



Land and Environment Court New South Wales

Case Name: **Ingleburn 143 Pty Ltd v Camden Council**

Medium Neutral Citation: [2021] NSWLEC 1557

Hearing Date(s): Conciliation conference on 21 July, 11 August and 2 September 2021

Date of Orders: 24 September 2021

Date of Decision: 24 September 2021

Jurisdiction: Class 1

Before: Espinosa C

Decision: The Court orders:

- (1) The applicant is to pay the respondent's costs thrown away under section 8.15(3) of the Environmental Planning and Assessment Act 1979 in the amount of \$7,000 within 28 days of the orders disposing of these proceedings.
- (2) The appeal in respect of the two properties known as Lot 11 in DP629130 and part of Lot 100 in DP1260283 at 143 and 149 Ingleburn Road, Leppington respectively, is upheld.
- (3) Development application No. DA2020/10521/1 for the remediation of contaminated land, subdivision of residue lots 48, 49 and 51 created in DA2019/947 (Lot 100/DP1260283) and land at Lot 11 DP629130 into 18 residential lots and one residue (SP2) lot, including the demolition of existing structures, earthworks, road construction, civil/drainage works, tree removal and associated works is approved subject to the conditions contained in Annexure "A".

Catchwords: DEVELOPMENT APPEAL – subdivision – conciliation conference – agreement between the parties – orders

Legislation Cited: Environmental Planning and Assessment Act 1979, ss 4.16, 8.7

Land and Environment Court Act 1979, s 34
National Parks and Wildlife Act 1974, s 90
Rural Fires Act 1997
State Environmental Planning Policy (Sydney Region
Growth Centres) 2006, Appendix 9
State Environmental Planning Policy No 55—
Remediation of Land, cl 7
Sydney Regional Environmental Plan No 20—
Hawkesbury-Nepean River (No 2—1997), cll 5, 6, 8,
11

Texts Cited: Camden Growth Centre Precincts Development
Control Plan 2013

Category: Principal judgment

Parties: Ingleburn 143 Pty Ltd (Applicant)
Camden Council (Respondent)

Representation: Counsel:
S Kondilios (Solicitor) (Applicant)
C Campbell (Solicitor) (Respondent)

Solicitors:
Hall & Wilcox (Applicant)
Sparke Helmore Lawyers (Respondent)

File Number(s): 2021/131346

Publication Restriction: No

JUDGMENT

- 1 **COMMISSIONER:** This is a Class 1 Development Appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act) being an appeal against the refusal of a development application DA 2020/10521/1 seeking development consent for the remediation of contaminated land, subdivision of residue lots 48, 49 and 51 created in DA2019/947 (Lot 100/DP1260283) and land at Lot 11 DP629130 into 18 residential lots and one residue (SP2) lot, including the demolition of existing structures, earthworks, road construction, civil/drainage works, tree removal and associated works (the Proposed Development) in respect of the land known as Lot 11 in DP629130 and part of Lot 100 in DP1260283 at 143 and 149 Ingleburn Road, Leppington (the Site).
- 2 The Court arranged a conciliation conference under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act) between the parties, which has been held on 21 July, 11 August and 2 September 2021. I presided over the conciliation conference.
- 3 At the conciliation conference, the parties reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties. This decision involved the Court upholding the appeal and granting development consent to the development application subject to conditions.
- 4 Under s 34(3) of the LEC Act, I must dispose of the proceedings in accordance with the parties' decision if the parties' decision is a decision that the Court could have made in the proper exercise of its functions. The parties' decision involves the Court exercising the function under s 4.16 of the EPA Act to grant consent to the development application. There are jurisdictional prerequisites that must be satisfied before this function can be exercised. The parties identified the jurisdictional prerequisites of relevance in these proceedings and the parties explained how the jurisdictional prerequisites have been satisfied in an agreed statement of jurisdictional requirements.

5 The parties are satisfied that the following jurisdictional prerequisites are satisfied for the following reasons:

- (1) The Development Application was made with the consent of the respective land owners of 143 and 149 Ingleburn Road, Joseph Stant and Ray Nolan on behalf of TC (Tallwoods) Pty Ltd.
- (2) The Site is zoned R3 Medium Density Residential and SP2 Infrastructure - Local Drainage pursuant to Appendix 9 to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, being the Camden Growth Centres Precinct Plan (Precinct Plan).
- (3) The subdivision of land is permitted with development consent pursuant to clause 2.6 of the Precinct Plan.
- (4) The demolition of existing buildings or works is permitted with development consent pursuant to clause 2.7 of the Precinct Plan. Land uses that are permitted with consent in zone R3 Medium Density Residential include “roads”, “earthworks and “drainage”.
- (5) The development has been assessed against the relevant provisions of the Precinct Plan. The development achieves the aims and objectives of the Precinct Plan, including the objectives of the R3 Medium Density Residential zoning of the Site.
- (6) The development will contain sufficient building envelopes to enable the erection of a dwelling house on the proposed lot in accordance with clause 4.1AA of the Precinct Plan.
- (7) The development proposes a density of 25 dwellings per hectare, thereby complying with the minimum residential density requirements under clause 4.1B of the Precinct Plan.

- (8) The development seeks consent for the removal of trees pursuant to clause 5.9 of the Precinct Plan.
- (9) Council is satisfied on the prescribed matters in relation to the proposed removal and disturbance of native vegetation pursuant to clause 6.2 of the Precinct Plan.
- (10) The Applicant has satisfied the requirements of clause 6.1 of the Precinct Plan in respect of adequate arrangements for public utility infrastructure, having obtained:
 - (a) a Connection Offer from Endeavour Energy on 12 April 2021; and
 - (b) a Notice of Requirements from Sydney Water on 25 August 2021.
- (11) The Development Application was notified and advertised from 14 January 2021 until 10 February 2021. No submissions were received by Council.
- (12) A bushfire safety authority under section 100B of the *Rural Fires Act 1997* was issued by the NSW Rural Fire Service on 12 August 2021.
- (13) Heritage NSW has confirmed there are no known Aboriginal objects on the Site, therefore consent is not required under clause 5.10 of the Precinct Plan. Heritage NSW has confirmed there are no known Aboriginal objects within the area proposed for impact by the development. Accordingly, the development is not an integrated development. An Aboriginal Heritage Impact Statement Permit under s 90 of the *National Parks and Wildlife Act 1974* is therefore not required.
- (14) A Remediation Action Plan dated 21 January 2021 has been prepared and demonstrates that the identified contaminated land issues can be addressed, such that the Site can be rendered compatible with the

proposed residential development as required by cl 7 the State Environmental Planning Policy No 55—Remediation of Land.

- (15) Remediation of contaminated land requires consent under cl 11(4) of the Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). Council is satisfied the development meets the requirements of cll 5, 6 and 8 of the Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997).
 - (16) The development has been assessed against the provisions of the Camden Growth Centre Precincts Development Control Plan 2013 (DCP). It achieves the objectives of the controls contained within the DCP. The development is considered acceptable with respect to the DCP.
- 6 I am satisfied that the parties' decision is one that the Court could have made in the proper exercise of its functions, as required by s 34(3) of the LEC Act and I adopt the reasons given by the parties.
- 7 As the parties' decision is a decision that the Court could have made in the proper exercise of its functions, I am required under s 34(3) of the LEC Act to dispose of the proceedings in accordance with the parties' decision.
- 8 The Court orders:
- (1) The applicant is to pay the respondent's costs thrown away under section 8.15(3) of the *Environmental Planning and Assessment Act 1979* in the amount of \$7,000 within 28 days of the orders disposing of these proceedings.
 - (2) The appeal in respect of the two properties known as Lot 11 in DP629130 and part of Lot 100 in DP1260283 at 143 and 149 Ingleburn Road, Leppington respectively, is upheld.

- (3) Development application No. DA2020/10521/1 for the remediation of contaminated land, subdivision of residue lots 48, 49 and 51 created in DA2019/947 (Lot 100/DP1260283) and land at Lot 11 DP629130 into 18 residential lots and one residue (SP2) lot, including the demolition of existing structures, earthworks, road construction, civil/drainage works, tree removal and associated works is approved subject to the conditions contained in Annexure "A".

I certify that this and the preceding 4 pages are a true copy of my reasons for judgment.



E Espinosa

Commissioner of the Court

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA2020/10521/1

Development: Remediation of contaminated land, subdivision of residue lots 48, 49 and 51 created in DA2019/947 (Lot 100/DP1260283) and land at Lot 11 DP629130 into 18 residential lots and one residue (SP2) lot, including the demolition of existing structures, earthworks, road construction, civil/drainage works, tree removal and associated works

Site: Lot 11 in DP629130 and part of Lot 100 in DP1260283 at 143 and 149 Ingleburn Road, Leppington

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

Date of determination: 24 September 2021.

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 11 in DP629130 and part of Lot 100 in DP1260283 at 143 and 149 Ingleburn Road, Leppington.

The conditions of consent are as follows:

1.0 - General Conditions of Consent

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

- (1) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. **New South Wales Rural Fire Service correspondence DA20210504001775-original-1, dated 12th August 2021.**

Asset Protection Zones.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the site with the exception of the area identified to be managed in the document *Vegetation management plan for 143 Ingleburn Road, Leppington, prepared by Eco Logical Australia, Ref: 21HNG-19434, dated 16 July 2021* must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:
 - Tree canopy cover should be less than 15% at maturity;
 - Trees at maturity should not touch or overhang the building;
 - Lower limbs should be removed up to a height of 2m above the ground;
 - Tree canopies should be separated by 2 to 5m;
 - Preference should be given to smooth barked and evergreen trees;
 - Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - Shrubs should not be located under trees;
 - Shrubs should not form more than 10% ground cover; and
 - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
 - Leaves and vegetation debris should be removed.
2. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a suitable mechanism, such as an instrument pursuant to Section 88 of the *Conveyancing Act, 1919*, must be in place over the proposed detention basin to ensure its ongoing management as an Inner Protection Area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
 - Tree canopy cover should be less than 15% at maturity;
 - Trees at maturity should not touch or overhang the building;
 - Lower limbs should be removed up to a height of 2m above the ground;
 - Tree canopies should be separated by 2 to 5m;

- Preference should be given to smooth barked and evergreen trees;
- Large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover; and
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

The name of authority empowered to release, vary or modify any instrument shall be Camden City Council.

Access – Public Roads

3. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
 - Traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - All roads are through roads;
 - Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
 - Where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternative point on the existing public road system;
 - One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
 - The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
 - Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
 - Hydrants are provided in accordance with the relevant clauses of AS 2419.1.2005 – *Fire Hydrant installations System design, installation and commissioning*; and
 - There is suitable access for a category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.
4. Perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
 - Are two-way sealed roads;
 - Minimum 8m carriageway width kerb to kerb;
 - Parking is provided outside of the carriageway width;

- Hydrants are located clear of parking areas;
 - Are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - Curves of roads have a minimum inner radius of 6m;
 - The maximum grade is 15 degrees and average grade of not more than 10 degrees;
 - The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- Minimum 5.5m carriageway width kerb to kerb;
 - Parking is provided outside of the carriageway width;
 - Hydrants are located clear of parking areas;
 - Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - Curves of roads have a minimum inner radius of 6m;
 - The road crossfall does not exceed 3 degrees; and
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
6. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Water and Utility Services

7. The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
- Reticulated water is to be provided to the development where available;
 - Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
 - Hydrants are not located within any road carriageway;
 - Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
 - All above-ground water service pipes are metal, including and up to any taps;
 - Where practicable, electrical transmission lines are proposed as follows:
 - a) Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
 - Reticulated or bottled gas is installed and maintained in accordance with AS/NCS 1596:2014 and the requirements of relevant authorities, and metal piping is used;

- Reticulated or bottled gas is installed and maintained with AS/NCS 1596:2014 – *The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- Above-ground gas service pipes are metal, including and up to any outlets.

2. **Heritage NSW correspondence DOC21/315078-14, dated 5th August 2021**

- No Aboriginal objects may be harmed without an approval from Heritage NSW.
- Temporary fencing and/or visual markers must be installed along the approved impact area.
- A Heritage Management Plan is to be prepared and incorporated into the Construction Environmental Management Plan to ensure against inadvertent impacts to Aboriginal cultural heritage values adjacent to the development.
- If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the applicant must:
 - Not further harm the object(s);
 - Immediately cease all work at the particular location;
 - Secure the area so as to avoid further harm to the Aboriginal object(s);
 - Notify Heritage NSW as soon as practical by calling 131 555 or emailing info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location; and
 - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

3. **Natural Resources Access Regulator correspondence S961135900, dated 4 June 2021.**

Design of works and structures – Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained for a controlled activity approval under the Water Management Act, 2000.

Erosion and sediment controls – The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.

A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or

iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

Plans, standards and guidelines – A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Officer, must be notified in writing to determine if any variations to the GTA will be required.

The Application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan.

Rehabilitation and maintenance – Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

- (2) **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
Sheet 1 Rev H	Subdivision Plan – Stage 0	Group Development Services	02/09/2021
Sheet 1 Rev H	Subdivision Plan – Stage 1	Group Development Services	02/09/2021
Sheet 2 Rev H	Subdivision Plan – Stage 2	Group Development Services	02/09/2021
Sheet 4 Rev H	Subdivision Plan	Group Development Services	02/09/2021
200 Rev E	Road Layout Plan	Group Development Services	02/09/2021
201 Rev E	Road Longitudinal Section	Group Development Services	02/09/2021
202 Rev E	Road Cross Sections – Sheet 1	Group Development Services	02/09/2021

203 Rev E	Road Cross Sections – Sheet 2	Group Development Services	02/09/2021
204 Rev E	Ingleburn Road Longitudinal Section and Cross Sections	Group Development Services	02/09/2021
205 Rev E	Kerb Returns – Sheet 1	Group Development Services	02/09/2021
206 Rev E	Kerb Returns – Sheet 2	Group Development Services	02/09/2021
207 Rev E	Ingleburn Road Plan of Transition/Taper and Vehicle Turning Movements	Group Development Services	02/09/2021
300 Rev E	Stormwater Drainage Plan	Group Development Services	02/09/2021
301 Rev E	Stormwater Catchment Plan	Group Development Services	02/09/2021
302 Rev E	Stormwater Calculations	Group Development Services	02/09/2021
303 Rev E	Stormwater Longitudinal Sections	Group Development Services	02/09/2021
304 Rev E	Onsite detention plan and details	Group Development Services	02/09/2021
305 Rev E	Onsite detention sections – Sheet 1	Group Development Services	02/09/2021
306 Rev E	Onsite detention sections – Sheet 2	Group Development Services	02/09/2021
307 Rev E	Onsite detention sections – Sheet 3	Group Development Services	02/09/2021
400 Rev F	Bulk Earthworks Plan	Group Development Services	02/09/2021
401 Rev F	Bulk Earthworks Plan – Flood Areas	Group Development Services	02/09/2021
500 Rev E	Public Domain Plan	Group Development Services	02/09/2021
501 Rev E	Tree Protection and Planting Details	Group Development Services	02/09/2021

600 Rev E	Tree removal plan	Group Development Services	02/09/2021
601 Rev E	Demolition Plan	Group Development Services	02/09/2021
700 Rev E	Soil and water management plan	Group Development Services	02/09/2021
701 Rev E	Soil and water management details	Group Development Services	02/09/2021

Document Title	Prepared by	Date
Concept stormwater and water quality management report – Proposed subdivision of 143 Ingleburn Road, Leppington NSW Lot 100 DP1260283 and Lot 11 DP629130 – Version 4	Group Development Services	02/09/2021
Vegetation Management Plant for 143 Ingleburn Road, Ingleburn – 21HNG-19434	Ecological Australia	16/07/2021
Bushfire Protection Assessment – Subdivision – 143 Ingleburn Road, Leppington Version 2	Ecological Australia	23/06/2021
Aboriginal Cultural Heritage Assessment NTSFI for 143 Ingleburn Road, Leppington Ref:2102	Austral Archaeology	15/07/2021
Aboriginal Cultural Heritage Assessment Project No. 2102 Version 3	Austral Archaeology	15/07/2021
Report on Detailed Site Investigation – Proposed Residential Development 143 and 149 Ingleburn Road, Leppington – Project 99158.00 Revision O	Douglas Partners	17/12/2020
Report on Remedial Action Plan – Proposed Residential Development 143 and 149 Ingleburn Road, Leppington – Project 99158.00 Revision O	Douglas Partners	21/1/2021
Noise Impact Assessment – 0782-AC-01-A	Broadcrest Consulting Pty Ltd	2/09/2021
Waste Management Plan	Group Development Services	

(3) **Modified Documents and Plans** – The development shall be modified as follows:

- a) The long-section of Road no.7 shall be revised so that both the design and existing levels are consistent with the levels in approved plans of DA/2019/947/1.
- b) The cross sections diagrams are to clearly show the retaining wall along the rear of Lots 101 to 114, and a long section diagram of this retaining wall shall be provided.
- c) The GPT upstream of the basin inlet shall be provided for this development and prior to issue of the Subdivision Works Certificate.
- d) Drawing no. 306, section B, right hand side, the top of basin shall be set the same or higher than the overflow weir level of 81.6m.
- e) Drawing no. 306, the surface grade of the basin floor shall be a minimum 1% grade between chainages 25.0m and 54.5m.

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

(4) **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.

(5) **Demolition of Temporary Turning Head(s)/Temporary Roads(s)** – The demolition of temporary turning head(s)/temporary road(s) will require sufficient excavation of all pavement materials (including all residue pavement materials) so that no contamination from these roads remains on site. Further, any soils adjoining these roads/turning heads potentially affected by residue pavement material or contaminated run-off must be inspected and removed where they are considered to be affected or contaminated.

Contaminated pavement material and soils are to be waste classified for either disposal to a licensed landfill or assessed for possible reuse under a NSW Environment Protection Authority Resource Recovery Order or Exemption.

A certified contaminated land consultant must inspect the site post-excavation and confirm in writing that they are satisfied (which may include the need for testing) that no residual contamination from the temporary turning head(s)/temporary road(s) remains on the land. The written confirmation must be provided to the principal certifier prior to the issue of a Subdivision Certificate for the approved lots thereon, prior to the release of any bond held for the demolition works.

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

- (7) **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.

- (8) **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).

- (9) **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.

- (10) **Construction of Permanent Water Quality Facilities** - Permanent 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.

- (11) **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.

- (12) **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.

- (13) **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.

- (14) **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.

- (15) **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*.

- (16) **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.
- (17) **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) **Staging of Construction Works** - The development is to be completed in stages in accordance with the approved Staging Plan/s Stage 0, Revision H, prepared by Group Development Services, dated 2/09/2021, Stage 1, Revision H, prepared by Group Development Services, dated 2/09/2021 and Stage 2, Revision h, prepared by Group Development Services, dated 2/09/2021.

One Subdivision Works Certificate may be issued for all stages, or a single Subdivision Works Certificate may be issued with respect to each stage or a combination of stages.

- (2) **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.

- (3) **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.
- (4) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (5) **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 certifier prior to issue of a Construction Certificate.

- (6) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be designed and certified by a suitably qualified structural engineer;
- b) retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
- c) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries.
- d) retaining walls shall not be erected within drainage easements; and
- e) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

- (7) **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.

- (8) **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.

- (9) **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.

- (10) **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.

- (11) **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.

- (12) **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.

- (13) **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*.

- (14) **Validation Report** - A validation report endorsed by a certified contaminated land consultant shall be provided to the certifier and Council within 30 days following completion of the remediation works, which demonstrates:

- a) compliance with the approved RAP;
- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;

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 under Clause 18 of SEPP 55; and
- f) statement confirming that the site following remediation of contamination is suitable for the intended use.

- (15) **Flood Planning Level Delineation** – The construction plans must clearly delineate the extent of the flood planning level in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. The flood planning level is defined in Council's Flood Risk Management Policy.

- (16) **Construction Certificate for Civil Engineering Works – Inter-Allotment Drainage** - The following information shall be provided to the certifier with the Subdivision Works Certificate application.

- a stormwater plan designed by a suitably qualified civil/hydraulic engineer that includes a new pit and pipe to be constructed within an existing or proposed drainage easement benefitting lots 115, 202 and 203. The plan is to include details of the pit construction, connections to the pit and the drainage lines to the pit end, and
- a design certificate from the suitably qualified civil/hydraulic engineer that the stormwater plan complies with all relevant aspects of Council's Engineering Specifications and AS 3500.3 and that it will not adversely impact upon the drainage capability of the existing stormwater system within the drainage easement.

Note. Proposed drainage easements must be indicated on the stormwater plan and the plan of subdivision lodged with the Subdivision Certificate.

- (17) **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 not positioned within 10m of road intersections, beneath street lighting or adjacent to stormwater inlets.
2. Street trees positioned as close as possible to align with property boundaries at approximate 10m centres.
3. Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 - Tree Stock or Landscape Use.
4. 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.
5. Street trees centred within planting bays and no closer than 500mm to the back of the kerb.

- (18) **Detailed Landscape Plan (On-site Detention Basin)** – A detailed landscape plan must be prepared for the on-site detention basin to be utilised as a water quality facility. The landscape plan shall utilise endemic mesic species.

Details demonstrating compliance must be provided to the certifier.

- (19) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

- a) the RFS' Bush Fire Safety Authority for the DA (correspondence DA20210504001775-original-1, dated 12th August 2021); and
- b) the bush fire report provided with the DA (Bushfire Protection Assessment – Subdivision – 143 Ingleburn Road, Leppington Version 2, prepared by Ecological Australia, dated 23/06/2021); and
- c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."

- (20) **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.

- (21) **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.

- (22) **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) **Controlled Activity Approval** – The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.
- (2) **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.

- (3) **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; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (4) **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.
- (5) **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.
- (6) **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.
- (7) **Site is to be Secured** - The site shall be secured and fenced.
- (8) **Demolition Work** - Consent is granted for the demolition of two detached dwelling houses, a swimming pool, several outbuildings and a horse round yard currently existing on the properties, 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.
- (9) **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 to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **Hazardous Building Materials Assessment** - A hazardous building material assessment shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the principal certifier and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (14) **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.
- (15) **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.
- (16) **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.
- (17) **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.

- (18) **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.
- (19) **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 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) **Finished Ground Level** - The land has been identified as being affected by the 1:100 year flood (1% AEP). The finished ground level of the site shall be a minimum level of RL82.1 metres AHD in accordance with the approved plans.

(5) **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.

(6) **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.

- (7) **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.
- (8) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (9) **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.
- (10) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (11) **Vegetation Management Plan** - A monitoring report on the progress of the implementation of the vegetation management plan shall be provided to Council upon completion of the primary planting and then at 6 monthly intervals until the end of the 2 year minimum maintenance period, or as otherwise specified in the approved VMP. A final report shall be provided to Council upon completion of the maintenance period.
- (12) **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.
- (13) **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.
- (14) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.
- (15) **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.

- (16) **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.
- (17) **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.
- (18) **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.
- (19) **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.

- (20) **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.
- (21) **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).

- (22) **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
- (23) **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.
- (24) **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 Report on Remedial Action Plan – Proposed residential development 143 and 149 Ingleburn Road, Leppington, project 99158.00 dated January 2021, prepared by Douglas Partners, 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.
- (25) **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.
- (26) **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.
- (27) **Remediation Works Inspections** – A certified contaminated land consultant must frequently inspect the remediation works to confirm compliance with the remediation action plan including all health and safety requirements.
- (28) **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.
- (29) **Salinity Management** – All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with Section 3, Appendix B – Salinity Management Guidelines, of the Camden Growth Centre Precincts Development Control Plan 2016.
- (30) **Acoustic Boundary Fence** – A 1.8m high acoustic rated boundary fence is required for the common rear boundaries of lots 101-110, as indicated within Appendix A 'drawing no. 0782-AC02' Appendix A6 – façade treatment with yard fence location requirement contained within the 'Noise Impact Assessment 143 Ingleburn Road, Leppington, prepared by Broadcrest Consulting Pty Ltd, May 2021.'

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 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 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) **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.

- (12) **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).

- (13) **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) easement for water quality facility;
- e) retaining wall, positive covenant, and restriction to user;
- f) access denial for Lots 101 and 102 to Ingleburn Road;
- g) 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;
- h) restriction as to user creating an easement for support and maintenance 900mm wide adjacent to the "zero" lot line wall;
- i) 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;
- j) **Construction Requirements, window and Door treatments, Internal Noise Levels** – For lots 101 and 102 construction requirements and window, door and floor treatments are to be consistent with "Section 8 – Noise Control Recommendations" and "Table 8.1 and 8.2 contained within the "Noise Impact Assessment" 143 Ingleburn Road, Leppington prepared by Broadcrest Consulting Pty Ltd May 2021. For the above lots, the internal noise levels contained within the current Camden Growth Centre Precincts DCP must be achieved for each dwelling. Compliance with the above is to be demonstrated for each dwelling application.
- k) **Alternative Ventilation for Habitable Rooms** - For lots 101 and 102, all facades identified in the report may require windows to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.
- l) **Acoustic Fences Between Dwellings** – a 1.8 metre high acoustic rated fence is required on the boundary "between residential dwellings" for lots 101-102. The fence/s should be located as illustrated in Appendix A "drawing no. 0782-AC-02" Appendix A6- Façade treatment with yard fence location requirement contained within the "Noise Impact Assessment" 143 Ingleburn Road, Leppington prepared by Broadcrest Consulting Pty Ltd May 2021.
- m) **Acoustic Boundary Fence**– a 1.8 metre high acoustic rated boundary fence is required for the common rear boundaries of lots 101-110, as indicated Appendix A "drawing no. 0782-AC-02" Appendix A6- Façade treatment with yard fence

location requirement contained within the "Noise Impact Assessment" 143 Ingleburn Road, Leppington prepared by Broadcrest Consulting Pty Ltd May 2021.

- n) **Salinity Management Plan** – For all lots, all proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within Section 3, Appendix B - Salinity Management Guidelines, of the Camden Growth Centre Precincts Development Control Plan 2016.

(14) **Terms of the Positive Covenant for the On-Site Detention and Water Quality Facility** – The terms for covenant shall be:

The registered proprietor(s) of the burdened lots covenant with the Council that they will maintain and repair the structure and works in the land in accordance with the following terms and conditions:

- I. The registered proprietor(s) will:
 - (a) Keep the structure and works clean and free from silt, rubbish and debris;
 - (b) Maintain and repair at the sole expense of the registered proprietor(s) the whole of structure and works so that it functions in a safe and efficient manner.
- II. For the purpose of ensuring observance of the covenant the Council may by its servants or agents at any reasonable time of the day upon giving to the person against whom the covenant is enforceable not less than two days notice (but at any time without notice in the case of an emergency) enter the land and view the condition of the land and the state of construction maintenance or repair of the structure and works on the land.
- III. By written notice the Council may require the registered proprietor(s) to attend to any matter and to carry out such work within such time as the Council may require to ensure the proper and efficient performance of the structure and works and to that extent section 88F(2)(a) of the Act is hereby agreed to be amended accordingly.
- IV. Pursuant to section 88F(3) of the Act the authority shall have the following additional powers pursuant to this covenant:
 - a) In the event that the registered proprietor(s) fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorized agents may enter the land with all necessary equipment and carry out and work which the Council in its discretion considers reasonable to comply with the said notice referred to in III herof;
 - b) The Council may recover from the registered proprietor(s) in a Court of competent jurisdiction:
 - i) Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's own employees engaged in effecting the said work, supervising the said work and administering the said work together with costs, reasonably estimated by the Council, for the use of machinery, tools and equipment in conjunction with the said work;
 - ii) Legal costs on an indemnity basis for issue of the said notice and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act, or providing any certificate required pursuant to section 88G of the Act, or obtaining any injunction pursuant to section 88H of the Act

- V. This covenant shall bind all persons who claim under the registered proprietor(s) as stipulated in section 88E(5) of the Act.
For the purpose of this covenant:

Structure and works shall mean the stormwater drainage system constructed on the land including all roof gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins, and surface designed to control stormwater on the land.

Name of Authority Empowered to Release, Vary or Modify the Terms of Positive Covenant

Camden City Council

- (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 the 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 as follows:

- 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 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. The flood planning level is defined in Council's Flood Risk Management Policy.

An updated flood map that delineates the extent of the flood planning level and that is based upon the final completed subdivision layout must be provided to Council for integration into Council's mapping system. The updated flood map must be provided as a separate layer in .dxf or .dwg format and show the flood planning level, PMF, 1% and 5% AEP levels.

- (21) **Certificate from Occupational Hygienist** - A Certificate from an occupational hygienist shall be provided to the principal certifier certifying that the site is free of hazardous building materials/ asbestos.
- (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 DPIE that the SIC is not required to be paid for the approved development.

More information

A request for assessment by the Department of Planning, Industry 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.

- (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) **Section 7.11 Contributions – Monetary (Leppington Precinct)** - 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 Growth Areas Contributions Plan (Leppington Precinct (LP)) - Essential Infrastructure	<i>Open Space & Recreation - Land</i>	\$18,396 per lot or dwelling	\$312,732.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	<i>Open Space & Recreation - Works</i>	\$6,208 per lot or dwelling	\$106,335.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Community Facilities Land	\$809 per lot or dwelling	\$13,753.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Roads Land	\$44,341 per net developable hectare	\$32,103.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Roads Works	\$245,656 per net developable hectare	\$179,206.00
	Drainage Land	\$293,006	\$212,136.00

Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure		per net developable hectare	
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Drainage Works	\$134,229	
		per net developable hectare	\$97,920.00
Camden Growth Areas Contributions Plan (LP) - Essential Infrastructure	Plan Administration Allowance	\$7,824	
		per net developable hectare	\$5,707.00
TOTAL CONTRIBUTIONS - ESSENTIAL INFRASTRUCTURE			\$959,892.00
<p>A copy of the Camden Growth Areas 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.</p> <p>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.</p>			

- (29) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (30) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (31) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.

New condition – During Works

- (31) **Acoustic Boundary Fence** – A 2.1m high timber lapped and capped acoustic fence is required for the full length of the northern property boundaries adjoining Ingleburn Road for Lots 101 and 102.

New condition – Prior to issue of a Subdivision Certificate

- (13)(n) **Acoustic Boundary Fence** - A 2.1m high timber lapped and capped acoustic fence is required for the full length of the northern property boundaries adjoining Ingleburn Road for Lots 101 and 102.