



Land and Environment Court New South Wales

Case Name: **ADN Resource Management Pty Ltd v The Council of Camden**

Medium Neutral Citation: [2025] NSWLEC 1312

Hearing Date(s): Conciliation conference on 29 April 2025,

Date of Orders: 08 May 2025

Date of Decision: 08 May 2025

Jurisdiction: Class 1

Before: Coetzee AC

Decision: The Court orders that:
(1) The Appeal is upheld.
(2) Development consent is granted to Development Application No. DA/2024/537/1 (as amended) for the construction and use of a landscape material supply facility with associated works, on land legally described as Lot 25 in Deposited Plan 1222679 and known as 1110 The Northern Road, Bringelly NSW, subject to the conditions at Annexure A.
(3) The Applicant is to pay the Respondent's costs thrown away pursuant to s 8.15(3) of the *Environmental Planning and Assessment Act 1979* in the agreed sum of (\$3,500), payable within 14 days.

Catchwords: DEVELOPMENT APPLICATION: – conciliation conference – agreement between parties - orders

Legislation Cited: *Environmental Planning and Assessment Act 1979*, ss 4.16, 8.7, 8.15, Div 4.8
Land and Environment Court Act 1979, s 34,
Water Management Act 2000, s 91

Camden Local Environmental Plan 2010 cl 2.3, 2.7, 4.3, 5.21, 6.2, 7.4
Environmental Planning and Assessment Regulation 2021, ss 38

State Environmental Planning Policy (Biodiversity and Conservation) 2021, Ch 6
State Environmental Planning Policy (Resilience and Hazards) 2021, ss 4.6
State Environmental Planning Policy (Transport and Infrastructure) 2021, s 2.119

Texts Cited: Camden Council's Community Participation Plan 2021

Category: Principal judgment

Parties: ADN Resource Management Pty Ltd (Applicant)
Council of Camden (Respondent)

Representation: Counsel:
P Smith (Applicant)
K Huxley (Solicitor) (Respondent)

Solicitors:
Miller Prince (Applicant)
Holding Redlich (Respondent)

File Number(s): 2024/00481450

Publication Restriction: Nil

JUDGMENT

- 1 **COMMISSIONER:** This class 1 appeal is brought under s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) following the deemed refusal by the Council of Camden of development application DA/2024/537/1 (the DA) seeking consent for the construction and use of a landscape material supply facility with associated works, on land legally described as Lot 25 in Deposited Plan 1222679 and known as 1110 The Northern Road, Bringelly NSW.
- 2 The Court arranged a conciliation conference under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act) between the parties, at which I presided on 29 April 2025.
- 3 Prior to the conciliation conference, the parties reached agreement. This agreement between the parties involves the Court upholding the appeal and granting development consent to the development application subject to those agreed conditions of consent. A signed agreement prepared in accordance with s 34 (10) of the LEC Act was filed with the Court on 29 April 2025.
- 4 The Respondent, as the relevant consent authority, has approved under s 38(1) of the Environmental Planning and Assessment Regulation 2021, to the Applicant amending Development Application DA/2024/537/1 in accordance with the following amended plans (Amended Development Application Documents):

| Drawing No and Revision | | Title | Prepared by | Date |
|-------------------------|----------------------------|-------------|-------------------|---------------|
| Architectural Plans | | | | |
| 1. | Drawing No. 01, Revision F | Site Plan | AJ Design & Draft | 15 April 2025 |
| | Drawing No. 02, Revision F | Floor Plan | | |
| | Drawing No. 03, Revision F | Elevations | | |
| | Drawing No. 04, Revision F | Section A-A | | |
| Landscape Plans | | | | |

| | | | | |
|-------------------|----------------------------------------|-----------------------------------------------|----------------------------------|------------------|
| 2. | Drawing No. 24083 DA 1 - 2, Revision C | Legend/Details/Plant Schedule | Vision Dynamics Pty Ltd | 22 April 2025 |
| | Drawing No. 24083 DA 2 - 2, Revision C | Landscape Concept Plan – Ground Floor | | |
| Engineering Plans | | | | |
| 3. | Drawing No. D00, Revision E | Cover Sheet, Legend & Drawing Schedule | Amity Engineers | 19 April 2025 |
| | Drawing No. D01, Revision E | General Notes | | |
| | Drawing No. D05, Revision E | Cut and Fill Plan | | |
| | Drawing No. D10, Revision E | Stormwater Drainage Plan – Ground Floor | | |
| | Drawing No. D12, Revision E | Site Catchment Plan – Pre vs Post Development | | |
| | Drawing No. D20, Revision E | Stormwater Drainage Details | | |
| Wastewater Plans | | | | |
| 4. | Drawing No. 3964-WW, Revision A-04 | On-Site Wastewater Management Plan | Broadcrest Environmental Pty Ltd | 17 April 2025 |
| Reports | | | | |
| 5. | Traffic Letter of Response | | McLaren Traffic Engineering | 16 April 2025 |
| 6. | On-site Wastewater Report | | Broadcrest Environmental Pty Ltd | 17 April 2025 |
| 7. | Flood Risk Management | | Amity Engineers | 19 April 2025 |
| 8. | Arboricultural Letter of Response | | Urban Forestry Australia | 22 April 2025 |
| 9. | Detailed Site Investigation | | Foundation Earth Sciences | 10 February 2025 |
| 10. | Tuflow Flood Model | | Amity Engineers | - |

- 5 The parties ask me to approve their decision as set out in the s34 agreement before the Court. In general terms, the agreement approves the development subject to amended plans that were prepared by the Applicant and the agreed conditions of development consent annexed to the s34 agreement.

- 6 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions. The parties' decision involves the Court exercising power under s 4.16 of the EPA Act. In this case, there are jurisdictional prerequisites that must be satisfied before this function can be exercised. The parties explained to me during the conference as to how the jurisdictional prerequisites have been satisfied in order to allow the Court to make the agreed orders at [20].

Jurisdictional prerequisites

- 7 The site is owned by the Applicant. The Court notes that the DA was lodged by Ammar Group Pty Limited, on 25 October 2024, however as a result of a change of company name from Ammar Group Pty Limited on 30 September 2024, this company is now called ADN Resource Management Pty Limited (Applicant).
- 8 The DA was notified in accordance with the Camden Council's Community Participation Plan 2021 (CCPP) between 30 October 2024 and 3 December 2024. No submissions were received during the notification period. The Respondent does not consider that the Application as amended requires renotification under part 3.3 of the CCPP.

Camden Local Environmental Plan 2010

- 9 The site is zoned RU4 Primary Production Small Lots under the Camden Local Environmental Plan 2010 (CLEP). The DA seeks consent for the construction and use of a landscape material supply facility which is permissible with consent use on RU4 Primary Production Small Lots, and in accordance with cl 2.3 of the CLEP, I have had regard to the objectives of the zone.
- 10 The parties agree and I accept that the following applicable provisions under the CLEP are met:
- (1) Clause 2.7 demolition works are permissible with consent

- (2) Clause 4.3 Height of Buildings prescribes a maximum permitted height of building limit of 9.5m for the Site. The proposed development has a maximum height of approximately 7.7m and complies with this development standard.
- (3) Clause 5.21 Flood Planning applies to the site is identified as being within a flood planning area. A Flood Risk Management Plan has been provided by the Applicant by Amity Engineers dated 19 April 2025. Pursuant to CI 5.21(2)(a) to (e), the parties agree that proposed development complies.
- (4) Clause 6.2 Public Utility Infrastructure the parties confirm that the public utility infrastructure that is essential for the proposed development is available.
- (5) Clause 7.4 Earthworks is applicable to the site and is outlined in Engineering Plan Cut to Fill Drawing No. D05 (Revision E, prepared by Amity Engineers, Dated 19 April 2025). The parties agree the proposed development will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area based noted in Stormwater Plans (Drawing No. D10, Revision E, dated 19 April 2025) and Flood Risk Management Plan (Dated 19 April 2025) prepared by Amity Engineers. Excavated material is to be managed in accordance with the Conditions of Consent in Annexure A.

Water Management Act 2000

- 11 The DA was lodged as Integrated Development pursuant to Div 4.8 of the EPA Act, requiring an approval under s 91 of the *Water Management Act 2000* (WM Act). The Respondent referred to the DA to the Department of Planning and Environment – Water (DPE Water) on 29 January 2025. On 14 April 2025, DPE Water indicated that for the purposes of the WM Act, a controlled activity approval is not required for the proposed works and 'no further assessment by this agency is necessary'. On 9 April 2025, Water NSW confirmed that for the purposes of the WM Act, no further investigation is required.

State Environmental Planning Policy (Resilience and Hazards) 2021

- 12 The provisions of s 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) applies to the site. The Court notes that the site was the subject of previous clean up notices by the NSW Environment Protection Authority (EPA). The Court has sighted the EPA letter to the Council of Camden (Dated 26 November 2024, Reference: DOC24/957209) that the clean up actions are now completed.
- 13 The DA is supported by a Preliminary Site Investigation (PSI) of a kind required by s 4.6 of the RH SEPP, prepared by Foundation Earth Sciences Pty Ltd dated 10 February 2025. I accept the conclusion of the PSI that the site is suitable for the proposed development, and I note the recommendations contained in the PSI are incorporated in the agreed conditions of consent 2.2(8) and 2.3(13).

State Environmental Planning Policy (Biodiversity and Conservation) 2021

- 14 Chapter 6 Water Catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) is applicable as the site is located within the Hawkesbury-Nepean Catchment.
- 15 The DA (as amended) is accompanied by Stormwater Management Plans prepared by Amity Engineers (Drawing No. D10, Revision E, Drawing No. D12, Revision E, and Drawing No. D20, Revision E, Dated 19 April 2025), a Flood Risk Management Report prepared by Amity Engineers (Dated 19 April 2025) and a Wastewater Diagram (Drawing No. 3964-WW, Revision A-04) and Report prepared by Broadcrest Consultants Pty Ltd dated 17 April 2025. With regard to these documents, and Conditions of Consent: 2.1(7), 2.1(12), and 2.2(4) which provide additional controls to ensure there is no adverse effect on the water quality and river flows of the Hawkesbury-Nepean River and its tributaries, the parties agree, and I accept that the provisions of the BC SEPP are met.

State Environmental Planning Policy (Transport and Infrastructure) 2021

- 16 Pursuant to cl 2.119 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the address of the site has frontage to the Northern Road which is a classified road. However the parties advised that as the access to the site is proposed off Bent Street, which is a Local Road, this clause is satisfied.

Conclusion

- 17 As the parties' decision is a decision that the Court could have made in the proper exercise of its functions, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 18 In making the orders to give effect to the agreement between the parties, I was not required to, and have not, made any merit assessment of the issues that were originally in dispute between the parties.
- 19 The Court notes that:
- (1) The Respondent, as the relevant consent authority, has approved under section 38(1) of the Environmental Planning and Assessment Regulation 2021, to the Applicant amending Development Application DA/2024/537/1 in accordance with the amended plans listed in Annexure A.
 - (2) The Applicant has filed the plans and documents in Annexure A with the Court on 29 April 2025.

Orders

20 The Court orders that:

- (1) The Appeal is upheld.
- (2) Development consent is granted to Development Application No. DA/2024/537/1 (as amended) for the construction and use of a landscape material supply facility with associated works, on land legally described as Lot 25 in Deposited Plan 1222679 and known as 1110 The Northern Road, Bringelly NSW, subject to the conditions at Annexure A.
- (3) The Applicant is to pay the Respondent's costs thrown away pursuant to s.8.15(3) of the *Environmental Planning and Assessment Act 1979* in the agreed sum of \$3,500, payable within 14 days.

I certify that this and the preceding 8 pages are a true copy of my reasons for judgment.



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L Coetzee

Acting Commissioner of the Court

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA/2024/537/1

Development: Construction and use of the site as a landscaping material supply facility, with associated site works.

Site: 1110 The Northern Road, Bringelly NSW 2556 (Lot 25 in DP 1222679)

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 08 May 2024

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 1110 The Northern Road, Bringelly (Lot 25 in DP 1222679).

The conditions of consent are provided overleaf.

General

1.1 - General Conditions

- (1) **Approved plans and documents** - Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this development consent expressly require otherwise:

| Approved plans | | | |
|---------------------------------|----------------------------------------|----------------------|------------|
| Number | Title | Drawn by | Date |
| Drawing: 01. REV: F | Site Plan | AJ Design & Draft | 15/04/2025 |
| Drawing: 02. REV: F | Floor Plan | AJ Design & Draft | 15/04/2025 |
| Drawing: 03. REV: F | Elevations | AJ Design & Draft | 15/04/2025 |
| Drawing: 04. REV: F | Section | AJ Design & Draft | 15/04/2025 |
| Drawing: 240883, 1-2. REV: C | Plant Schedule | Vision Dynamics | 22/04/2025 |
| Drawing: 240883, 2-2. REV: C | Landscape Concept Plan | Vision Dynamics | 22/04/2025 |
| Drawing: D05. REV: E | Cut and Fill Plan | Amity Engineers | 19/04/2025 |
| Drawing: D10. REV: E | Stormwater Drainage Plan, Ground Floor | Amity Engineers | 19/04/2025 |
| | | | |
| None. | Schedule of External Finishes | AJ Design & Draft | None. |

| Approved documents | | |
|--------------------------------------------------------------------------------|---------------------------|-----------------|
| Title | Prepared by | Date |
| Detailed Site Investigation for 1110 The Northern Road BRINGELLY, Ref: E3227-4 | Foundation Earth Sciences | February 2025 |
| Section 5.0 of Environmental | Day Design Pty Ltd | 23 August 2024. |

| | | |
|-------------------------------------------------------------------------------------------|--------------------------|---------------|
| Noise Assessment, Ref: 8022-1.1R | | |
| Plan of management | ADN Landscaping | July 2024 |
| Arboricultural Impact Assessment for 1110 The Northern Road BRINGELLY. | Urban Forestry Australia | March 2025 |
| Flood Risk Management Report for 1110 The Northern Road BRINGELLY, Rev C, Ref: 240142-FRM | Amity Engineers | 19 April 2025 |

In the event of any inconsistency between the approved plans/documents and a condition of this development consent, the condition prevails.

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

(2) **Approved tree work** - This development consent approves the following tree(s) to be removed:

1. Trees located within the subject property as indicated on the Arboricultural Impact Assessment prepared by Urban Forestry AUSTRALIA – Dated March 2025.
2. Removal of a cluster of tree/s located on the landscaped buffer adjoining the east boundary within the adjoining site as indicated on the Arboricultural Impact Assessment prepared by Urban Forestry AUSTRALIA – Dated March 2025.
3. All trees not specifically identified on the approved plans for removal shall be retained and protected strictly in accordance with the imposed conditions for DA/2024/537/1 and the Australian Standard (AS4970-2009) Protection of trees on development sites.
4. Replacement landscaping must be installed in accordance with the approved landscaping plan(s) within 6 months of the date this development consent becomes operational and include the following elements:

Condition reason: To detail approved tree work and any replacement landscaping.

Building Work

2.1 - Before Issue of a Construction Certificate

- (1) **Design amendments** - Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents.

1. Traffic signs must be provided on the driveway, to ensure the direction of traffic that comes in and out of the site is safe and clear.

Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

- (2) **Public infrastructure alterations** - Before the issue of a construction certificate, any required alterations to public infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlets, service provider pits, street trees or any other public infrastructure) must be approved by the roads authority under the *Roads Act 1993*. Any costs incurred will be borne by the developer. Evidence of the approval must be provided to the certifier.

Condition reason: To clarify the timing and need for approval under the *Roads Act 1993*.

- (3) **Fibre-ready facilities and telecommunications infrastructure** - Before the issue of a construction certificate, written evidence from the carrier must be obtained that demonstrates, to the certifier's satisfaction, that arrangements have been made for:

1. The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Written confirmation that the carrier is satisfied that the fibre ready facilities are fit for purpose is also required.
2. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Condition reason: To ensure fibre-ready telecommunications facilities are installed for new development.

- (4) **Long service levy** - Before the issue of a construction certificate, the long service levy must be paid at the prescribed rate to either the Long Service Payments Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*. This applies to building and construction works with a cost of \$250,000 or more. Evidence of the payment must be provided to the certifier.

Condition reason: To ensure the long service levy is paid.

- (5) **Driveway design** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the approved driveway(s) will comply with AS 2890 - Parking Facilities and

Council's Access Driveway Specifications or Heavy Duty Industrial Commercial Vehicle Crossing (as applicable to the development).

A driveway crossing approval must be obtained from Council before the issue of a construction certificate. Evidence of the approval must be provided to the certifier.

Condition reason: To ensure that driveways are designed to appropriate standards.

- (6) **On-site sewage management system** - Before the issue of a construction certificate, an approval to install an on-site sewage management system under Section 68 of the *Local Government Act 1993* and Council's On-Site Sewage Management Policy must be obtained. Evidence of the approval must be provided to the certifier.

Condition reason: To ensure that an approved on-site sewage management system is provided for the development.

- (7) **Construction certificate information** - Before the issue of a construction certificate, the following information must be prepared by a suitably qualified person to the certifier's satisfaction:

1. All retaining walls are to be shown offset from the boundary by at minimum 900mm.
2. Entry into shed is to be widened to ensure that there are no clashes for a truck and dog's entry manoeuvre into the shed. A truck and dog's swept path shall be provided demonstrating this.
3. Batters are to be shown to be maximum 1 in 4.
4. An additional catchment plan is to be provided that reflects the areas identified within the MUSIC model provided to Camden Council at DA stage. Applicant must demonstrate that Camden Council's Water Quality Targets are met, to the certifier's satisfaction.

Condition reason: To ensure that required information is provided to the certifier.

- (8) **Engineering specifications** - Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer and demonstrate, to the certifier's satisfaction, that the development has been designed to comply with Council's engineering specifications, the approved plans and documents and the conditions of this development consent.

Condition reason: To ensure that the development will comply with Council's engineering specifications and the terms of this consent.

- (9) **Performance bond** - Before the issue of a construction certificate, a performance bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

Condition reason: To ensure that new public infrastructure works undertaken within the existing public domain are constructed to an appropriate standard.

- (10) **Damages bond** - Before the issue of a construction certificate, a bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy.

Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

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

- (11) **Structural engineer certificate** - Before the issue of a construction certificate, a certificate must be prepared by a suitably qualified structural engineer and certify, to the certifier's satisfaction, that all piers, slabs, footings, retaining walls and structural elements have been designed in accordance with the approved and applicable geotechnical report(s). The certificate must be accompanied by a copy of the structural engineer's current professional indemnity insurance.

Condition reason: To ensure that building elements are designed for the site conditions.

- (12) **Civil engineering plans and information** - Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer, to the satisfaction of the certifier. The plans and information must include the following elements:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
2. Earthworks.
3. Water quantity and quality facilities:
 - a. A detailed on-site detention and water quality report.
 - b. An electronic stormwater model.
 - c. A validated Camden Council MUSIC-link report with electronic model.
4. Details of any required augmentation of existing drainage systems to accommodate drainage from the development.
5. For roads and car parks:
 - a. Pavement design.
 - b. Traffic management devices.
 - c. Line marking.
6. Clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such (only if the site is flood affected). The FPL is defined in Council's Flood Risk Management Policy.

The plans and information must be accompanied by certification from a suitably qualified civil engineer certifying that they comply with Council's engineering specifications.

Condition reason: To ensure that civil works are designed to appropriate standards.

- (13) **Detailed landscaping plan** - Before the issue of a construction certificate, detailed landscaping plans must be prepared by a registered landscape architect and demonstrate, to the certifier's satisfaction, the following detailed design requirements:

1. Consistency with the concept landscaping plans approved by this development consent.
2. Compliance with Appendix B of Camden Development Control Plan 2019.
3. Landscape Plan (Rev C) prepared by Vision Dynamics Pty Ltd.
4. All trees are to be minimum of 100 litre container size and a minimum height of 1.8 metres.
5. All tree stock shall be compliant with AS2303-2018, with certification to be provided to the principal certifier, by the grower. Uncertified tree stock will not be accepted by Council.

Condition reason: To ensure that detailed landscaping requirements are documented.

- (14) **Section 7.12 contributions** - Before the issue of a construction certificate, contributions must be made to Council under section 7.12 of the *Environmental Planning and Assessment Act 1979*:

| Camden Section 7.12 Development Contribution Plan | |
|---------------------------------------------------|-------------------------------|
| % of development cost | 1% OF DEVELOPMENT COST |
| Amount payable | \$17,710.00 |

The amount of contribution payable under this condition has been calculated at the date of determination. In accordance with the provisions of the contributions plan, this amount shall be indexed at the time of actual payment in accordance with the consumer price index

Condition reason: To ensure that development makes contributions towards services identified in the applicable contributions plan.

- (15) **Flood evacuation plan** - Before the issue of a construction certificate, a flood evacuation plan must be prepared and demonstrate, to the certifier's satisfaction, compliance with the Camden Local Flood Plan 2016. The plan must include:

1. Trigger levels.
2. Evacuation routes, excluding cut off routes.
3. Evacuation centres.

4. The effective warning time to help facilitate the safe evacuation of people and vehicles from the site.
5. How permanent, fail-safe, and maintenance-free measures will be incorporated into the development to ensure that the timely, orderly and safe evacuation of people and potential pollutant material from the site can occur in a flood event.

Condition reason: To ensure that the development can be evacuated quickly, orderly and safely in a flood event.

2.2 - Before Building Work Commences

- (1) **Public liability insurance policy** - Before any building work commences, the developer must take out a public liability insurance policy with a minimum cover of \$20 million in relation to the occupation of, and works within, all public property for the full duration of the works. Evidence of the policy must be provided to the principal certifier.

Condition reason: To ensure adequate public liability insurance is obtained to cover development within public property.

- (2) **Site security and fencing** - Before any building work commences, the site is to be secured and fenced to the satisfaction of the principal certifier.

Condition reason: To ensure that access to the site is managed before works commence.

- (3) **Sydney Water approval** - Before any building work commences, the approved construction certificate plans must be approved by Sydney Water to confirm if sewer, water or stormwater mains or easements will be affected by the development. Visit www.sydneywater.com.au/tapin to apply. The Sydney Water approval must be provided to the principal certifier.

For subdivision works certificates, stamped water servicing coordinator must be provided to the principal certifier.

Condition reason: To ensure that any impacts upon Sydney Water infrastructure have been approved.

- (4) **Site management plan (preparation)** - Before any building work commences, a site management plan must be prepared by a suitably qualified person. The plan must demonstrate, to the satisfaction of the principal certifier, that the following site work matters will be managed to protect the amenity of the surrounding area:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
2. Prohibiting offensive noise, vibration, dust and odour as defined by the *Protection of the Environment Operations Act 1997*.

3. Covering soil stockpiles and not locating them near drainage lines, watercourses, waterbodies, footpaths and roads without first providing adequate measures to protect those features.
4. Prohibiting the pumping of water seeping into any excavations from being pumped to a stormwater system unless sampling results demonstrate compliance with NSW Environment Protection Authority requirements and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) criteria for water quality discharge.
5. Construction traffic management in accordance with Council's engineering specifications and AS 1742.3 - Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads.
6. Maintaining a fill delivery register including the date, time, truck registration number and fill quantity, origin and type.
7. Ensuring that vehicles transporting material to and from the site:
 - a. Cover the material so as to minimise sediment transfer.
 - b. Do not track soil and other waste material onto any public road.
 - c. Fully traverse the site's stabilised access point.
8. Waste generation volumes, waste reuse and recycling methods, waste classification in accordance with NSW Environment Protection Authority waste classification guidelines, hazardous waste management, disposal at waste facilities, the retention of tipping dockets and their production to Council upon request.
9. Hazardous materials management.
10. Work health and safety.
11. Complaints recording and response.

Condition reason: To ensure site management practices are established before any works commence.

- (5) **Utility services protection** - Before any building work commences, the developer must demonstrate, to the satisfaction of the principal certifier, that the following requirements have been met:

1. Undertake a 'Before You Dig Australia' services search and liaise with the relevant utility owners.
2. Offer all utility owners a duty of care, take action to prevent damage to utility networks and comply with utility owners' directions.
3. Obtain approval to proceed with the site works from utility owners.

Condition reason: To ensure that utilities are not adversely affected by development.

- (6) **Erection of signs** - Before any building work commences, a sign must be erected in a prominent position on the site:

1. Showing the name, address and telephone number of the principal certifier for the work.
2. Showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours.
3. Stating that unauthorised entry to the work site is prohibited.

The sign must be:

1. Maintained while the work is being carried out.
2. Removed when the work is being completed.

This condition does not apply in relation to:

1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building.
2. Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

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

- (7) **Tree protection fencing** - Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be:

- a. As per directed by a AQF Level 5 Arborist; or
- b. In accordance with the Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites. Note: Any variations to the Standards are to be documented and certified by the Project Arborist.

Condition reason: To ensure retained trees are protected during construction works.

- (8) **Tree protection signage** - Prior to any works commencing on the site, a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with Australian Standard – AS1319).

Signs identifying the TPZ shall be placed around the edge of the TPZ and be visible from within the development site.

Access to this area can only be authorised by the Project Arborist or Site Manager. All activities within this area shall be documented by the Project Arborist.

Condition reason: To ensure retained trees are protected during construction works.

- (9) **Engagement of a project arborist** - Prior to works commencing, a Project Arborist (AQF Level 5) is to be appointed and must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site and/or on any adjacent sites. Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to Council within 14 days of completion of the works.

Certification of supervision by a Project Arborist must be provided to Council within 14 days of completion of trenching works and/or upon request by the Consent Authority.

The installation of the stormwater drainage system and/or sewerage drainage system, the construction of driveways and roads, and/or the construction of any ancillary structures within the TPZ of trees on site and/or on any adjacent sites identified to be retained shall be carried out by adopting sensitive construction methods under the supervision of the Project Arborist. Demolition, construction, or any form of earth works within the Tree Protection Zone of trees identified for retention shall be carried out so as to avoid damage to the tree roots. Manual excavation shall be carried out under the supervision of the Project Arborist.

Manual excavation may include the use of pneumatic and hydraulic tools. Note, mattocks and axes shall not be used. Where roots within the Tree Protection Zone are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm in diameter shall be cut without Project Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

Condition reason: To ensure all tree works are compliant with the requirements of a project arborist.

2.3 - During Building Work

- (1) **Priority (noxious) weeds management (during work)** - While building work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. All new infestations must be reported to Council.

Condition reason: To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **Work hours** - While building work is being carried out, all work (including the delivery of materials) must be:

1. Restricted to between the hours of 7am to 5pm Monday to Saturday.
2. Not carried out on Sundays or public holidays.

Unless otherwise approved in writing by Council.

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

(3) **Work noise** - While building work is being carried out, noise levels must comply with:

1. For work periods of 4 weeks or less, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 20dB(A).
2. For work periods greater than 4 weeks but not greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 10dB(A).
3. For work periods greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 5dB(A). Alternatively, noise levels must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

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

(4) **Stormwater collection and discharge** - While building work is being carried out, the roof of the approved building work must be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, must be conveyed to the proposed drainage system in accordance with the approved stormwater plan(s).

All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier must not permit construction works beyond the frame inspection stage until this work has been carried out.

Connection to the street gutter or drainage easement must only occur at the designated connection point for the site. New connections that require work to an easement pipe or kerb must only occur with Council's approval.

Condition reason: To ensure that stormwater is properly collected and discharged.

(5) **Finished floor level** - Before the development proceeds beyond floor level stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the finished floor level complies with the approved plans and this development consent.

Condition reason: To ensure that the finished floor level complies with the approved plans and this development consent.

(6) **Survey report** - Before concrete is poured, the building(s) must be set out by a registered surveyor and a peg out survey must be prepared. The survey must confirm, to the satisfaction of the principal certifier, that the building will be sited in accordance with the approved plans and this development consent.

Condition reason: To ensure that the building(s) will be sited in accordance with the approved plans and this development consent.

- (7) **Pollution warning sign** - While building work is being carried out, a sign must be displayed at all site entrances to the satisfaction of the principal certifier. The sign(s) must be constructed of durable materials, be a minimum of 1.2m x 900mm and read:

'WARNING UP TO \$30,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (12 22 63) - Solution to Pollution.'

The wording must be a minimum of 120mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters. The sign(s) must have a white background and a red border.

The sign(s) must be maintained until the works have been completed.

Condition reason: To ensure that potential fines for pollution are clearly advertised.

- (8) **Site management plan (during work)** - While building work is being carried out, the approved site management plan must be complied with.

A copy of the plan must be kept on the site at all times and provided to Council upon request.

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

- (9) **Fill management plan (during work)** - While building work is being carried out, the approved fill management plan must be complied with.

Condition reason: To ensure that only virgin excavated natural fill material is imported into the site.

- (10) **Fill assessment report** - While building work is being carried out, a fill assessment report must be prepared by a suitably qualified person each month. The report must facilitate, to the satisfaction of the principal certifier, a monthly audit of compliance with the approved fill management plan.

Condition reason: To confirm that only virgin excavated natural fill material is imported into the site.

- (11) **Fill delivery register** - Once building work is completed, the delivery register for the site work must be submitted to Council.

Condition reason: To ensure that Council has a record of all fill deliveries to the site.

- (12) **Fill material (virgin excavated natural material and/or excavated natural material)** - Before the importation and placement of any fill material on the site, an assessment report and sampling location plan for the material must be prepared by a contaminated land specialist. The report and plan must demonstrate, to the satisfaction of the principal certifier, that:

1. The report and plan have been endorsed by a practising engineer with specific area of practice in subdivisional geotechnics.

2. For virgin excavated natural material, the report and plan have been prepared in accordance with:
 - a. The Department of Land and Water Conservation publication 'Site investigation for Urban Salinity'.
 - b. The Department of Environment and Conservation - Contaminated Sites Guidelines 'Guidelines for the NSW Site Auditor Scheme (Third Edition) - Soil Investigation Levels for Urban Development Sites in NSW'.
3. For excavated natural material, the report and plan have been prepared in accordance with:
 - a. The Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - b. The NSW Environment Protection Authority Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - c. The Excavated Natural Material Order and Exemption 2014.
4. The fill material:
 - a. Provides no unacceptable risk to human health and the environment.
 - b. Is free of contaminants.
 - c. Has had its salinity characteristics identified in the report and specifically the aggressiveness of salts to concrete and steel (refer to the Department of Land and Water Conservation publication 'Site investigation for Urban Salinity').
 - d. Is suitable for its intended purpose and land use.
 - e. Has been lawfully obtained.
5. The sampling of the material for salinity complies with:
 - a. Less than 6,000m³ - 3 sampling locations.
 - b. Greater than 6,000m³ - 3 sampling locations with 1 extra location for each additional 2,000m³ or part thereof.
 - c. A minimum of 1 sample from each sampling location must have been provided for assessment.
6. The sampling of the material for contamination must comply with:
 - a. Virgin excavated natural material (1,000m² or part thereof) - 1 sampling location. For volumes less than 1,000m², a minimum of 2 separate samples from different locations must be taken.
 - b. Excavated natural material - Refer to the Resource Recovery Exemption.

Condition reason: To ensure that fill material has been adequately assessed before placement on the site.

- (13) **Unexpected contamination finds contingency (general)** - While building work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of the principal certifier.

Where the assessment identifies contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation.

Condition reason: To ensure a procedure is in place to manage unexpected contamination finds encountered during site works.

- (14) **Fill compaction (non-subdivision)** - While building work is being carried out, all fill must be compacted in accordance with Council's current engineering specifications, to the satisfaction of the principal certifier.

Condition reason: To ensure that fill is compacted to appropriate standards.

- (16) **Material sampling and testing** - While building work is being carried out and before any material is delivered to the site, sampling and testing of all material in accordance with Council's engineering specifications must be completed by a suitably qualified testing organisation, to the satisfaction of the principal certifier. The testing results must include a certificate from the testing organisation that certifies compliance with the criteria in Council's engineering specifications. The testing results must be updated every 3 months or when the material source changes.

Condition reason: To ensure that material used in construction complies with Council's engineering specifications.

- (16) **Work near or involving vegetation** - While building work is being carried out, the following requirements must be complied with to the satisfaction of the principal certifier:

1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications.
2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed.
3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken.
4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees.
6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility.

Condition reason: To ensure that work near of involving vegetation is carried out to industry standards.

- (17) **Compliance with *Building Code of Australia*** - While building work is being carried out, the work must be carried out in accordance with the *Building Code of Australia*. A reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date (as defined by section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*).

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

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

- (18) **Shoring and adequacy of adjoining property** - While building work is being carried out, the person having the benefit of the development consent must, at the person's own expense:

1. Protect and support the building, structure or work on adjoining land from possible damage from the excavation.
2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if:

1. The person having the benefit of the development consent owns the adjoining land.
2. The owner of the adjoining land gives written consent to the condition not applying.

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

2.4 - Before Issue of an Occupation Certificate

- (1) **Survey certificate** - Before the issue of an occupation certificate, a survey certificate must be prepared by a registered surveyor and demonstrate, to the principal certifier's satisfaction, that the siting of the building(s) complies with the approved plans and this development consent.

Condition reason: To ensure that the building(s) are sited in accordance with the approved plans and this development consent.

- (2) **Driveway crossing construction** - Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a driveway crossing has been constructed in accordance with this development consent and the driveway crossing approval.

Condition reason: To ensure that the building(s) is provided with vehicular access.

- (3) **Services** - Before the issue of an occupation certificate, the following information from energy, water and wastewater service suppliers must be obtained and provided to the principal certifier:

1. A notice of arrangement for the distribution of electricity from Endeavour Energy to service the approved development.
2. A section 73 compliance certificate from Sydney Water demonstrating that satisfactory arrangements have been made to service the approved development. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to the [Sydney Water website](#) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Condition reason: To ensure that energy, water and wastewater services are provided for the development.

- (4) **On-site sewage management system operation** - Before the issue of an occupation certificate, an approval to operate an on-site sewage management system approved by Council under Section 68 of the *Local Government Act 1993* and Council's On-Site Sewage Management Policy must be obtained. Evidence of the approval, and that the approved system is operating for the development, must be provided to the principal certifier.

Condition reason: To ensure that an approved on-site sewage management system is operating for the development.

- (5) **Defects and liability bond** - Before the issue of an occupation certificate, a defects and liability bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the principal certifier.

Condition reason: To ensure that the cost to rectify defects and liabilities in new public infrastructure works is captured.

- (6) **Water management facilities positive covenant** - Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a positive covenant has been registered with NSW Land Registry Services. The positive covenant must be created under Section 88E of the

Conveyancing Act 1919 and burden the property owner with a requirement to maintain any on-site detention, on-site retention/re-use and water quality facilities on the property.

The terms of the positive covenant must include the following:

1. The property owner is responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures.
2. The property owner will have the facilities inspected by a competent person on a schedule mandated by the facilities' design specifications.
3. Council will have the right to enter the site at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities.
4. Council will have the right to recover as a liquidated debt the cost of any remedial work from the property owner upon demand.
5. The property owner will indemnify Council and all adjoining property owners against damage to their properties arising from the failure of any component of the facilities or the failure to clean, maintain and repair the facilities.

Condition reason: To provide a legal mechanism for the long-term maintenance of water management facilities.

- (7) **Verge reconstruction** - Before the issue of an occupation certificate, the unpaved road verges directly adjoining the property must be reconstructed with grass species listed in Council's engineering specifications.

Condition reason: To ensure that road verges are reconstructed with grass following building works.

- (9) **Works as executed plans** - Before the issue of an occupation certificate, works as executed plans in accordance with Council's engineering specifications must be prepared by a suitably qualified person and demonstrate, to the principal certifier's satisfaction, the following requirements:

1. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94 / MGA Zone 56.
2. Verify that any water management basins have been completed in accordance with the approved plans and provide the following details:
 - a. Levels and dimensions to verify the storage volume of any water management facilities.
 - b. Levels and other relevant dimensions of:
 - i. Internal drainage pipes.
 - ii. Orifice plates.
 - iii. Outlet control devices and pits.
 - iv. Weirs (including widths).

- c. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
 - d. Verification that trash screens are installed.
3. Where the site is flood affected, the plans must clearly delineate the extent of the flood planning levels. The plans must clearly delineate the extent and location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy.

Condition reason: To ensure that the completed works are recorded.

- (10) **Landscaping works completion** - Before the issue of an occupation certificate, all of the landscaping works approved by this development consent and the construction certificate must be completed to the satisfaction of the principal certifier. This must include the provision of certification from the supplier of all trees certifying that the trees comply with AS 2303 - Tree Stock for Landscape use.

Condition reason: To ensure that all approved landscaping works have been completed to an appropriate standard.

- (11) **On-site detention facility plan of management (preparation)** - Before the issue of an occupation certificate, an on-site detention facility plan of management (POM) must be prepared by a suitably qualified person, to the satisfaction of the principal certifier. The POM must describe all design and operational parameters for the facility including:

1. Design levels.
2. Hydrology and hydraulics.
3. Inspection and maintenance requirements (including time intervals for inspections and maintenance).

Condition reason: To provide a management regime for on-site detention facilities.

- (12) **Water management basins certificate** - Before the issue of an occupation certificate, a certificate must be prepared by a suitably qualified person and demonstrate, to the satisfaction of the principal certifier, that the water management basins comply with the following requirements:

1. The basins have been completed in accordance with the approved construction certificate plans or that any variations that have been made will not impair the performance of the basins.
2. The basins will function in accordance with the design intent approved by the construction certificate

Condition reason: To ensure that water management basins will comply with the construction certificate.

- (13) **Tree planting** – Before the issue of an occupation certificate, tree planting within the property must be undertaken in accordance with the following conditions, and to Council's Urban Forest Services satisfaction:

1. Written confirmation is to be obtained from Council's Urban Forest Services that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance).
2. Twenty (20) Large tree species are to be planted (front or rear yard) at the completion of all construction works. Palms, fruit trees and species recognised to have a short life span are not considered a suitable replacement. The trees must be grown to Australian Standard AS2303:2018 'Tree stock for landscape use'
3. At the time of planting, the container size is to be a minimum of 100 litres and a minimum height of 1.8 metres. New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting.
4. New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction; New trees must also be large mature size trees that fall within the Critically endangered Cumberland plain woodland ecological community.
5. The tree must be planted by a qualified Horticulturalist or Arborist of Level 2 under the Australian Qualifications Framework (AQF). The replacement planting/s must be planted in such a manner as to promote good health during the establishment period, and must be maintained, as far as practicable to ensure tree growth into maturity.

Note - The following species will be considered acceptable to satisfy the conditions requirements.

- Large mature size: Eucalyptus moluccana (Grey Box), Eucalyptus tereticornis (Forest Red Gum), Eucalyptus crebra (Narrow lead Iron bark), Angophora floribunda (Rough-barked apple).

Condition reason: To ensure that all appropriate landscaping is provided to replace the removed trees.

2.5 - Occupation and Ongoing Use

- (1) **Priority (noxious) weeds management (ongoing)** - During occupation and ongoing use of the development, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. All new infestations must be reported to Council.

Condition reason: To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **Goods, materials, equipment and/or waste storage** - During occupation and ongoing use of the development, all goods, materials, equipment and/or waste must be stored inside the building.

Condition reason: To protect the visual amenity of the surrounding area and not impact the public domain.

- (3) **Loading and unloading** - During occupation and ongoing use of the development, all loading and unloading activities must take place within the development's approved loading area.

Condition reason: To maintain the visual amenity of the area and off-street car parking spaces and driveways approved for the development.

- (4) **Maximum staff approved to work in the development** - During occupation and ongoing use of the development, the maximum number of staff that are approved to work in the development at any one time is 5.

Condition reason: To ensure sufficient off-street car parking will be available for the development.

- (5) **Graffiti removal** - During occupation and ongoing use of the development, all graffiti applied to the development must be removed within 48 hours of its application.

Condition reason: To protect the visual amenity of the area surrounding the development.

- (6) **Operating hours** - During occupation and ongoing use of the development, the development is approved to operate within the following hours:

| Day | Operating Hours |
|--------------------------|-----------------|
| Monday - Saturday | 6am to 6pm |
| Sunday & Public Holidays | 8am to 6pm |

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

- (7) **Private waste collection contract** - During occupation and ongoing use of the development, a private waste collection contract must be maintained for the collection of all waste and its disposal at a waste facility. Evidence of the contract must be kept on the site.

Condition reason: To ensure that a formal arrangement is in place for the private collection of waste.

- (8) **Liquid spills management** - During occupation and ongoing use of the development, the management of liquid spills must comply with the following requirements:

1. Supplies of spill prevention, absorbent and clean-up materials must be kept on site to recover any spilled liquid.
2. Liquid spills must be cleaned up using dry methods (by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin).
3. Materials used for clean-up must be disposed of at a waste facility.

Condition reason: To protect the environment from pollution.

- (9) **Offensive noise and noise compliance** - During occupation and ongoing use of the development, the use and occupation of the premises, including all plant and

equipment, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Operational noise must also comply with the NSW Noise Policy for Industry 2017.

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

- (10) **On-site detention facility plan of management (ongoing)** - During occupation and ongoing use of the development, the on-site detention facility plan of management plan required by this development must be complied with.

Condition reason: To provide a management regime for on-site detention facilities.

- (11) **Landscaping works maintenance** - During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition.

Condition reason: To ensure that approved landscaping works are perpetually maintained to an appropriate standard.

- (12) **Public domain landscaping works establishment period** - Following the completion of all civil works, soil preparation and treatment, initial weed control, planting, turf and street tree installation and mulching, the developer must maintain the landscaping works for 12 months. At the conclusion of this period all landscaping works must be in an undamaged, safe and functional condition and all plantings must have signs of healthy and vigorous growth.

Condition reason: To ensure that approved public domain landscaping works are established to an appropriate standard.

- (13) **Inspection of tree planting** - The owner of the land must make arrangements for Council's Urban Forest Services Team to inspect the plantings every twelve (12) months for the period of five (5) years from the date of installation to ensure Council's objectives for vegetation management are being achieved.

The trees must remain in place in perpetuity unless otherwise approved by Council

Condition reason: To ensure that approved landscaping works are perpetually maintained to an appropriate standard.