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Greenfields Development Company No.2 Pty Limited
5 Peter Brock Dr
ORAN PARK NSW 2570

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION No. 440/2014

Issued under Section 81 (1) (a) of the
Environmental Planning and Assessment Act, 1979
(For privacy reasons, the applicant's details only appear in the notice)

LAND TO BE DEVELOPED: 351, 355, B and D Oran Park Drive and
400 The Northern Road, ORAN PARK
LOT: 9012 DP: 1175454, LOT: 9027 DP:
1189904, LOT: 9015 DP: 1178579, LOT:
991 DP: 1149179, Part LOT 5333 DP:
1174055

PROPOSED DEVELOPMENT: Subdivision to create 6 community title
lots, 1 residue lot, construction of roads
and associated site works

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES: 1 December 2014

DATE THE CONSENT EXPIRES: 1 December 2019
(unless works commenced)

DATE OF THIS DECISION: 14 November 2014

INFORMATION ATTACHED TO THIS DECISION:

- Advice listed in Attachment A.
- Bush Fire Safety Authority from the NSW Rural Fire Service dated 10 July 2014.



DA No.: 440/2014

Property: 351, 355, B and D Oran Park Drive and 400 The Northern Road, ORAN PARK

Proposal Description: Subdivision to create 6 community title lots, 1 residue lot, construction of roads and associated site works

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- subdivision to create of 6 community title lots to accommodate a range of future retail, commercial, residential, civic and open space development associated with the town centre. These lots will range in area from 1,783m² to 24.2ha;
- creation of 1 residue lot;
- construction of new public roads; and
- associated site works including earthworks, temporary drainage facilities and landscaping.

Details of Conditions:

1.0 - General Requirements

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Plan No: GDCOP-3-003 Rev L	Town Centre Subdivision Plan	Development Planning Strategies	20 October 2014
04320(TC)CP(Issue A)	Subdivision of Lot 991 in DP 1149179 and Lot 9012 in DP 1175454 and Lot 9035 DP (unreg)	Paul Michael Daly	-
Project No. L06002.128 Rev 3	Engineering Plans	Brown Consulting	14 October 2014



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Drawing No. 000-002, 101-103, 201-204, 701-702 and 801-802			
Oran Park Town Tranche 20-Stage 1 Phase 1 Landscape Works Drawing No. L00-L04 Rev B	Landscaping Plan	JMD Design	8 September 2014
Statement of Environmental Effects – Oran Park Town Centre – Stage 1 Subdivision	Statement of Environmental Effects	Development Planning Strategies	June 2014
L06002.128W Rev D	Stormwater Management Strategy Tranche 20, Stage 1	Brown Consulting	October 2014

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works and street tree installation.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all street tree installations.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -

- (a) Camden Council's current Engineering Specifications, and
- (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by Camden Council prior to the issue of any Construction Certificate

- (4) **Noxious Weeds** -

- (a) That the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
- (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.
- (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision, and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

- (5) **Amendments to Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

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- (a) The stratum subdivision above the southern end of proposed road TC01 is to be deleted from the plans. No approval is given for the stratum subdivision.
 - (b) The engineering plans and landscape plans are to be amended to include a 2.5m cycleway/shareway on one side of Road TC07.
 - (c) The engineering plans and landscape plans are to be amended to include a pathway on the eastern side of Road TC01 with a minimum width of 2.5m and a pathway on the western side of TC01 with a minimum width of 2.1m.
 - (d) Plans are to be amended to include bike parking generally in accordance with the locations specified in the Public Domain Manual of the Oran Park Town Centre DCP.
 - (e) Landscape plans are to be amended to replace the Brushbox along road TC01 with Tukeroo's in accordance with the Public Domain Manual of the Oran Park Town Centre DCP.
 - (f) Section A – Collector Road with North-South Promenade on Drawing No. L04 Rev B Landscape Plan is to be deleted.
- (6) **Compliance with the Public Domain Manual** – Prior to the issue of the Construction Certificate, plans are to be submitted for approval to the Principal Certifying Authority, which demonstrate compliance with the approved plans (listed in Condition 1.0) and general compliance with the Public Domain Manual of the Oran Park Town Centre DCP.
- (7) **Delivery of Paths** – The following paths, as shown in the approved engineering plans *Project No. L06002.128 Rev 3 Drawing No. 000-002, 101-103, 201-204, 701-702 and 801-802 prepared by Brown Consulting dated 14 October 2014*, are to be delivered as part of this development: paths on the eastern and western side of road TC01, road TC03 and South Circuit and paths on the northern and southern side of road TC07 and TC05.

2.0 - Construction Certificate Requirements

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

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- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
- (b) all matters associated with Occupational Health and Safety;
- (c) all matters associated with Traffic Management/Control; and
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.



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- (4) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of 10% of the value of works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
 - (5) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
 - (6) **Traffic management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 2009 and to the requirements and approval of Council. Plans and proposals must be approved by Council prior to the Construction Certificate being issued.
 - (7) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site as per the *Stormwater Management Strategy Tranche 20 Stage 1 by Brown Consulting, dated October 2014*. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
 - (8) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
 - (9) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
 - (10) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.
 - (11) **Design of "Construction" On-site Detention/Sediment Control Basin** -

The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:

- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
- (b) Camden Council's current Engineering Design Specification,
- (c) and must not concentrate final discharge flows from the facility.

The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.

The design must be prepared and certified by an Accredited Certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

3.0 - Prior To Works Commencing

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

- (1) **Construction Certificate before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (3) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

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

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

Sedimentation and erosion control measures are to be installed prior to any soil excavation activity and maintained for the full period of works.

- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (5) **Toilet Facilities** - Toilet facilities must be provided at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.



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- (6) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (i.e. Camden Council). An application must be lodged with the Construction Certificate and approved by Council prior to the erection of any hoarding or fence.

Note 1 No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

Note 2 Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3 All demolition works must comply with the requirements of AS 2601 - 1991

- (7) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

4.0 - During Construction

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

- (1) **Street and Road Median trees, their tree root barrier guards, protective guards and bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised that any nature strip or road median trees, their tree guards, protective bollards, garden bed surrounds or root barrier installations which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
- (a) During any earthworks and development works, any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

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- (b) During the 12 month maintenance and establishment period, any street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
- (c) At the completion of the 12 month landscaping maintenance and establishment period, all street tree protective guards and bollards must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth
- (2) **Construction Work Hours** - All such work must be restricted to the following hours:
- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive);
- b) between 8.00am to 5.00pm on Saturdays,
- Work is prohibited on Sundays and Public Holidays.
- (3) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of construction processes all construction works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines / NEMP 2013. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination / hazardous materials. Compliance with Council's Management of Contaminated Lands Policy will be required if remediation is required.
- (4) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, 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 the Salinity Management Plan/s within the reports titled:
- *Report on Salinity Investigation and Management Plan: Part Tranches 25, 26 and 27 Oran Park NSW, Prepared by Douglas Partners, Project No 76618.15, Dated August 2014."*

- *Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011."*
- *Salinity Assessment Report Tranche 20 Oran Park Precinct, Prepared by Ground Technologies, Ref GT1636a, Dated January 2012."*
- *Report on Salinity Management Plan: Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Prepared by Douglas Partners, Project No 34272.91, Dated March 2014."*

- (5) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 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:

The L10 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).

- (6) **Location of Stockpiles** - Stockpiles of soil should 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 materials shall be suitably covered to prevent dust.
- (7) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the

development application, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operations Act 1997.

- (8) **Offensive Noise, Dust, Odour, Vibration** - Bulk earthworks work shall not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.
- (9) **Storage & Water Quality Controls** – Prior to the establishment of stockpile and compound sites, temporary stormwater and water quality control devices and sediment controls must be implemented.
- (10) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:
 - (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
 - (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site,
 - (ii) fully traverse the Stabilised Access Point (SAP).
- (11) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council’s current Engineering Construction Specifications. The applicant’s 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 3798-1990.
- (12) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and



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- (b) be endorsed by a practising Engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (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,
- (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 should be undertaken in accordance with the following table:

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

- (13) **Additional Salinity Investigations** – Where development involves excavation deeper than 3 metres or into rock (at shallower depth) where direct sampling and testing of salinity has not been carried out, then additional soil and ground water investigations must be undertaken by deep test pitting and /or drilling. Such investigations must test soil and (potentially) water for: pH, electrical conductivity, resistivity TDS, sodicity, sulphates and chlorides. Where results indicate a change in salinity outcomes when compared to the approved Salinity Management Plan (in this consent) a modified plan must be submitted to the PCA for approval and a copy of the modified plan provided to the consent authority for updated Section 149 certificate notation. Where a modified plan is required a new 88B restriction will be required to reference the plan on all lots affected by the plan.
- (14) **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.
- (15) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.

5.0 - Subdivision Certificate

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

- (1) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (2) **Voluntary Planning Agreement (VPA)** – The development shall be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields



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Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd and Landcom, pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, dated 22 September 2011.

- (3) **Special Infrastructure Contribution** – Prior to the issue of any Subdivision Certificate, the applicant must submit to the consent authority written evidence from Planning and Environment that a special infrastructure contribution has been made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Planning and Environment's website: www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx

- (4) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

- (5) **Green Link Bond** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the



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construction of a Green Link within the Road Reserve of TC01 (Central Avenue), adjoining Lot 5.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 110% of the value of the works for the construction of the Green Link. The estimated cost of such work is to be determined by a suitably qualified Quantity Surveyor, based on the construction of the Green link in accordance with the Oran Park Town Public Domain Manual in Part B1 of the Oran Park Development Control Plan, or an approved DA for the Green Link embellishment.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

(a) the work has been completed to the requirements of Camden Council, and/or

(b) where applicable a suitable replacement bond is submitted.

- (6) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.



Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(7) **Fill Plan** - A Fill Plan shall be submitted to the Principle Certifying Authority (PCA) prior to the issue of any Subdivision certificate. The plan must :

- (a) Show lot boundaries
- (b) Show road/drainage/public reserves
- (c) Show street names
- (d) Show final fill contours and boundaries, and
- (e) Show depth in filling in maximum 0.5m Increments

It is to be submitted electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and submitted both on compact disk and an A1 paper plan.

(8) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.

(9) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.

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- (10) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (11) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be submitted to the Certifying Authority, 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.
- (12) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (13) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.
- Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
- (b) a Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (14) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.



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- (15) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (16) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates all required easements and restrictions on land, including but not limited to:
- (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Easement for access.
 - (d) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, 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 the Salinity Management Plan/s within the reports titled:
 - *Report on Salinity Investigation and Management Plan: Part Tranches 25, 26 and 27 Oran Park NSW, Prepared by Douglas Partners, Project No 76618.15, Dated August 2014."*
 - *Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011."*
 - *Salinity Assessment Report Tranche 20 Oran Park Precinct, Prepared by Ground Technologies, Ref GT1636a, Dated January 2012."*
 - *Report on Salinity Management Plan: Proposed Residential and Commercial Subdivision Tranche 20 and Tranche 29 Oran Park, Prepared by Douglas Partners, Project No 34272.91, Dated March 2014."*
- (17) **Footpath Construction Bond** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the construction of a concrete footpath and/or pedestrian/cycle shared
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way. This applies only where such a Facility is located in existing and/or proposed public land.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
- (b) where applicable a suitable replacement bond is submitted.

(18) **Update of Bush Fire Prone Land Maps** - Prior to the issue of the Subdivision Certificate a revised draft Bush Fire Prone Land Map shall be produced showing all Asset Protection Zones and Bush Fire Prone Land within the subdivision and shall include the following:

- (a) Statement that clarifies and certifies that the changes to the Maps are in accordance with the *Planning for Bush Fire Protection Guidelines* and *Guideline for Bush Fire Prone Land Mapping NSW Rural Fire Service*. See http://www.rfs.nsw.gov.au/dsp_content.cfm?CAT_ID=900. Such Statement shall be undertaken by a suitably qualified and experienced consultant who has:

- (i) experience in identifying bushfire prone land within NSW,

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- (ii) experience in assessing potential bushfire impact, and developing and submitting bushfire risk assessments and deemed to satisfy designs and plans for development in bushfire prone areas,
 - (iii) a detailed knowledge of, and experience with the bushfire planning, design and construction guidelines requirements for NSW (such as Planning for Bushfire Protection and Australian Standards) for subdivisions, new buildings, modifications to existing buildings,
 - (iv) a detailed knowledge of, and experience with, the bushfire provisions and hierarchy within the *Building Code of Australia*,
 - (v) a detailed understanding of, and experience with, the bushfire provisions within, and the operation of the NSW and Local Government planning systems,
 - (vi) a thorough understanding of the Macarthur District Bush Fire Risk Management Plan, Macarthur District Bush Fire Operations Plan,
 - (vii) public liability/professional indemnity insurance, each to a minimum of \$20 Million

Note: The above criteria has been adopted from the Certification Guides for Bushfire Planning and Design BPAD (A & D)- Certified Practitioners (as per the FPA (Fire Protection Australia) Certified Practitioner and Business Programme) (see website <http://www.fpaa.com.au/certification/index.php?certification=bpad>)

- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of the *Environmental Planning and Assessment Act, 1979* and *Regulations* made thereto.
- (2) To ensure that the development meets the aims, objectives and requirements of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the *Oran Park Development Control Plan 2007* which relate to the subject land.



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- (3) To ensure that the development complies with the submitted plans and supporting documentation.
 - (4) To ensure the development is carried out in an environmentally sustainable manner.
 - (5) To ensure that stormwater drainage from and/or passing through the site has been collected and conveyed to a controlled system.

Advisory Conditions:

- (1) **Contamination Investigations** - Further development or subdivision of land applications proposed on "Part lot 4: DP 1178579 " that currently contains a works compound will require contamination investigations to be undertaken in accordance with State Environmental Planning Policies, Council's Development Control Plans and all relevant Council Policies. Such investigations could include: detailed contamination assessment and the provision of remediation action plans and a detailed salinity assessment and provision of a salinity management plan. Note: Remediation work is considered "Category 1" under "SREP 20 – Hawkesbury Nepean River" and consent for such works must be obtained from Council prior to any remediation works commencing.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.



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Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

SIGNED on behalf of
Camden Council

Ms K J Drinan
EXECUTIVE PLANNER
(Development Branch)



ATTACHMENT A - Advice

The following matters are included as advice as relevant to this determination.

1. **Review of Determination** - Section 82A of the *Environmental Planning and Assessment Act, 1979* provides that the applicant may request a review of this determination within 6 months of the date of the determination, following the payment of the prescribed fee.
2. **Offences** - Section 125 of the *Environmental Planning and Assessment Act, 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
3. **Penalties** - Section 126 of the *Environmental Planning and Assessment Act, 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
4. **Contributions** - The contributions (if required) under Section 94 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contribution Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
5. **Tree Preservation** – This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.
6. **Utilities and Authorities** – Damage to major underground utilities can be avoided by calling the 'Dial Before You Dig Service' on 1100. Individuals and companies may be found to be financially liable for any damage caused to major utilities.

Applicants may also be required to liaise with appropriate authorities and utility providers. These authorities and utility providers may include:

- Integral Energy
- Sydney Water
- A telecommunications provider
- Other energy suppliers/authorities



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- Australia Post
 - WorkCover Authority
 - Other relevant State and Federal Government Departments

7. **Telecommunications Infrastructure** – Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Any works or proposed works which may impact upon Telstra Assets in any way are required to be reported to Telstra's Network Integrity Team on Phone Number 1800 810 443.

ATTACHMENT B – Construction Certificate Advice

1. **Construction Certificate Required** – Where building or subdivision works are proposed, this consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been issued.
2. **Building Code of Australia** – All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. **Residential Building Work** – Building work that involves residential building work (within the meaning of the *Home Building Act, 1989*) must not be carried out unless the Principal Certifying Authority (PCA) for the development to which the work relates:
 - (i) in the case of work to be done by a licensee under that Act:
 - has been informed in writing of the licensee's name and contractor licence number, and
 - is satisfied that the licensee has complied with the requirements of the *Home Building Act, 1989*, or
 - (ii) in the case of work to be done by any other person:
 - has been informed in writing of the person's name and owner-builder permit number, or
 - has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

4. **Long Service Levy** – Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Service Payments Corporation.

The rate of the Long Service Levy at the time of consent is 0.35% of the value of works. Payment is not required where the value of the works is less than \$25,000. For works over \$25,000, a fee is required at the prescribed rate. The levy rate and level at which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply and is based on the building construction works identified in the Construction Certificate.