

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

Addendum Report

JRPP No	2014SYW082
DA Number	439/2014
Local Government Area	Camden
Proposed Development	Staged subdivision to create 268 residential lots, 7 residue lots, bulk earthworks, roads, drainage, landscaping, embellishments of riparian corridors and associated site works
Street Address	1100 Camden Valley Way Leppington
Applicant/Owner	Macarthur Developments Pty Limited
Number of Submissions	1 submission was received in support of the proposed development application
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$28 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011, • State Environmental Planning Policy (Infrastructure) 2007, • State Environmental Planning Policy No 55 – Remediation of Land, • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River – deemed SEPP, • Camden Local Environmental Plan 2010, • Camden Development Control Plan 2011.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report including recommended conditions • Subdivision plans • Bulk earthworks and civil plans • Landscaping plans • Associated reports
Recommendation	Approve with conditions
Report by	Stephen Pratt, Team Leader Development Assessment (East)

ADDENDUM REPORT

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the staged subdivision to create 268 residential lots, 7 residue lots, bulk earthworks, roads, drainage, landscaping, embellishment of riparian corridors and associated site works at 1100 Camden Valley Way Leppington.

This matter is the subject of a separate report, forwarded to the JRPP Secretariat on 30 October 2015, recommending that the Panel:

1. Consider DA 439/2014 for a stage subdivision to create 268 residential lots, 7 residue lots, bulk earth works, roads, drainage, landscaping, embellishment of riparian corridors and associated site works pursuant to Section 80 of the Environmental Planning and Assessment Act 1979; and,
2. Defer the determination of DA 439/2014 until such time as the 'biodiversity certification' is conferred on the land in accordance with Section 126H of the Threatened Species Conservation Act 1995.

The subject site contains Cumberland Plain Woodland which is an endangered ecological community. Part 5A of the Environmental Planning and Assessment Act 1979 requires an assessment of the impact of the development on biodiversity values of the site known as an Assessment of Significance or 7 Part Test. Under Part 7AA of the Threatened Species Act 1995, the method of 'biodiversity certification' offers planting options for offsetting impacts on biodiversity.

The conferring of biodiversity certification of the land is subject to the NSW Minister for Environment being satisfied that the conservation measures in the biodiversity certification application would result in an overall improvement or maintenance in biodiversity values. After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the Environmental Planning and Assessment Act 1979 for site specific threatened species assessment.

An application has been submitted to the Office of Environment and Heritage for 'biodiversity certification'. At the time of finalising the original report to the Joint Regional Planning Panel, the 'biodiversity certification' has not been conferred on the land.

On 4 December 2015, the biodiversity certification was gazetted on the land in accordance with Section 126H of the Threatened Species Conservation Act 1995. As a result of the gazettal of the 'Biodiversity Certification', Council is satisfied that the Panel may now determine the application and approve the DA subject to conditions.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies.

Based on the assessment of this DA and in light of the gazettal of the 'Biodiversity Certification' conferred on the land in accordance with Section 126H of the Threatened Species Conservation Act 1995, it is recommended that the development application be approved subject to conditions.

RECOMMENDATION

That The Panel approve DA-439/2014 for the staged subdivision of land to create 268 residential lots, 7 residue lots, bulk earthworks, roads, drainage, landscaping, embellishments of riparian corridors and associated site works at 1100 Camden Valley Way, Leppington, subject to the following conditions:

CONDITIONS

1.0- General Conditions Of Consent

- (1) **General Terms of Approval** - The General Terms of Approval and from state authorities/agencies shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval/Requirements are:

1. NSW Rural Fire Service, Reference Number D14/1817, dated 30 July 2014.
2. Department of Primary Industries Office of Water, Reference Number 10 ERM2014/0554, dated 5 August 2014.

- (2) **State Authorities Requirements** - The requirements of the following State authorities shall be complied with prior to, during, and at the completion of the development.

1. Sydney Catchment Authority, Reference Number D2014/68770, dated 30 July 2014.
2. Sydney Water, correspondence dated 5 August 2015.

- (2) **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
Staging Plan Stage	Plan demonstrating – Stage 1A,1B and 1C	-	-
59911PPS_1Adwg Amend H Sheet 1 of 2	Plan of Proposed Subdivision Stage 1A	Lean Lackenby & Hayward	12 February 2015
59911PPS_1Adwg Amend H Sheet 2 of 2	Plan of Proposed Subdivision Stage 1A	Lean Lackenby & Hayward	12 February 2015
59912PPS_1Bdwg Amend C Sheet 1 of 2	Plan of Proposed Subdivision Stage 1B	Lean Lackenby & Hayward	12 February 2015
59912PPS_1Bdwg Amend C Sheet 2 of 2	Plan of Proposed Subdivision Stage 1B	Lean Lackenby & Hayward	12 February 2015
59913PPS_1Cdwg Amend C Sheet 1 of 2	Plan of Proposed Subdivision Stage 1C	Lean Lackenby & Hayward	12 February 2015

59913PPS_1Cdwg Amend C Sheet 2of 2	Plan of Proposed Subdivision Stage 1C	Lean Lackenby & Hayward	12 February 2015
Page 4 Revision E	Master Plan – Area Location	Place Design Group	10 February 2015
Page 6 Revision E	Landscape Master Plan	Place Design Group	10 February 2015
Page 8 Revision E	Area A Rain Garden	Place Design Group	10 February 2015
Page 9 Revision E	Area A – Terrace Detail Plan	Place Design Group	10 February 2015
Page 10 Revision E	Area A Overland Flow Basin Sections	Place Design Group	10 February 2015
Page 12 Revision E	Area B Entry Settlement and Entry Drive	Place Design Group	10 February 2015
Page 13 Revision E	Area B Entry Statement and Entry Drive	Place Design Group	10 February 2015
Page 15 Revision E	Area C Raby Road Landscape Frontage	Place Design Group	10 February 2015
Page 17 Revision E	Area D Hill Top Park	Place Design Group	10 February 2015
Page 18 Revision E	Area D Hill Top Park Section	Place Design Group	10 February 2015
Page 20 Revision E	Area E Linear Park	Place Design Group	10 February 2015
Page 21 Revision E	Area E Linear Park Easements	Place Design Group	10 February 2015
Page 22 Revision E	Typical Street Section	Place Design Group	10 February 2015
Page 23 Revision E	Master Plan Fence Locations	Place Design Group	10 February 2015
Page 24 Revision E	Master Plan Furniture Locations	Place Design Group	10 February 2015
Pages 25-27 Revision E	Master Plan – Standard Furniture Specifications	Place Design Group	10 February 2015
Page 28 Revision E	Master Plan – Circulation	Place Design Group	10 February 2015
Page 36 Revision E	Materials and Colours Palette	Place Design Group	10 February 2015
NA50613004-01-DA2-C000 Revision 05	Bulked Earthworks/Civil Infrastructure Development Application	Cardno	1 October 2014
NA50613004-01-DA2-C001 Revision 03	Notes and Ledged Sheet	Cardno	2 June 2014
NA50613004-01-DA2-C005 Revision 04	General Arrangement Plan Bulk Earthworks	Cardno	14 August 2014
NA50613004-01-DA2-C006 Revision 05	General arrangement plan civil infrastructure	Cardno	1 October 2014
NA50613004-01-DA2-C010 Revision 05	Cut and Fill Plan	Cardno	1 October 2014
NA50613004-01-DA2-C015 Revision 05	Alignment Control Plan	Cardno	1 October 2014
NA50613004-01-DA2-C020 Revision 04	Bulk Earthworks Sediment and Erosion	Cardno	14 August 2014

	Control Plan Sheet 1		
NA50613004-01-DA2-C021 Revision 04	Bulk Earthworks Sediment & Erosion Control Plan Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C022 Revision 05	Bulk Earthworks Sediment & Erosion Control Plan Sheet 3	Cardno	1 October 2014
NA50613004-01-DA2-C023 Revision 04	Bulk Earthworks Sediment & Erosion Control Plan Sheet 4	Cardno	14 August 2014
NA50613004-01-DA2-C024 Revision 04	Bulk Earthworks Sediment & Erosion Control Plan Sheet 5	Cardno	14 August 2014
NA50613004-01-DA2-C025 Revision 05	Bulk Earthworks Sediment & Erosion Control Plan Sheet 6	Cardno	1 October 2014
NA50613004-01-DA2-C026 Revision 04	Bulk Earthworks Sediment & Erosion Control Plan Sheet 7	Cardno	14 August 2014
NA50613004-01-DA2-C027 Revision 04	Sediment & Erosion Details	Cardno	14 August 2014
NA50613004-01-DA2-C030 Revision 04	Sediment Basin Plan Sheet 1	Cardno	14 August 2014
NA50613004-01-DA2-C031 Revision 04	Sediment Basin Plan Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C032 Revision 04	Sediment Basin Plan Sheet 3	Cardno	14 August 2014
NA50613004-01-DA2-C035 Revision 03	Sediment Basin Sections	Cardno	2 June 2014
NA50613004-01-DA2-C040 Revision 05	Bulk Sections Sheet 1	Cardno	1 October 2014
NA50613004-01-DA2-C041 Revision 03	Bulk Sections Sheet 2	Cardno	2 June 2014
NA50613004-01-DA2-C045 Revision 04	Bulk Earthworks Catchment Plan	Cardno	14 August 2014
NA50613004-01-DA2-C050 Revision 05	Roadworks Sediment & Erosion Control Plan Sheet 1	Cardno	1 October 2014
NA50613004-01-DA2-C051 Revision 04	Roadworks Sediment & Erosion Control Plan Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C052 Revision 04	Roadworks Sediment & Erosion Control Plan Sheet 3	Cardno	14 August 2014
NA50613004-01-DA2-C053 Revision 05	Roadworks Sediment & Erosion Control Plan Sheet 4	Cardno	1 October 2014
NA50613004-01-DA2-C054 Revision 04	Roadworks Sediment & Erosion Control Plan Sheet 5	Cardno	14 August 2014
NA50613004-01-DA2-C060 Revision 05	Roadworks & Stormwater Drainage Plan Sheet 1	Cardno	1 October 2014
NA50613004-01-DA2-C061 Revision 04	Roadworks & Stormwater Drainage Plan Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C062 Revision 04	Roadworks & Stormwater Drainage Plan Sheet 3	Cardno	14 August 2014

NA50613004-01-DA2-C063 Revision 05	Roadworks & Stormwater Drainage Plan Sheet 4	Cardno	1 October 2014
NA50613004-01-DA2-C064 Revision 04	Roadworks & Stormwater Drainage Plan Sheet 5	Cardno	14 August 2014
NA50613004-01-DA2-C065 Revision 04	Weir Location Plan and Details	Cardno	14 August 2014
NA50613004-01-DA2-C070 Revision 05	Signage and Linemarking Plan Sheet 1	Cardno	1 October 2014
NA50613004-01-DA2-C071 Revision 04	Signage and Linemarking Plan Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C072 Revision 04	Signage and Linemarking Plan Sheet 3	Cardno	14 August 2014
NA50613004-01-DA2-C080 Revision 04	Road Hierarchy Plan	Cardno	14 August 2014
NA50613004-01-DA2-C081 Revision 03	Typical Road Cross Sections	Cardno	2 June 2014
NA50613004-01-DA2-C090 Revision 04	Road Longitudinal Sections Sheet 1	Cardno	14 August 2014
NA50613004-01-DA2-C091 Revision 04	Road Longitudinal Sections Sheet 2	Cardno	1 October 2014
NA50613004-01-DA2-C092 Revision 03	Road Longitudinal Sections Sheet 3	Cardno	2 June 2014
NA50613004-01-DA2-C093 Revision 03	Road Longitudinal Sections Sheet 4	Cardno	2 June 2014
NA50613004-01-DA2-C094 Revision 05	Road Longitudinal Sections Sheet 5	Cardno	1 October 2014
NA50613004-01-DA2-C095 Revision 05	Road Longitudinal Sections Sheet 6	Cardno	1 October 2014
NA50613004-01-DA2-C096 Revision 04	Road Longitudinal Sections Sheet 7	Cardno	1 October 2014
NA50613004-01-DA2-C097 Revision 03	Road Longitudinal Sections Sheet 8	Cardno	2 June 2014
NA50613004-01-DA2-C098 Revision 03	Road Longitudinal Section Sheet 9	Cardno	2 June 2014
NA50613004-01-DA2-C100 Revision 03	Riparian Corridor Longitudinal Section Sheet 1	Cardno	2 June 2014
NA50613004-01-DA2-C105 Revision 03	Riparian Corridor Typical Sections	Cardno	2 June 2014
NA50613004-01-DA2-C110 Revision 04	Turning Paths Sheet 1	Cardno	14 August 2014
NA50613004-01-DA2-C111 Revision 04	Turning Paths Sheet 2	Cardno	14 August 2014
NA50613004-01-DA2-C112 Revision 04	Turning Paths Sheet 3	Cardno	14 August 2014
NA50613004-01-DA2-C113 Revision 04	Turning Paths Sheet 4	Cardno	14 August 2014
NA50613004-01-DA2-C114 Revision 05	Turning Paths Sheet 5	Cardno	1 October 2014
NA50613004-01-DA2-C115 Revision 04	Turning Path Sheet 6	Cardno	14 August 2014
NA50613004-01-DA2-C116 Revision 04	Turning Paths Sheet 7	Cardno	14 August 2014
NA50613004-01-DA2-	Road works	Cardno	14 August 2014

C120 Revision 04	Catchment Plan		
NA50613004-021-SK-0018 Rev 1	General Arrangement	Cardno	20 February 2015
NA50613004-021-SK-0019 Rev 1	Bio retention/detention Basin 1	Cardno	20 February 2015
NA50613004-021-SK-0020 Rev 2	Bio retention/detention Basin 3	Cardno	12 February 2015
NA50613004-021-SK-0021 Rev 1	Detention Basin 2	Cardno	2 February 2015
NA50613004-021-SK-0022 Rev 3	Footbridge Freeboard Detail	Cardno	12 February 2015
NA50613004-021-SK-0030 Rev 1	Stormwater Head Wall Outlet Plan	Cardno	2 February 2015
NA50613004-021-SK-0040 Rev 1	Park Retaining Wall Detail Plan	Cardno	2 February 2015

Document Title	Prepared By	Date
Salinity Investigation and Management Plan Project 76553.00 Revision 1	Douglas Partners	June 2013
Supplementary Salinity Investigation Project 76553.02	Douglas Partners	15 April 2014
Acoustic Assessment document reference 610.12010-R3	SLR Global Environmental Solutions	15 January 2015
Addendum Letter - Acoustic Report document reference 610.12010 Emerald Hills, Stage 1 Comments 20150218.docx	SLR Consulting Australia Pty Ltd	18 February 2015
Bushfire Protection Assessment project number: 14WOLBUS-002 Version 3	Ecological Australia	30 May 2014
Addendum Letter to Bushfire Assessment - Reference: D14/1817 DA14070292775 PE - Reference: 14WOLECO-0044	Ecological Australia	8 September 2014
Vegetation Management Plan Project number: 14WOLECO-0014 Version 4	Ecological Australia	15 September 2014
Waste Management Plan	James Dunbar	5 June 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.

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

- a) The road cross section plan “Typical Road Cross Sections” (Drawing NO. NA50613004-01-DA2-C081 must be amended to include 1.2m wide footpaths and a 2.5m wide shared path in accordance with Figures C86, C87 and C88 of the Camden DCP 2011.
- b) Deletion of Parallel Parking Bays on Road 4 – The parallel parking bays as shown on Road 4 and on plan number NA50613004-01-DA2-C070 shall be deleted and does not form part of this development consent.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.

- (4) **Approved Subdivision Plans** – The lot boundaries on the approved subdivision plans prepared by Lean Lackenby & Hayward (File No. 59911 - 59913) dated 12 February 2015 override those on the approved Cardno plans.
- (5) **Landscaping Maintenance and Establishment period for Public Open Space areas** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all Public Open Space area landscaping, associated with this Consent.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, entry feature walls, paths and shared paths, fencing, hard landscaping elements, seat and bin installations, weed control, planting, turf installation, street tree installation and mulching.

The 12 month maintenance period includes the Applicant's responsibility for the successful establishment of all lawn and planting's, including 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 road verge areas, street trees, street tree protective guards and bollards, hard landscaping elements including seats, bins and entry feature walls must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth.

- (6) **Waterfront/Riparian Areas Landscaping/Rehabilitation Maintenance & Establishment Period** - All Waterfront/Riparian Landscaping/ Rehabilitation works associated with this consent are to be installed, established and maintained as per the approved Vegetation Management Plan (VMP) and General Terms of Approval (GTA's) applicable to this consent specifically:

- VMP prepared by Eco Logical, dated 15th September 2014, prepared for Macarthur Developments P/L, Stage 1 DA for Emerald Hills Estate, Version 4, Project No 14WOLECO-0014.

The applicant will be responsible for the administration, implementation, monitoring, reporting to Council as detailed in the VMP and successful establishment of the Waterfront/Riparian strategies during this period.

The maintenance and establishment period will be for 2 years, or until such time as the Consent Authority (i.e. Camden Council) is satisfied that the outcomes stated in the approved VMP and GTA's have been successfully achieved.

The 2 year Maintenance and Establishment Period is to commence from the Date of Practical Completion (DPC).

Practical Completion (PC) is taken to mean completion of all civil works, soil preparation, initial weed control and completion of all planting, turf installation, bank armouring, initial rabbit control, installation of erosion controls and mulching.

The Date of PC is that date when the Applicant and the NSW Office of Water and the Consent Authority (i.e. Camden Council) agree that the Waterfront/Riparian Landscaping works have been satisfactorily completed, as per the approved Landscaping Plans, NSW Office of Water General Terms of Approval (GTA's) and Vegetation Management Plans (VMP's) applying to this Consent and Construction Certificate (CC).

It is the Applicants responsibility to arrange a site inspection with the Consent Authority (i.e. Camden Council) and the Office of NSW Water (Dept of NOW), upon initial completion of the Waterfront/Riparian works, to determine and agree upon, an appropriate DPC.

At the completion of the maintenance and establishment period, all areas of the Waterfront/Riparian works shall have signs of healthy and vigorous growth and no scouring or other erosion problems.

For Council to accept the future maintenance for the subject site, the Waterfront/Riparian works must comply with the approved landscaping plans, GTA's, Works Plan and applicable VMP.

- (7) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (8) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (9) **Excavation of Uncontrolled Fill** – Excavation of uncontrolled fill, and locations identified as Areas of Environmental Concern in the document titled *Report on Remediation Action Plan, AEC3, AEC5, AEC16, AEC22 and Building Footprints, Emerald Hills Estate*, prepared by Douglas Partners, project number 76553.07-3, dated October 2014 must be carried out in accordance with the requirements of this report.
- (10) **Salinity Management Plan Compliance** – All proposed works including filling and landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the requirements and management strategies contained within the report titled *Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Emerald Hills Estate, Leppington*, project number 76553.00 Revision 1, dated June 2013, and the addendum report titled *Supplementary Salinity Investigation, Emerald Hills Estate, Leppington* prepared by Douglas Partners, project 76553.02, dated 15 April 2014.
- (11) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures must be provided for each approved lot. This area is to be 3 metres long x 0.9 metres wide and provide a 3.9 metre clear vertical space to allow for the truck-lifting arm.
- (12) **VPA** - The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate) dated 1 August 2014.

- (13) **Inter-allotment Retaining Walls** – The height of inter-allotment retaining walls are to be no higher than 1.5m in accordance with the requirements of the Camden DCP.
- (14) **Compliance with approved AHIP** - All works must be carried out in accordance with the Aboriginal Heritage Impact Permit (Ref No. C0000898) approved by the Office of Environment and Heritage.
- (15) **Vehicular Access** – All direct vehicular access for the bulk earthworks and civil infrastructure must be obtained from Raby Road. Vehicular access from Camden Valley Way is not approved.
- (16) **Signposting** – All works/regulatory signposting associated with the proposed development shall be at no cost to Council or the Roads and Maritime Service.
- (17) **TransGrid Conditions** – The following conditions must be complied with unless otherwise agreed with TransGrid:
- a) Access to TransGrid towers needs to be provided/maintained at all times to the satisfaction of TransGrid;
 - b) No earthworks are permitted in the exclusion zone around the tower and concrete barriers must only be temporary. The barriers should not be connected together with metal tabs, as this will create a circle around the tower which could be a problem with a line fault or lightning strike etc.
 - c) All earthworks shall be carried out in a manner that maintains appropriate clearances to overhead conductors, and no spoil is to be stockpiled in the easement during works.
 - d) All works are to be carried out in accordance with the *TransGrid easement Guidelines for Third Party Development*.
 - e) During the construction phase, all works are to be carried out in accordance with *NSW WorkCover – “Work Near Overhead Powerlines” Code of Practice 2006*.
 - f) Transmission line access tracks, roads and driveways must be adequately maintained, at least 4.5m wide (minimum) and capable of carrying a 40 tonne truck.
 - g) Any excavation work must not adversely affect the subsoil stability and surface drainage within 20.0m of the transmission line structures and associated foundations.
 - h) Transmission line structures are adequately protected against impact and damage from motor vehicles, mobile plant and equipment.
 - i) TransGrid requests notification of any amendments/ modifications to the proposed development.
 - j) TransGrid requests formal notification for future proposed development on the land. Any further development on the subject land (including fencing) must be assessed by TransGrid to determine whether it complies with our easement restrictions and TransGrid’s prior written consent is required.

- k) TransGrid requires for the developer to contact TransGrid's Easement Officers to notify when the works will be commencing so an onsite inspection can be conducted before the works start.

2.0 - Prior To Issue Of Construction Certificate

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

- (1) **Staging of Construction Works** - The development is to be completed in stages in accordance with the approved Staging Plan for Stage 1, 1A, 1B and 1C.

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

- (2) **Additional Approvals** – Prior to the issue of a Construction Certificate, the applicant must submit evidence of agreement from Jemena Gas and Endeavour Energy clarifying their acceptance of the works as approved.
- (3) **Landscaping Sign Off** - Approval from Council's Recreation Working Group for the final landscaping plans must be provided to the Certifying Authority prior to the issue of a Construction Certificate. Approval is specifically required for street tree planting and plant species for the open space areas, riparian corridors and the detention basins.
- (4) **Waterfront/Riparian Construction Works** - A Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (i.e. Camden Council).
- (5) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

- (6) **Compliance with Austroads** – The proposed road design must comply with Austroads standards including, but not limited to, entry/exit curvature on roundabouts, landscaping clear zones and safety barrier requirements.

Prior to the issue of any Construction Certificate, details demonstrating compliance with Austroads standards must be provided to the Certifying Authority.

- (7) **Dilapidation Report** - 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 subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (8) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (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.
- (10) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (11) **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.
- (12) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (14) **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.

- (15) **Regulatory Signage** – All regulatory signage must be reviewed by Council's Local Traffic Committee prior to the issue of a construction certificate.
- (16) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan 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; and
 - g) Community Consultation.
- (17) **Construction Noise Management Plan** - A construction noise management plan shall be provided to the Certifying Authority 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) **Construction Traffic Management Plan** - A Construction Traffic Management Plan detailing staging of works, construction vehicle routes, number of trucks, hours of operation, parking for workers, access arrangements and traffic control must be submitted to the Roads and Maritime Service and Council for approval prior to the issue of a construction certificate.

3.0 - Prior To Commencement Of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Performance Bond** - Prior to commencement of works a performance bond of 10% value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (3) **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.

Soil erosion and sediment control measures shall be maintained during construction works and shall 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).

- (4) **Notice of PCA Appointment – 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 PCA, and of the person by whom the PCA was appointed;
- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and

a telephone number on which the PCA may be contacted for business purposes.

- (5) **Notice 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 PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and

the date on which the work is intended to commence.

- (6) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a Consent Authority;
- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA 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

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (7) **Sign of PCA 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;
- c) the name, address and telephone number of the PCA.

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

- (8) **Construction Management Plan** - A Construction Management Plan that includes construction waste, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.

- (9) **Protection of Trees to be retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

4.0 - During Works

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

- (1) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (2) **Site Management Plan** - The following practices shall be implemented during construction works:
 - a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$1,500 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.

- (3) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays unless otherwise agreed to by Camden Council in writing.
- (4) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.
- (5) **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.
- (6) **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.
- (7) **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.
- (8) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and 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).
- (9) **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 RAP as per DA 1031/2014 shall be adopted.
- (10) **Works As Executed Plan** – A Works as Executed Plan showing the location of fill material sourced from material from AEC14 must be provided to the Principal Certifying Authority within 30 days of the completion of works.
- (11) **Fill Material** – 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 submitted to the Principal Certifying Authority that confirms that the fill material is suitable from a contamination and salinity perspective.

The validation report and associated sampling location plan must:

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

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

For Virgin Excavated Natural Material (VENM) or site won filling material:

- (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,
- (a) 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 or Site won filling material 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)
VENM or site won fill	1 (see Note 1)	1000 or part thereof

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.

Note 2: Fill material from Emerald Hills Precinct meeting the NEPM requirements for commercial and industrial land use (ie HSL-D and HIL-D) may be used within the B2 zoned land – Such material must be accompanied by a report from a suitably qualified environmental consultant indicating the suitability for reuse within a commercial/industrial site.

- (12) **Soil, Erosion, Sediment and Water Management –Implementation** - All requirements of the Erosion and Sediment Control Plan 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.

5.0 - Prior To Issue of a Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing 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) **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, unless otherwise approved in writing by the PCA.
- (3) **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.
- (4) **Burdened Lots to Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (5) **Fill Plan** - A Fill Plan shall be provided to the 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 provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (6) **Incomplete Works** - Prior to the issue of a 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.
- (7) **Surveyor's Report** - Prior to the issue of a Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, 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) **Street Lighting** - Street lighting shall be provided within the subdivision in accordance with the relevant AS and to the satisfaction of the PCA. All such work shall be complete and operative.
- (10) **Soil Classification** - A Soil Classification Report prepared by a suitable qualified person in accordance with the AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The Soil Classification Report shall also be provided to Council. The soil classification report shall also include results of an assessment of the salinity and aggressivity characteristics of the finished lots as per the DLWC guideline Site Investigations for Urban Salinity)
- 11) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (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) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council. The bond covers any defects and liabilities of the public infrastructure.
- (14) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.
- (15) **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 PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (16) **Road Surface Bond** - The applicant is to lodge a bond in the form of an unconditional bank guarantee or cash bond with Council for the placement of

the final layer of Asphaltic Concrete (AC) wearing course for any proposed Public Road within the subdivision.

The bond is to be in the form of cash or unconditional bank guarantee, in favour of Council and shall be equivalent to 150% of the value of the works, including the cost of all reinstatement works. The bond amount shall be determined by making reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and is to be held until at least 80% of the subdivision occupancy, or when determined by Council.

- (17) **Footpath Bond** - The applicant is to lodge a bond in the form of an unconditional bank guarantee or cash bond with Council for the construction of a concrete footpath and/or pedestrian/cycle shared 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 unconditional bank guarantee, in favour of Council and shall be equivalent to 125% of the value of the works, including the cost of all reinstatement works. The bond amount shall be determined by making reference to Council's current unit rates for such works.

The bond period is to commence on the date of issue of Subdivision Certificate and is required to be held until at least 80% of the subdivision occupancy, or when determined by Council.

- (18) **Validation Report** - A Validation Report prepared by a suitable qualified person shall be provided to the PCA within 30 days of completion of the remediation works, and prior to the issue of a Subdivision Certificate, which demonstrates:
- a) compliance with objectives of the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997* and SEPP 55;

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) a statement confirming that the site following remediation of contamination is suitable for the intended use.
- (19) **Site Audit Statement** - All remediation works and the validation report shall be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined

under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.

The Site Auditor shall provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Contaminated Lands Policy, confirming the land is suitable for the intended use. The SAS shall be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.

- (20) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA 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) right of carriageway (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway);
- d) Acoustics – facades treatments - Dwellings constructed on Lots 1000-1003, 1013 – 1025, 1042, 1101 – 1111, 1204 and 1300 – 1310 must comply with façade treatments and/or mechanical ventilation requirements detailed in the report prepared by SLR Consulting, Stage 1 Acoustic Report, Reference 610.12010 Emerald Hills, dated 18 February 2015.

The dwelling constructed on Lot 1041 must comply with façade treatments and/or mechanical ventilation requirements detailed in the letter prepared by SLR Consulting, subject Emerald Hills Estate – Stage 1 Sections of Alternative Pavement Acoustic Assessment, Reference 610.12010 dated 9 June 2015.

- e) Acoustics – individual assessment - Lots 1000, 1014 and 1015 require an individual acoustic assessment be undertaken to ensure that an external noise level of Leq 57dB(A) at least 24m² in area (with any side not less than 3m in length) of useable principle private open space be provided behind the building line. Dwellings on these lots must be constructed in accordance with the recommendations of this assessment.
- f) Salinity – The design and construction of all dwellings must take into account the salinity and aggressivity conditions at the site, with reference to the salinity and aggressivity assessment undertaken at the completion of site works.
- g) Driveway Placement – The lots identified as Lot 1127, Sheet 2306, Lot 1191, Sheet 2310 and Lot 1158, Sheet 2310 on the approved plans must provide driveways that do not interfere with existing drainage pits and infrastructure and shall comply with Camden Councils Design and Construction Specification Access Driveways.

- (21) **VPA** - The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate) dated 1 August 2014. The following cash contribution must be paid;

Unit rate	Unit	Total	Purpose
\$88.02	<i>lot</i>	\$23,413.00	<i>Community Facility (Lots 300> m²)</i>
Unit rate	Unit	Total	Purpose
\$67.30	<i>lot</i>	\$135.00	<i>Community Facility (Lots <299 m²)</i>
Unit rate	Unit	Total	Purpose
\$246.19	<i>lot</i>	\$65,979.00	<i>Administration</i>

TOTAL CASH CONTRIBUTIONS	\$89,527.00
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- (22) **Provision of Street Tree (nature strip & road median) installation data to Council's Public Open Space Tree Officer** - Prior to the issue of the Subdivision Certificate, the following information in relation to the installation of the Street Trees (nature strip and road median) is to be supplied by the applicant to Council's Public Open Space Tree Management Officer:

- GPS location (MGA Zone 56, GDA 94);
- Botanical name;
- Common name;
- Pot size;
- Date planted;
- Planted by.

The above information is to be supplied to Council in a MS EXCEL Format. The above information will be used by Council for the protection and management of its street tree assets.

- (23) **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' General Terms of Approval for the DA (if applicable); and
- b) the Bush Fire Report provided with the DA (if applicable); and
- c) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."