

## **Annexure A**

### **DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT**

**Development Application No:** DA/2021/1820/1

**Development:** Demolition of existing structures, tree removal, Torrens Title subdivision of land into two (2) lots (one (1) super lot and one (1) SP2 lot), construction of public road, drainage works and associated site works.

**Site:** 11 Ingleburn Road, Leppington, NSW, 2179 (Lot 75 in DP1180577)

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

**Date of determination:** 07 February 2023

**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 11 Ingleburn Road, Leppington, NSW, 2179 (Lot 75 in DP1180577).

The conditions of consent are as follows:

#### **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
DA2 Revision 1	Subdivision Plan	The Bathla Group	13 October 2021
<b>LP-01 Rev A</b>	<b>Landscape Plan</b>	<b>The Bathla Group</b>	<b>24 March 2022</b>
<b>Engineering Plans</b>			
Drawing No. 210044-DA-C01.01 Revision 9	Cover Sheet and Drawing Schedule	Enspire Solutions	16 December 2022
Drawing No. 210044-DA-C01.21 Revision 9	Specification Notes		
Drawing No. 210044-DA-C01.41 Revision 9	General Arrangement Plan		
Drawing No. 210044-DA-C03.01 Revision 9	Demolition, Erosion and Sedimentation Control Plan		
Drawing No. 210044-DA-C03.21 Revision 9	Erosion and Sedimentation Control Details		
Drawing No. 210044-DA-C04.01 Revision 9	Bulk Earthworks Cut and Fill Plan		
Drawing No. 210044-DA-C05.01 Revision 9	Siteworks and Stormwater Management Plan Sheet 01		
Drawing No. 210044-DA-C05.02 Revision 9	Siteworks and Stormwater Management Plan Sheet 02		
Drawing No. 210044-DA-C06.01 Revision 9	Typical Cross Sections and Longitudinal Section		
Drawing No. 210044-DA-C08.01 Revision 2	Road Cross Sections		
Drawing No. 210044-DA-	Siteworks Details		

C14.01 Revision 9			
Drawing No. 210044-DA-C18.01 Revision 9	Temporary Basin Plan		
Drawing No. 210044-DA-C20.01 Revision 9	Catchment Plans		
Drawing No. 210044-DA-C22.01 Revision 9	Turning Path Plan		
Drawing No. 210044-DA-C25.01 Revision 9	Future Ingleburn Road and Basin B17 Coordination Plan		

Document Title	Prepared by	Date
Remedial Action Plan, Report No: NE11291	Geotesta	29 November 2021
Waste Management Plan	Universal Property Group Pty Ltd	November 2021
Aboriginal Due Diligence Assessment	Apex Archaeology	November 2021

- (2) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (3) **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).
- (4) **Demolition of Temporary Water Quality Facilities** - All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

- (5) **Construction of Temporary Water Quality Facilities** - Temporary water quality facilities must be constructed:
  - a) in accordance with the approved plans;
  - b) to Council's standards; and
  - c) when 80% of the catchment is built out.

Earth batters associated with the facilities must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (6) **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.

- (7) **Protection of adjoining Bushland and/or Waterfront Areas** - To limit the potential for damage to the adjoining Bushland areas and/or Waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970-2009 Protection of Trees on Development sites.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (8) **Landscaping and Embellishment Works on Future Public Land** - Prior to the transfer of land to Council's ownership, all landscaping and embellishment must be inspected and approved by Council.

- (9) **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.

- (10) **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*.

- (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) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:

- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;

- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (3) **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.

- (4) **Swale Drainage Design** - A piped drainage system shall be provided under the swale to cater for the minor event. The major event shall be contained within the swale. Calculations shall be submitted to the Principal Certifier.
- (5) **Pedestrian Fencing** - Fencing consisting of chain wire to a height of 1.8 metres, shall be provided surrounding the swale within the verge to ensure no trips or hazards are introduced into the verge area.
- (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) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Subdivision Works Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Subdivision Works Certificate plans shall be provided to the certifier with the Subdivision Works Certificate application.

- (8) **Desilting Dams or Creeks** - A geotechnical report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the certifier in conjunction with the engineering drawings with the Subdivision Works Certificate application.

- (9) **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.
- (10) **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*.
- (11) **Detailed Landscape Plan (Street Trees)** – 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.

The detailed landscape plan must also include:

1. Street trees shall not be positioned within 10m of road intersections, beneath street lighting or adjacent to stormwater inlets.
  2. Trees must be sourced in minimum 100 litre container stock.
  3. Street trees positioned as close as possible to align with property boundaries at approximate 10m centres.
  4. Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 - Tree Stock or Landscape Use.
  5. All tree stock shall be compliant with AS2303-2018, with certification to be provided to the Principal by the grower. Uncertified tree stock will not be accepted by Council.
  6. Landscaping shall incorporate the relevant ESD and WSUD principals as outlined in Camden Growth Centres DCP Cl. 6.5, and co-ordinate this with stormwater.
  7. Installation of street trees to be in accordance with clause B.2.3, Appendix B of Camden DCP 2019 and Council's Engineering Design Specifications including root barrier installed 450-600 mm deep by minimum of 1.5 m wide, installed between tree and kerb and footpaths where applicable.
  8. Tree planting details and section drawings specifying root barriers where trees are to be planted in close proximity to hard surfaces i.e. to the back of the kerb and to footpaths.
  9. Street trees centred within planting bays and no closer than 500mm to the back of the kerb.
- (12) **Tree Survey Plan and Hollow Bearing Trees/Active Nests** - A tree survey plan to identify the location, type and condition of existing trees proposed to be removed, including whether tree hollows or active nests are present, must be prepared. If tree hollows and/or active nests are present, a nest box installation and active nest relocation plan must be prepared in addition to the tree survey plan.

The nest box installation and active nest relocation plan shall provide fauna with short-term habitat requirements during vegetation clearance and bushland restoration works. Each individual tree hollow must be replaced at a minimum 1:1 ratio with nest boxes.

All hollow-bearing and active nest trees removed from the site are to be inspected prior to removal. Measures must be taken to ensure that fauna inhabiting tree hollows or active nests are treated humanely and relocated before development activities commence consistent with the *National Parks and Wildlife Act 1974*. A suitably qualified and experienced ecologist or wildlife carer must be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

- (13) **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.

- (14) **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.

- (15) **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.

### 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 the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. 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; and
  - f) a 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 the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. 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, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (6) **Site is to be Secured** - The site shall be secured and fenced.

- (7) **Demolition Work** - Consent is granted for the demolition of all existing structures currently existing on the property as shown upon plan **21044-DA-C03.01, Rev 8**, dated **7 December 2022**, prepared by Enspire, subject to compliance with the following conditions:

- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
- b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
- c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
- d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
- e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
- f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
- g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a

WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.

- h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
  - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
- (8) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (9) **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.
- (10) **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.

- (11) **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.
- (12) **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.
- (13) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (14) **Site and Environmental Management Plans** – In accordance with the approved remediation action plan, an environmental management plan and occupational health

and safety plan that addresses all relevant legislative requirements and environmental effects is required to be completed prior to the commencement of remediation works. The plan is to be provided by the remediation contractor and recognise all remediation requirements of the remediation action plan.

- (15) **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.

- (16) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:

- i) noise mitigation measures;
- ii) noise and/or vibration monitoring;
- iii) use of respite periods;
- iv) complaints handling; and
- v) community liaison and consultation.

- (17) **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.

- (18) **Protection of Adjoining Bushland and/or Waterfront Areas** – To limit the potential for damage to the adjoining bushland areas and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

#### 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 the approved development must be executed safely 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, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

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.

- (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) **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.
- (7) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (8) **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](http://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.

- (9) **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.
- (10) **Noise During Work** - Noise levels emitted during works must comply with:

(a) 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).

(b) 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).

(c) 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.

- (11) **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.
- (12) **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.

- (13) **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.

- (14) **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).

- (15) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan, including:

- a) noise mitigation measures;
- b) noise and/or vibration monitoring;
- c) use of respite periods;
- d) complaints handling; and
- e) community liaison and consultation

- (16) **Fill Material (VENM and ENM)** – Prior to the importation and/or placement of any fill material (VENM or ENM) on the 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;

For 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."

For Excavated Natural Material (ENM):



- i) the Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the Protection of the Environment Operations (Waste) Regulation 2014;
  - ii) the NSW EPA Resource Recovery Order under Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014; and
  - iii) the excavated natural material order 2014 (ENM Order)
- 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 6000m<sup>3</sup> - 3 sampling locations; and
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> or part thereof.

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

Sampling of VENM and ENM 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 <sup>3</sup> )
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof
Excavated Natural Material	(Refer Exemption)	

**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.

- (17) **Reuse or Placement of Remediated/Validated Fill Material or Soils** - Remediated/validated fill material or soils that are to be reused on site shall be placed, where practical, in the same location from where the contaminated material was originally excavated and below finished ground level.
- (18) **Remediation Action Plan** – All approved remediation works that include excavation, stockpiling, on-site and off-site disposal, cut, backfilling, compaction, monitoring,

validation, site management and security and work health and safety must be carried out in accordance with the approved remediation action titled 'Remedial Action Plan, 11 Ingleburn Road, Leppington, dated 29 November 2021, Report No: NE11291, prepared by Geotesta Pty Ltd,' except where amended by other conditions of this development consent.

Any variation to the approved remediation action plans will require this development consent to be modified or a separate development consent to be obtained.

- (19) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (20) **Unexpected Finds Contingency (Remediation)** – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (21) **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.
- (22) **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 a subdivision certificate(s) shall be made in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (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) **Incomplete Works Bond – Verge Works – The Swale Provided within Council Road Reserve is to be removed and re-instated at 4% Crossfall upon the development of Lot 13 DP1175345. The Culvert is also to be re-instated to remove the Grate and restore the area into Council's Verge any additional drainage system shall be removed to restore the verge works including the pedestrian Fencing. A Bond in accordance with Camden Council's Development Infrastructure Bonds Policy is to be provided.**
- (8) **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.
- (9) **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.
- (10) **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.
- (11) **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.

- (12) **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](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (13) **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).

- (14) **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 to drain water and drainage easement/s over overland flow paths;
- b) easement for on-site-detention;
- c) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
- d) easement for water quality facility;
- e) access denial to Ingleburn Road;
- f) restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level (the developer shall provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location);
- g) restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type;
- 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) 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;
- (15) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (16) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the principal certifier. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (17) **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.
- (18) **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.
- (19) **Stencilled Pit Lintels** – Pit lintels must be labelled with permanent stencilled signs in accordance with Council's current Engineering Design Specifications.
- (20) **Flood 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.

(21) **Validation Report** - A validation report endorsed by a certified contaminated land consultant shall be provided to the principal certifier within 30 days of completion of the remediation works, and prior to the issue of a Subdivision Certificate, which demonstrates:

- a) compliance with objectives of the approved RAP;
- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997* and State Environmental Planning Policy (Resilience and Hazards) 2021;

and includes:

- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- e) a “notice of completion of remediation work” as required by State Environmental Planning Policy (Resilience and Hazards) 2021; and
- f) a statement confirming that the site following remediation of contamination is suitable for the intended use.

(22) **Remediated Land Delineation** – A map that delineates the extent of the remediated land, as identified by the validation report required by this development consent, must be provided to Council for integration into Council’s mapping system. The map must be provided in digital GIS format (ESRI Shape, .dxf or .dwg) and the data projection coordinate must be in GDA94 / MGA Zone 56.

(23) **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.

(24) **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.

- (25) **Special Infrastructure Contribution** - A special infrastructure contribution (SIC) is to be made in accordance with the Environment Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

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

Alternatively, the applicant must obtain written confirmation from the Department of Planning and Environment that the SIC is not required to be paid for the approved development.

#### **More information**

A request for assessment by the Department of Planning and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au).

- (26) **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.

- (27) **Water Quality Facility 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 approved water quality facilities in accordance with Council's Development Infrastructure Bonds Policy.

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

- (28) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.

- (29) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge

areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.