



2018

LOCAL PLANNING PANEL

CAMPBELLTOWN CITY COUNCIL

28 March

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown Local Planning Panel will be held in Civic Centre, Campbelltown on **Wednesday, 28 March 2018 at 3.00pm.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

4. REPORTS

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- 4.1 Erection of two cranes and use as industrial training facility - No. 11 Watsford Road, Campbelltown

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General Information

Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the panel. Presentations to the panel by the applicant and concerned parties shall be restricted to five minutes each. The panel Chairperson has the discretion to extend the period if considered appropriate.

Members of the public, who have registered to speak at the meeting, will be invited to address the panel by the Chairperson during the meeting.

Recommendations of the Panel

The reports are presented to the Campbelltown Local Planning Panel for its consideration and recommendation.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council. The panel's recommendations become public day following the Campbelltown Local Planning Panel meeting.

Information

Should you require information about the panel or any item listed on the agenda, please contact Council's City Development department on 4645 4575 between 8.30am and 4.30pm.

The following reports are referred to the Campbelltown Local Planning Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Erection of two cranes and use as industrial training facility - No. 11 Watsford Road, Campbelltown

Community Strategic Plan

Objective	Strategy
3 Outcome Three: A Thriving, Attractive City	3.1 - Support the resilience, growth and diversity of the local economy

Executive Summary

- The application proposes the erection of two cranes and use of the subject land as an industrial training facility
- The application does not comply with Clause 4.3 of the Campbelltown Local Environmental Plan as the height of the proposed cranes exceeds the maximum building height. The variation sought is 99 percent of the development standard. A request has been made under Clause 4.6 of the CLEP to approve the application even though it does not comply with the maximum height standard
- The proposal otherwise generally complies with the Campbelltown Local Environmental Plan 2015, and is generally in accordance with Campbelltown (Sustainable City) Development Control Plan 2015
- The application was notified to nearby and adjoining neighbours and no submissions were received
- It is recommended to the panel that the application be approved, subject to the recommended conditions of consent detailed in attachment 1.

Officer's Recommendation

1. That the requested variation to Clause 4.3 of Campbelltown Local Environmental Plan 2015 which relates to the maximum building height required for development be supported..
2. That subject to recommendation 1, development application 1643/2017/DA-I for the erection of two cranes and use as an industrial training facility at 11 Watsford Road, Campbelltown, be approved, subject to the conditions of consent detailed in attachment 1 of this report.
3. That subject to recommendations 1 and 2, approval of the development application be recorded in Council's quarterly report to the Department of Planning and Environment pursuant to Circular PS 08-003.

Purpose

To assist the Local Planning Panel in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

This development application is required to be reported to the panel as it is seeking a variation of greater than 10 percent to a development standard contained in CLEP 2015.

The proposal exceeds the maximum 15m height of building development standard in Clause 4.3 of the CLEP 2015.

Property Description	Lot 21 DP 880897 11 Watsford Road, Campbelltown
Application No	1643/2017/DA-I
Applicant Owner	Steve Hardiman Samoan Assembly of God
Statutory Provisions	State Environmental Planning Policy 55 - Remediation of Land Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment Campbelltown Local Environmental Plan 2015
Other Provisions	Campbelltown (Sustainable City) Development Control Plan 2015 Campbelltown 2027 – Community Strategic Plan
Date Received	29 May 2017

History

E/79/2000

An application for the use of the premises for the warehousing and distribution of motor vehicle spare parts was approved by Council on 30 October 2000.

1821/2009/DA-C

The application for construction of fit out and use of premises as a religious establishment was approved by Council on 6 April 2010. The consent does not appear to have commenced, given the age of the consent it appears as though the consent has lapsed.

Application History

The application was deferred for additional information on 5 December 2017 and the requested additional information was submitted to Council on 18 January 2018.

Site and Surrounding Locality

A site visit was carried out on 31 October 2017.

The site is legally identified as Lot 21 in DP 880897, known as 11 Watsford Road, Campbelltown. The site is rectangular in shape with a 50.47m frontage to Watsford Road. The site has an area of approximately 2301m² and is generally flat. The site adjoins a drainage channel to the rear of the site and the lot is burdened by an easement along the rear boundary for the purpose of drainage.

The site is occupied by a single storey warehouse with vehicular access provided from Watsford Road. The subject site is adjoined by warehouses on either side. The locality is characterised by a variety industrial development and the site is within walking distance of Campbelltown train station.

The property is not listed as an item of environmental heritage, and is not located within a heritage conservation area.



Figure 1: locality map.



Figure 2: site frontage

Report

1. Campbelltown 2027 Community Strategic Plan

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

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

Outcome 3 is the most relevant to the proposed development.

The strategy relevant to this application is as follows:

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

The proposed crane training facility is one of the first in the Campbelltown Local Government Area, and one of the few, training facilities of its type in Sydney. The proposed development is ancillary and similar to the existing use of the site as a warehouse facility for crane parts being delivered to site, from the existing warehouse. The proposed development is considered to provide training and employment opportunities for residents within the local government area. Therefore, the proposal satisfies the relevant outcomes of the community strategic plan.

2. Planning Provisions

2.1 Integrated Development

The subject site adjoins a concrete drainage channel to the rear of the site identified as Bow Bowing Creek. As the channel is identified as a mapped watercourse Council sought comment from the Office of Water, as to whether or not, the development was integrated development and concurrence was required from the Office of Water, Council was advised via email that referral of the proposed development was not required as the creek is a concrete channel.

2.2 State Environmental Planning Policy 55 - Remediation of Land

The subject site has historically been used for industrial purposes and the proposal does not seek to change the use of the site to a more sensitive land use, therefore no further investigation is required.

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

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

- a) to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the catchment
- b) to protect and enhance the environmental quality of the catchment for the benefit of all users through the management and use of the resources in the catchment in an ecologically sustainable manner,
- c) to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries

- d) to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the catchment
- e) (Repealed)
- f) to provide a mechanism that assists in achieving the water quality objectives and river flow objectives agreed under the water reform package.

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

2.4 Campbelltown Local Environmental Plan 2015

The subject site is zoned B5 – Business Development in accordance with the Campbelltown Local Environmental Plan 2015. The proposed development is defined as an industrial training facility as follows:

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

The proposed development is considered to be consistent with the following objectives of the business development zone:

- to enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres
- to build and maintain the economic strength of existing centres by limiting retailing activity and discouraging office development
- to encourage the development and continuation of light industries and to enable their successful integration and coexistence with other uses permissible in the zone.

The following table is a discussion of the relevant provisions of the CLEP.

Provision	Compliance	Comment
Part 4 Principal Development Standards		
4.3 Height of Buildings 15m maximum	No	The proposed cranes exceed the 15m height maximum. See discussion below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Campbelltown LEP 2015 to approve the application despite the non-compliance with the maximum building height development standard. A detailed discussion of the variation to the development standard is presented below this table.

The heights of the cranes result in a significant departure from the height of building development standard. This is primarily due to the definition of a building under the Act encompassing any structure or part of a structure (including temporary structures), in this instance is considered to include the cranes, as although cranes can be considered temporary structures, the subject development application would approve the erection of cranes for an indefinite period of time, once the use is commenced. The applicant has submitted a Clause 4.6 request.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the non-compliance with the Height of Building development standard and consideration of a Clause 4.6 request.

Exceptions to development standards

Clause 4.3 Height of buildings

The proposed cranes have a maximum height of 29.867m, as measured to the highest point of the crane. The proposal exceeds the height of buildings development standard of 15m prescribed under clause 4.3 of Campbelltown LEP 2015 by 14.867m or 99 percent. It should be noted that the booms of the cranes have a maximum height of 26.9m and 21.6m, which result in variations of 79 percent and 44 percent respectively.

A written request pursuant to clause 4.6 of Campbelltown LEP 2015 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- the cranes are open form, light weight construction and fit for purpose. The cranes do not form a solid mass structure, are separated by a considerable distance
- the cranes are in keeping with the general Campbelltown area that is undergoing a significant construction cycle
- the cranes are not permanent, but are of the type typically erected, then removed from commercial building projects at their completion
- strict compliance with the standard would mean the entire project does not proceed. The crane classes and the many resulting benefits flowing to the community will not occur. Strict compliance is unreasonable and unnecessary in this instance. The proposal is in the public interest.

In seeking a variation to the development standard an assessment against Clause 4.6 is detailed below:

4.6 Exceptions to development standards

(1) the objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development

Flexibility in the application of Clause 4.3 is considered to be appropriate for the particular development. Overall, the proposal is appropriate for the subject site and location, given the predominantly industrial location of the site. The cranes do not form a solid mass and are not permanent structures.

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The variation to the development standard will facilitate the use of the industrial training facility, which would provide hands on training in the operation of cranes, enabling students to obtain licenses and future employment. The proposal will provide an economic benefit with the creation of a new business and potential employment opportunities for residents, as a result. The proposed development is not considered to detract from the existing streetscape as the cranes are not permanent structures, and do not include massing consistent with a building.

- (2) development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The Clause does not exclude the variation of Clause 4.3 of the CLEP 2015.

- (3) development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

A written request was received as the proposed development seeks a maximum variation of 99 percent to the maximum height of building development standard. Compliance with the clause would result in the erection of the cranes being refused, which would affect the economic viability of the proposed training facility. The variation to the development standard does not detract from the amenity of the surrounding development with regard to solar access, views or privacy. The proposed development is permissible within the zone and demonstrates compliance with regard to car parking. The compliance of the proposal with regard to the aforementioned controls demonstrates that variation to the height of building development standard is acceptable, given the circumstances of the case.

- (4) development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out
 - (b) the concurrence of the secretary has been obtained.

The proposed variation to Clause 4.3 maximum height of building development standard is considered to satisfy the objectives with regard to visual impact, views, privacy and solar access to future development and the public domain. Whilst the height of the cranes is not compatible with the intended scale of development, it is considered that the height of the cranes would not inform the intended scale of other buildings across the locality. The development is also considered to be in the public interest considering the circumstances of the case.

The applicant's written request is considered to be satisfactory for the proposed development having regard to subclause (3). Non-compliance with the development standard is considered to be acceptable given the structures are temporary and can be dismantled. The proposal is considered to be acceptable and adequate justification is provided for contravention of the development standard. The proposal is consistent with the objectives of Clause 4.3 and the B5 zone, and is therefore supported for approval.

2.5 Campbelltown (Sustainable City) Development Control Plan 2015

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP 2015) is to provide more detailed provisions to supplement the Campbelltown Local Environmental Plan 2015 (CLEP 2015).

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

Part 2 - Requirements applying to all types of development

The applicant has stated within the Statement of Environmental Effects that the existing waste management facilities that service the existing development are sufficient to accommodate the small amount of waste generated from the proposed development, which would be limited to food and paper waste from students within the classes. It is agreed that suitable arrangements are in place for waste disposal.

Part 6 - Commercial development

The proposed crane in the front setback provides a 14m setback, which will comply with the minimum 10m building setbacks required for commercial development from a primary street frontage.

The objectives of the controls for building form and character for development within commercial zones across the local government area relating to massing, building design and built form are considered to be considerations for the proposed development. Although, the height of the cranes significantly exceeds the scale of desired future development within the locality, the nature of the crane structures does not inform the built form and massing for the desired future character across commercial precincts. It is considered the economic benefit of the proposal is in the public interest and impacts of the appearance of the cranes within the locality would not significantly detract from the streetscape or from more distant views.

Part 7- Industrial Development

Car parking

The proposed development will operate in conjunction with an existing consent for the use of the site. The location of the proposed cranes will obstruct the approved car parking configuration of the warehouse. The applicant has addressed this by revising the car parking configuration, however, the number of spaces would not be reduced.

The site is located within the B5 zone, and subject to the controls within Part 6 of the SCDCP 2015. However, the car parking controls for warehouses within Part 7 of the SCDCP are more consistent with the existing and proposed development.

The existing warehouse currently requires the provision of 2 spaces per unit plus 1 space per 100m². In total, the existing warehouse would require the provision of 12 car parking spaces under the current controls. The proposed 18 car parking spaces would provide sufficient car parking for the warehouse to comply with the control with a surplus of six spaces on the site, to support the proposed industrial training facility.

The SCDCP does not provide for a car parking rate for industrial training facilities. As the site does not increase the floor area of the warehouse currently located on the subject site, it is considered that given the number of proposed car parking spaces on the site are consistent with the required number of car parking spaces for a warehouse development under the current SCDCP 2015, no additional car parking would be required for the proposed development.

The approval of the revised car parking design would amend the approved car parking configuration for the use of premises for the purpose of warehousing, however, this is considered to be acceptable and the number of car parking spaces provided are consistent with the current controls.

3. Planning Assessment

Impacts on the natural and built environment

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

The key matters for consideration when considering the development's potential impact on the natural and built environment are as follows:

- existing use
- air space
- crane operation.

Existing use

The proposed development for the erection of cranes and training of classes does not conflict with the existing warehouse use on the site. The operation of classes will utilise a small part of the warehouse area. Crane lift training will not be undertaken during operating hours of the warehouse business.

The proposed cranes are not fixed and can be removed. Whilst the structures are inconsistent with the built form of surrounding warehouse development, the proposed cranes are required to operate the business and provide an economic benefit, which cannot be contained within the building.

The proposed development is considered to be appropriate development within the zone and serves as a complementary development to the existing crane hire business that is operating on site. The applicant has identified a shortage of such courses in south-west Sydney region, stating that the course will provide employment opportunities in the local area and increase local employment on construction projects, which is considered to be beneficial to the local economy.

Air space

The proposed cranes have boom swings which have the potential to encroach on public air space, including over road reserves and the Council drainage channel to the rear of the site. This issue was raised with Council's property department, which in responding to the issue, requires that a licence to operate on public lands, be obtained prior to any crane being allowed to swing or be operated over or on public lands. A condition to this effect has been included in the draft consent.

In addition, a condition of consent will be included to require public liability insurance to be held for the business for the duration of the operation of the business. A valid copy of the public liability insurance will be required to be sent to Council on a yearly basis.

Although it is noted that the applicant does not propose to allow cranes to operate outside of the subject property, the boom swings have the potential to and can encroach on the adjoining private properties. Therefore, to ensure the protection of the adjoining private properties a condition of consent requiring airspace easements for the operation of the cranes over private properties is proposed.

Crane operation

Council has raised concerns with the applicant with regard to the safety of cranes during inclement weather periods. The applicant has provided Council with a copy of the safe work method statement for the operation of the business, which states the cranes will not be operated in high wind or inclement weather. In addition, the statement also provides requirements for lifting operations. The safety of the operation of the cranes would be undertaken in accordance with relevant work place safety laws. Council has included relevant conditions to ensure the cranes are not operated in high wind and inclement weather periods.

Social and economic impacts

Having regard to social and economic impacts generated by the development, the industrial training facility and associated cranes contribute to the generation of education and employment within the Campbelltown local government area, providing a positive economic impact.

Site suitability

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires the consent authority to assess the suitability of the site for the proposed development.

The industrial training facility is permissible with consent in the B5 land use zone and is consistent with the objectives of the zone. The site includes an existing warehouse which can accommodate the classes and sufficient space to provide for the proposed cranes, with access to car parking on site.

4. Public participation

Part 9 of Campbelltown (Sustainable City) Development Control Plan 2015 outlines Council's public participation policy in regard to Council strategic planning documents (CSPDs) and development applications (DAs).

The subject application proposes the erection of two cranes and use as an industrial training facility purposes and as such was required to undergo the notification process.

The application was notified to the surrounding property owners by way of a letter and accompanying plans. The property owners were provided a period of 14 days between 7 June 2017 and 21 June 2017 to provide comments regarding the proposal. Additionally, a sign bearing a set of notification plans was required to be displayed on site for the duration of the assessment.

No submissions were received.

5. The Public Interest

Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979* requires Council to consider the public interest when determining an application.

The public interest is an overarching assessment of the benefits or otherwise that a development may have for the immediate area and/or community in general. The proposed development is considered to be in the public interest.

6. Conclusion

The development application 1643/2017/DA-I proposes the construction of two cranes and use for training purposes at 11 Watsford Road, Campbelltown. The proposal has been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979*.

The proposed cranes exceed the maximum height limit for development on the subject site. The applicant has submitted a Clause 4.6 variation in support of the proposed height variation. The variation is considered to be well founded and is supported, given the circumstances of the case.

The application was notified to nearby and adjoining neighbours and no submissions were received.

Attachments

1. Recommended conditions of consent (contained within this report)
2. Site Plan (contained within this report)
3. East Elevation (contained within this report)
4. Notification Map (contained within this report)

Reporting Officer

Executive Manager Urban Centres

1643/2017/DA-I

Recommended Conditions of Consent

GENERAL CONDITIONS

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

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

1. Approved Development

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

Plan/ Document No.	Version/ Revision	Prepared by	Date
General Plan	C	Hardiman Enterprises Pty Ltd	17.01.18
S01 General Notes & Crane Elevation	B	O'Hearn Consulting	08.03.2017
S02 Potain HC16C Crane Footing Plan & Section	B	O'Hearn Consulting	08.03.2017
S03 Potain MC50B Crane Footing Plan & Section	B	O'Hearn Consulting	08.03.2017
S04 Crane Radius Plan	C	O'Hearn Consulting	04.04.2017

2. Crane encroachment to adjoining private property

The operation of the boom of the cranes is not permitted to encroach on the adjoining private properties, including the air space unless an easement has been created over each respective lot, prior to any occupation of the crane within the airspace over that adjoining properties or unless separate written owner's consent is obtained from the respective property owner and a copy provided to Council.

3. Air Space License over Council Land

A licence agreement for the use of the Council owned land, including the air space, shall be executed, prior to any crane entering the air space over Council land.

4. Class Numbers

Each class is not permitted to exceed 8 students. Any increase to student numbers is required to obtain Council approval. Class start and finish times shall not overlap.

5. Crane Erection

The erection, maintenance and dismantling of each crane shall be in accordance with AS250 Cranes, hoists and winches and Safe Work Australia's General Guides for Cranes, Guide to Tower Cranes and Guide to Inspecting and Maintaining Cranes.

The use of cranes in high wind or inclement weather is not permitted. The business operator shall ensure a suitably qualified person shall inspect the cranes on a regular basis to ensure the structures are properly secured. A maintenance and inspection record shall be kept on site at all times and produced on request.

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.

7. Advertising Signs – Separate DA Required

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

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

8. Storage of Goods

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

9. Graffiti Removal

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

10. 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.

11. Operating Hours

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

Monday to Friday	7.00am - 9.30pm
Saturday	9.00am - 7.00pm
Sunday and Public Holidays	Closed

12. Car Parking Spaces

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

13. Public Liability Insurance

A copy of valid public liability insurance cover for the value of \$20,000,000 (twenty million dollars) or as adjusted by Council, indemnifying Council from all and any claims arising from an incident caused or associated with operations or activities carried out within the public domain in accordance with the approved use shall be sent annually to Council's Property Services Section within seven days of the commencement of the period of insurance, or insurance renewal.

The value of the public liability insurance cover will be reviewed by Council on an annual basis and where Council deem it necessary to vary the amount of cover required, any subsequent policy taken out will need to be of an equal or greater amount to that set by Council following its review. In this regard, prior to the applicant applying for an annual renewal of the public liability insurance cover, the applicant is to contact the Council's Property Services Section to confirm the current value of the public liability insurance cover required for the continued use of the premises.

14. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

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

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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 80A 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 building works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.

- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. 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) and the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the premises standards.

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

Advice 3. Covenants

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

Advice 4. Inspection within public areas

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

Advice 5. 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 6. Asbestos warning

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

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

Alternatively, call WorkCover Asbestos and Demolition Team on 8260 5885.

Advice 7. Smoke Free Environment Act 2000

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

Advice 8. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 9. Telecommunications Act 1997 (Commonwealth)

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

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

END OF CONDITIONS



