A	Stormwater Longitudinal Sections Sheet 2	Diversi Consulting	13 February 2024
DA16	B	OSD 1 Plan and Sections	Diversi Consulting	16 July 2024
DA17	B	OSD 2 Plan and Sections	Diversi Consulting	16 July 2024
	6	Landscape Concept Design	NewScape Design	6 September 2024

Approved documents				
Document title	Version no.	Prepared by	Date of document	
Remediation Action Plan	E36287BLrpt4-RAP	JK Environments	3 September 2024	
Detailed Site Investigation	E36287BLrpt3	JK Environments	16 July 2024	
Preliminary Geotechnical Investigation	36287PERpt	JK Geotechnics	1 December 2023	
Arboricultural Impact Assessment	Amended	Lee Hancock	9 August 2024	

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

*Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.*

## 5. Amended plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the certifier, for approval, prior to the issuing of a construction certificate:

- A cantilevered awning shall be provided along the southern elevation of the building, to provide weather protection for the through-site link, privacy for the residents adjacent to the link, and an architectural response that responds to the smaller scale and heritage character of Quondong Cottage.

*Condition reason: To ensure that the design advice provided by the Campbelltown Design Excellence Panel is fully implemented into the development.*

## 6. 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.

*Condition reason: Prescribed condition under Section 69 of the Environmental Planning and Assessment Regulation 2021.*

## **7. Landscaping**

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

*Condition reason: To provide for planting that will enhance the natural and built environment.*

## **8. External finishes**

- a. The external finishes shall be in accordance with the approved plans and the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.
- b. All glass used in the façade of the building shall have a low reflectivity index.
- c. Any roof mounted plant rooms, air conditioning units and other services and equipment shall be screened from view within the approved roof structures and architectural elements. Separate development consent shall be obtained for any such services or equipment that would be located outside of the approved roof structures and architectural elements.

*Condition reason: To ensure the approved development is constructed in the form illustrated to Council during assessment.*

## **9. Fencing**

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

*Condition reason: To ensure that suitable boundary fencing is in place to protect the privacy and amenity of the occupants.*

## **10. Switchboards/utilities/air conditioning units**

Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place.

*Condition reason: To ensure that utilities are not directly visible from public spaces.*

## **11. Driveway**

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

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

*Condition reason: To ensure parking facilities are designed in accordance with relevant Australian Standards and Council's DCP.*

## **12. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

1. All vehicular entries and exits shall be made in a forward direction.
2. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
3. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

*Condition reason: To ensure deliveries to the premises are carried out safely.*

## **13. 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.

Australia and New Zealand Lighting Standard 1158.1 (Pedestrian) requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels. In particular, the pedestrian pathway from Old Menangle Road to the club shall be well-lit.

Adequate lighting shall be used when operating CCTV cameras during times of low light and darkness.

*Condition reason: To ensure lighting is operated in a manner that protects the amenity of the local area.*

## **14. Graffiti removal**

- a. A graffiti management plan shall be incorporated into the maintenance plan for the development.
- b. 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.
- c. Graffiti-resistant materials/coating shall be used on the ground floor finishes, any fences, carparks and areas which are accessible by other structures, to reduce graffiti attacks and assist in the quick removal of such attacks.

*Condition reason: To protect and preserve the visual amenity of the surrounding public domain.*

## **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.

*Condition reason: To protect the amenity of the local area.*

## **16. Engineering design works**

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.

*Condition reason: To comply with Council requirements for engineering works.*

## **17. Car Parking Spaces**

All car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards AS 2890.1, 2890.2, and 2890.6 (as amended).

CCTV cameras shall be installed in the carpark of the premises to reduce the risk of vehicle theft.

*Condition reason: To ensure that parking facilities are designed in accordance with the relevant Australian Standards.*

## **18. Waste Management**

The premises shall comply with the following waste management practices at all times:

- a. The business operator must enter into a commercial waste contract agreement for regular waste and recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.
- b. The approved Waste Management Plan (WMP) must be implemented throughout the ongoing use of the development.
- c. The landowner is responsible for the ongoing maintenance, repair, and replacement of all equipment related to waste management within the development. This includes, but is not limited to, waste chutes, compaction equipment, and turntables (if applicable). Additionally, mobile garbage bins (MGBs) must be kept clean.
- d. Adequate signage must be provided and maintained in all waste storage areas, instructing users on how to use the waste management system and specifying what materials are acceptable for recycling. Signage must clearly identify which bins are designated for general waste and recycling, as well as the materials that can be placed in each bin.
- e. The rubbish and recycling bins shall not be stored within vehicle parking, vehicle manoeuvring areas or landscaped areas.

*Reason: To ensure that waste generated by the development is properly managed, disposed of, and maintained in accordance with environmental regulations, Council requirements, and the approved Waste Management Plan, while promoting effective recycling practices through clear communication to residents and staff.*



## **19. Rain water tank/s**

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

*Condition reason: To reuse rainwater and comply with any BASIX commitments made in the application.*

## **20. Construction certificate**

Before commencement of any works that require a construction certificate:

1. the applicant shall appoint a principal certifier;
2. the applicant shall obtain a construction certificate for the particular works; and
3. when Council is not the principal certifier, the appointed principal certifier shall notify Council of their appointment no less than two days before the commencement of any works.

*Condition reason: To comply with legislation.*

## **21. Pollution and Waste Management Conditions**

The following conditions have been applied to ensure that all activities involving the operation of the facility are carried out in a manner which will prevent undue air, land, water pollution, noise pollution and waste management practices in accordance with the Protection of the Environment Operations Act 1997 Protection of the Environment Operations (Waste) Regulation 2014, Local Government Act 1993, Local Government Regulation 2015 and associated technical standards:

**AMENITY OF THE NEIGHBOURHOOD** – The implementation and ongoing operation of this development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, odour, dust, waste products or other products, particularly from machinery, vehicles, warning sirens, public address systems and the like.

**OFFENSIVE NOISE** – The development must be design so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not emit 'offensive noise' as defined in the Protection of the Environment Operation Act, 1997: Offensive noise means noise:

- a) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - i) Is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

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

**UNREASONABLE NOISE, ODOUR, DUST AND VIBRATION** - In the event of a noise, fumes, odour, dust, or waste related issue arising during the implementation, construction and ongoing operation of this development, the person in charge of the premises shall when instructed by Council, cause to carry out an investigation by an appropriate consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

Should the development not achieve compliance with the applicable guidelines and standards, amendments to the development are required to be made (with the consent of Council), which may

include, but are not limited to, changes to hours of operation, installation of further treatment, modification of operational procedures, etc.

*Condition reason: To ensure that all activities involving the operation of the facility are carried out in a manner which will prevent undue air, land, water pollution, noise pollution and waste management practices.*

## **22. Car Washing Requirements**

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

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

*Condition reason: To prevent water pollution.*

## **23. Restrictions on occupation of seniors housing**

The development shall only be carried out for the accommodation the following people—

- (a) seniors or people who have a disability,
- (b) people who live in the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration and provision of services to the independent living units.

*Condition reason: To ensure compliance with clause 88 of the Housing SEPP.*

## **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. Council's Specification for Construction of Subdivisional Road and Drainage Works,
- b. Council's Campbelltown (Sustainable City) Development Control Plan 2015,
- c. Campbelltown City Council's Engineering Design for Development Guide (as amended),
- d. Managing Urban Stormwater - Soils and Construction (a.k.a. the Bluebook),
- e. National Construction Code, Building Code of Australia,
- f. NSW 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.

*Condition reason: To ensure that all engineering design and construction for the proposed development complies with established standards and guidelines, promoting safety, sustainability, and effective management of infrastructure and environmental impacts.*

## **25. Access Denied**

Vehicular access to the subject site from Narellan Road and Kellicar Road is prohibited both during construction and after construction for the ongoing operation of the development.

Construction vehicles must not access or serve the site from Narellan Road or Kellicar Road.

*Condition reason: To ensure that the construction and operation of the development does not impact upon vehicular safety and the effective operation of the public road network.*

## **26. Car Washing Requirements**

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

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

*Condition reason: To ensure that car washing within the development does not impact upon the environment.*

## **27. Safety and Security**

- a. All residential car parking areas shall be electronically accessed-controlled.
- b. CCTV cameras shall be effectively installed around the premises, in accordance with Australian Standards. Trained staff in the operation of the CCTV system shall always be working.
- c. Extensive CCTV camera coverage shall cover all entry and exit points, with adequate lighting to be used in conjunction with the cameras.
- d. CCTV cameras shall cover all 'blind spots' in and around the facility, including the car park area.
- e. Lighting shall be designed to meet or exceed the Australian and New Zealand Lighting Standards.
- f. Australian and New Zealand Lighting Standard 1158.1 – Pedestrian requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- g. Adequate lighting shall be used when operating CCTV cameras during times of low light and darkness.
- h. Lighting shall illuminate pedestrian routes, dwelling entries, internal and external communal areas such as hallways, foyers, lifts, and stairwells.
- i. Effective signage and/or directional signs shall be installed to provide guidance to visitors in locating prohibited areas.
- j. Unit numbers shall be clearly visible from stairwells and lifts, and names of buildings, maps, and facilities shall be clearly signposted.
- k. Warning signs shall be posted around the perimeter of the business to alert intruders of implemented security treatments to reduce opportunities for crime, such as:  
"Warning. This property is under electronic surveillance."  
"Warning. No large amounts of cash are kept on these premises."
- l. Obstacles and rubbish shall be removed from property boundaries, footpaths, driveways, car parks, and buildings to restrict concealment of offenders (including the construction phase).
- m. Any new landscaping shall be designed to eliminate concealment or entrapment areas and shall be regularly maintained.
- n. Graffiti-resistant materials shall be strongly considered, particularly on fences, ground floor, carparks, and areas accessible by other structures, to reduce malicious damage.
- o. A graffiti management plan shall be incorporated into the maintenance plan for the development, ensuring the quick removal of graffiti within a forty-eight-hour period.
- p. Furniture shall not pose a threat to be used as a weapon or cause malicious damage. This includes chairs, tables, planter boxes, garden rocks, garden statues, etc.
- q. The premises shall be fitted with single cylinder locksets complying with the Building Code of Australia.
- r. Ground floor windows shall be reinforced with a shatter-resistant film to restrict unauthorised access.
- s. Emergency evacuation plans shall be implemented, prominently displayed, and regularly maintained to assist staff and emergency services in the event of an emergency.

- t. Staff shall receive suitable training in evacuation procedures.
- u. The premises shall be fitted with an intruder alarm system designed and installed according to the Australian Standard (Domestic and Commercial Alarm Systems) to enhance the security of the development.
- v. Security sensor lights and a security company shall be utilised to monitor the construction site during the construction phase, as offenders often target this type of development.
- w. Storage cages in the basement shall be fitted with locks conforming to the Australian Standard, as they are often targeted by thieves due to limited surveillance in these basements.
- x. Mailbox facilities installed at the location shall have Australian Standard locks fitted. These mailboxes shall have good surveillance, and lighting shall be included to illuminate them in darkness.
- y. The residential car park area shall be secured to prevent offenders from entering.

*Reason: To enhance the safety and security of residents and visitors through comprehensive measures, including controlled access, effective surveillance, adequate lighting, and proactive crime prevention strategies, thereby fostering a secure living environment.*

## **28. Trees to be Retained and Removed**

The removal and protection of trees shall be carried out as follows:

- a. Trees T1, T2, T3, T4, T8, T9, T10, T11, T12, T13, T14, T15, T16, and T24 (a total of 14 trees) are approved for removal, subject to Council approval of the revised Landscape Plan required by this consent.
- b. Approved tree removal works shall be carried out by an experienced Certified AQF Level 3 Arborist in accordance with Safe Work Australia Code of Practice 'Guide to Managing Risks of Tree Trimming and Removal Work.'
- c. Trees T5, T6, T7, T17, T18, T19, T20, T21, T22, and T23 (a total of 10 trees) are to be retained and protected in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

*Reason: To ensure that the removal and protection of trees are carried out in compliance with relevant standards and regulations, minimising impact on the environment.*

## **29. Remediation Action Plan Implementation**

The Remediation Action Plan (RAP) prepared by JK Environmental dated 3 September 2024 is approved for full implementation, subject to the following conditions:

- a. A hazardous building materials survey must be undertaken prior to the demolition of the buildings. Following the demolition of the buildings, and preferably before the removal of the hardstand, an asbestos clearance certificate must be obtained.
- b. A Site Validation Report must be submitted to the Council to demonstrate that the site is suitable for the proposed development from a contamination risk perspective.
- c. All regulatory requirements contained in Section 10.1 of the RAP by JK Environmental dated 3 September 2024 must be complied with.
- d. In the event of an unexpected find, the procedure outlined in the RAP must be implemented.

*Condition Reason: To ensure that the remediation process meets environmental safety standards and that the site is suitable for development, safeguarding public health and the environment.*

## **30. Interim Asbestos Management Requirements**

The Interim Asbestos Management requirements from the Remediation Action Plan (RAP) must be carried out prior to site remediation works and include the following measures:

- a. An 'emu pick' of the area around Emily Cottage and the residential property must be conducted to collect any fragments of FCF/suspected ACM from the surface of the site. The pick must be carried out by a suitably licensed asbestos contractor. Upon completion, a clearance certificate

must be issued by a competent person or a NSW Licensed Asbestos Assessor to confirm the area is free of visible asbestos.

- b. Ensure that garden beds or areas of exposed soil are adequately covered with mulch or grass to prevent asbestos exposure.
- c. Restriction of gardening or maintenance activities in the area around Emily Cottage and the residential property until the soil can be remediated or the risk of asbestos exposure can be eliminated.
- d. An Asbestos Management Plan (AMP) must be prepared and implemented to provide guidance on managing known asbestos at the site.
- e. A construction phase Asbestos Management Plan must be prepared and implemented.

*Condition Reason: To ensure that asbestos is safely managed and that the risk of exposure is mitigated during site remediation, protecting the health of workers and the public.*

## **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.

### **31. 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.

*Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.*

### **32. Geotechnical report**

Prior to the issue of a construction certificate, a comprehensive geotechnical investigation and report must be prepared and certified by a professional Geotechnical Engineer registered on the NER, with all testing undertaken and results reported by a NATA endorsed testing laboratory, showing that the land will not be subject to subsidence, slip, slope failure or erosion. The report shall provide appropriate geotechnical information and recommendations for civil and structural engineering design. Proposed retaining walls, footings and other structural designs shall be reviewed and certified by the Geotechnical Engineer.

*Condition reason: To inform the certifier of any structural design requirements for the approved building works.*

### **33. Erosion & Sediment Control Plan**

Prior to issue of a construction certificate, a detailed erosion and sediment control plan (ESCP) must be prepared by a professional engineer registered on the NER with relevant experience, generally in accordance with methodologies and requirements of Landcom's Managing Urban Stormwater - Soils and Construction - March 2004 (aka The Blue Book), Council's LEP, DCP, and Engineering Design for Development guide, to the satisfaction of the appointed registered certifier.

*Condition reason: To ensure no sediments or substances other than rainwater enters the stormwater system and waterways.*

### **34. Pollution control**

Prior to issue of 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.

*Condition reason: To ensure suitable water quality measures are provided with the development.*

### **35. Traffic control plans**

Prior to issue of a construction certificate, the applicant shall engage a professional engineer or equivalent professional with relevant qualifications, experience, and a Department of Fair Trading issued 'Prepare a Work Zone Plan' card/qualification, to prepare a Traffic Control Plan (TCP) in accordance with Council's Engineering Design for Development Guide, the RTA manual "Traffic Control at Work Sites", Australian Standard AS 1742.3 (as amended), and all Work Cover requirements, to the satisfaction of the appointed registered certifier.

The TCP shall be modified accordingly throughout the construction process to take into consideration development and other changes that may have adverse impacts including but not limited to; surrounding roads and adjacent areas, property, pedestrian safety, and traffic behaviour.

A current approved, coloured and legible copy of the TCP shall be kept on site in an easily accessible location for all staff and contractors to view for the duration of the works.

*Condition reason: To maintain safety and compliance with relevant standards and regulations throughout the construction process, addressing potential impacts on roads, properties, pedestrians, and traffic.*

### **36. Stormwater Drainage**

A detailed stormwater drainage design plan and associated design report shall be prepared by an experienced and qualified professional civil or hydraulics engineer registered on the NER to the satisfaction of the appointed registered certifier prior to the issue of a Construction Certificate. The plan and report shall clearly demonstrate:

- a. General compliance with the approved Stormwater Plan outlined in Condition 4 of this consent, ensuring a development configuration that matches the approved architectural plans.
- b. Compliance with geotechnical and structural engineering requirements outlined in any engineering report or investigation submitted to support the development or to comply with conditions of this consent required for the issue of the Construction Certificate.
- c. Details of all hydrologic and hydraulic engineering design, calculations, HGL analysis, and assumptions made in relation to site regrading, collection, and disposal of stormwater from the site, buildings, and adjacent sub-catchments to the approved point of discharge. Where third-party proprietary software is used to model design stormwater events, full model setup details including parameters, assumptions made, calibration, validation, and sensitivity analysis shall be provided in the engineering report. Copies of all model files shall be submitted with the plan and report.
- d. No adverse impacts to surrounding properties and stormwater behaviour up to and including the 1% AEP storm event.
- e. Minor and major stormwater flows for all storm events up to and including the 1% AEP event shall be safely conveyed by gravity through the site to the approved point of discharge. Formalised overflow drainage paths shall be provided to cater for any surcharge from the existing and proposed underground stormwater drainage system, overland flow up to and including the 1% AEP storm event,

including adequate freeboard to all building floor levels and basement parking facilities, preventing ponding of stormwater against the buildings or entering the basement car park.

f. Management and disposal of all stormwater and groundwater, including connection from the site's drainage system into Council's existing stormwater drainage network in the fronting road reserve (including augmentation of any existing line), existing and finished ground and surface levels, all pervious and impervious areas, estimated surface and pipe flow rates, velocities, invert levels, clearances between other services, and sizes of all pipelines.

g. No long-term ponding of water on site.

h. Hydraulic and structural design and construction details of rainwater tanks, on-site detention/retention tanks, and any water harvesting systems, including but not limited to dimensions, materials, overflow discharge paths to safe overland flow paths or pipe systems designed to cater for 1% AEP stormwater flows, and associated pump and pipe system details for irrigation purposes.

i. Design and construction details of any level spreader, energy dissipater, or other similar structure required to allow safe discharge of site stormwater to the approved point of discharge, ensuring a conversion of concentrated flow to sheet flow, reduction of velocity and energy to below scour limits of surrounding materials and waterways, maintaining flow sub-critical, and preventing adverse impacts to neighbouring development for all storm events up to and including the 1% AEP.

j. Details of the sub-soil drainage system.

All proposals shall comply with the requirements detailed in Council's Engineering Design for Development Guide (as amended), AS3500, and the Plumbing Code of Australia.

*Reason: To ensure that the stormwater drainage design is comprehensive and meets all regulatory requirements, thereby minimising risks of flooding, erosion, and negative impacts on surrounding properties and infrastructure.*

### **37. Existing drainage**

Prior to the issue of 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 Old Menangle Road 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.

*Condition reason: To ensure the existing drainage system can adequately manage increased stormwater flows and account for future developments within the catchment area.*

### **38. Dilapidation report**

Before the issue of a construction certificate, the applicant shall submit a dilapidation report for all buildings on lands that adjoin the subject works.

*Condition reason: To establish and document the structural condition of buildings on adjoining properties prior to work commencing.*

### **39. Design for access and mobility**

Before the issue of 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.

*Condition reason: To ensure safe and easy access to the premises for people with a disability.*

#### **40. Telecommunications infrastructure**

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

*Condition reason: To ensure that the development does not impact any telecommunications infrastructure and that appropriate arrangements have been made for the approved development.*

#### **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](http://www.sydneywater.com.au).

*Condition reason: To ensure the development does not adversely affect Sydney Water infrastructure and that appropriate arrangements have been made to connect to Sydney Water services.*

#### **42. Vehicle turning movements**

Prior to Council or the appointed 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.

*Condition reason: To ensure safe and efficient vehicle manoeuvring within the development site and compliance with relevant road design standards.*

#### **43. Architectural finishes validation statement**

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

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

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

*Condition reason: To ensure that the architectural design, colours, and finishes of the building are consistent with the approved plans and to maintain the visual integrity and aesthetic quality of the development.*



#### 44. Section 7.11 Contribution

##### Contribution

The developer must make a monetary contribution to Campbelltown City Council in the amount of \$1,549,663.57 for the purposes of the Local Infrastructure identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (the Plan).

Open space and recreation facilities	57% of total
Community facilities	16.4% of total
Traffic, transport and access facilities	16.1% of total
Cycleways	5.6% of total
Town centre public domain facilities	3.5% of total
Plan management and administration	1.4% of total
<b>Total</b>	<b>\$1,549,663.57</b>

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

##### Indexation

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

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

Where:

- \$CC is the contribution amount shown in this certificate expressed in dollars.
- $CPI_P$  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 – 139.1 – June 2024.

##### Time for payment

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

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

##### Works in kind agreement

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

##### How to make the contribution payment

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

*Condition reason: To contribute to the provision of public amenities and services to meet the increased demands created by the new development.*

#### 45. Asbestos Management Plan

Prior to the issue of a construction certificate, an Asbestos Management Plan shall be prepared for the site by a suitably qualified environmental consultant, in accordance with the recommendations of

the Detailed Site Investigation report (Ref: E36287BLrpt3) prepared by JK Environments dated 16 July 2024.

This plan shall be submitted to Council for the review and written approval of Council's Manager Development Assessment.

*Condition reason: To confirm, pursuant to the provisions of clause 4.6(1) of the Resilience and Hazards SEPP, that the contaminated land that is the subject of this development consent will be suitable, after remediation, for the purpose for which the development is to be carried out.*

#### **46. Development standards for independent living units**

Prior to the issue of a construction certificate, certification shall be provided that the plans submitted with the construction certificate application comply with all of the development standards applicable to independent living units outlined within Schedule 4 of the Housing SEPP.

*Condition reason: To ensure compliance with clause 85 of the Housing SEPP.*

#### **47. Management Protocol**

Prior to the issue of a construction certificate, a Management Protocol shall be prepared pursuant to clause 92(b) of the Housing SEPP, which manages the relationship between the seniors housing and the gambling facilities on the site of the club, to minimise harm associated with the misuse and abuse of gambling activities by residents of the seniors housing.

The Management Protocol shall be submitted to Council for the written approval of Council's Manager Development Assessment.

*Condition reason: To ensure compliance with the provisions of clause 92 of the Housing SEPP.*

#### **48. Landscape Plan Updates**

Prior to the issue of a construction certificate, the landscape plans shall be updated to include the following information, and be submitted to Council for the written approval of Council's Manager Development Assessment.

##### **a. Street trees**

Provision must be made for street trees at regular intervals appropriate to the tree size at maturity, at an average of:

- Small trees (smaller than 10m canopy) spaced at 8-10m intervals.
  - Medium trees (10-15m canopy) spaced at 10-12m intervals.
  - Large trees (large than 15m canopy) spaced at 12-15m intervals.
- i. A service offset table must be provided for all below and above-ground service allocations in the nature strips.
  - ii. A detailed schedule of all proposed trees, shrubs, groundcovers, and turf, including botanical names, common names, pot sizes, sizes at maturity, plant densities and quantities of each plant with reference to the relevant Australian Standards and NATSPECS.
  - iii. All street trees must be specified as 100L pot size advanced tree(s) species, locally appropriate and suitable for use as street trees. The use of species in the relevant Ecological Vegetation Class (EVC) is encouraged.
  - iv. The extent of all tree pits where trees are to be in containerised/restricted locations such as indented car parking including the required soil volume and soil area.
  - v. Where landscaping is required within the road reserve including median and roundabout plantings, sightlines at intersections must be shown.
  - vi. Details and locations of areas where the nature strip treatments will be installed.
  - vii. Details of any specific planting techniques to be undertaken including but not limited to planting methodology, maintenance, or any other requirements.
  - viii. A detailed cost estimate for the completion of landscape works.

The following minimum soils volumes and areas are required for trees planted in containerised/restricted locations including car parking facilities and commercial precincts:

- ix. Small trees require a minimum 9m<sup>3</sup> soil volume and a minimum soil area of 3.5m x 3.5m.
- x. Medium trees require a minimum 35m<sup>3</sup> soil volume and a minimum soil area of 6m x 6m.
- xi. Large trees require a minimum 150m<sup>3</sup> soil volume and a minimum soil area of 10m x 10m.
- xii. Provision must be made for a combination of small, medium, and large trees.
- xiii. Street tree selected must be suitable for local conditions, support the heritage character of the place and must provide for habitat unless otherwise approved by the Responsible Authority.

b. Soil Volumes

The following soil volume requirements for new and existing large, medium, and small canopy trees must be considered. Soil volumes are typically calculated as 0.6 x square metre of the projected mature canopy size of the tree.

<b>Mature Size</b>	<b>Height</b>	<b>Canopy Width</b>	<b>Soil Volume (per tree)</b>	<b>Soil Area on Structure</b>	<b>Minimum Depth</b>
<b>Small Tree</b>	6-8m	4m	9m <sup>3</sup>	3.5m x 3.5m	800mm
<b>Medium Tree</b>	8-12m	8m	35m <sup>3</sup>	6m x 6m	1000mm
<b>Large Tree</b>	12-18m	16m	150m <sup>3</sup>	10m x 10m	1200mm

c. Entrance Garden Bed (Old Menangle Road)

Hedge planting is proposed at the porte cochere entrance on Old Menangle Road. Demonstration shall be provided that these plantings will not impact on the sightlines of vehicles entering/exiting the site and pedestrian movements on the footpath along Old Menangle Road.

d. Green Roof (Level 1)

Details of the proposed on-slab planting/landscape works on Level 1 shall be provided, including engineering calculations, drainage, irrigation, soil types, soil volumes and waterproofing. The Applicant shall ensure coordination between the landscape plans and architectural plans. Engineering calculations must be provided to demonstrate that the load bearing capacity of the structure considers the weight of the soil volumes need to support the proposed plantings. Details of the lightweight soil types proposed including mulches must also be provided. The following soil depths are recommended:

<b>Plant Type</b>	<b>Minimum Soil Requirements</b>
Turf	200mm
Grass and groundcovers	300 – 450mm
Shrubs	500 – 600mm
Trees	800 – 1200mm (dependent on tree size)

- e. The revised Landscape Plan shall include a clear layer indicating the trees that are to be removed, with tree numbers corresponding to the Arborist report. This revised Landscape Plan shall accurately reflect the total number of trees proposed for removal and retention, reflecting the approved tree removal in this consent.
- f. The heritage trees (*Eucalyptus tereticornis* T5 & T6) located in the yard of the heritage building Emily Cottage must be retained and integrated into the landscape design. The chess set must be relocated to an alternative location to avoid the removal of these heritage trees.

*Condition reason: To align the landscaping outcomes with the anticipated outcomes of the Reimagining Campbelltown Master Plan, ensure that the Landscape Plan accurately reflects the total number of trees proposed for removal and retention, and integrates the heritage trees into the landscape design.*

#### **49. Civil Works and Works Outside the Site Boundary – Section 138 approval**

Prior to the issue of a Construction Certificate, detailed engineering plans for any proposed works outside the site boundary, including works in the Old Menangle Road and Camden Road road reserves, must be submitted to Campbelltown City Council for approval.

The plans must cover construction of driveways and stormwater connections and comply with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), Engineering Design for Development Guide (as amended), and the relevant Campbelltown City Council Development Control Plan (as amended).

All required fees for plan assessment and inspection shall be lodged with Council. All works must be carried out in accordance with the Roads Act approval, including the stamped approved plans and Council specifications, and shall be inspected by Council at all stages of construction.

A compliance certificate for the works must be obtained from Council prior to the issuance of an Occupation Certificate by the appointed principal certifier.

*Condition reason: To ensure that all construction work outside the site boundary meets the required engineering standards and complies with Council regulations, promoting safety and effective management of public infrastructure.*

#### **50. Retaining Walls**

Prior to the issue of a Construction Certificate, an engineering design and construction plan (the Plan) shall be prepared by a professional engineer registered on the NER, with relevant qualifications and experience, for assessment and written approval by Council's Development Engineering Team.

The Plan shall detail the structural design, design loads, location, dimensions, and material specifications of all existing and proposed retaining walls required to support the development of the site. Retaining walls must be located wholly within the subject site, including associated footings and drainage. They shall be finished smoothly, with no burrs, sharp edges, sides, or corners that could easily injure pedestrians.

The maximum horizontal gap between the retaining wall and boundary fence is limited to 50mm. Boundary fences should preferably be located immediately over the top of the retaining wall to eliminate any horizontal gaps.

The Plan shall be signed and certified by both geotechnical and structural engineers as being fit for purpose, with a design life of 50 years, and in accordance with all relevant Council requirements. Construction of retaining walls and associated drainage works must not compromise the structural integrity of any existing structures on neighbouring properties. Retaining walls shall not exceed 1 metre in height.

Retaining walls within 1 metre of any lot boundary must have written consent from the owners of existing neighbouring properties, including Council as the local roads authority.

*Condition reason: To ensure the structural integrity, safety, and compliance of retaining walls with Council requirements, minimising risks to neighbouring properties and maintaining site stability and pedestrian safety.*

#### **51. Salinity Testing**

Prior to the issue of a Construction Certificate, for works in areas where excavation will exceed 3 metres in depth, additional salinity testing must be undertaken. The results of the testing are to be detailed in a Salinity Investigation and Management Plan, which must include any mitigation measures required for the site.

*Condition reason: To identify and mitigate potential salinity issues that could affect the structural integrity of the development and to ensure the site is managed appropriately in accordance with environmental and safety standards.*

## **52. On-Site Detention Facility**

Prior to the issue of a Construction Certificate, the applicant shall submit details and design calculations of the On-Site Detention (OSD) system for approval. The OSD system must comply with the requirements outlined in the Campbelltown City Council Engineering Design for Development Guide (as amended).

The documentation must also state that the ongoing maintenance of the on-site detention facility is the responsibility of the owner.

An Operation and Maintenance Manual for the detention facility shall be submitted to Council for the written approval of Council's Manager Development Assessment prior to the issue of a Construction Certificate.

*Reason: To ensure the OSD system is designed and maintained in accordance with Council requirements, mitigating potential flood risk and ensuring the effective management of stormwater on the site.*

## **53. Heritage Management**

Prior to the issue of a construction certificate, the following heritage documents shall be prepared and submitted to Council for the written approval of Council's Manager Development Assessment:

- a. A historical archaeological assessment that identifies the historical archaeological potential for the site, the significance of that potential and the impacts of the proposal on that potential shall be prepared. The assessment shall be prepared in accordance with the Assessing Significance for Historical Archaeological Sites and 'Relics' Heritage Branch Department of Planning (2009) guidelines. The assessment must be undertaken for the entire proposal area so that Council can understand the impacts of the application on potential archaeological resources and the management procedures put in place if impacts are identified.
- b. The Statement of Heritage Impact shall be updated with a history of the entire study area in accordance with the Guidelines For Preparing A Statement Of Heritage Impact, by Department of Planning and Environment (June 2023), and the Assessing Heritage Significance: Guidelines For Assessing Places And Objects Against the Heritage Council of NSW Criteria, by Department of Planning and Environment (June 2023). The updated history shall include historical context for the heritage item 'Quondong: Old Catholic Schoolhouse' (CLEP 2015, Item No. 122).
- c. The Statement of Heritage Impact shall be updated detailing the works to be undertaken across the entire study area. Detail of those works to be undertaken within the curtilage of Emily Cottage is required including but not limited to; the proposed fit-out of the cottage and buildings for the proposed change of use, specific details of the external and internal alterations, the bulk excavation across the study area for the proposal, the alteration of services and surfaces, and pest treatments. The Statement of Heritage Impact shall be updated to present figures that show the items' curtilage in relation to the proposed development, including above ground and below ground impacts such as proposed utilities and the carpark basement excavation extent.
- d. A comprehensive impact assessment shall be prepared for the entire study area and its setting once the proposal detail has been updated. Impacts of the proposed works to be detailed in the requested updated "The Proposal" section (Section 5) shall be assessed. Bulk excavation is proposed within the curtilage the Emily Cottage heritage item and within 6 metres of the structure and adjacent to the rear addition. A vibration assessment shall also be prepared by an appropriately qualified specialist with experience in assessing vibration impacts to heritage buildings. The updated impact assessment shall also provide details of any encroachment on

the Emily Cottage curtilage and detail the impacts on the significance of the item. Detail shall be provided outlining why a reduction of the curtilage is proposed and provide a comparative analysis of similar sites that have had curtilages reduced. The updated impact assessment shall also assess the impacts of the proposal on the adjacent 'Quondong: Old Catholic Schoolhouse' (CLEP 2015 Item No. 122).

- e. A Conservation Management Plan (CMP) and Schedule of Conservation Works shall be prepared to inform the design. The CMP shall be informed and guided by the Guidance on Developing a Conservation Management Plan (Department of Premier and Cabinet, 2021) and Statement of Best Practice for Conservation Management Plans (Department of Premier and Cabinet, 2021).
- f. An Interpretation Plan shall be prepared in conjunction with the construction and design plans. The interpretation Plan shall be holistic and not just focus on Emily Cottage. The Interpretation Plan shall be prepared with reference to the Interpreting Heritage Places and Items Guidelines (NSW Heritage Office 2005).
- g. An Aboriginal Heritage Assessment shall be prepared for the site to determine if the proposal would impact sites listed on the Aboriginal Heritage Information Management System (AHIMS) or previously unrecorded sites. At minimum, an Aboriginal Due Diligence Assessment shall be prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW, 2010) guidelines.

*Reason: To meet best practice heritage standards, ensure that the heritage assessment follows the applicable guidelines, and to provide a comprehensive approach to the conservation and mitigation of heritage impacts across the entire study area, ensuring that the proposal's design, excavation, and alterations are informed by thorough archaeological, heritage, and conservation assessments, safeguarding the heritage significance and interpretation of Campbelltown's heritage.*

#### **54. Updated Acoustic Report**

Prior to the issue of a Construction Certificate, an updated acoustic report prepared by a suitably qualified and experienced acoustic engineer must be submitted to and approved in writing by Council's Manager Development Assessment. The updated report shall include:

- a. New background noise measurements:
  - Conduct measurements at multiple locations representative of the most sensitive receivers.
  - Ensure measurement locations are free from influence of mechanical plant or other non-typical noise sources.
  - Include photos and detailed descriptions of each measurement location.
  - Explain any data exclusions due to wind or other factors.
  - Compare results to typical background levels for the area type.
- b. Reassessment of compliance with internal noise criteria:
  - Use 35 dBA for bedrooms and 40 dBA for other habitable rooms as the internal noise goals.
  - Assess both road noise intrusion and noise from proposed commercial activities.
  - Clearly identify any facades requiring closed windows to meet the criteria.
  - Specify mechanical ventilation requirements for any rooms unable to achieve criteria with open windows.
- c. Detailed assessment of all proposed commercial activities:
  - Include the cinema, lounge, residents workshop, function room, and indoor pool.
  - Assess potential noise impacts on both surrounding sensitive receivers and residences within the development.
  - Potential noise impacts associated with the use of waste chutes.
    - Demonstrate compliance with the EPA Noise Policy for Industry 2017.
- d. Facade element specifications:
  - Provide detailed glazing, wall, roof, and ventilation specifications to achieve the required internal noise levels.
  - Include any necessary acoustic seals or other treatments.

e. Mechanical plant noise assessment:

- Identify locations of all proposed mechanical plant.
- Provide preliminary noise emission data.
- Demonstrate compliance with relevant noise criteria through calculations or modelling.

f. Framework for post-construction validation testing:

- Outline procedures to verify compliance with internal noise level criteria and mechanical plant noise emission limits.

*Reason: To ensure that a comprehensive and accurate acoustic assessment is conducted, addressing all potential noise impacts and mitigation measures, prior to the commencement of construction.*

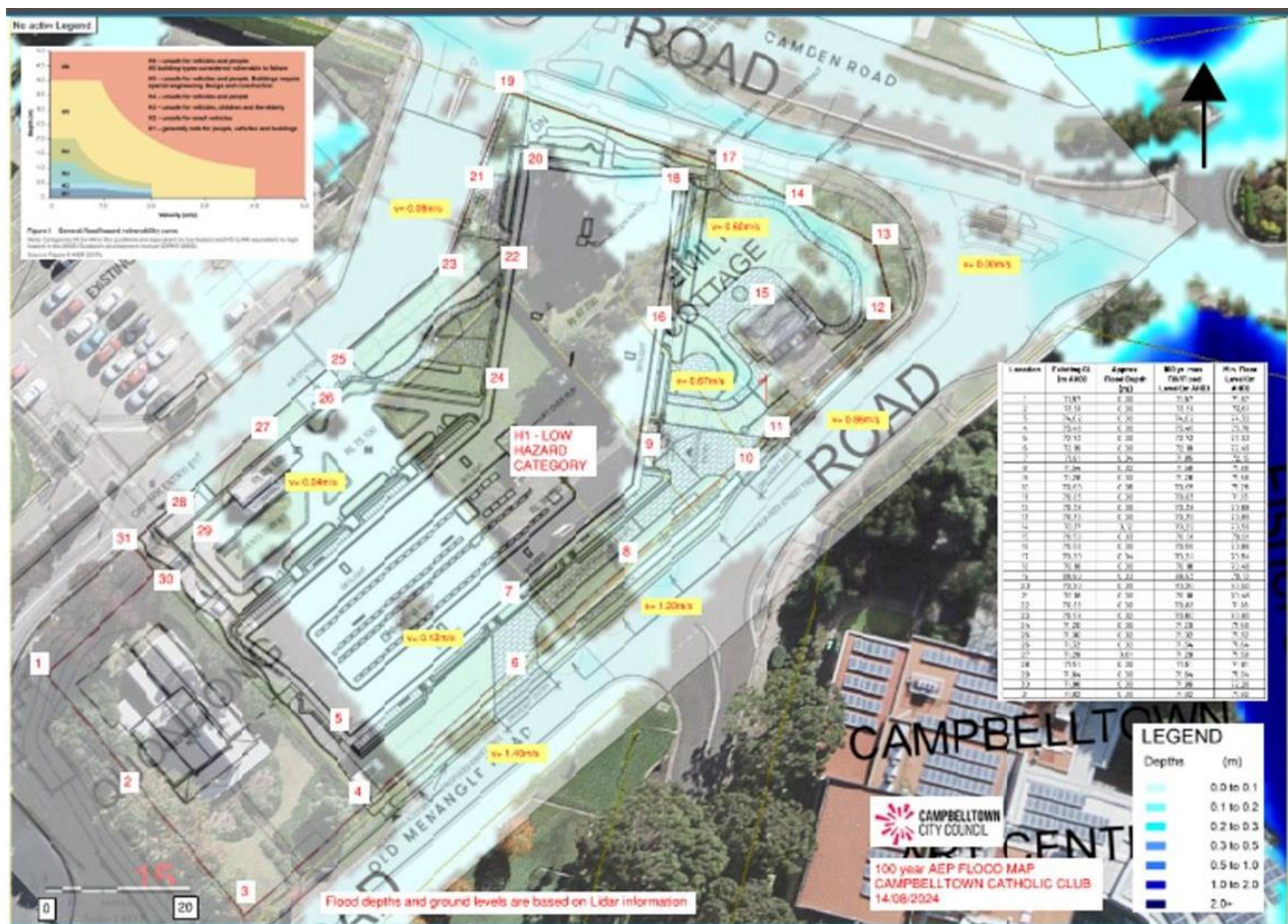
## **55. Flood Level Controls**

This site is located within an area identified as being at risk of being affected by the 1% AEP flood. The 1% AEP Flood Level for the subject site is provided below in the 1% AEP Flood Map.

The development shall comply with the following restrictions:

- a. All openings, such as doors, windows, pedestrian entry points, and ventilation grates, shall be located at or above the 1% AEP flood level plus a freeboard of 0.3 m.
- b. All structures must have flood-compatible components up to and including the Flood Planning Level (FPL), which is the 1% AEP flood level plus a freeboard of 0.3 m.
- c. A NER Structural Engineer's certificate must be submitted prior to the issue of a Construction Certificate, certifying that the structures are designed to withstand the forces of floodwaters, debris, and buoyancy up to and including the FPL.
- d. The basement car park entrance shall have a permanently installed, self-actuating flood gate. The applicant shall provide the technical specifications and the operation and maintenance manual of the flood gate prior to the issue of a Construction Certificate.
- e. A flood impact assessment report prepared by a suitably qualified professional engineer with expertise in flood risk management must be submitted prior to the issue of a Construction Certificate.





Reason: To ensure that the development is adequately protected from flood risks, maintaining safety and structural integrity while minimising potential impacts on the surrounding environment and community.

## 56. Housing and productivity contribution

- The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$965,366.12
Transport project component	
Total housing and productivity contribution	\$965,366.12

- The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number  
consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2<sup>nd</sup> last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.



3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, *HPC Order* means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
  - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
  - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

*Condition reason: To comply with state legislation.*

## **57. External architectural lighting design plan**

An external architectural lighting design plan shall be prepared for the development which creates a sense of place and contributes to the identification of the Campbelltown CBD core and the night time economy. This plan shall be submitted to Council for the written approval of Council's Manager Development Assessment.

*Condition reason: To give effect to the relevant objective of the Reimagining Campbelltown City Centre Master Plan.*

## **58. Utility Locations**

Prior to the issue of a Construction Certificate, the locations and configuration of fire hydrants, booster pumps, and fireproof walls required to meet the Building Code of Australia (BCA) and NSW Fire and Rescue requirements, as well as any other utility infrastructure, must be incorporated holistically into the design of the development and shown on the plans for the written approval of Council's Manager Development Assessment.

*Reason: To ensure that building services are integrated into the development in a way that is visually harmonious with the overall design.*

## **59. Basement Design and Salinity**

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

*Reason: To ensure that basement designs are suitable for site conditions, including groundwater and salinity, protecting the structural integrity of the development and surrounding environment.*

## **60. Waste Management Information**

Prior to the issue of a construction certificate, the following information must be submitted to Council for the written approval of Council's Manager Development Assessment:

### **a. Amended Waste Management Plan (WMP)**

A revised (WMP) must be submitted to Council addressing the following:

- i. Clarification of bin allocation for general waste and recycling, ensuring accurate calculations based on weekly general waste collection and appropriate recycling stream allocation, in accordance with Campbelltown SC DCP 2015.
- ii. Details of moving equipment and bin handling procedures, including the type of equipment (such as bin tugs, trailers, and other handling devices) to be used for transporting bins from storage to the collection point.
- iii. A detailed assessment of the number of trips and the path of travel (including dimensions, gradients, and any obstacles) required to move the bins from the storage area to the collection point. This assessment must be provided on a scaled plan.

### **b. Waste Servicing and Collection**

Detailed scaled plans of the Catholic Club's loading dock facilities must be provided: addressing:

- i. Nominating the specific loading/servicing area and temporary bin presentation space for all allocated bins.
- ii. Showing the path of travel plan for the waste collection vehicle, detailing the dimensions, gradients, and height clearances along the path from the storage area to the collection point.

### **c. Traffic Assessment**

A qualified traffic engineer shall prepare information to address the following matters:

- i. Swept path analysis and an assessment of access, manoeuvring, and operational requirements for the waste transport vehicle from the bin storage area to the collection point, including any necessary equipment such as bin tugs or trailers.
- ii. Swept path analysis for vehicle entry and egress from the nominated loading area, with consideration of any modifications required to facilitate safe and efficient vehicle movements.

*Reason: To ensure that land use is properly regulated and that essential waste management infrastructure and services are adequately provided for the safe and efficient operation of the development.*

## **61. Bin Storage Room Construction**

A design certificate and detailed plans must accompany any Construction Certificate application to demonstrate that the bin storage room has been designed and will be constructed in accordance with the approved (Revised) Waste Management Plan, including the following requirements:

- a) Storage for all allocated bins must be provided, appropriately dimensioned to enable safe and convenient bin movement, maintenance, and cleaning. This includes a minimum 1.5m aisle width between rows of bins and a spacing of 50cm between all allocated bins.
- b) Door widths of 2.5m are required to facilitate the movement of bulk bins.
- c) The floor must be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water-approved drainage fitting.
- d) The floor must be finished with a non-slip, smooth, and even surface, with all intersections coved.
- e) The ceilings and walls must be finished with smooth-faced, non-absorbent material capable of being cleaned.
- f) The room must be provided with artificial lighting controllable within the room, and adequate mechanical ventilation.
- g) The room must be supplied with hot and cold water, mixed through a centralised mixing valve with a hose cock.

*Reason: To ensure that the bin storage room is properly designed for safe and hygienic operation, supporting efficient waste management and maintenance.*

## **62. Waste Chute Design**

Where the development incorporates a waste chute as part of the waste management system, a design certificate and detailed plans must accompany any construction certificate application to confirm that the waste chute can be constructed to meet the requirements of Campbelltown (Sustainable City) DCP 2015. Specifically, the following requirements must be met:

- a) Chute systems must be designed to comply with the manufacturer's requirements and ensure that a 660L bin can fit at the base of the system.
- b) Chute systems must be used for general waste only; no compaction is permitted.
- c) The chute must be gravity-fed, passing vertically through each level of the development and terminating in a designated waste chute room within the basement.
- d) Chutes, service openings, and charging devices must be constructed of fire-resistant, smooth-faced, impervious material.
- e) The chute must be cylindrical, vertical, and without bends as it passes through the floors.
- f) The internal diameter of the chute must be a minimum of 500mm to accommodate the material being deposited.
- g) Chutes must be designed to prevent the transmission of noise and vibration to the building structure.
- h) The chute must be ventilated to prevent the escape of odours and airflow from the chute to any service openings.
- i) The chute must be fire-rated and compliant with the Building Code of Australia (BCA).

*Reason: To ensure the safe, effective, and compliant operation of the waste chute system, minimising hazards and ensuring proper waste disposal.*

## **63. Waste Chute Room**

Detailed plans must accompany any construction certificate application and incorporate the following design requirements for the waste chute room:

- a. A linear or circular carousel device must be incorporated under each individual chute in accordance with the approved WMP.
- b. A minimum clearance of 0.9m must be provided around the linear or circular carousel system.

- c. A 1.8m unobstructed clearance zone must be maintained between the linear/circular track system and the entrance.
- d. Dual door access must be provided with a minimum width of 2.5m.
- e. The room must be fully enclosed, preventing through access.
- f. The floor must be waterproofed, non-slip, and sealed in accordance with the BCA to permit the use of wash facilities.
- g. The floor must be graded to a central discharge point connected to the sewer and provided with an adequate supply of water through a centralised mixing valve and hose cock.
- h. The room must have adequate lighting and natural/mechanical ventilation in accordance with the BCA.

*Reason: To ensure that the waste chute room is designed for safe, clean, and efficient operation, facilitating proper waste handling and disposal.*

#### **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.

#### **64. Erosion and sediment control**

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

*Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.*

#### **65. 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.

*Condition reason: Prescribed condition under Section 70 of the Environmental Planning and Assessment Regulation 2021.*

#### **66. Toilet on construction site**

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

1. A public sewer, or

2. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
3. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

*Condition reason: To ensure that appropriate toilets are provided for construction workers.*

#### **67. Trade waste**

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

*Condition reason: To ensure all waste is moved off-site for disposal.*

#### **68. Vehicular access during construction**

Before any site work commences 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.

*Condition reason: To ensure that construction vehicles do not disturb the soil and adversely impact Council infrastructure.*

#### **69. Public property**

Before any site work commences on site, the applicant shall provide Council with a report establishing the condition of the property which is controlled by Council which adjoins the site including (but not limited to) kerbs, gutters, footpaths, and the like.

Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

*Condition reason: To ensure the condition of public infrastructure is recorded before the commencement of any works.*

#### **70. Demolition works**

Demolition works shall be carried out in accordance with the following:

1. Before any site work commences on the land, a detailed demolition work plan designed in accordance with Clause 1.7.3 of Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by the Principal Certifier and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
2. Before any site work commences on the land, the demolition Contractor(s) licence details must be provided to Council.
3. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.
4. An appropriate fence preventing public access to the site shall be erected for the duration of demolition works.

5. Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos, the applicant shall request that the principal certifier attend the site to ensure that all appropriate safety measures are in place. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

*Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.*

## **71. Hoarding / Fence**

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

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

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

*Condition reason: To protect workers, the public and the environment.*

## **72. Fencing**

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

*Condition reason: To protect workers, the public and the environment.*

## **73. Tree Protection Requirements**

Prior to the commencement of construction, the following conditions shall be satisfied:

- a. An Arborist with an AQF Level 5 Diploma in Arboriculture with experience in tree protection on construction sites shall be engaged prior to the commencement of work on the site. Site monitoring shall occur at each Hold Point identified in the Arboricultural Impact Assessment by Lee Hancock Consulting Arborist dated 9 September 2024, during Tree Protection Zone establishment and during construction.
- b. Tree Protection measures and Hold Points shall be established by the Project Arborist and submitted to the construction supervisor. Construction activities shall not proceed until tree protection measures are in place.
- c. If conditions have been breached, remedial action shall be recommended to minimise any further adverse effect on the tree's health.

*Condition reason: To ensure tree protection measures are properly implemented and monitored throughout construction, safeguarding the health of retained trees.*

## **74. Hoarding Requirements**

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

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

- “A” Class Requirements

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

- “B” Class Hoardings

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

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

*Condition reason: To protect workers, the public and the environment.*

## **75. Crane Construction**

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

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

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

*Condition reason: To ensure that the relevant authorities are aware of the presence of any cranes.*

## **76. Airspace License Agreement**

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

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

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

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

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

*Reason: To ensure the safe and regulated use of airspace and public land, while maintaining Council’s control over commercial activities and protecting public safety and infrastructure.*

## **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.

## **77. 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.

*Condition reason: To protect the amenity of the surrounding area.*

## **78. Erosion and sediment control**

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

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

*Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater and waterways.*

## **79. 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.

*Condition reason: To comply with legislative requirements and minimise impacts on traffic safety and efficiency.*

## **80. Protection of existing trees**

While site work is being carried out, no trees are to be cut down, lopped, destroyed or removed without the separate written approval of Council, except for the trees approved for removal by this consent. All works within proximity to existing trees or vegetation are to comply with Australian Standards AS4970 - Protection of Trees on Development Sites:

- a. All compound/ stockpile, laydown, vehicle parking and amenities shall be located in cleared areas and beyond the dripline of existing trees.
- b. Prior to the commencement of any works, the area required for site access will be clearly demarcated to ensure there is no damage to native vegetation outside of the development impact zone.

All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/ canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.



All useable trees and shrubs shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials such as roots and stumps shall be disposed of to a waste management centre or other approved form.

*Condition reason: To protect and retain existing trees.*

## **81. Excavation and backfilling**

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

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

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

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

*Condition reason: To comply with legislative requirements and ensure the protection of buildings on adjacent properties.*

## **82. Fill Compaction Requirements**

Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98 per cent standard compaction.

Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer.

*Condition reason: To ensure any fill material is suitably compacted.*

## **83. Fill contamination**

Any landfill used on the site is to be validated in accordance with the Environment Protection Authority's guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

*Condition reason: To ensure any fill material used on site is not contaminated and is safe for future occupants.*

## **84. Dust nuisance**

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

*Condition reason: To minimise the impacts of the development construction on the environment.*

## **85. 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.

*Condition reason: To ensure that the levels of the land remain consistent with the approved plans.*

## **86. Earth works/ Filling works**

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

- Undertaken in accordance with Council's 'Specification for Construction of Subdivisional Roads and Drainage Works' (as amended), AS 3798 'Guidelines for Earthworks for Commercial and Residential Development' (as amended), and approved construction drawings;
- Supervised, monitored, inspected, tested and reported in accordance with AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

*Condition reason: To ensure earthworks are carried out in accordance with the relevant Australian Standards and Council's DCP.*

## **87. Public safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times. In this regard, the applicant shall ensure that a safe, fully signposted passage, minimum 1.2m wide, separated from the works and moving vehicles by suitable barriers and lights, is maintained for pedestrians, including disabled pedestrians, at all times. The applicant shall ensure that traffic control is undertaken and maintained strictly in accordance with AS 1742.3, the requirements set out in the State Roads Authority manual "Traffic Control at Work Sites" (as amended), all applicable Traffic Management and/or Traffic Control Plans. The contractor shall also ensure that all Work Cover Authority requirements are complied with. Council may at any time and without prior notification make safe any such works that be considered to be unsafe, and recover all reasonable costs incurred from the applicant.

*Condition reason: To protect workers, traffic and the public.*

## **88. Compliance with Council specification**

All design and construction work shall be in accordance with:

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

*Condition reason: To ensure earthworks are carried out in accordance with the relevant Australian Standards, best practice and Council's DCP.*

## **89. Footpath**

A 1.8m wide footpath shall be constructed along the entire frontage of the subject land. The footpath shall be regraded, topsoiled, and turfed in accordance with levels obtained from Council. The footpath formation may need to be extended beyond the site boundaries to provide an acceptable transition to existing footpath levels.

*Reason: To ensure that the footpath is safe, accessible, and visually cohesive with the surrounding area, promoting pedestrian safety and connectivity.*

#### **90. Footpath kerb and gutter**

The applicant shall re-construct all damaged bays of concrete path paving and kerb & gutter, adjacent to the site, in Old Menangle Road and Camden Road. Areas not concreted shall be re-graded, topsoiled and turfed. All works shall be in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and Engineering Design for Development Guide (as amended).

*Condition reason: To ensure any damage to public infrastructure is upgraded to comply with Council's requirements.*

#### **91. 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 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.

*Condition reason: To ensure that the footpath crossing meets safety and engineering standards, facilitating safe access for vehicles and pedestrians while complying with regulatory requirements.*

#### **92. 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.

*Condition reason: To ensure that work on public land is undertaken with approval in accordance with Council's requirements.*

#### **93. Redundant laybacks**

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and with the design requirements of the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

*Condition reason: To ensure any redundant infrastructure is removed.*

#### **94. Imported 'waste-derived' fill material**

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

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

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

*Condition reason: To ensure any fill material used on site is not contaminated and is safe for future occupants.*

## **95. Crane Use**

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

*Condition reason: To ensure public safety.*

## **96. Floor Level**

The floor level of rooms at the ground floor of the proposed development shall be set at RL71.60m AHD, ensuring that all openings on the ground floor, such as doors, windows, pedestrian entry points, and ventilation grates, are located at or above the 1% AEP flood level plus a freeboard of 0.3m.

*Reason: To mitigate flood risks and ensure the safety of the occupants by preventing potential water ingress during extreme flood events.*

## **97. Site Management**

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

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

*Reason: To ensure proper site management during construction, minimising environmental impact, maintaining public safety, and protecting Council's infrastructure and surrounding properties.*

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

## **98. Section 73 certificate**

Before the issue of the relevant 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.

*Condition reason: To ensure that adequate water services are available to the development in accordance with Sydney Water requirements and to prevent delays in occupation by ensuring compliance with relevant water infrastructure provisions.*

#### **99. Completion of external works onsite**

Before the issue of the relevant occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifier.

*Condition reason: To ensure that approved, landscaping, driveways, fencing, external finishes and retaining walls are in place prior to occupation of the building.*

#### **100. Mechanical ventilation**

Prior to the relevant occupation certificate being issued, a compliance certificate shall be submitted, certifying that:

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

*Condition reason: To ensure that public health is not negatively impacted.*

#### **101. Final inspection – Works as Executed plans**

Prior to the issue of an occupation certificate, the applicant shall submit to Council a copy of a Work-as-Executed plan, certified by a qualified surveyor, prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Engineering Design for Development Guide (as amended).

*Reason: To ensure that constructed works comply with approved designs and Council specifications, and to provide accurate records for future reference.*

#### **102. Restoration of public roads**

Before the issue of the relevant occupation certificate, the restoration of public road and associated works required as a result of the development shall be carried out by Council and all costs shall be paid by the applicant.

*Condition reason: To ensure any damage to public infrastructure is rectified.*

#### **103. Public utilities**

Before the issue of the relevant 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.

*Condition reason: To ensure any damage to public infrastructure is rectified.*

#### **104. Service authorities**

To ensure that an adequate level of services and infrastructure is provided to this development, prior to the appointed principal certifier issuing an occupation certificate the following is required:

1. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development
2. Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development
3. Gas supplier (if relevant)- Evidence demonstrating that satisfactory arrangements have been made with a gas supplier to service the proposed development; and
4. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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

*Condition reason: To ensure that utility connections to the development are provided prior to its occupation.*

#### **105. Retaining**

Before the issue of the relevant occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

*Condition reason: To ensure any retaining walls or filling onsite has been authorised.*

#### **106. BASIX**

Before the issue of the relevant occupation certificate, completion of all requirements listed in the relevant BASIX certificate for the subject development shall be completed/installed.

*Condition reason: To confirm BASIX commitments have been provided.*

#### **107. Council fees and charges**

Before the issue of the relevant 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.

*Condition reason: To ensure that there are no outstanding fees, charges or rectification works associated with the approved development.*

#### **108. Consolidation of allotment**

Before the issue of any occupation certificate, the applicant shall provide evidence that the allotments listed below have been consolidated.

- Lot 61 DP 997095
- Lot 10 DP 1134526
- Lot3 DP193040
- Lot 4 DP 193040

The registered plan of consolidation as endorsed by the Registrar General shall be submitted to Council for information. Should the allotments be affected by easements, restrictions, or covenants, for which Council is the relevant authority to release, vary or modify, then the plan of consolidation must be endorsed by Council prior to lodgement with Land and Property Information NSW.

*Condition reason: To ensure that the development is carried out in an orderly manner, and that non-compliances with the Building Code of Australia are avoided.*

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

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

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

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

*Condition reason: To ensure the building's exterior finishes, architectural elements, and design are completed in accordance with the approved plans and to maintain the integrity of the design as envisaged during the development approval process.*

#### **110. Restriction on the Use of Land**

Prior to the issue of an occupation certificate, the applicant shall engage a registered surveyor or an equivalent professional to create appropriate easements, covenants, and restrictions on the use of land for the following items, in accordance with the Conveyancing Act and Council's Engineering Design for Development Guide:

- a) Floor Level Control
- b) On-Site Detention Facility

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary, or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation, or modification shall be borne by the person or corporation requesting the same.

*Reason: To ensure that land use is properly regulated and that essential infrastructure requirements are maintained, safeguarding the interests of the Council and future property owners.*

#### **111. Inundation by Flood Waters**

The subject land has been identified as being at risk from inundation by flood waters in the 1% AEP flood. Consequently, prior to the issue of an occupation certificate:

- a) The subject lots shall be filled to the levels specified by Council;
- b) The filling works shall be undertaken in accordance with Council's Specification for Construction of Subdivisional Roads and Drainage Works (as amended) and Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Development (as amended);
- c) The finished surface levels shall comply with the approved engineering drawings;
- d) A registered surveyor shall certify the finished surface levels.

*Reason: To ensure that the subject land is adequately protected from flood risk, maintaining the safety and amenity of future occupants and ensuring compliance with relevant standards and Council requirements.*

#### **112. Compliance Certificate**

All works within the public area related to the development shall be completed in accordance with the Council-approved plans. A compliance certificate, approving the works, shall be obtained from Council prior to the issue of an occupation certificate.

*Reason: To ensure that all public works are carried out to the satisfaction of the Council and in compliance with the approved plans and standards.*

### **113. Flood Emergency Kit**

Prior to the issue of an occupation certificate, a Flood Emergency Kit shall be prepared to the satisfaction of the Council or the principal certifier. The Flood Emergency Kit shall be located within a habitable room with a floor level at or above the Flood Planning Level (FPL), defined as the 1% AEP flood level plus a freeboard of 0.3m. It shall be made conspicuous and easily accessible to occupants and visitors at all times. The Flood Emergency Kit shall include, but not be limited to, the following items as a minimum:

- a. A Flood Emergency Response letter, prepared by a practising engineer experienced in Floodplain Risk Management, detailing:
  - Local flood levels, depths, duration, timing, and extents.
  - Closest refuge areas and safe evacuation routes (both internal and external to the 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 floodwaters.
  - 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, such as a battery-operated AM/FM radio and two-way radios.
- d. Food, water, first aid supplies, medical supplies, batteries, chargers, and other essential items for all occupants and visitors, in case a stay-in-place evacuation strategy is advised by the NSW SES.

*Reason: To ensure that residents and visitors have adequate resources and information to respond safely in the event of a flood emergency, reducing risk to life and property.*

### **114. Maintenance of façade**

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

*Condition reason: To ensure the long-term aesthetic integrity of the development, safeguarding public amenity and enabling Council to enforce maintenance standards where necessary.*

### **115. Acoustic Validation**

Prior to the issue of an Occupation Certificate, the following acoustic validation must be undertaken and a report submitted to and approved in writing by Council's Manager Development Assessment:

- a. Internal noise level measurements:
  - Conduct measurements in a representative sample of apartments, including those identified as most affected by external noise sources.
  - Verify compliance with the internal noise criteria.
  - Measurements to be taken under both closed and open window conditions.
- b. Facade element performance:



- Verify that all glazing, walls, roofing, and ventilation systems have been installed as per the approved acoustic report specifications.

- Conduct spot checks of acoustic seals and other noise attenuation treatments.

c. Mechanical plant noise assessment:

- Measure noise emissions from all significant mechanical plant when operating under typical conditions.

- Verify compliance with the relevant noise criteria at the nearest sensitive receivers, both within the development and in surrounding properties.

d. Commercial activity noise:

- Conduct measurements during operation of the cinema, lounge, residents workshop, function room, and indoor pool.

- Verify compliance with the EPA Noise Policy for Industry 2017 at the most affected residential receivers.

e. Ventilation system performance:

- Verify that any required mechanical ventilation systems are operating as designed and do not compromise the acoustic performance of the building envelope.

The acoustic validation must be carried out by a suitably qualified and experienced acoustic consultant. Any non-compliances identified must be rectified prior to the issue of an Occupation Certificate. A final report detailing the results of all measurements, compliance assessment, and any remedial actions taken must be submitted to Council and the Principal Certifier.

*Reason: To verify that the constructed development meets the required acoustic standards and that all noise mitigation measures have been effectively implemented prior to occupation.*

## **116. Site Audit Report and Statement**

Prior to the issue of an Occupation Certificate, a Site Audit Report and Site Audit Statement must be provided to Council for the written approval of Council's Manager Development Assessment, stating that the land has been remediated in accordance with the approved Remediation Action Plan by JK Environmental dated 3 September 2024 and the Asbestos Management Plan, and is suitable for the approved Seniors Housing Development. The Site Audit Statement and Site Audit Report must include any restrictions or management requirements for the site. The purpose of the Site Audit must be to determine land use suitability for the approved Seniors Housing Development.

*Reason: To confirm, pursuant to the provisions of clause 4.6(1) of the Resilience and Hazards SEPP, that the remediation required for the land to be made suitable for the approved purpose will be remediated before the land is used for that purpose.*

## **117. Regulated Systems**

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

The regulated system/s and plant room/surrounding areas must have appropriate measures to prevent wastewater from the regulated system/s entering the stormwater system. All waste water must enter the sewerage system.

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

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

Provide a compliance certificate to certify that the regulated system/s is constructed and installed in accordance with Public Health Act 2010, Public Health Regulation 2012, AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning and Sydney Water Requirements.

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

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

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

**ROUTINE INSPECTIONS** - Council's Environmental Health Officers will inspect your regulated system/s on a regular basis. All inspections are unannounced to assess compliance with health and safety requirements. A service charge for each inspection applies and the proprietor of the business will be invoiced a short time after the inspection.

*Condition reason: To ensure that any regulated systems are carried out in such a manner that is consistent with the Public Health Act 2010, Public Health Regulation 2022, Local Government Act 1993 and associated technical standards.*

## **118. Public Swimming Pools**

**CONSTRUCTION** - the swimming pool and spa pool must be designed and installed in accordance with the Public Health Act 2010, Public Health Regulation 2022 and NSW Health – Public Swimming Pool and Spa Pool Advisory Document 2013, Local Government Act 1993 and associated technical standards.

**WASTE WATER** - The public swimming, spa pool and plant room/surrounding areas must have appropriate measures to prevent wastewater from the pools entering the stormwater system.

**OPERATION OF THE PUBLIC SWIMMING POOL AND SPA POOL** - The public swimming pool and/or spa pool must comply and operate in accordance with the Public Health Act 2010, Public Health Regulation 2022 and the NSW Health – Public Swimming Pool and Spa Pool Advisory Document 2013

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

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

*Condition reason: To ensure that any regulated systems are carried out in such a manner that is consistent with the Public Health Act 2010, Public Health Regulation 2022, Local Government Act 1993 and associated technical standards.*

## **119. Food Construction Conditions**

### **a. Construction**

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

b. Food Premises Fit-Out Pre-Construction Meeting and Inspection

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

Prior to the release of the occupation certificate, Council's Environmental Health Officer is to be contacted on (02) 4645 4604 to undertake an inspection of the premises to confirm compliance with this Consent, the Food Act 2003, Food Regulation 2015, Food Standards Code Australia and New Zealand and AS 4674-2004.

c. Registration

The premise is required to be registered with Council. Regular inspections will be carried out to ensure health standards are maintained. A business registration form is available on Council's website and must be completed and submitted to Council prior to the operation of the food business commencing (Food Safety Standard 3.2.2).

d. Food Safety Supervisor

Food businesses selling ready-to-eat potentially hazardous foods are required by law to appoint a Food Safety Supervisor that has undertaken food safety training at a registered training organisation approved by the NSW Food Authority.

e. Floor Construction

The floor construction within the food preparation area/s must be finished to a smooth, even non-slip surface, graded and drained to a floor waste (AS 4674-2004, Section 3.1).

f. Floor Waste

Floor wastes in food preparation and food service areas must be fitted with sump removable stainless steel baskets and grates (AS 4674-2004, Section 4.1.8).

g. Coving

Feather edge skirting and non-rebated coving is not permitted. Recessed coving must be provided at all intersections of the floor with the walls/plinths within all food preparation, service and storage areas. All coving must:

- a. Have a minimum concave radius of 25mm; or
- b. Be tiled 50mm minimum in width and splayed at 45°.

The coving must be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface in accordance with Figure 3.1 and 3.2 of the Australian Standard (AS 4674-2004, Section 3.1.5).

h. Penetrations/Service Lines

**INTEGRAL PENETRATIONS/SERVICE LINES** - All service pipes, conduits and electrical wiring must be concealed in the floor, walls, plinths or ceiling (AS 4674-2004, Section 3.2.9).

**EXTERNAL PENETRATIONS/SERVICE LINES** - External service pipes and electrical conduit must be fixed on brackets so to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces. Service pipes and electrical wiring must not be placed in the recessed toe space of plinths or of any equipment (AS 4674-2004, Section 3.2.9).

i. Wall Requirements

Cavity walls are not permitted. All walls in the food premises, including all new and existing partition walls, must be of solid construction and finished to a smooth, impervious surface that can be easily cleaned, as specified in Table 3.2 of AS 4674-2004. The finishing materials of the wall surfaces must provide an even surface, free of fixing screws, open joint spaces, cracks or crevices (AS 4674-2004, Section 3.2).

j. Window Sills

Window sills located within a food preparation area or food service area must be located 450mm above the top of any bench or sink and tiled at a splayed angle of 45°.

k. Ceiling Construction

Drop-in panel style ceilings are not permitted in food preparation areas or over areas where open food is displayed, handled or served. The ceiling in the food premises must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight-jointed, sealed and dust proofed (AS 4674-2004, Section 3.2).

l. Light Fittings

All fluorescent light fittings must be fitted with a smooth faced diffuser. The light fittings must be either:

- a. Recessed so that the diffuser is flush with ceiling; or
- b. Designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate (AS 4674-2004, Section 2.6.2).

m. Hand Wash Basins

Hand wash basins must be provided in all parts of the premises where open food is handled and in utensil/equipment washing areas. The hand wash basin is to be located and installed in such a way that they are not obstructed, are at bench height either permanently fixed to a wall, to a supporting frame or set in a bench top and is accessible from no further than 5 metres away from any place where food handlers are handling open food (AS 4674-2004, Section 4.4).

The hand wash basin is to have a permanent supply of warm running potable water mixed to a temperature of at least 40°C and delivered through a single outlet. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to the hand wash basin. A waste receptacle for used towels must be provided (AS 4674-2004, Section 4.4).

n. Dishwashing Machines

The dishwashing/glass washing machine must be designed and able to operate in accordance with AS 4674-2004 and the Food Standards Code. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for two minutes or 75°C for 10 minutes (AS 4674-2004, Section 4.1.6).

Appropriate ventilation must be provided over the dishwashing system and be designed and installed in accordance with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings.

o. Equipment Wash Sinks

A double bowl wash sink must be installed and serviced with hot and cold water through a single outlet (AS4674-2004 – Section 4.1). The double bowl sink is in addition to the hand wash basin.

or

A triple bowl sink must be installed and serviced with hot and cold water through a single outlet where rinsing is required before or after sanitising e.g. wash, rinse, sanitise procedure or wash, rinse/sanitise, rinse procedure (AS 4674-2004, Section 4.1).

p. Food Preparation Sink

A food preparation sink is required where foods are prepared by immersion in water including for cleaning fruit or vegetables. All food preparation sinks must be used only for the preparation and cleaning of food. The sink is in addition to the hand basin and equipment wash sinks (AS 4674-2004, Section 4.1).

q. Cleaner's Sink

A cleaner's sink is to be installed in a location outside of the food preparation area and must be serviced with hot and cold water through taps fitted with hose connectors. (AS 4674-2004, Section 4.1.8).

r. Tap Fittings

Hot and cold wall mounted taps must be installed fitted with hose connectors and positioned at least 600mm above the floor in a convenient and accessible location within the food preparation area and adjacent to the floor waste (AS 4674-2004, Section 4.1.8).

s. Fittings and Fixtures

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning (AS 4674-2004, Section 4).

All fittings and fixtures must be built into the wall and floor so to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following in accordance with Table 4.5 of AS 4674-2004:

- Plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- Fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- Fittings and fixtures can be supported on legs but must be constructed of non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 150mm.

False bottoms under fittings are not permitted (AS 4674-2004, Sections 4.2 and 4.3).

t. Food Preparation Benches

All food preparation benches must be constructed of stainless steel. All food contact surfaces are to be smooth, continuous and flush so as to avoid any exposed screw fixtures.

u. Benches

The top and exposed edges of all benches and counters must be finished in a smooth and non-absorbent material, free of joints, cracks and crevices (AS 4674-2004, Section 4.2).

v. Storage Cabinets/Cupboards

All storage cabinets/cupboards (internal and external surfaces) must be finished in a smooth and non-absorbent material that is free of joints (AS 4674-2004, Section 4.2).

w. Shelving

All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. All shelving must be constructed at least 150mm from the floor level (AS 4674-2004, Section 4.2).

x. Food Display Units

All food display units must be enclosed to prevent the possibility of contamination by customer's breath, handling, or from flies, dust, etc (Food Standards Code 3.2.2).

y. Self-Service Appliances

Self-service food appliances must be constructed so as to comply with the, 'National code for the construction and fit-out of food premises' as published by the Australian Institute of Environmental Health.

z. Food Storage

Any appliance used for the storage of hot and/or cold food must be provided with a numerically scaled indicating thermometer or recording thermometer accurate to the nearest degree Celsius or an alarm system for continuous monitoring of the temperature of the appliance.

aa. Cool Room and Freezer Room

The cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the cool room and freezer room adjacent to the door.

All metal work in the cool room and freezer room must be treated to resist corrosion.

Condensation from the refrigeration units/cool room/freezer room motors must be directed to a tundish, installed in accordance with Sydney Water requirements.

The cool room and freezer room must be provided with:

- a. A door which can at all times be opened internally without a key; and
- b. An approved alarm device located outside the room, but controllable only from the inside.

bb. Condensation Collection

Condensation from refrigeration units, freezer units and coffee machines must be directed to a tundish, installed in accordance with Sydney Water requirements (Food Standards Code 3.2.3).

cc. Mechanical Exhaust Ventilation

A food premises must be provided with a kitchen exhaust hood complying with Australian Standard 1668.2-2012: The use of ventilation and air conditioning in buildings - Part 2: Mechanical ventilation in buildings and where applicable, Australian Standard 1668.1-1998: The use of ventilation and air conditioning in buildings - Fire and smoke control in multi-compartment buildings, where:

- a. Any cooking apparatus has:
  - i. A total maximum electrical power input exceeding 8 kW; or
  - ii. A total gas power input exceeding 29 MJ/h; or

- b. The total maximum power input to more than one apparatus exceeds:
  - i. 0.5 kW electrical power; or
  - ii. 1.8 MJ gas per m<sup>2</sup> of floor area of the room or enclosure; or
- c. Any deep fryer.

Documentation from a mechanical engineer certifying that the mechanical ventilation system, as installed, complies with the AS/NZS 1668.1:1998 and 1668.2-2012, must be provided to the certifying authority prior to the issue of an Occupational Certificate.

dd. Pest Protection

Flyscreens and/or other approved means of excluding the entry of pests must be provided to all window and door openings in accordance with Section 2.1.5 of AS 4674-2004.

Where pipe work, drains, cables and ducts penetrate walls, ceilings and roofs, holes must be sealed, filled and finished to prevent the entry of pests.

Spaces between adjoining structures, such as between cool room walls and premises walls, must be accessible for inspection and cleaning or sealed with a suitable compound so that they are inaccessible to pests. Spaces between the top surface of equipment or structures, such as cool rooms, must be accessible for inspection and cleaning or sealed/boxed in so that they are inaccessible to pests.

ee. Toilet Facilities and Hand Basins

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

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

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

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

ff. Locker Storage for Staff Belongings and Equipment

Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings (AS 4674-2004, Section 5.1).

gg. Hot Water Service

The hot water service must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be of adequate size to enable a sufficient amount of hot water to all washing facilities throughout the working day (AS 4674-2004, Section 4.3).

hh. Smoke Free Areas

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

ii. Office Materials

Facilities for storing paperwork and other materials associated with the administration of the business must be in a designated room for office use or in an enclosed cupboard or drawer dedicated for that use (AS 4674-2004, Section 5.1.3).

jj. Construction of the Waste Storage Areas and Rooms

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

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

kk. Waste and Recycling Storage, Collection and Disposal

The business operator must enter into a commercial waste contract agreement for regular waste and recycling collection and disposal with a suitably licensed contractor. A copy of the waste agreement must be available for inspection upon request by Council.

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

Waste bins that are placed out on a public place for collection must only be placed out for collection on the day of the collection after 6.00pm and must be removed by 8.00am the following day. Any residual waste left on the public place as a result of bin placement must be removed within undue delay by the food business operator.

ll. Grease Arrestors

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

Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to issue of an Occupation Certificate.

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

mm. Store Room

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

- a. A smooth, even and non-slip floor surface
- b. Walls must be provided with a smooth, even surface and painted with a light coloured washable paint to enable easy cleaning in accordance with Table 3.2 of AS 4674-2004
- c. The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof (AS 4674-2004, Section 3.2)



- d. Shelving or storage racks must be designed and constructed to enable easy cleaning
- e. Appropriate ventilation must be provided (ducted to the external air) within the store room to allow for the escape of heat and odour that can be produced from refrigeration and freezer motor units.

*Condition reason: To ensure that all construction and fit-out of the food premises (includes the cafe and all food preparation/service areas) complies with the Food Act 2003, Food Regulation 2015 Food Standards Code Australia and New Zealand and Australian Standard 4674-2004: Design, construction and fit-out of food premises.*

## **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 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. Smoke Alarms**

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

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

#### **Advice 5. 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 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. Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

#### **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**