

ANNEXURE A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF DEFERRED COMMENCEMENT CONSENT

Development Application No: DA-2020/289/1

Development: Demolition of existing structures and subdivision creating 24 Torrens Title residential lots, 1 drainage reserve, road construction, drainage, infrastructure, and associated site works

Site: Lot 1 in Deposited Plan 542867, otherwise known as 156 Macarthur Road, Spring Farm

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

Date of determination: 22 December 2022

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

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 Lot 1 DP 5428673, otherwise known as 156 Macarthur Road, Spring Farm

The conditions of consent are as follows:

Deferred Commencement Consent

This deferred commencement consent shall not operate until the applicant satisfies Council, in accordance with the *Environmental Planning and Assessment Regulation 2021*, in relation to the matters listed in the Schedule A condition, within 2 years of the date of this determination. Upon Council being satisfied as to the matters listed in the Schedule A condition, Council will notify the applicant in writing that the consent has been made operative subject to the conditions listed in Schedule B.

Should Council not be satisfied as to the matters listed in the Schedule A condition within the specified timeframe, this deferred commencement consent will be rendered permanently inoperative.

Schedule A Condition

- (1) **Deferred Commencement** - The following matters must be complied with to Council's satisfaction:
 - (i) The Applicant is to amend the plans to provide for the site drainage to discharge to an overland flow path to be located within the Camden Bypass road reserve as follows:
 - a) from the headwall at identifier 2.7 – provide riprap scour protection in a westerly direction for approximately 10 metres, including into the Camden Bypass road reserve.
 - b) from the rain garden outlet pit at identifier 7.1 – provide a 600mm pipe laid in a north-westerly direction at chainages 39.40 to 49.40 at 2% grade, with a precast headwall to suit a 600 diameter pipe, with an invert level of 67.70 at the headwall, and riprap scour protection for approximately 5 metres.
 - c) show a trapezoidal channel on the Camden Bypass road reserve as follows:
 - i) from the headwall at identifier 2.7 (to be identified as “chainage -60”) to the position located 9.35m perpendicular off the north-west corner of the site boundary (to be identified as “chainage 0.45”, noting that “chainage 0” is to be located in a position prior to chainage 0.45) - provide a trapezoidal channel with a 6m wide base, 1 in 4 (V:H) batters, at a 2.14% grade, with the design level of 68.660 at the invert of the headwall at identifier 2.7). It is noted that the centre of the flow path at chainage -60 is to be located at the invert of the outlet at identifier 2.7.
 - ii) from chainage 0 to chainage 90 – form a trapezoidal channel provide a trapezoidal channel with a 6m wide base, 1 in 4 (V:H) batters, at a 2.14% grade from chainage 0 to chainage 45.450, at a 2% grade from chainage 45.450 to 60.450, and a 0.5% grade from chainage 60.450 to chainage 90, such that the southern edge of the base of

the channel is 9.35m off the reserve boundary from the site discharge point to chainage 90.

- iii) from chainage 90 to chainage 120 – blend from 6m channel to existing swale between these chainages, at a 2% grade, and provide rock rip rap scour protection as required.
 - iv) from chainage 120 onwards – show that the existing flow path will convey flows from the proposed channel to the Nepean River Anabranch.
 - v) from chainages 270 to 343.300 – provide rock rip rap scour protection where bank slope exceeds 5%.
 - vi) provide a mound which will start 20m (in a south-westerly direction) from the north-west corner of the site boundary along the reserve boundary for a length of 144m (with the end location to be identified as “chainage 144”), which is to be a 1m high triangular mound with 1 in 3 (V:H) batters such that the crest of the mound is 3.5m off the boundary and the toe of the mound is 0.5m off the boundary. When compared to the trapezoidal channel, the mound will be generally parallel to the trapezoidal channel and will extend from approximately chainage 20 of the trapezoidal channel to chainage 165 of the trapezoidal channel.
 - vii) provide that the channel is rock lined from chainage -60 to chainage 60.
 - viii) provide for silt fencing and straw bales placed periodically along the trapezoidal channel until the site is stabilised.
- (ii) The Applicant is to amend the plans to provide for frontage works along Macarthur Road, in the area of land formerly known as Lot 6 of DP 247386, as follows:
- a. the sawcut, removal and disposal offsite of existing cycle way across the proposed intersection and make smooth connection to the existing cycle way.
 - b. provide pram ramps to Council's requirements.
- (2) **Consent to carry out work**– The Applicant must obtain consent to access and carry out the works within the Camden Bypass. The Applicant is to provide a copy of that consent to the Council.

Schedule B Conditions

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Reference No. 17142PS2, Issue J	Plan of Proposed Subdivision	JMD Development Consultants	14 July 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 1 of 13	Cover Sheet	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 2 of 13	Demolition Plan	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E78 Version B, Sheet 3 of 13	Soil and Water Management Plan	Beveridge Williams	15 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 4 of 13	Soil and Water Management Notes	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 5 of 13	Road Details	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version B, Sheet 6 of 13	Cut and Fill Details	Beveridge Williams	15 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version B, Sheet 7 of 13	Storage Depths Below 1% AEP Flood to NS	Beveridge Williams	15 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version B, Sheet 8 of 13	Storage Depths Below 1% AEP Flood to Prop. Design	Beveridge Williams	15 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version B, Sheet 9 of 13	Catchment Plan	Beveridge Williams	15 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 10 of 13	Drainage Longitudinal Sections	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 11 of 13	Stormwater Calculations	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 12 of 13	10% AEP Storm Drainage Longitudinal Sections	Beveridge Williams	14 December 2022
Project No. 17142, Drawing Ref. 17142E8, Version A, Sheet 13 of 13	10% AEP Stormwater Calculations	Beveridge Williams	14 December 2022

Document Title	Prepared by	Date
Traffic Noise Assessment Report – 156 Macarthur Road, Spring Farm – Report R2000091R1 – Revision 1	Rodney Stevens Acoustics	28 August 2020
Flood Study – 156 Macarthur Road, Spring Farm - Project No. 17142	Beveridge Williams	19 October 2022
Flood Impact Assessment Update – 156 Macarthur Road, Spring Farm - Project No. 17142	Cardno now Stantec	2 December 2022

These approved plans and documents are subject to any amendments in any plans or documents accepted by Council in satisfaction of the Schedule A condition of this development consent.

(2) **Modified Documents and Plans** - The development shall be modified as follows:

- a) The Traffic Noise Assessment, proposed subdivision 156 Macarthur Road Spring Farm, report R200091R1 Revision 1, prepared by Rodney Stevens Acoustic's, dated 28 August 2020 shall be amended to reflect the revised subdivision layout, residential lot numbering and the deletion of the proposed acoustic barrier along the northern and eastern property boundaries.
- b) The Plan of Subdivision shall be amended to reflect the revised subdivision layout and lot numbering which is consistent with the engineering plans.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of a Subdivision Works Certificate.

(3) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

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

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

(4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

- (5) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (6) **Street Lighting** - Street lighting for the subdivision shall be designed and installed in accordance with relevant Australian Standards and to the satisfaction of the Roads Authority (Council).

- (7) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (8) **Street Tree Establishment and Maintenance Period** - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

- (9) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

- (10) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (11) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of tram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

2.0 - Prior to Issue of a Subdivision Works Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Works Certificate.

- (1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (2) **Electrical Services Pad-Mounted Substation** - In the event that a padmounted substation(s) is necessary to service the development, and this substation is to be located within any existing or future public land, the applicant shall consult with Council about the proposed location. Council shall agree to the location of any padmounted substation(s) within any existing or future public lands prior to its construction. Padmounted substations must be located outside of flood prone land and above the probable maximum flood and flood planning levels.

- (3) **Evacuation Plan** – A plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Flood Management Plan** - A flood management plan prepared by a suitable qualified engineer in accordance with Camden Council's Flood Risk Management Policy.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (5) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.

A stormwater plan is to be submitted to the certifier prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the certifier.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (6) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications. Turning heads must be provided at the end of all dead end roads for subdivisions that are progressively developed in a staged manner.

Details demonstrating compliance shall be provided to the certifier prior to the issue of a Subdivision Works Certificate.

- (7) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.
- (8) **Provision of Kerb Outlets** - Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

The outlets shall be located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the principal certifier.

- (9) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (10) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.
- (11) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:
- a) 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. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - b) 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.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier.

- (12) **Section 7.11 Contributions – Works In Kind** - Section 7.11 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.
- (13) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note. A fee is payable for the lodgement of the bond.

- (14) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (15) **Contamination Testing of Building Footprints** - Contamination testing of soils in the footprints of all demolished structures must be undertaken. Where contamination testing results trigger the requirement for remediation, the contaminated area should be barricaded to restrict access with suitable signage provided and, a remediation action plan (RAP) must be completed to address proposed remediation works. The RAP together with a separate development application must be lodged with the consent authority (Camden Council) prior to the continuation of any consented works.

- (16) **Swale Drain** – The proposed swale drain is to be designed to comply with Camden Council's Engineering Specifications. Details demonstrating compliance is to be provided and confirmed by the certifying authority
- (17) **Rain Garden** – The basin wall to the west is to be increased in height to incorporate the minimum freeboard as outlined in the Council's Engineering Specifications.
- (18) **Works in Camden Bypass road reserve** – prior to the issue of a subdivision works certificate, the subdivision works certificate plans must provide for the site drainage to discharge to an overland flow path to be located within the Camden Bypass road reserve, as approved by Camden Council at condition 1.12 of this consent.
- (19) **Flood Level Delineation (Design Plans)** - The design plans must clearly delineate the extent of the flood levels in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. The plans must 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. The FPL is defined in Council's Flood Risk Management Policy.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; anda telephone number on which the principal certifier may be contacted for business purposes.

- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Subdivision Works Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Subdivision Works Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.

The sign shall be maintained while the work is being carried out and removed upon the completion of works.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (8) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (9) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (10) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.
- (11) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;

- g) work, health and safety; and
 - h) community consultation.
- (12) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.
- (13) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (14) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.

- (2) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact "Dial Before You Dig" prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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.

- (3) **Site Management** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste storage area shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:

- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

“WARNING UP TO \$8,000 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 (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (6) **Compaction (Lots)** – The approved lots, which are subject to filling must be compacted in accordance with Council’s current Engineering Construction Specifications. A suitably qualified and experienced geotechnical engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798.
- (7) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
 - all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site’s stabilised access point.
- (8) **Fill Compaction** - All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.
- (9) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (10) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (11) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.

Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection Authority's Environmental Noise Control Manual.

Noise levels emitted during works must comply with:

- Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

- (12) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (13) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

- (14) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (15) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (16) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (17) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (18) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.
- In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (19) **Salinity Management Plan** – All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the salinity / control measures contained in Council's Engineering Specifications.
- (20) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and

- any requirements of Heritage NSW must be implemented.
- (21) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
- all excavation or disturbance of the area must stop immediately in that area,
 - Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*, and
 - any requirements of Heritage NSW must be implemented.

5.0 - Prior to Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate.

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (5) **Fill Plan** - A fill plan shall be provided to the principal certifier prior to the issue of any Subdivision certificate. The plan must show (where applicable):
 - a) lot boundaries;
 - b) road/drainage/public reserves;
 - c) street names;
 - d) final fill contours and boundaries; and
 - e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

- (6) **Incomplete Works Bond** - Where there are incomplete works, the applicant is to lodge a bond with Council to cover the cost of the incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the principal certifier, certifying that

all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.

- (8) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (9) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the principal certifier (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.
- (10) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the principal certifier. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.
- (11) **Section 7.11 Contributions – Monetary** – A contribution pursuant to the provisions of Section 7.11 of the EP&A Act 1979 for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan	Open Space Land Acquisition	\$19,917 per lot	\$458,091.00
Camden Contributions Plan	Community Land Acquisition	\$124 per lot	\$2,852.00
Camden Contributions Plan	Drainage, Roadworks, Traffic Facilities, Open Space Embellishment & Masterplan	\$50,480 per lot	\$1,161,404.00
Camden Contributions Plan	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services	\$12,142 per lot	\$279,266.00
Total Cash Contributions			\$1,901,249.00

A copy of the Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this

amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (12) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the EP&A Act 1979 under Section 7.23 of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning, Industry and Environment (DPIE).

Evidence of payment of the SIC shall be provided to Council and the PCA.

Alternatively, the applicant must obtain written confirmation from DPIE that the SIC is not required to be paid for the approved development.

- (13) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (14) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (15) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:

- a) easement for services;
- b) easement to drain water and drainage easement/s over overland flow paths;
- c) easement for on-site-detention;
- d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;

- e) retaining wall, positive covenant, and restriction to user;
- f) restriction as to user which defines a restricted building zone;
- g) restriction as to user over lots which stipulates that footings shall be designed by a suitably qualified civil and/or structural engineer;
- h) restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council;
- i) restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88B Instrument and related to AHD;
- j) restriction as to user on all lots requiring that all construction works that include earthworks, imported fill, landscaping, roads, buildings and associated infrastructure must be carried out in accordance with the management strategies as contained within Council's Engineering Specification;
- k) All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the salinity / control measures contained in Council's Engineering Specifications.
- l) restriction as to user on all lots containing a drainage easement that prohibits the alteration of the surface levels within the drainage easement and limits fencing across the easement to open form fencing;
- m) public positive covenant over the approved lot(s) containing the:
 - modified "construction" on-site detention/sediment control basin and water quality facility; and/or
 - permanent water quality facility,for the maintenance, repair and insurance of such a facility;
- n) Acoustic treatments for glazing and construction: Dwellings are to be constructed in accordance with the recommendations of the Traffic Noise Assessment, proposed subdivision 156 Macarthur Road Spring Farm, report R200091R1 Revision 1, prepared by Rodney Stevens Acoustic's, dated 28 August 2020 (as amended by Condition 1.0 (2) of this consent)

In accordance with the report, glazing on the north and eastern facades are required to achieve a rating of Rw32.

Floor finishes within the bedrooms is to be carpet and underlay. Where bedrooms floor finishes are tiled or timber additional acoustic treatments will be required.

- (16) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.
- (17) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the principal certifier.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
 - b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.
- (18) **Stencilled Pit Lintels** – Pit lintels must be labelled with permanent stencilled signs in accordance with Council's current Engineering Design Specifications.
- (19) **Flood Planning Level Delineation (Works as Executed Plans)** - The Works as Executed plans must clearly delineate the extent of the flood planning levels in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. All plans (both design and works as executed) are to clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood (PMF) and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy.
- An updated flood map that delineates the extent of the FPL and that is based upon the final completed subdivision layout must be provided to Council for integration into Council's database. The updated flood map must be provided as a separate layer in .dxf or .dwg format and show the 5% AEP, the 1% AEP, the PMF and the FPL levels. This must also include the submission of the digital flood models with result files for the 5% AEP, the 1% AEP, the PMF and the FPL levels for integration into Council's mapping system.
- (20) **Flood Management Plan** - A certificate of compliance prepared by a suitably qualified engineer shall be provided to the PCA stating that all aspects of the flood risk management plan have been completed and/or implemented in accordance with the approved Plan.
- (21) **Flooding – Evacuation Management Plan** - A Flood Emergency Evacuation and Management Plan for the proposed development shall be prepared in accordance with Council's Flood Risk Management Policy (as amended).
- (22) **Completion of Landscape Works** – All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.

Certification for compliance with AS2303-2018 – Tree Stock for Landscape Use from the grower/supplier of the trees must be provided to the principal certifier.

- (23) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:
- a) 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. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
 - b) 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.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the principal certifier.

- (24) **Footpath Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways in accordance with Council's Development Infrastructure Bonds Policy.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of deferrals, whichever occurs first.

Note. Fees are payable for the lodgement and refund of the bond.

- (25) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.