

# ATTACHMENT 1

## 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 prepared by Algorry Zappia & Associates Pty. Ltd., listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing No. (Job No. 1431-02)	Date Received by Council
A01 (Issue: F)	20 November 2013
D02 (Issue: D)	20 November 2013
A02 (Issue: B)	17 September 2013
A03 (Issue: B)	17 September 2013
A04 (Issue: B)	17 September 2013
A05 (Issue: B)	17 September 2013
A06 (Issue: C)	17 September 2013

#### 2. Construction Certificate

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

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

#### 3. Building Code of Australia

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

#### **4. 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
- 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.

#### **5. External Finishes**

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

#### **6. Landscaping**

- a. The provision and maintenance of landscaping shall be in accordance with the approved landscape plan, prepared by Distinctive Living Design, submitted to Council on 20 November 2013, including the engagement of a suitably qualified landscape consultant / contractor for landscaping works.
- b. All plants shall be vigorous and well established, free from disease and pests, of good form, consistent with species or variety, hardened off, not soft or forced, with large healthy root systems with no evidence of root curl, restriction or damage.
- c. All trees are to be staked and tied with a minimum of three hardwood stakes. Ties are to be hessian and fixed firmly to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.
- d. Root deflection barriers having a minimum depth of 600mm are to be installed adjacent to all footpaths and driveways.
- e. Minimum 75mm depth of organic mulch shall be placed within an area 500mm radius from the base of each tree. Mulch shall be free from deleterious and extraneous matter, including soil, weeds, rocks, twigs and the like and shall be placed so that it is not in contact with the stem of the plant.

#### **7. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

## **8. RailCorp – Drainage**

Stormwater collection on the site must be adequately disposed of / managed and not be allowed to discharge into the adjacent rail corridor, unless prior approval has been obtained from RailCorp.

## **9. 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).

The driveway areas are to be separated from the landscaped areas by a minimum 150mm high kerb, dwarf wall or barrier fencing.

## **10. Car Parking Spaces**

110 car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890 (as amended).

## **11. Lighting**

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

## **12. Rain Water Tanks**

Rain water tanks shall be installed in accordance with the approved plans, for the collection and storage of stormwater for irrigation and reuse purposes.

## **13. Security Fencing**

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

## **14. General Terms of Approval – Department of Primary Industries, Office of Water**

The General Terms of Approval (Reference No. 10 ERM2013/0643) issued on 24 September 2013, forms part of this Development Consent and is to be read in conjunction with the conditions herein.

## **15. Use of Building - Separate DA Required**

Separate development consent is required for the use of the premises prior to the occupation of the building.

## **16. 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.

## **17. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

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

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.

## **18. 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.

## **19. 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.

## **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 an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

## **20. Utility Servicing Provisions**

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

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

## **21. Sydney Water Stamped Plans**

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent 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. Plans will be appropriately stamped.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

## **22. Telecommunications Infrastructure**

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

## **23. Waste Management Plan**

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

## **24. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

## **25. Stormwater Management Plan (Development)**

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be a minimum of 150mm above the adjacent finished site levels and stormwater shall be conveyed from the site to the 2.50m wide drainage easement. All proposals shall comply with the Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

## **26. Work on Public Land**

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

## **27. Work outside the Site Boundary**

Prior to Council or an accredited certifier issuing a construction certificate, engineering plans for any work outside the site boundary to be submitted to Council for approval. All works shall comply with Council's Campbelltown (Sustainable City) DCP 2009 volume 2 and shall be inspected by Council at all stages of construction.

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

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

## **28. Design for Access and Mobility**

Prior to Council or an accredited certifier issuing a Construction Certificate, the applicant shall demonstrate by way of detailed design, compliance with the relevant access requirements of the BCA and AS 1428 – Design for Access and Mobility.

## **29. Controlled Activity Approval**

A Construction Certificate shall not be issued until a copy of the Controlled Activity Approval, issued by the NSW Office of Water has been provided to Council.

## **30. RailCorp – Electrolysis Risk Report**

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

## **31. RailCorp – Aerial Operations**

Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

### **32. Section 94A Developer Contribution - Community Facilities and Services**

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

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

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index - All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

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

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

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

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

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

### **33. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

### **34. Erection of Construction Sign**

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

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

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

### **35. Toilet on Construction Site**

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

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



### **36. Trade Waste**

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

### **37. Vehicular Access during Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

### **38. Public Property**

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

### **39. Footpath and Vehicular Crossing Levels**

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

### **40. Hoarding / Fence**

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

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

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

### **41. RailCorp – Peg-out**

Prior to the commencement of works, the applicant shall peg-out the common boundary with RailCorp's property and / or easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.

### **42. RailCorp – Fencing**

Prior to the commencement of works, appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

## **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.

### **43. Construction Work Hours**

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

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

### **44. Erosion and Sediment Control**

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

**Note:** On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

### **45. 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.

### **46. Dust Nuisance**

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

### **47. 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.

#### **48. Earth Works/Filling Works**

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

- a. 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
- b. 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
- c. Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and AS 3798.

#### **49. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

#### **50. Compliance with Council Specification**

All design and construction work, shall be in accordance with:

- a. Council's specification for Construction of Subdivisional Road and Drainage Works (as amended)
- b. Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2
- c. 'Soils and Construction (2004) (Bluebook)
- d. Relevant Australian standards and State Government publications.

#### **51. Footpath**

The footpath adjoining the subject land shall be regraded, topsoiled and turfed in accordance with levels to be obtained from Council. The footpath formation may need to be extended beyond the site boundaries, to provide an acceptable transition to existing footpath levels.

#### **52. Industrial / Commercial Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's Industrial/Commercial Vehicle Crossing Specification and Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2.

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

### **53. 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.

### **54. Completion of Construction Works**

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

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

### **55. Certification of Location of Building during Construction**

Prior to the positioning of wall panels, the applicant shall submit to the principal certifying authority a qualified practicing surveyor's certificate showing the boundaries of the allotment, and that the distances of walls and footings are setback in accordance with the approved plans.

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

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

**Note:** For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

### **56. Section 73 Certificate**

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

Application must be made through an authorised Water Servicing Coordinator.

For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

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

## **57. Completion of External Works Onsite**

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

## **58. Works as Executed Plans**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council, one A1 size copy of a fully marked up and certified set of work as executed plans, and a copy in PDF format, which have been prepared in accordance with the requirements detailed in Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the Campbelltown (Sustainable City) DCP 2009 Volume 2 (as amended).

The applicant shall also submit an electronic copy of the Works as Executed information in accordance with the following requirements:

### **Survey Information**

- Finished ground and building floor levels together with building outlines
- Spot levels every 5m within the site area
- Where there is a change in finished ground levels that are greater than 300mm between adjacent points within the above mentioned 5m grid, intermediate levels will be required
- A minimum of 15 site levels
- If the floor level is uniform throughout, a single level is sufficient
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development
- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining streets
- The surface levels of all other infrastructure.

### **Format**

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System
- All level information to Australian Height Datum (AHD)

### **AutoCAD Option**

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type -	zip
File Format -	AutoCAD 2004 Drawing Format or later
Transmittal Options -	Include fonts
	Include textures from materials
	Include files from data links
	Include photometric web files
	Bind external references
	The drawing is not to be password protected.

## **MapInfo Option**

- Council will also accept either MapInfo Native format (i.e. tab file) or MapInfo mid / mif.

All surveyed points will also be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

## **59. Restoration of Public Roads**

Prior to the principal certifying authority issuing an 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.

## **60. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, any adjustments to public utilities, required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

## **61. Industrial / Commercial Inter-Allotment Drainage**

Prior to the principal certifying authority issuing an Occupation Certificate, a work as executed plan for the drainage works shall be submitted demonstrating that inter-allotment drainage and associated easements, in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended), and with the design requirements of Campbelltown (Sustainable City) DCP 2009 - Volumes 1 and 2 has been provided to industrial/commercial lots.

## **62. RailCorp – As-built Drawings**

Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to RailCorp and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement.

The Principle Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

## **63. Council Fees and Charges**

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

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

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

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

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

### **Advice 3. Provision of Equitable Access**

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

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the Building Code of Australia (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

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

#### **Advice 4. Covenants**

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

#### **Advice 5. Tenancy Fit Out**

A separate development application is required to be submitted for the fit out of individual tenancies.

#### **Advice 6. 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 7. 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 8. 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 2009 - Volumes 1 and 2.

#### **Advice 9. 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 10. Smoke Free Environment Act**

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

#### **Advice 11. 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 12. 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.

# General Terms of Approval

for work requiring a controlled activity approval  
under s91 of the Water Management Act 2000

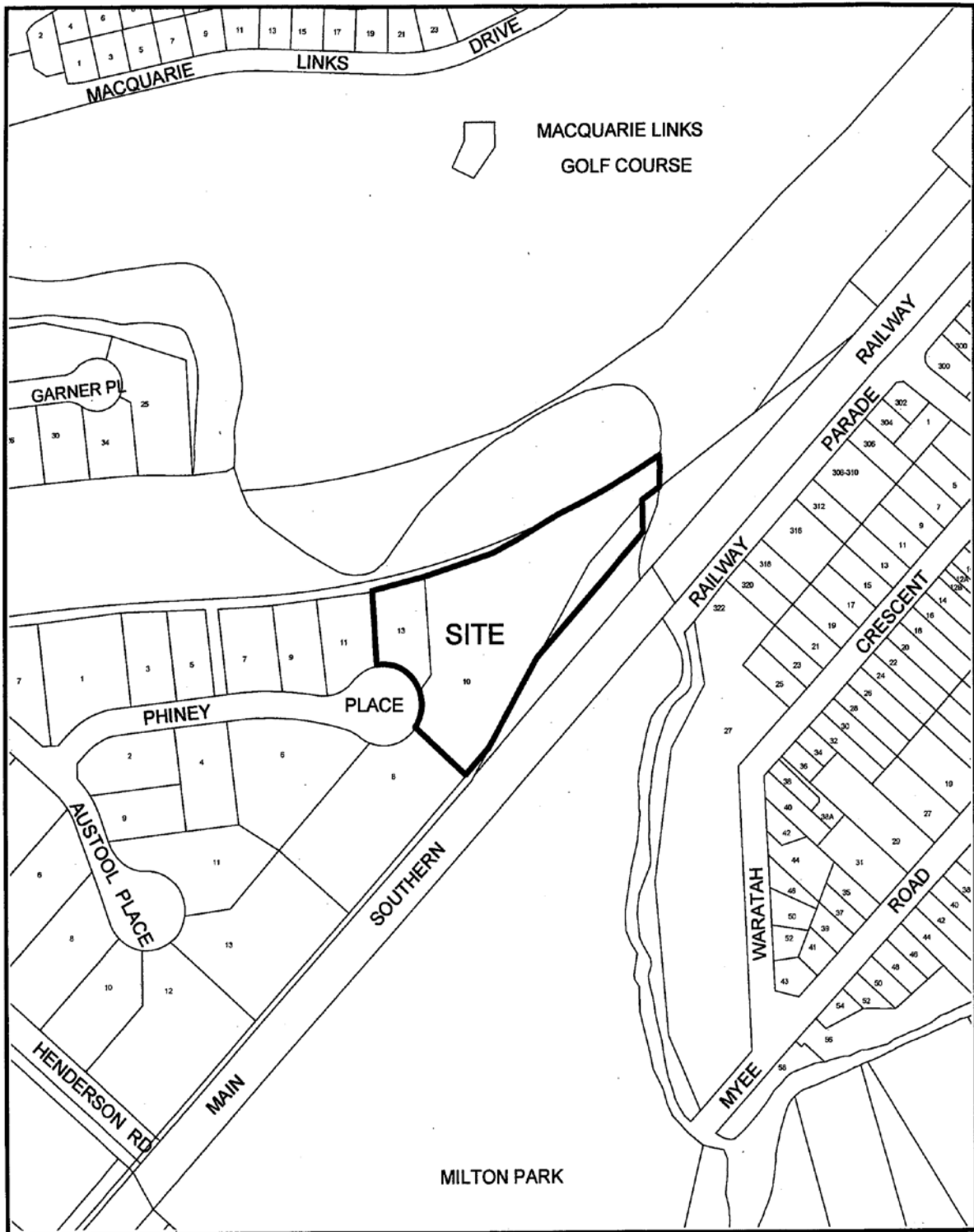
**Our Reference:** 10 ERM2013/0643 **File No:** 9044585  
**Site Address:** 10 Phiney Place Ingleburn  
**DA Number:** DA2013/993  
**LGA:** Campbelltown City Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2013/993 and provided by Council.  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must <ul style="list-style-type: none"><li>(i) carry out any controlled activity in accordance with approved plans and</li><li>(ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and</li><li>(iii) when required, provide a certificate of completion to the NSW Office of Water.</li></ul>
4	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
5	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>END OF CONDITIONS</b>	

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 PO Box 3720 Parramatta NSW 2124 Australia | t + 61 2 8281 7777 | f + 61 2 883 87554 | e [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au) | ABN 72 189 919 072  
170912

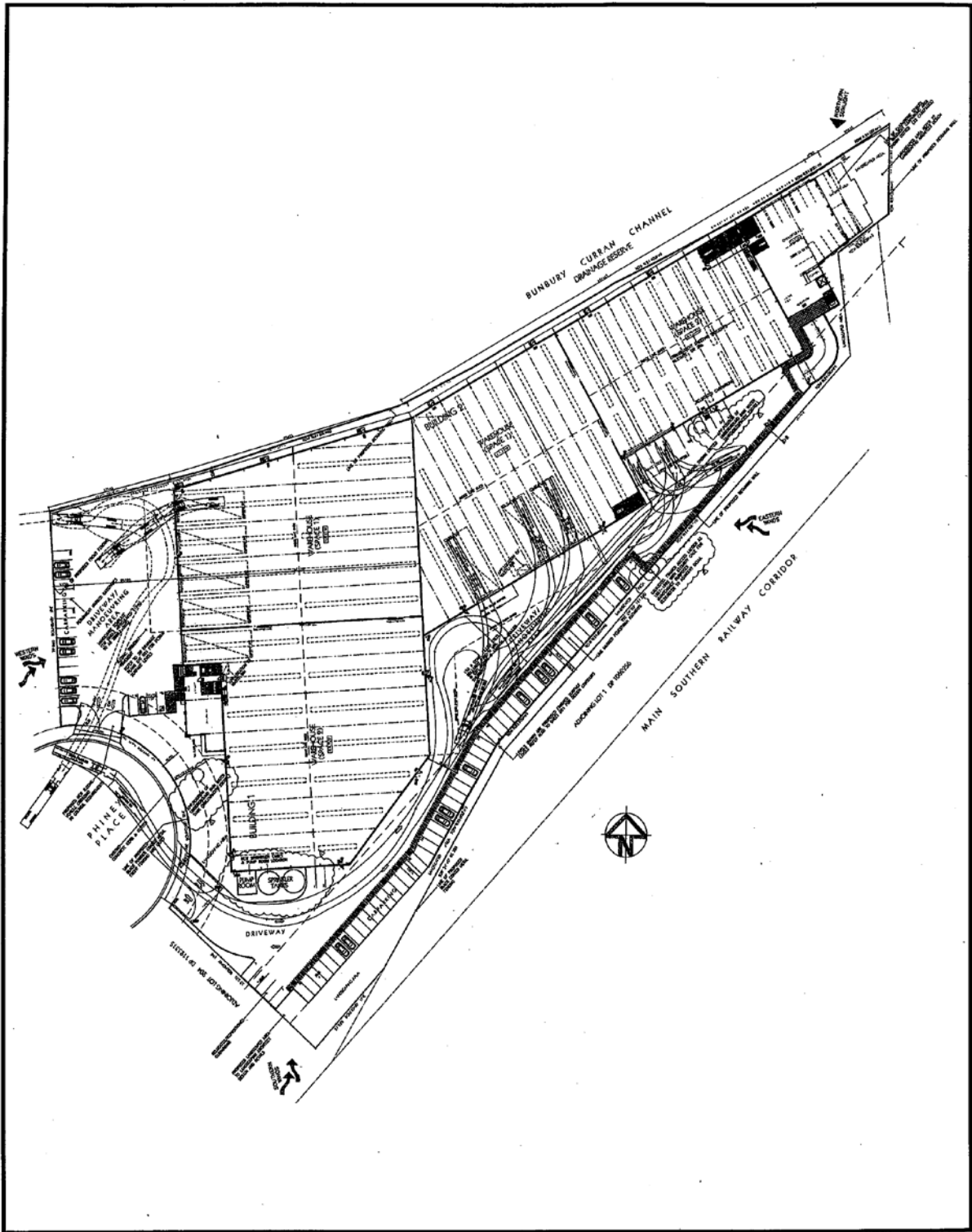
# ATTACHMENT 2



**LOCALITY PLAN**

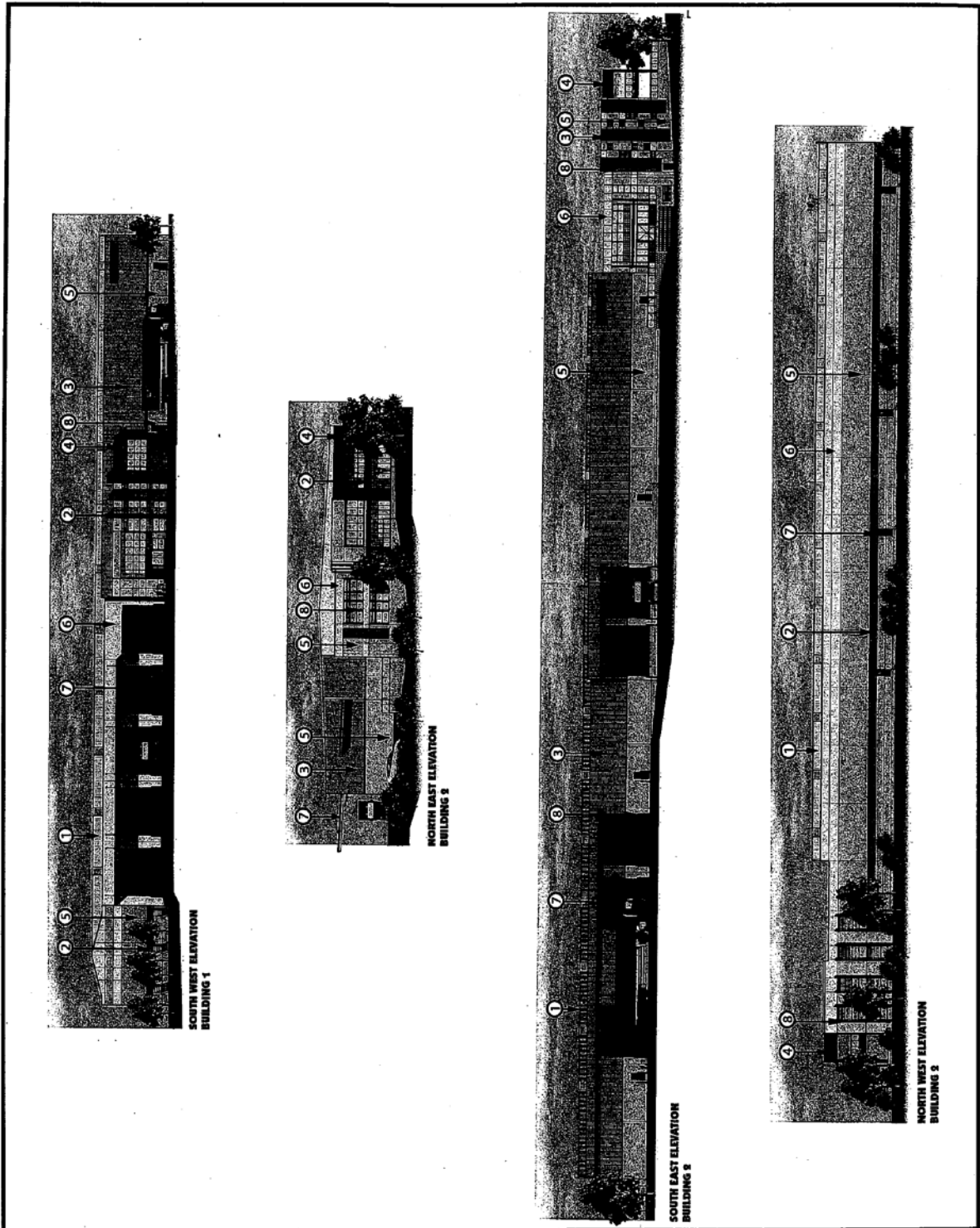


# ATTACHMENT 3



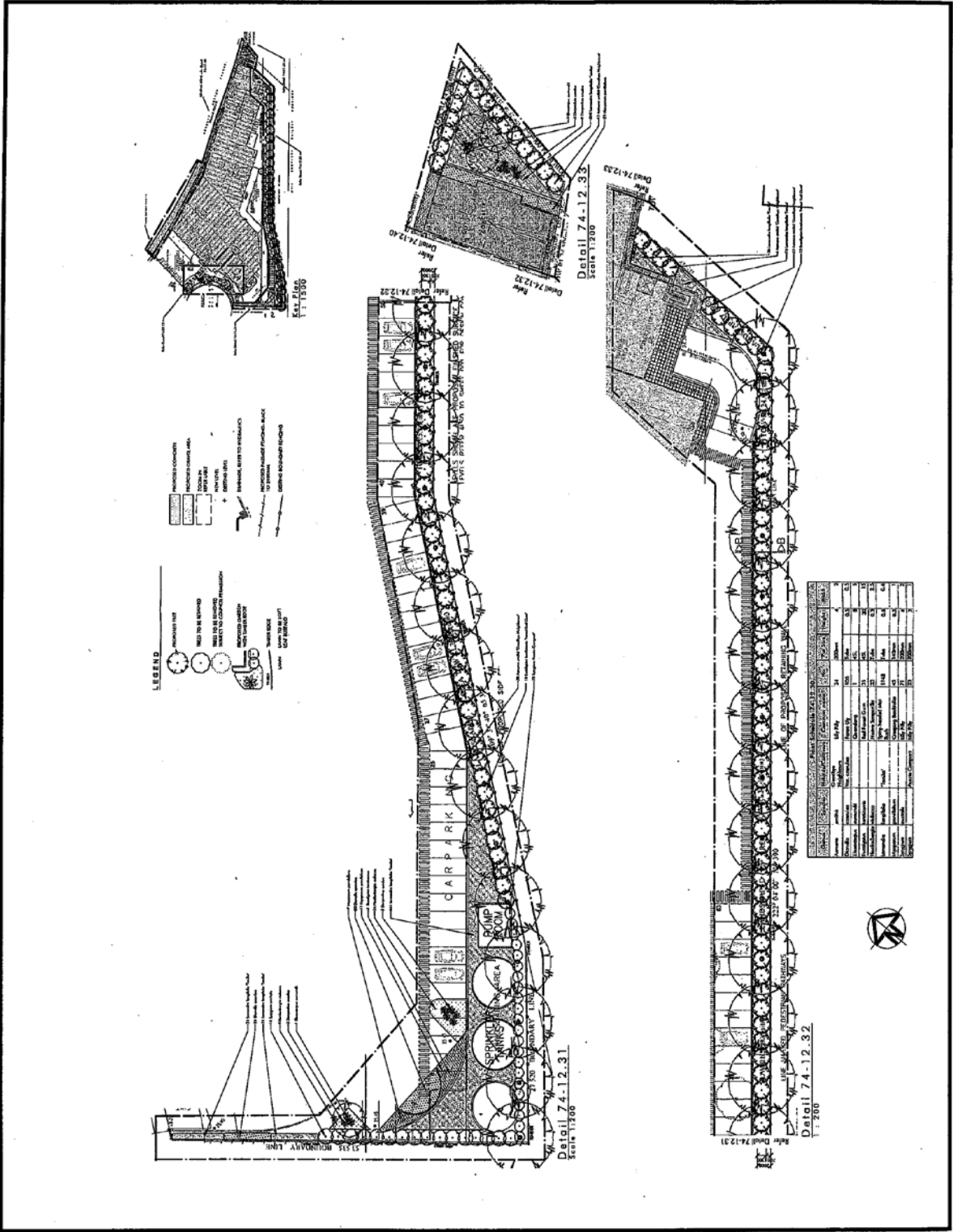
**SITE PLAN**

# ATTACHMENT 4



## ELEVATIONS





**LANDSCAPE PLAN**





## ATTACHMENT 6

### STATE ENVIRONMENTAL PLANNING POLICY NO. 1 – DEVELOPMENT STANDARDS

In respect of:

**Lots 13 and 14 DP1071594 and Part Lot 1 DP 182766 Nos. 10 and 15 Phiney Place Ingleburn.**

The proposed development does not satisfy the minimum setback control contained within Clause 37(a) of Campbelltown Local Environmental Plan 2002 (CLEP 2002). A SEPP 1 Objection in relation to the non-compliance with each development standard is provided.

The aims and objectives of SEPP 1 are provided at Clause 3 of the instrument as follows:

*This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.*

Objectives 5 (a) (i) and 5 (a) (ii) of the Act are:

*The objects of this Act are:*

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land,*

Clause 6 of SEPP 1 allows applicants for development to make written objection to the requirements of a development standard setting out reasons why compliance with the standard is unreasonable or unnecessary in the circumstances of the case.

Clause 8 sets out matters for consideration in granting concurrence to a SEPP 1 Objection. We understand that Council has assumed concurrence powers in respect of this application, however consideration of the concurrence provisions of Clause 8 is required in the exercising of those powers.

### **8 Concurrence**

*The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

- (a) whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

Clause 8 of SEPP 1 is considered in further detail below.

The Department of Planning and Infrastructure have recently issued a document entitled Varying Development Standards: A Guide, Planning and Infrastructure, August 2011 (SEPP 1 Guide). This SEPP 1 Objection has been prepared having regard to that guideline document.

#### **1. What is the name of the environmental planning instrument that applies to the land?**

The environmental planning instrument to which this SEPP 1 Objection relates is Campbelltown Local Environmental Plan 2002.

#### **2. What is the zoning of the land?**

Zone 4 (a)—General Industry Zone.

#### **3. What are the objectives of the zone?**

*The objectives of this zone are:*

- (a) to encourage activities that will contribute to the economic and employment growth of the City of Campbelltown, and*
- (b) to allow a range of industrial, storage and allied activities, together with ancillary uses, the opportunity to locate within the City of Campbelltown, and*
- (c) to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development, and*
- (d) to protect the viability of the commercial centres in the City of Campbelltown by limiting commercial activities to those associated with permitted industrial, storage and allied development, and*
- (e) to ensure development will not be carried out unless the consent authority is satisfied that the processes to be carried on, the transportation to be involved, or the plant, machinery or materials to be used, do not interfere unreasonably with the amenity of the area.*

*Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.*

**4. What is the development standard being varied?**

**37 Setbacks within industrial areas**

*Consent must not be granted to development, other than the use of land for landscaping, for access roads and for off street parking, on any land within Zone 4 (a) or 4 (b) which is within:  
(a) 30 metres of the main southern railway line .....*

**5. Under what clause is the development standard listed in the environmental planning instrument?**

The development standard is contained within Clause 37(a) of CLEP 2002, which prescribe development standards in relation to setbacks to the main southern railway line.

**6. What are the objectives of the development standard?**

The Objectives of the standard is not stated, however, it would go to rail operation safety issues and/or visual impact issues. Both need to be considered in the context of intervening land between the subject land and the rail corridor itself.

**7. What is the numeric value of the development standard in the environmental planning instrument?**

30m setback to the main southern railway line.

**8. What is the numeric value of the development standard in your development application?**

Minimum of 10m and up to 22m from the boundary of that part of Lot 1 DP 1062256 running parallel to the railway line land being the intervening land that is also zoned Special Uses – Railway Corridor. Setback to the effective railway line is a minimum of 31m. This is best demonstrated in the following plan. The northern section of Lot 1 DP 1062256 then returns northwesterly apparently being land that contained Bunburry Curran Creek. This section then ends at the boundary of Lot 13 DP 1071594 being part of the subject land. The creek is no longer contained within this land. The setback to this section of Lot 1 DP 1062256 is a minimum of a 1m to the office area and underground car park. Adjoining Lot 1 DP 1062256 on its northeastern side is Lot 1 DP 183691 being additional land owned by the SRA. The setback to this boundary is a minimum of 18m.

2. To establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
4. to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary"<sup>1</sup>

This SEPP 1 Objection in respect of the development standard, relies on the first mentioned in the above list, and seeks to demonstrate that compliance with the standards is unreasonable or unnecessary in the circumstances of the case, because the objectives of the standard is still achieved despite the technical numerical non-compliance.

**11. How is strict compliance with the standard unreasonable or unnecessary in the circumstances of the case?**

Having regard to the purposes of standard and the particular circumstances of the subject land the following sets out reasons why compliance with the standard is unreasonable and unnecessary in the circumstances of the case:

The main southern railway as it passes through the Campbelltown Local Government Area has a predominant uniform width being sufficient to accommodate the rail tracks, associated infrastructure and maintenance. In the case of the subject land the adjoining zoned corridor widens by the addition of Lot 1 DP 1062256 having a width of 20m and variable as the land returns to the northwest..

Compliance with the standard is unnecessary as the proposed development observes the required setback of 30m to the actual railway line.

Application of the standard measured from the boundary of what is effectively intervening land (provided as additional to actual rail corridor general operational needs) would unreasonably and unnecessarily affect the proper economic development of the subject land.

Application of the standard measured from the zoned corridor in its varying cadastral boundaries is unreasonable when the clear intent of the standard is to provide setbacks to the actual railway line and not to additional land attached to the corridor by zoning only.

**12. Is the development standard a performance based control?**

No, the development standard is a prescriptive control.

For the above reasons, it is considered that the SEPP 1 Objection is well founded in the circumstances of the subject land.