

DETERMINATION

The Panel grants consent to Development Application No. DA842/2014 for demolition of existing dwelling and structures, remediation of contaminated land, bulk earthworks, residential subdivision of the land, with associated site works roads and drainage at 51 to 61 St Andrews Road, Leppington subject to the conditions listed below, including the deferred commencement condition:

CONDITIONS

Deferred Commencement

This is a “deferred commencement” development consent that is not to operate until the applicant satisfies the consent authority, in accordance with the Environmental Planning and Assessment Regulation 2000, as to the matter specified in condition (a) below. The period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the matter in condition (a) below is twelve (12) months from the date of issue of the Notice of Determination.

- (a) Submit an acoustic assessment prepared in accordance with Council's Environmental Noise Policy to address road traffic noise impacts and make recommendations for attenuation measures, where required, to ensure that all lots have appropriate internal and external acoustic amenity.

If the applicant produces evidence to the consent authority within the period specified sufficient to enable the consent authority to be satisfied as to the matter set out in condition (a) above and the consent authority notifies the applicant in writing that it is satisfied as to the relevant matter, the development consent shall become operative from the date specified in the notice and shall be subject to the operational conditions set out below:

Operational Conditions

1.0 - General Conditions of Consent

- 1.1 **Approved Plans and Documents** - The development shall be carried out in accordance with the plans and documentation listed below except where amended by other conditions of this development consent:

Plan Reference/ Drawing No.	Revision	Name of Plan	Prepared by	Date
77381.01.P10	B	Plan of Proposed Subdivision – Option 2	SMEC	10/04/2015
77381.01.P11 Revision A	A	Easement and Survey Plan	SMEC	14/04/2015
77381.01/P12	A	Net Developable Area	SMEC	14/04/2015
72-14.00	D	Cover Sheet	Distinctive	7/04/2015
72-14-01	D	Landscape Masterplan, Legend and Schedules	Distinctive	7/04/2015
72-14-10	D	Streetscape Plan 01 & Details	Distinctive	7/04/2015
72-14-11	D	Streetscape Plan 02 & Details	Distinctive	7/04/2015
77381.00.DA001	C	Cover Sheet – Site	SMEC	24/02/2015

2014SYW2014 – Sydney West Joint Regional Planning Panel meeting 30/7/2015
DA842/2014 – 51- 61 St Andrews Road Leppington

		Plan and Locality Plan		
77381.00.DA002	D	Sheet Schedule and Notes	SMEC	25/02/2015
77381.00.DA101	D	Site Regrading Plan Sheet 1 of 6	SMEC	25/02/2015
77381.00.DA102	D	Site Regrading Plan Sheet 2 of 6	SMEC	25/02/2015
77381.00.DA103	D	Site Regrading Plan Sheet 3 of 6	SMEC	25/02/2015
77381.00.DA104	D	Site Regrading Plan Sheet 4 of 6	SMEC	25/02/2015
77381.00.DA105	D	Site Regrading Plan Sheet 5 of 6	SMEC	25/02/2015
77381.00.DA106	D	Site Regrading Plan Sheet 6 of 6	SMEC	25/02/2015
77381.00.DA201	C	Typical Cross Sections – 16m Local Road	SMEC	24/02/2015
77381.00.DA202	D	Typical Cross Sections – 20m Collector Road	SMEC	25/02/2015
77381.00.DA211	C	Longitudinal Sections – Road No 1	SMEC	24/02/2015
77381.00.DA212	C	Longitudinal Sections – Road No 2 Sheet 1 of 2	SMEC	24/02/2015
77381.00.DA213	C	Longitudinal Sections – Road No 2 Sheet 2 of 2	SMEC	24/02/2015
77381.00.DA214	C	Longitudinal Sections – Road No. 3, Road No. 4 & Road No. 5	SMEC	24/02/2015
77381.00.DA215	C	Longitudinal Sections – Road No. 6 & Road No. 7	SMEC	24/02/2015
77381.00.DA216	C	Longitudinal Sections – St Andrews Road	SMEC	24/02/2015
77381.00.DA501	C	Cut & Fill Plan	SMEC	24/02/2015
77381.00.DA601	C	Concept Drainage Plan Sheet 1 of 6	SMEC	24/02/2015
77381.00.DA602	C	Concept Drainage Plan Sheet 2 of 6	SMEC	24/02/2015
77381.00.DA603	C	Concept Drainage Plan Sheet 3 of 6	SMEC	24/02/2015
77381.00.DA604	C	Concept Drainage Plan Sheet 4 of 6	SMEC	24/02/2015
77381.00.DA605	C	Concept Drainage Plan Sheet 5 of 6	SMEC	24/02/2015
77381.00.DA606	C	Concept Drainage Plan Sheet 6 of 6	SMEC	24/02/2015
77381.00.DA611	C	Concept Catchment Plan	SMEC	24/02/2015
77381.00.DA701	D	Soil & Water Management Plan	SMEC	24/02/2015
77381.00.DA711	C	Soil and Water Management Details & Notes	SMEC	24/02/2015

77381.00.DA811	C	Line Marking & Sign Posting Plan Sheet 1 of 2	SMEC	24/02/2015
77381.00.DA812	C	Line Marking & Sign Posting Plan Sheet 2 of 2	SMEC	24/02/2015
77381.00.DA901	C	Demolition Plan	SMEC	24/02/2015

Document No	Revision	Document Title	Prepared by	Date
76571.01	-	Remediation Action Plan	Douglas Partners	July 2014
76571.02	-	Salinity Investigation and Management Plan, Proposed Residential Subdivision, 51 St Andrews Road, Leppington	Douglas Partners	July 2014

- 1.1A **Amendments to Plans** - In the above table of approved plans all listed plans and documents (other than the Plan of Proposed Subdivision – Option 2 – numbered 77381.01.P10) are to be amended, were required to reflect the revised subdivision layout and lot numbers as shown in the Plan of Proposed Subdivision – Option 2 – numbered 77381.01.P10, and in particular provision of Lot 5016 (1410m²) as shown in that plan.

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

- 1.1B **Amendments and modifications to development** - The development must be carried out in accordance with the following:

- a) retaining wall details and cross sections between lots within the site and between the lots and the adjoining land Lot 71 DP 706546, including details of materials, finishes and wall heights, must be submitted to and approved by Camden Council prior to the issue of a construction certificate;

Note: The intent of this condition is to control and limit the heights of retaining walls and ensure that suitable materials and finishes are provided, including facing the adjoining land.

- b) details of material and finishes for retaining walls to the St Andrews Road site frontage to provide for feature masonry finish, including an anti-graffiti coating or material, as well as details of landscaping adjacent to the wall to provide for low height planting (such details must be submitted to and approved by Camden Council prior to the issue of a construction certificate);
- c) the 10m wide pedestrian walkway to St Andrews Road (between lots 5098 and 5099) is to be removed and the area included within adjoining lot/s, or provided as an additional lot; and
- d) building envelope details for irregular shaped Lot 5118 and Lot 5129 demonstrating that dwellings can be satisfactorily located on these lots with

the provision of require setbacks and adequate areas of private open space (such details must be submitted to and approved by Camden Council prior to the issue of a construction certificate).

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

- 1.1C **Road Connection to Lot 71 DP 706546, 71 St Andrews Road** - The applicant must cause part of proposed lot 5016, being such part that is of sufficient width (for a maximum 16 metre wide road reserve) and length to extend proposed Road 6 through to the adjoining land known as Lot 71 DP 706546, to be transferred to Camden Council upon payment by the Council of an amount of \$1.00 if within three years of the date of the grant of this development consent:
- (a) the whole or a significant part of Lot 71 DP 706546 that adjoins the subject site is rezoned and there is a development standard imposed by a environmental planning instrument that allows the size of any lot which can be used for residential accommodation resulting from a subdivision of the said land to be a minimum of 1 hectare or less; or
 - (b) that the rezoning and a draft planning proposal has been approved and adopted by the relevant planning authority and has been forwarded to the Department of Planning & Environment to be made; and
 - (c) Camden Council gives the owner of proposed Lot 5016 written notice that the whole or a significant part of Lot 71 DP 706546 that adjoins the subject site has or will be rezoned and Council thus requires part of proposed lot 5016 for the purpose of extending proposed Road 6 through to Lot 71 DP 706546.
- 1.2 **General Terms of Approval** - The General Terms of Approval and deemed bushfire safety authority from NSW Rural Fire Service, dated 29 May 2015 shall be complied with prior to, during, and at the completion of the development.
- 1.3 **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- 1.4 **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- 1.5 **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, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.02, dated July 2014.
- 1.6 **Landscaping Maintenance and Establishment Period**
Commencing from the Date of Practical Completion (DPC), the Applicant will have for a 12 month period, 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 turf installation, street tree installation and mulching.

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 road verge areas, street trees, 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

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.

- 2.1 **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 1. Refer to 5.25 – On Site Detention and Water Quality requirements prior to release of a subdivision certificate.

Note: 2. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- 2.2 **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- 2.3 **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.
- 2.4 **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- 2.5 **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.
- 2.6 **Remediation Works** - All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, on-site and off-site disposal; that

includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with *Report on Remediation Action Plan, Proposed Residential Development, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.01, dated July 2014. Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority (Camden Council) in writing prior to validation. With regard to remediation work, any proposed variation of works must be approved by the Consent Authority (Camden Council) in writing prior to the works being undertaken.

- 2.7 **Remediation Works Inspection** - A qualified environmental consultant or scientist will be required to frequently inspect the remediation works to confirm compliance with the RAP that includes all health and safety requirements.
- 2.8 **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- 2.9 **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report/assessment submitted to and approved by the consent authority pursuant to the deferred commencement condition. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- 2.10 **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
- 2.11 **Street Trees Installation** - The tree species shall be planted at no cost to Council and in the location(s) specified on the approved Landscape Plan.
- 2.12 **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 land uses 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.

- 2.13 **Desilting Dams or Creeks** - A Geotechnical Report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the Certifying Authority in conjunction with the engineering drawings with the Construction Certificate application.

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.

- 3.1 **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.
- 3.2 **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of 10% of the value of any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent, must be lodged with Camden Council.
- 3.3 **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).

- 3.4 **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.

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

- 3.5 **Decommissioning of On-Site Sewerage Management** - Written confirmation verifying that the existing on-site sewerage management facility has been decommissioned in accordance with the following, shall be provided to the PCA and Council:

Option 1: (Removal of system from site)

That the septic tank, disposal field and all associated drainage shall be decommissioned in accordance with the following:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council,

- b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
- c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a liquid wastewater contractor.

The septic tank and any associated drainage and disposal field including materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation fields shall be removed and disposed of at a suitably licensed landfill site. (i.e. aggregates, rubble, sand, concrete slabs and the like) A copy of the receipt for disposal of the waste materials shall be provided to Council.

The tank excavation /transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.

Option 2: (decommissioning on site)

The septic tank system shall be de-commissioned in the following manner:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council.
- b) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime,
- c) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level, and
- d) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.

3.6 **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
- f) a telephone number on which the PCA may be contacted for business purposes.

- 3.7 **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
 - f) the date on which the work is intended to commence.

- 3.8 **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.

- 3.9 **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.

- 3.10 **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.

4.0 - During Works

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

4.1 **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.

4.2 **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.

4.3 **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to:

www.environment.nsw.gov.au/waste/envguidlms/index.htm)

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

4.4 **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the Hazardous Building Material Assessment (HBMA).

4.5 **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.

Remediation and construction works shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise that specifies that:

- i) For a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.
 - ii) For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.
 - iii) For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.
- 4.6 **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.
- 4.7 **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.
- 4.8 **Delivery Register**- The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- 4.9 **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 provided to and approved by 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:

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)
Virgin Excavated Natural Material	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.

- 4.10 **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.
- 4.11 **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).
- 4.12 **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 shall be adopted.
- 4.13 **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:
 - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc, an application shall be made for a Road Opening Permit and an approval under Section 45 of the *Roads Act 1993*;

- b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138B of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

4.14 **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.

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

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

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

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

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

4.16 **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
- c) retaining walls shall not be erected within drainage easements;
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

4.17 **Site Management Plan** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- 4.18 **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.
- 4.19 **Street Trees, their tree root barrier guards, protective guards and bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip 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.
 - (b) 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.

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.

- 5.1 **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.
- 5.2 **Issue of 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.
- 5.3 **Validation Report** - A Validation Report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
- a) compliance with the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy; and includes:
 - d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - f) statement confirming that the site following remediation of contamination is suitable for the intended use.
- 5.4 **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.
- 5.5 **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.

- 5.6 **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.
- 5.7 **Surveyor's Report** - Prior to the issue of the 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.
- 5.8 **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.
- 5.9 **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.
- 5.10 **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.
- 5.11 **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.
- 5.12 **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).
- 5.13 **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;
- c) easement for support;
- d) restriction as to user, requiring that there shall be no vehicular access to St Andrews Road from lots adjoining this road; and
- e) restriction as to user, regarding Salinity Management requiring the following:

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, 51 St Andrews Road, Leppington*, prepared by Douglas Partners, project number 76571.02, dated July 2014.

- f) A restriction as to user, if required, which makes reference to any noise attenuation measures for the construction of dwellings, as recommended by the approved acoustic report/assessment submitted to and approved by the consent authority pursuant to the deferred commencement condition (a).

5.14 **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.

5.15 **Burdened Lots to be Identified** - Any lots subsequently identified during 5.construction of the subdivision as requiring restrictions shall also be suitably burdened.

5.16 **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.

5.17 **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.

5.18 **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.

5.19 **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.

- 5.20 **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 works, with Council.

The bond covers any defects and liabilities of the public infrastructure.

- 5.21 **Developer Contributions – Planning Agreement** - The proposed development shall be carried out in accordance with the Planning Agreement executed between Council, Stockland Development Pty Limited, Leppington Park Pastoral Pty Limited & Cornish Group No. Two Pty Limited dated 31 March 2014.

Contributions – The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of the Subdivision Certificate:

- \$10,128 per additional hectare (Total \$131,548) for Community Facility
- \$903 per additional hectare (Total \$11,729) for Administration.

- 5.22 **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

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

- 5.23 **Maintenance Bond** - The applicant is to lodge a maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council prior to the issue of a Subdivision Certificate.

The bond covers the maintenance during or after subdivision works for a stipulated period (6 months) for matters such as riparian corridor and WSUD, public reserves or other public property that require on-going maintenance as a result the Development Consent conditions.

- 5.24 **Fencing** – The applicant is to erect maximum 1.8m high fencing, timber lapped and capped or similar to top of retaining walls along the St Andrews boundary of the site and along the boundary to 71 St Andrews Road (Lot 71 DP706546).

- 5.25 **Stormwater detention and Water Quality** - On Site Detention and Water Quality for the developed catchment of the site shall be provided for the site prior to the release of a subdivision certificate.