

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW177
DA Number	DA/2015/993/1
Local Government Area	Camden
Proposed Development	Staged residential subdivision (stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping
Street Address	1100 Camden Valley Way, Leppington
Applicant/Owner	Macarthur Developments Pty Ltd
Number of Submissions	Two (2) submissions
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value \$39,160,000 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 No 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011 • The proposed development site is subject to the terms and conditions of the Voluntary Planning Agreement (VPA) (Emerald Hills Planning Agreement) executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate), pursuant to Section 93F of the Environmental Planning and Assessment Act, 1979, dated 1 August 2014.
Does the DA require Special Infrastructure Contributions Conditions (S94EF)?	No – Satisfactory Arrangements Certificate has been issued by the Department of Planning and Environment
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environment effects • Subdivision plans • Civil Plans
Recommendation	Approve with conditions
Report by	Adam Sampson, Executive Planner Development Assessment (East)
Report Date	13 th July 2016

PURPOSE OF 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 residential subdivision (Stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development is \$39,160,000 million which exceeds the CIV threshold of \$20,000,000 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel:

1. Determine DA/2015/993/1 for a staged residential subdivision (stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the staged residential subdivision (stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping at 1100 Camden Valley Way, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for 30 days in combination with DA704/2015 (Bulk earthworks, associated site works and demolition of structures) between 8 October 2015 to 6 November 2015 in accordance with Camden Development Control Plan 2011. Within this exhibition period two submissions were received, both objecting to the proposed development.

The issues raised in the submissions relate to visible structures upon the ridge, the removal of vegetation upon the site and the adjoining site, retention of a fig tree, Biodiversity Certification to be endorsed prior to further works on site, compliance with DCP requirements and visual impacts. The issues raised in these submissions were not able to be resolved by Council staff.

The applicant proposes variations to:

- 1) Section C13.2.1 of Camden Development Control Plan 2011 (DCP) with regards to providing two (2) battle axe allotments in lieu of a cul de sac;
- 2) Section C13.3.1 of Camden DCP 2011 in respect to the road carriageway width for Road No. 34 within stage 5 of the development, which proposes a road carriageway width of 8m for an 'Emerald Hills Typical Access Street', in

lieu of a road carriageway width of 9m for an 'Emerald Hills Typical Local Road' as required by the Emerald Hills Road Hierarchy;

- 3) Section C13.3.1 of Camden DCP 2011 with the applicant seeking to provide a footpath upon one side of local roads within the development in lieu of both sides as required by the DCP and;
- 4) Section C13.4.5 of Camden DCP 2011 with the applicant seeking retaining walls greater than the maximum of 1.5 metres in height.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO

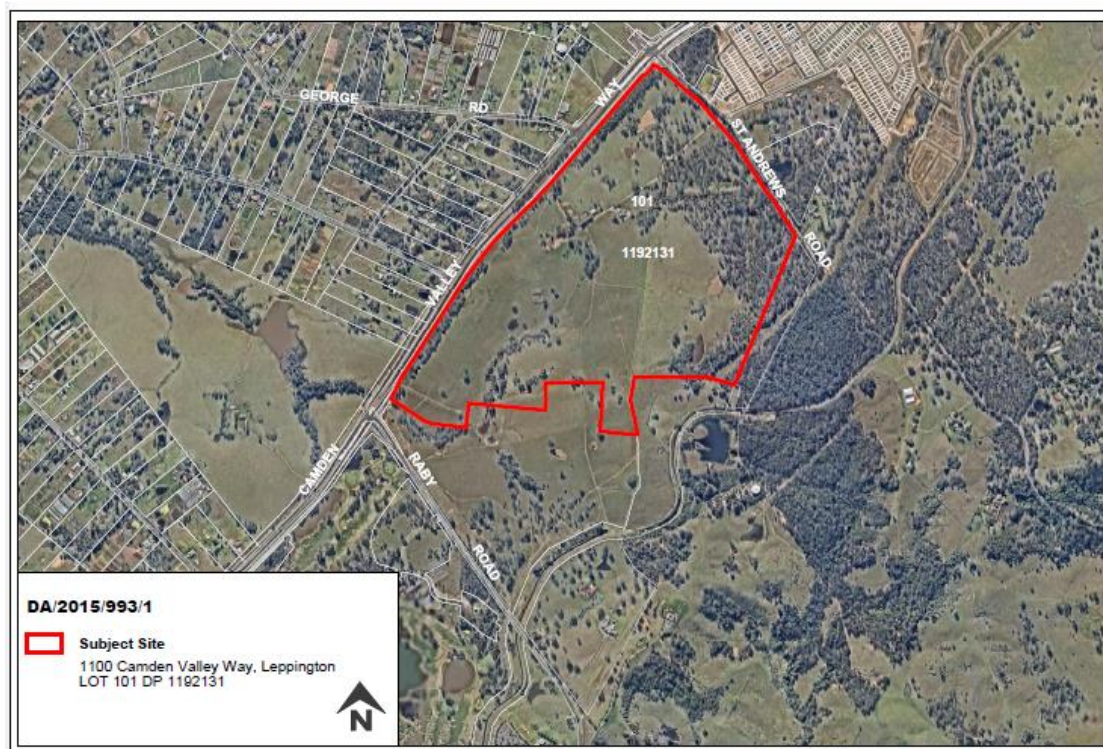


Image 1 – Site Plan

THE SITE

The site is commonly known as 1100 Camden Valley Way, Leppington and is legally described as Lot 101 DP 1192131. The site has frontages to Camden Valley Way and St Andrews Road, and has an overall area of approximately 106.1 hectares.

The St Andrews Home for Boys was established on the site in 1934 and was used in various capacities until 1987. Buildings associated with this former site use have been lawfully demolished (not having been heritage listed); however there are some remaining buildings on the land and associated structures, including a former cottage converted to a sales office approved under DA525/2014, which will be required to be demolished under a separate consent DA704/2015 prior to the commencement of the Stage 4 subdivision works.

The site was rezoned on 19 September 2014 (Amendment No. 36, Camden LEP 2010) to permit its future urban release, with the Joint Regional Planning Panel recently determining DA439/2014 for the first stage release of residential lots.

The surrounding properties are generally characterised by rural or rural/residential land uses. Land to the north, on the northern side of St Andrews Road, is being developed for urban purposes and residential subdivision, within the East Leppington precinct of the South West Growth Centre.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
17 October 2014	Consent to DA1030/2013 - Consolidation of 3 allotments and subdivision to create 2 residue lots (within Camden local government areas (LGA).
10 November 2014	Consent to DA525/2014 – Construction of a temporary haul road, temporary compound, earthworks, and change of use of an existing building for a temporary sales office.
4 February 2015	Consent to DA308/2014 – Construction of a 915m upgrade of part of Raby Road, provision of a new signalized intersection, relocation of services and associated site works.
20 March 2015	Consent to DA1031/2014 - Remediation of contaminated land.
30 March 2015	Consent to DA1202/2014 - Remediation of contaminated land.
7 January 2016	Consent to DA202/2015 – Subdivision to create 5 lots
21 January 2016	Consent to DA439/2014 – Staged subdivision to create 280 residential lots, internal roads, drainage, landscaping and associated site works.
25 January 2016	Consent to DA1048/2014 – Subdivision to create 8 lots, internal roads and associated site works.
8 March 2016	Consent to DA704/2015 – Bulk earthworks, associated site works and demolition of structures.

THE PROPOSAL

DA/2015/993/1 seeks approval for the staged residential subdivision (stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping at 1100 Camden Valley Way, Leppington.

Specifically the proposed development involves:

Stage 2

- Creation of 142 residential lots ranging in size from 375m² to 692m²;
- Construction of a permanent water quality basin (No. 5);
- Creation of Lot 2144 for the purpose of establishing a riparian corridor;
- Creation of Lots 2145, 2147, 2149 and 2150 as residue Lots;
- Creation of Lot 2146 for the potential use as a school site;
- Creation of Lot 2148 for the purpose of open space; and
- Conversion of the haulage road approved under DA525/2014 (Road No. 25) as an entry / exit collector road from Camden Valley Way.

Stage 3

- Creation of 89 residential lots ranging in size from 375m² to 1,050m²; and
- Creation of Lot 3090 for the purpose of open space.

Stage 4

- Creation of 119 residential lots ranging in size from 373m² to 652m²; and
- Creation of a permanent water quality basin (No. 6).

Stage 5

- Creation of 126 residential lots ranging in size from 375m² to 1,610m².

Stage 6

- Creation of 85 residential lots ranging in size from 374m² to 672m²;
- Creation of a permanent water quality basin (No. 7); and
- Creation of Lot 6087 as a residue lot.

Substage 6A

- Creation of 8 residential lots ranging from in size from 375m² to 507m².

Construction works

- Construction of roads, temporary turning heads, footpaths, shared paths and associated drainage works;
- Sewer lead in works and associated pipeline within St Andrews Road road verge;
- Water lead in works beneath Camden Valley Way;
- Construction of retaining walls;
- Construction of estate fencing;
- Landscaping, consisting of riparian corridor works, embellishment works and street tree planting;

Completion of Development Contributions (VPA Works)

- Item No. 4 - A 3.94ha approximately double playing field plus a 100 space car park in a location generally consistent with that marked ' OVAL ' on the Stage 1 Plan, and that is otherwise in accordance with the specification for item OVAL as per the Voluntary Planning Agreement.
- Item No. 6 - One multi-purpose playspace which incorporates playground equipment and skate equipment in a location generally consistent with that marked ' PG1 ' on the Stage 2 Plan (the playground and skate equipment may be provided in separate locations within the surrounds of Item 4 - the oval subject to approval by Council under Clause 13 of this deed) that is otherwise in accordance with the specification for item PG1 as per the Voluntary Planning Agreement.
- Item No. 7 - Embellishment of approximately 24,060 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS2 ' on the Stage 2 Plan and that is otherwise in accordance with the specification for Item OS2 as per the Voluntary Planning Agreement.

- Item No. 8 - Embellishment of approximately 3,860 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS3 ' on the Stage 2 Plan and that is otherwise in accordance with the specification for Item OS3 as per the Voluntary Planning Agreement.
- Item No. 10 - One playground in a location generally consistent with that marked ' PG2 ' on the Stage 2 Plan that is otherwise in accordance with the relevant portions of the specification for Item PG2 as per the Voluntary Planning Agreement.
- Item No. 11 - Fitness equipment situated along and adjoining footpath in a location, generally consistent with that marked ' FT1 ' on the Stage 2 Plan that is otherwise in accordance with the specification for Item FT1 as per the Voluntary Planning Agreement.
- Item No. 12 - Pedestrian and cycle footpath of 1,084 metres in length and 2.5 metres wide (2,710 sqm) in locations generally consistent with those marked ' Dual Use Path ' on the Stage 2 Plan and otherwise in accordance with Council's Engineering Design Specifications.
- Item No. 13 - Embellishment of approximately 9,834 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS4 ' on the Stages 3 - 6 Plan and that is otherwise in accordance with the specification for Item OS4 as per the Voluntary Planning Agreement.
- Item No. 14 - One playground in a location generally consistent with that marked ' PG3 ' on the Stages 3 - 6 Plan that is otherwise in accordance with the specification for Item PG3 as per the Voluntary planning Agreement.
- Item No. 15 - Pedestrian and cycle footpath of 210 metres in length and 2.5 metres wide (525 sqm) in locations generally consistent with those marked ' Dual Use Path ' on the Stages 3 - 6 Plan and otherwise in accordance with Council's Engineering Design Specifications.

The capital investment value of the works is \$39,160,000 million.

PROPOSED PLANS

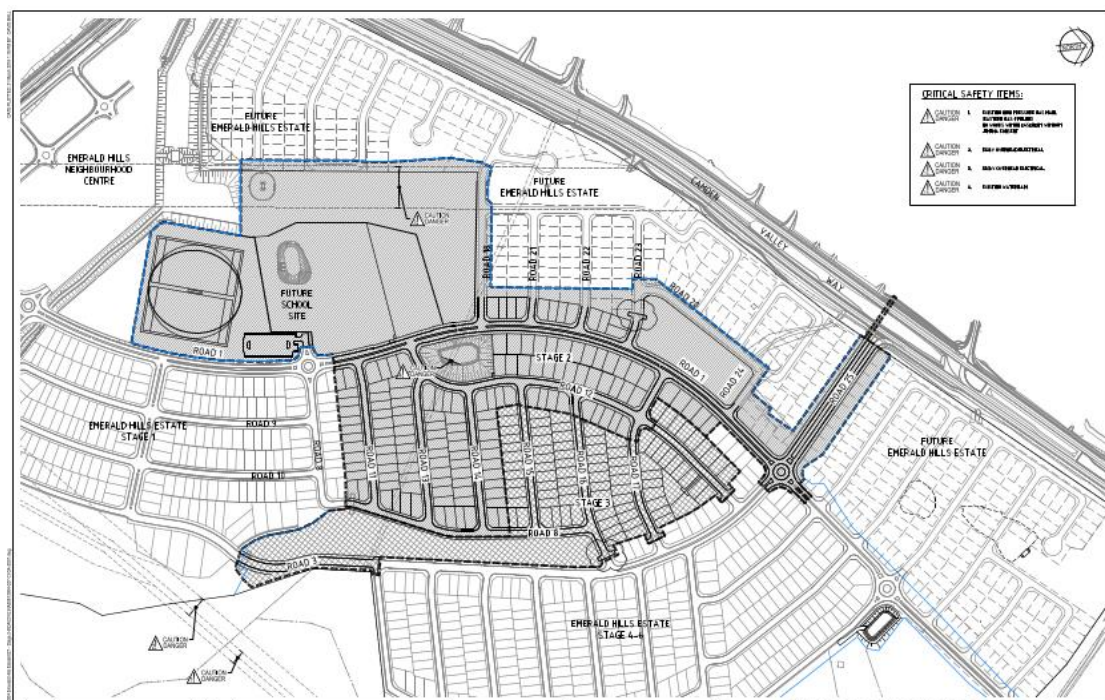


Image 2 – Stages 2 – 3 Staging Plan

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The subject application does not seek consent for any remediation works to occur on site, which have been separately obtained under development consents DA/2014/1031 and DA/2014/1202. These development consents will remediate six (6) areas of environmental concern, which are all located within the area of the site proposed for development. The conditions of these past consents requires that a validation report and a site audit statement be obtained.

To ensure that the land will remain suitable for its future intended purpose as residential, it is recommended that the validation reports and site audit statements as required under past consents are obtained for the remediation works prior to the issue of the Construction Certificate for development works subject to DA/2015/993/1. This will eliminate the risk of potential cross contamination of contaminated material on areas that are free of contamination. In addition, given that AEC14 contains asbestos fibres that could be released into the atmosphere during works, it is considered important that access to the area be restricted so that there are as few people as possible potentially exposed.

In addition, a standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Determination of development applications – other development

Subject to Clause 45(1)(b) of this SEPP, the consent authority must give written notice to the electrical supply authority for the area in which the development is within or immediately adjacent to an easement for electricity purposes is to be carried out, inviting comments about potential safety risks.

Upon the site two transmission easements exist; a 30.48m Endeavour Energy Transmission easement located adjacent to the south east corner extent of works and a 60.96m Transgrid Transmission Easement, which runs north to south through the development site adjacent to the proposed school site.

In respect to the Endeavour Energy Transmission Easement, Endeavour Energy has raised no objections to the proposed development, subject to specific conditions addressing matters including network capacity and future connection, easement management and network access and public safety. These recommended conditions form part of the conditions of consent for the development.

In respect to the Transgrid Transmission Easement, Transgrid has raised no objections to the proposed development, subject to specific conditions addressing matters including notification of construction activities, traffic control measures to prevent collisions with Transgrid infrastructure, height restrictions to cranes, elevated work platforms and other plant and equipment, vegetation and landscaping requirements, access. These recommended conditions form part of the conditions of consent for the development.

Clause 55 – Development adjacent to corridor

Subject to Clause 55 of this SEPP, before determining an application for development adjacent to a gas pipeline corridor, the consent authority must be satisfied that the potential risks to the integrity of the pipeline that are associated with the development or modification to which the application relates have been identified and take those risks into consideration.

Upon the site two gas pipeline easements exist; a 1m, 3m and 10m Jemena eastern gas pipeline easement inclusive of cathodic protection cabling, which runs parallel along the sites frontage to Raby Road and a 6m APA Group gas pipeline easement located adjacent to the south east corner extent of works.

In respect to the Jemena eastern gas pipeline easement, relocation of this infrastructure and easement has been made under DA2014/308. Jemena in their response to Council have advised that staging works for sections 2 – 6 do not affect the Jemena Eastern Gas Pipelines assets and accordingly, raise no objection to the proposal with no specific conditions or requirements.

In respect to the APA Group gas pipeline easement, no objection was raised with the proposal subject to a risk assessment to be undertaken by the developer to consider the 6m gas pipeline easement within the vicinity of subdivision works. As the proposed works are some distance away, it is considered that the development does not propose any significant safety risks. Nevertheless, the recommended condition from APA Group forms part of the conditions of consent for the development.

Clause 101 – Development with frontage to classified road

Under clause 101 of this SEPP, the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Whilst the proposed development seeks the conversion of the existing haulage road (Road No. 25) currently connected to Camden Valley Way into an entry / exit collector road, the existing intersection and alignment of the haulage road / entry / exit road were considered under separate road upgrade works by the RMS, DA2014/525 and the creation of the indicative master plan within Camden Development Control Plan 2011. The proposed development does not seek to create additional vehicular access from Camden Valley Way, but rather utilize existing arrangements created for the site to support the proposed development of Emerald

Hills. Nevertheless, the RMS have raised no objection to the conversion of the haulage road into an entry / exit collector road.

Clause 104 – Traffic-generating development

Schedule 3 of the SEPP (Infrastructure) lists types of developments that are to be referred to Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network, including classified roads. The proposed development exceeds the thresholds listed within Schedule 3 of the SEPP and has direct access to Camden Valley Way which is a classified road. The proposal was accordingly referred to the RMS on the 2 October 2015 for comment.

The RMS raised no objections to the proposed development, however provided specific conditions to address the proposed water main lead in works underneath Camden Valley Way. This specific requirement from RMS has been provided within the conditions of consent.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River System by ensuring that the impacts of future land uses are considered in a regional context. There will be no detrimental impacts upon the Hawkesbury-Nepean River System as a result of the proposed development, as the development will be subject to the implementation of suitable sediment and erosion controls and water management measures which will avoid adverse impacts on the natural watercourses and ultimately the Hawkesbury-Nepean River system.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R2 Low Density Residential and E2 Environmental Conservation under the provisions of the LEP. The subdivision of land is permitted with consent in accordance with the provisions of Clause 2.6 of the LEP. The associated civil and road works, drainage, open space, riparian embellishments and landscape works are also permissible in the R2 Low Density Residential zone.

A portion of the site to the east is zoned E2 Environmental Conservation. No development is proposed to occur within this zone apart from sewer lead in works, which will be required to be located within the development easement as per Figure 3 of the Biodiversity Certification Assessment Report and Bio-certification Strategy for the Emerald Hills Estate.

Zone Objectives

The objectives of the R2 Low Density Residential are as follows:

- To provide for the housing needs of the community within a low density residential environment.

Officer comment:

The proposed development will provide up to 569 new residential lots in the Leppington area to enable new housing for the community to be created.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The proposed development provides for the creation of a potential school site to enable future schooling opportunities and the embellishment of open space areas to create areas of recreation space for future communities to utilize and enjoy.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officer comment:

Within Stage 2 works, Lot 2146 has been created for the potential use as a school site. Additionally, the development creates areas of open space and is appropriately zoned to permit places of public worship within the R2 Low Density Residential zone.

- To minimize conflict between land uses within the zone and land uses within adjoining zones.

Officer comment:

The subdivision design locates new roads along the perimeter of the adjoining E2 Environmental Conservation zone to the east, which provides a physical separation to minimize conflict from residential land use activities from the sensitive ecological land located within the E2 Environmental Conservation zone.

The objectives of the E2 Environmental Conservation are as follows:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To protect and enhance the ecology, hydrology and scenic values of waterways, riparian land, groundwater resources and dependent ecosystems.

Officer comment:

The subdivision layout has been designed largely in compliance with an adopted indicative layout plan, with minimal conflict into the E2 Environmental Conservation zone upon the eastern portion of the site. No management or restoration of this area is proposed within this development, with this area created as a biobanking allotment to offset the impact to biodiversity through the Biodiversity Certification process.

Apart from the sewer lead in works through the E2 Environmental Conservation zone, no other development is proposed to occur within this zone. Consideration of the impacts of this infrastructure have been made, with the most suitable location of the development easement identified within the Biodiversity Certification Assessment Report and Bio-certification Strategy for the Emerald Hills Estate.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
2.6 Subdivision - consent requirements	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA.	Yes
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Development consent has been obtained for the demolition of a cottage within DA/2015/704/1, which currently operates as a sales office. The operation of the sales office is proposed to continue up until the commencement of earthworks and civil works during stage 4 of the development.	Yes
4.1 Minimum Subdivision Lot Size	Minimum 220m ² lot area	All lots exceed 220m ² . Range of lots 373 – 1,610m ² (1,610m ² Largest lot created).	Yes
5.3 Development near zone boundaries	<p>The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</p> <p>This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.</p> <p>Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:</p> <p>a) The development is not inconsistent with the objectives</p>	The proposed earthworks and subdivision works (excluding the sewer lead in works, which are discussed separately) are wholly located within the R2 Low Density Residential Zone.	Yes

Clause	Requirement	Provided	Compliance
	for development in both zones, and b) The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.		
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the Threatened Species Conservation Act 1995. All vegetation across the site is proposed to be removed, with the exception of several trees, which are proposed to be retained and incorporated into the future Heritage Park. Removal of vegetation (6.7ha of Cumberland Plain Woodland) will be undertaken within DA/2014/439/1, with a bio-banking allotment (to offset the impact upon biodiversity) created upon the site subject to DA/2015/202/1. As a result of the gazettal of the Biodiversity Certification, Council may now determine the application and approve the DA subject to conditions.	Yes
6.1 Arrangements for designated State public infrastructure	Consent must not be granted for subdivision in urban release areas unless the DG has certified that satisfactory arrangements have been made to contribute to the provision of designated state infrastructure.	A Satisfactory Arrangements Certificate has been issued by the Department of Planning and Environment on 20 th October 2015.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The developer has consulted with public infrastructure agencies from the rezoning stage regarding arrangements for the provision of water, sewage and power. This development proposes water and sewer lead in works to connect into future infrastructure to enable the development to be serviced. It is considered that adequate arrangements will exist to make that infrastructure available for when it is required.	Yes

Clause	Requirement	Provided	Compliance
		A condition is recommended requiring that suitable public utility infrastructure is provided to the proposed lots prior to the issue of a Subdivision Certificate.	
6.3 Development Control Plan	Development consent must not be granted for development on land in an urban release area unless a development control plan that provides specified matters.	Relevant DCP requirements are in place for the Emerald Hills release area, included within Camden DCP 2011.	Yes
7.4 Earthworks	The objectives of this clause are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and requires consideration of matters relating to effects on drainage patterns, fill quality and amenity of adjoining properties.	<p>Earthworks are limited to trimming and road boxing above bulk earthwork levels created within DA2015/704.</p> <p>The development application has been submitted with an engineering development report, which addresses particular matters for consideration as listed under clause 7.4 such as drainage patterns, catchment modelling and soil stability. In addition, the application proposes erosion and sediment control measures such as diversion banks and channels and sediment fencing to address the movement of sediment upon the site.</p> <p>In addition, an Aboriginal Heritage Impact Permit has been obtained from the NSW Office of Environment & Heritage for the site. As such, considerations of Aboriginal cultural heritage items have been made.</p>	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the subject site.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation control measures have been proposed, which include	Yes

Control	Requirement	Provided	Compliance
		sediment basins established under DA2015/704, sediment traps, straw bale sediment filters, diversion banks and channels, mesh and gravel inlet filters and sediment fencing.	
B1.2 Earthworks	Minimise Cut and fill Use only clean fill	Earthworks are limited to trimming and road boxing above bulk earthwork levels created within DA2015/704. The levels created are considered to generally respond to the existing topography of the site. The engineering development report prepared by Cardno advises that bulk earthworks undertaken under DA2015/704 will result in a surplus of fill. Based on the engineering development report, it is unlikely that fill will be required to be imported to the site. Nevertheless, standard conditions of consent will apply to address fill material imported to the site.	Yes
B1.3 Salinity Management Plan	Salinity resistant construction	Consideration of salinity has been made within the report on Salinity Investigation and Management Plan prepared by Douglas Partners. The report and its recommendations have been reviewed by Council's Environmental Health Officers and is considered satisfactory.	Yes. Subject to conditions.
B1.4 Water Management	Ensure compliance with Council's engineering specifications for controls relating to detention, drainage and water sensitive design	Works proposed include construction of bio-retention / detention basins to control stormwater within this section of the site's catchment, with consideration of proposed catchments and drainage. The engineering plans and engineering development report have been reviewed by Council engineers and considered satisfactory.	Yes. Subject to conditions.
B1.5 Trees and Vegetation	Approval required for the removal of trees and	All vegetation across the subject site is proposed	Yes

Control	Requirement	Provided	Compliance
	vegetation	to be removed under development consent issued for earthworks subject to DA/2015/704/1, with the exception of trees contained within a bio-banking allotment created under DA/2015/202/1 and several trees which are proposed to be retained and incorporated into the future Heritage Park to be constructed as part of the civil works for Stage 2.	
B1.6 Environmentally Sensitive Land	Development on land mapped as environmentally sensitive must address any impacts on the native vegetative community, habitats, habitat corridors, wetlands and biodiversity values within a reserve.	<p>Mapped environmentally sensitive land will be removed including Cumberland Plain Woodland under earlier approvals granted on the site.</p> <p>On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the Threatened Species Conservation Act 1995. 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.</p>	NA
B1.7 Riparian Corridors	All uses with the exception of environmental protection works, drainage and crossings are prohibited with the core riparian and vegetation buffer zones. Wherever possible and practicable, infrastructure and utility services should be located outside the riparian corridor	<p>The application proposes the embellishment of the riparian corridor formed under DA/2015/704/1, which is an extension of the formed riparian corridor approved within DA/2014/439/1.</p> <p>As the application relates only to re-vegetation, earthworks and civil works to prepare the site for residential subdivision, no use is proposed within the core riparian and vegetation buffer zones.</p>	Yes
B1.8 Environmental and Declared Noxious Weeds	All applications for development, subdivision and bulk earthworks are to consider the need to minimise weed dispersion and to ensure weed	A standard condition is recommended requiring noxious weeds management in accordance with the DCP.	Yes. Subject to conditions.

Control	Requirement	Provided	Compliance
	infestations are managed during the stages of development.		
B1.9.1 Waste Management Plan	A waste management plan shall be submitted with any development application seeking consent for development that is likely to generate waste during construction and / or during the ongoing operation of the development.	A suitable waste management plan has been provided with the application.	Yes
B1.10 Bushfire Risk Management	<p>1) A Bushfire Protection and Assessment Report must form part of all development applications on land identified as Bushfire Prone Land on Camden Council's Bushfire Prone Land Map. The report must be in accordance with the requirements of the NSW RFS Planning for Bushfire Protection Guidelines and must outline the proposed development's consistency with:</p> <ul style="list-style-type: none"> a) RFS Planning for Bushfire Protection Guidelines, b) Australian Standard AS 3959 Construction of Buildings in Bush Fire Prone Areas, c) RFS Building in Bushfire Prone Areas Single Dwelling Applicants Kit for any detached dwelling house or alterations and additions to a dwelling house, and d) Building Code of Australia <p>2) Asset Protection Zones must be contained wholly within the subdivision they are designed to protect. The asset protection zones are to be placed as restrictions on the burdened allotments. No habitable buildings or storage structures are permitted within those zones.</p> <p>3) Asset Protection Zones, fire trails and perimeter roads are not permitted on land that is considered or zoned environmentally</p>	<p>A bushfire protection assessment has been prepared for the development concluding that the bushfire protection measures proposed will comply with Planning for Bushfire Protection 2006. The DA was referred to the RFS under the integrated provisions of the Act, with a bushfire safety authority granted by the RFS subject to conditions.</p> <p>Proposed Asset Protection Zones located within the south west corner of the site adjacent to the riparian corridor and along the eastern boundary of the site are located wholly within the proposed subdivision.</p> <p>No Asset Protection Zones are proposed to exist within the adjoining E2 – Environmental Conservation zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	sensitive.		
B1.12 Contaminated and Potentially Contaminated Land Management	An assessment is to be made by the applicant under SEPP No. 55 as to whether the subject land is contaminated prior to the submission of a Development Application.	Please refer to comments within State Environmental Planning Policy – No. 55 Remediation of Land made within earlier sections of this report.	Yes
B1.14 Development adjoining Sydney Catchment Authority Controlled Areas – the upper canal	All development shall include the provision of appropriate security / delineation fencing and / or other mitigation strategies in the consultation with the Sydney Catchment Authority	Subject to conditions recommended by Water NSW	Yes.
B1.16 Acoustic Amenity	Subdivision or development for residential purposes near roads, airports, and industrial / commercial uses, shall include a program of appropriate noise attenuation measures to reduce traffic or other noise that potentially will affect residential properties. For roads, noise attenuation measures must be prepared in accordance with Council's Environmental Noise Policy. The program shall predict noise levels for a ten year period and any noise attenuation measures shall address these noise levels.	An acoustic assessment of the development has identified that three corner lots (2132, 6009 and 6103) will require attenuation measures (boundary fencing) to address noise exceedances to external spaces. The location of fencing has been identified upon a plot plan within an addendum to the acoustic report and will form part of a Section 88B Instrument to be registered against the subject lots.	Yes. Subject to conditions.
B2 Landscape Design	A landscape plan is to be submitted for all development that, in Council's opinion, will significantly alter the existing and intended landscape character of the land.	The DA landscape package has been provided and assessed by Council's Landscape Officer and Council's Recreation Working Group who are satisfied with the planting proposed.	Yes
B3.2 Aboriginal Culture and Heritage	An Aboriginal Heritage Impact Permit (AHIP) is required from OEH for any activity likely to have an impact on Aboriginal objects and places before work takes place. This includes known Aboriginal items identified in Table B7, identified on the AHIMS register, or an Aboriginal item discovered as part of site investigations or development.	An Aboriginal Heritage Impact Permit has been obtained and applies to the entire site.	Yes
C13.2 Subdivision Design	1. The subdivision pattern for Emerald Hills shall generally follow the indicative master plan shown in Figure C82.	The subdivision pattern is generally consistent with the Emerald Hills indicative master plan with the exception of providing two battle-axe allotments in lieu of a cul de sac.	No. Camden DCP Variation 1. Figure C82 is contained as Attachment 1 at the end of this report.

Control	Requirement	Provided	Compliance
	<p>2. Subdivision shall provide for a diversity of lot sizes and types in appropriate locations which either reinforce the scenic values of the site, or contribute to the accessibility, vitality and character of the local centre, the amenity offered by open spaces and the viability of public transport. This may include larger groupings of smaller lots in the locations shown hatched red in Figure C83.</p> <p>3. The maximum dwelling density at Emerald Hills shall be 15 dwellings per hectare measured across the whole of the shaded area shown as 'net developable area' in Figure C83.</p>	<p>The proposed subdivision has a diverse range of lot frontages and lot sizes ranging from 373m² to 1,610m².</p> <p>The voluntary planning agreement allows up to 1280 dwellings to be constructed. The approval of Stage 1 works within DA2014/439 granted consent for 268 residential lots. The creation of an additional 569 residential lots within the proposed stage 2 – 6 works will create 837 residential lots, which does not exceed the maximum dwelling density envisaged for Emerald Hills.</p>	<p>Yes</p> <p>Yes</p>
C13.3 Street, Pedestrian and Cycle Network	<p>1. The street, pedestrian and cycle and public transport networks are to be designed and constructed generally in accordance with Figures C84, C85 and C86 – C91 and landscaped accordingly.</p> <p>2. The design and construction of the collector road in accordance with Figures C89, C90 and C91 shall provide north-south</p>	<p>The proposed development generally meets the street, pedestrian and cycle and public transport networks in accordance with the relevant figures with the exception of proposed road No. 34 within stage 5 of the development. Road No. 34 has been designed with a road carriageway width of 8 metres as per a typical access street in lieu of a road carriageway width of 9m for a typical local road. In addition, the applicants seek to provide footpaths upon one side only of local roads in lieu of both sides as per Figure C87.</p> <p>The design and construction of the proposed entry / exit collector road and collector roads is consistent with Figures</p>	<p>No. Camden DCP Variation 2 & 3.</p> <p>Figure C84 is contained as Attachment 2 at the end of this report.</p> <p>Figures C86 – C91 (inclusive) are contained as Attachment 3 at the end of this report.</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	pedestrian and cycle connectivity through the Emerald Hills development to East Leppington at the north and Camden Lakeside to the south.	C89, 90 and C91. A pedestrian and cycle (shared path) is provided through the development generally in accordance with Figure C85.	
C13.4 Bulk earthworks and retaining walls	<p>5. The maximum height of a retaining wall is 1.5 metres.</p> <p>8. Retaining walls are to be constructed of masonry materials.</p>	<p>Generally, the height of retaining walls ranges between 400mm and 1.5m, with the exception of rock retaining walls up to 2.2m.</p> <p>Retaining wall heights up to a maximum height of 2.2 metres are sought for a limited section of a proposed rock retaining wall located to the east of proposed road no. 47 upon the eastern edge of the subdivision.</p> <p>All proposed retaining walls will be required to be constructed of masonry materials.</p>	<p>No. Camden DCP Variation 4.</p> <p>Yes</p>
C13.5 Open Space, Public Domain and Fencing	<p>1. Local open space shall generally be located in accordance with Figure C92.</p> <p>2. Estate fencing shall be erected in locations to separate public domain areas from residential development.</p> <p>3. Estate fencing is to be constructed of consistent high quality materials and finishes and is to form part of the subdivisional works for the site.</p> <p>4. The location of estate fencing is identified in a Development Application</p>	<p>The proposed location of open space areas is generally located in accordance with Figure C92.</p> <p>The western edge of the Linear Park where an interface exists with Stage 1 residential lots will be provided with a 1.2m high estate post and rail (three) fence fixed with wire mesh to the rear of the fence to separate the public domain area from residential development.</p> <p>The estate post and rail fence is to be constructed of durable hardwood materials, with an entry statement wall adjacent to the intersection of road No. 25 with Camden Valley Way proposed to be constructed of sandstone. These works form part of subdivisional works to occur on site.</p> <p>The location of estate fencing is identified within the Emerald Hills Stage 2</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>and is to be constructed in accordance with a Landscaping Plan.</p> <p>5. Estate fencing is limited to a maximum height of 1.8m above ground level.</p> <p>7. Appropriate fencing to prevent public access to the Sydney Water Upper Canal land shall be provided.</p>	<p>– 6 Landscape DA package.</p> <p>Estate fencing ranges in height from 1.2m alongside the Linear Park to 1.5m for the entry sandstone wall adjacent to the intersection of road No. 25 with Camden Valley Way.</p> <p>Water NSW request that security fencing is installed along the boundary of the Upper Canal Corridor and the subject development site in the form of a 2.1m high palisade fence or a 2.1m high chain link fence with three strands of barbed wire on top. The fencing request by Water NSW forms part of the recommended conditions of consent.</p>	<p>Yes</p> <p>Yes. Subject to conditions.</p>
C13.6 Vegetation Conservation	1. The proponent of the Emerald Hills development is to enter into a Biobanking Agreement with the Office of Environment and Heritage for the land identified as 'Environmental Conservation' in figure C93. This will ensure that the environmental conservation land is appropriately protected, enhanced and managed to ensure its long term viability, and to help achieve the necessary biodiversity offset credits to facilitate development of the site.	<p>The whole of the Emerald Hills Estate was Gazetted as a Biocertified site on 4 December 2015 and conservation measures include a biobanking Agreement – ID number 159 over Part Lot 10 DP 11773819 and Biobanking Agreement ID number 168 in respect of Part Lot 1 DP 1101523.</p> <p>As per figure C93, this environmental conservation area has been created within a bio-banking allotment subject to DA/2015/202/1 (Lot 204), which is yet to be registered.</p>	<p>Yes</p> <p>Figure C93 is contained as Attachment 4 at the end of this report.</p>
C13.7 School and Communities Facilities Precinct	<p>1. Development will generally be located in accordance with the principles in Figure C94.</p> <p>2. A multi-purpose community room of approximately 170m² floor space is to be provided within the amenities building of approximately 360m² which is attached to the recreation oval.</p>	<p>1. The location of the dual playing fields, car park area and potential school site is generally consistent with Figure C94.</p> <p>2. The multi-purpose community building will be subject to a separate development application.</p>	<p>Yes</p> <p>NA</p>

Control	Requirement	Provided	Compliance
C13.8 Acoustic Amenity	1. Lots immediately adjacent to Camden Valley Way shall adopt the indicative layout shown in Figure C82 which will help achieve the external noise criteria.	There are no lots adjacent to Camden Valley Way within stages 2 to 6.	NA
C13.9 Stormwater Management	1. The design and performance of the stormwater management system infrastructure must have regard to the Water Sensitive Urban Design measures contained within the Cardno, May 2013, Water Cycle Management Report and addendum reports dated June 2013.	Council's Engineers have assessed the application and are satisfied that the application is generally in accordance with applicable water management strategies for the Emerald Hills Estate.	Yes
C13.10 Bushfire Risk Management	<p>1. Subject to detailed design at development application stage, the indicative location and widths of Asset Protection Zones are to be provided in accordance with figure C95 and;</p> <p>(a) are to be located wholly within the precinct.</p> <p>(b) May incorporate roads and flood prone land.</p> <p>(c) May be used for open space and recreation within private lots subject to appropriate fuel management.</p> <p>(d) Are to be maintained in accordance with the Planning for Bushfire Protection (NSW RFS).</p> <p>(e) May incorporate private residential land, but only within the building setback (no dwellings are to be located within the APZ).</p> <p>(f) Are not to burden public land.</p> <p>(g) Are to be generally bounded by a perimeter fire/trail/road that is linked to the public road system at regular intervals in accordance with Bushfire Protection.</p> <p>(h) May be allowed</p>	The Bushfire Protection Assessment identifies the location and widths of Asset Protection Zones, which are consistent with Figure C95.	Yes

Control	Requirement	Provided	Compliance
	within the outer 50% of the VRZ but any encroachment into the riparian corridor requires offsets to be provided.		
C13.11 Large Lots within Environmental Conservation	1. Identify building envelopes through a Section 88b instrument, located to respect and be sympathetic to the natural environment and significance of the vegetation.	Stages 2 to 6 do not propose allotments within the E2 zone.	NA
C13.12 Scenic Character Protection Area	<p>3. Utility and ancillary structures shall adopt darker, recessive toned colours such as dark browns, dark greens, dark greys and charcoal, along with non-reflective surfaces.</p> <p>4. Bulk earthworks shall be undertaken along the northern ridgeline and surroundings as per the ' Minimum Earthworks Cut Level ' as shown in Figure C96. The finished ground levels shall be in accordance with the spot RL's shown on Figure C96. Certification of the finished ground levels in accordance with this control will be required to be submitted to Council prior to the issuing of subdivision certificates in relation to this land.</p> <p>5. Road / verge street tree planting shall adopt hardy dark-leaved evergreen trees with good canopy cover.</p> <p>6. The ridgeline reserve shall be planted out with tall locally indigenous woodland species (to blend with woodland canopies in the Scenic Hills) using a minimum pot size of 100 litres, planted across the entire width of the reserve.</p> <p>7. The southern verge of the perimeter road between the scenic character protection area</p>	<p>Utility and ancillary structures within the development are generally consistent with this requirement.</p> <p>The cut and fill works have been designed to generally correspond with specific reduced levels to mitigate visual impacts of the Scenic Character of the Scenic Hills Area. Levels proposed achieve minimum RL's as per the ' Minimum Earthworks Cut Level ' Figure C96.</p> <p>The street trees propose a number of varieties of dark leaved evergreen trees providing good canopy cover.</p> <p>Consideration of proposed plantings within the Ridgeline reserve (Linear Park) has been made by Council's Landscape Officer and Council's Recreation Working Group who are satisfied with the planting proposed. A majority of trees proposed will be planted with a minimum pot size of 100 litres.</p> <p>The southern verge adjacent to proposed road No. 33 is proposed to be planted with a</p>	<p>Yes. Subject to conditions.</p> <p>Figure C96 is contained as Attachment 5 at the end of this report</p> <p>Yes. Subject to a conditions.</p> <p>Yes</p> <p>Yes. Subject to conditions.</p> <p>Yes. Subject to conditions.</p>

Control	Requirement	Provided	Compliance
	<p>and the Sydney Catchment Authority land (delineated by a purple line in Figure C96) shall be planted with tall locally indigenous woodland species using a minimum pot size of 100 litres.</p> <p>8. Street lights shall have hoods or other appropriate design treatment to minimize light spill in order to reduce ambient light haze as much as possible.</p>	<p>combination of species including: Eucalyptus tereticornis, Melaleuca decora / styphelioides and Syzigium spp.</p> <p>Street lighting will be required to comply with the relevant Australian Standards.</p>	Yes. Subject to conditions.
C13.13 Aboriginal and European Heritage	<p>1. A Heritage Interpretation Strategy shall be prepared by a suitably qualified and experienced heritage consultant which identifies the key stories associated with the site, its varying owners, associations and evolving users over time. Some examples of key people would include Thurawal, Dharug and Gundungurra Aboriginal peoples, the Cubbitch Barta clan, early colonial settlers and farming families such as those of Cordeaux, Edwards, Ward, Gaudry, Kable, Chisholm, Moore, William and Florence Price, the Presbyterian/Uniting Church/Burnside Homes (St Andrews School for Boys) and architects Phillip Cox and Ian McKay.</p> <p>2. The Heritage Interpretation Strategy must be submitted for Council approval as part of the Development Application for the park shown in C68 in the site of the former St Andrews School site. It should include an implementation plan with prioritized actions that identify specific locations and recommended means of interpretation that will be integrated</p>	<p>A heritage interpretation strategy has been prepared by Archaeological & Heritage Management Solutions. As a summary, interpretation will include;</p> <ul style="list-style-type: none"> - Use of former boys home site as a park; - Within this park – interpretation of Sydney School of Architecture style in furniture, play equipment, paving and building materials; - Retention of trees that formed the home grounds; - Use of images of boys home and interpretive signs; - Viewing platforms to connect to country (Aboriginal) and appreciate views; - Interpretation of significant figures in sculptures. <p>The Heritage Interpretation Strategy has been reviewed by Council's Heritage Officer and it is recommended that work is carried out in accordance with the submitted Interpretation Strategy.</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	into the park. These might include structures, artworks, plaques, sculptures, installations, street tree selection and treatment, landscaping which is themed on past uses, open space designs and treatments, and place names.		

Camden DCP Variation 1 – Subdivision Design

DCP Control

The DCP requires that the subdivision pattern for Emerald Hills shall generally follow the indicative master plan shown in Figure C82. The indicative master plan requires that a cul de sac is created within Stage 3 of the development. In lieu, the applicant proposes an alternative subdivision design seeking to create two battle-axe allotments.

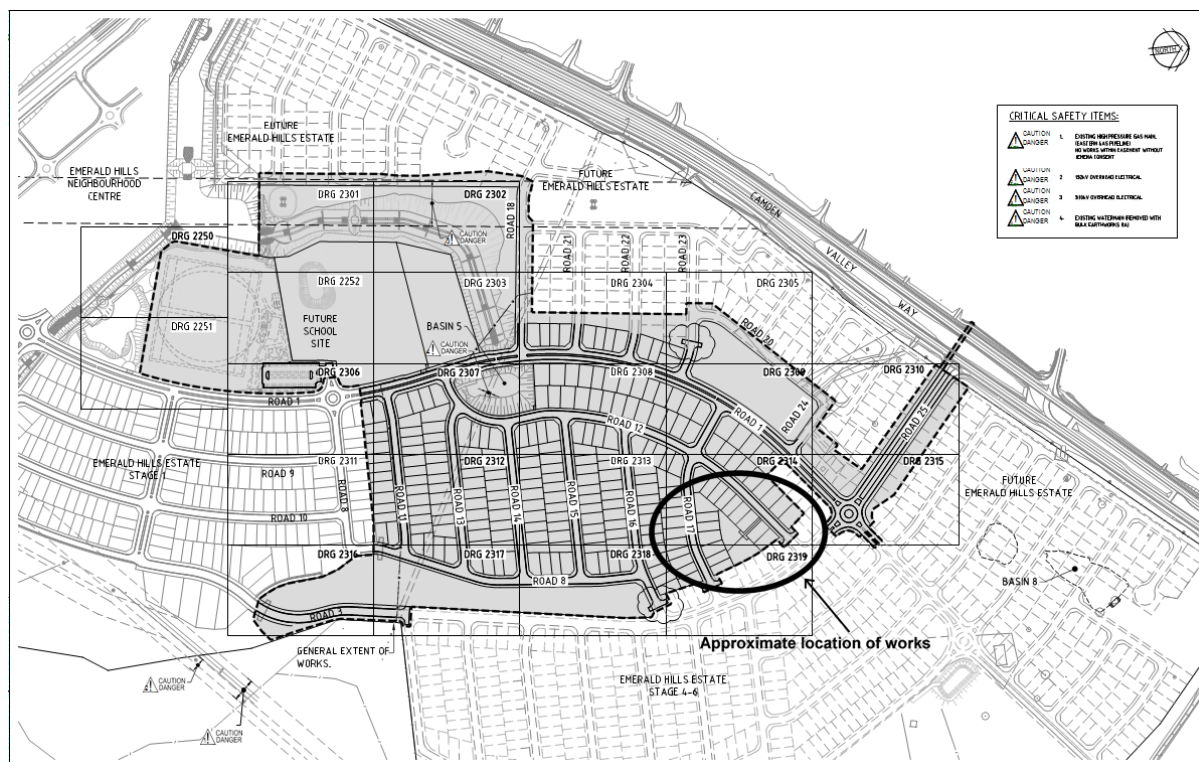


Image 4 – Location of battle-axe allotments within Stage 3

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- *The below snapshot of the development ILP demonstrates how the initially proposed cul-de-sac would create unconventional shaped lots in an area of the site which has difficult grades. The civil engineering solution which has been provided has remedied these issues through the introduction of a battleaxe handle off the local road. The battleaxe permits the continuation of regular rectangular shaped lots along the road frontage and an equal subdivision of the remaining parcel of land. This layout should allow for improved flexibility in the design of a dwelling on these lots providing an improved urban design outcome.*

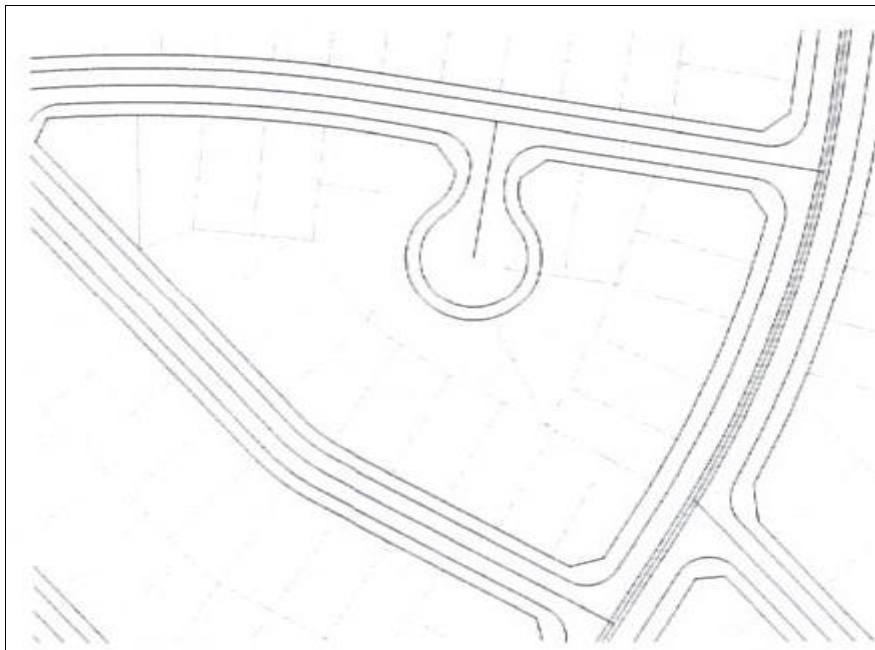


Image 5 – Cul de sac location as per Indicative Master Plan

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- The battle-axe arrangement for two lots will eliminate the creation of irregular allotments as a result of the cul-de-sac head and arc boundaries; and
- Large rectangular areas (1030m² and 1050m²) are generated, providing greater opportunities to support alternative housing layout and design;

Camden DCP Variation 2 – Street, Pedestrian and Cycle Network

DCP Control

The DCP requires that the street, pedestrian and cycle and public transport networks are to be designed and constructed generally in accordance with Figures C84, C85 and C86 – C91 and landscaped accordingly.

[illegible]

Variation Request

- *The reduction in carriageway width from 9m to 8m along Road 34 is due to this section of road having lots on only one side and the road being adjacent open space. This road therefore has the characteristics of an access road rather than a local road.*

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- JRPP (Sydney West Region) Business Paper – 2015SYW177

- No residential lots are located upon the southern side of the road to necessitate the greater width.

Camden DCP Variation 3 – Street, Pedestrian and Cycle Network

DCP Control

The DCP requires that the street, pedestrian and cycle and public transport networks are to be designed and constructed generally in accordance with Figures C84, C85 and C86 – C91 and landscaped accordingly.

Figure C87 Emerald Hills Typical Local Road requires a footpath to be provided upon both sides of the Local Road. The applicants seek to provide footpaths upon one side only of local roads in lieu of both sides as per Figure C87.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- *The provision of footpaths to both sides of local roads is considered excessive for the scale of use typically exhibited for these residential streets. A grassed verge is a preferable outcome from an environmental perspective utilizing less hard stand material and providing less infrastructure for Council to maintain. A review of footpath provision in other local estates has confirmed that typically local and access streets have footpaths along one side of the street.*

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- Council has supported the construction of footpaths along one side of local roads in other recently developed residential subdivisions; and
- The development is well serviced with a network of pedestrian paths and shared paths upon other roads and through open space areas providing pedestrian access and connectivity; and
- Reduces the amount of impervious area and increases the area of pervious area to support greener road verges.

Camden DCP Variation 4 – Bulk earthworks and retaining walls

DCP Control

The DCP requires that the maximum height of a retaining wall is 1.5 metres. Generally, the height of retaining walls ranges between 400mm and 1.5m, with the exception of rock retaining walls up to 2.2m.

Retaining walls up to a maximum height of 2.2 metres are sought for a limited section of a proposed rock retaining wall located to the east of proposed Road No. 47 upon the eastern edge of the subdivision.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- *In regard to Road No. 47, the proposed earthworks involve the amendment of levels to achieve the desired outcomes for practical effect of the subdivision as well as management of finished levels to achieve a reduction of visual impact with proposed levels fixed at the ridge line. There will be a portion of the retaining wall along Road 47 CH 90 – CH 108 and CH270 – END (including bend at intersection of Road No. 47 and Road No. 33) that will exceed 1.5m high.*

A maximum height of 2.2m high is proposed and this wall is positioned on the boundary of the Biobank Lot (Proposed Lot 204 of DA 202/2015). The wall is oriented to the East and supports the road that will be elevated along this boundary.

The provisions of the Camden Development Control Plan 2011 at C13.4 are aimed toward the management of cut and fill levels to reduce the visual impacts whilst preserving distinctive scenic features. This height of wall is required at these locations to allow suitable grades for land development while still matching the earthworks levels back in to the existing levels fixed by the biobanking of future lot 204. Geometric constraints of the proposed road network prevent these walls from being terraced.

The visual impact of the wall will be negligible with no immediate neighbouring properties affected and limited if any visibility from St Andrews Road that is located greater than 250m to the east.

*In relation to Road No. 34, the proposed maximum height of 1.7m is a minor exceedance of the Camden DCP 2011 C13.4.5 control. The retaining wall location has been varied to allow a wider road verge thus allowing continuation of the large native *Lophostemon confertus* trees down Road No. 34. The retaining wall will not be prominent as there will be heavy screening on both the low and high levels of the wall. The wall also runs east / west ensuring its visibility outside of the estate is negligible.*

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- The retaining walls proposed that exceed 1.5m are not inter allotment retaining walls and will not directly impact on the amenity of any residential lot; and
- The retaining wall is considered to be of good quality design and will alleviate the further terracing of the site, particularly along a future roadway; and
- The retaining wall is located adjacent to the bio-banking allotment created under DA2015/202. As such, the retaining wall will not be highly visible from neighbouring public places due to dense bushland (Cumberland Plain Woodland) located immediately adjacent to the proposed retaining wall.

Consequently it is recommended that the Panel support the proposed variations to Camden DCP 2011.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

The proposed development site is subject to the terms and conditions of the Voluntary Planning Agreement (VPA) (Emerald Hills Planning Agreement) executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate), pursuant to Section 93F of the Environmental Planning and Assessment Act, 1979, dated 1 August 2014. The terms of this voluntary planning agreement require the developer to provide ten (10) development contributions within stages 2 to 6, ranging from embellishment of open space areas, construction of playing fields and playgrounds, installation of fitness equipment and construction of pedestrian and cycle footpaths. With the exception of item No. 6 (One multi-purpose playspace which incorporates playground equipment and skate equipment), which will be subject to a separate development consent, the proposed development seeks consent for the remaining development contributions.

(a)(iv) The Regulations

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Bio-Certification for Emerald Hills Estate

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'. 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 may now determine the application and approve the DA subject to conditions.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for 30 days in combination with DA704/2015 (Bulk earthworks, associated site works and demolition of structures) between 8 October 2015 to 6 November 2015 in accordance with Camden Development Control Plan 2011. Within this exhibition period two submissions were received, both objecting to the proposed development.

The following discussion addresses the issues and concerns raised in the submissions.

1. *There are two unsightly structures clearly visible on the ridge, which we will see every time we walk our back door:*

Endeavour Energy's power poles and a security fence built by the Sydney Catchment Authority.

Officer Comment:

Whilst both of these elements are already located upon the subject site, the proposed development does not involve works to modify or change these existing assets. As such, this concern raised is a separate matter and unrelated to the current development application.

Despite this, Council wrote to both Water NSW and Endeavour Energy in March 2016 requesting that the existing power poles be relocated underground and the relocation of the existing chain boundary mesh fence from the ridgeline to a location which is less visually obtrusive.

A response was received from Water NSW who advised that;

Water NSW has again considered the matter and has concluded that the existing fence needs to be retained in its current location for security and public liability reasons.

Despite several attempts to extract a reply, no response was received from Endeavour Energy.

2. *We note that the SOEE (Bulk Earthworks) shows an extension of the DA into the Water NSW Corridor, designated as Lot 2. This aspect of the Emerald Hills development is an extension outside the boundaries of the estate, bringing it closer to us. Here it is proposed to relocate a water main. It is stated in both DA's that ' All vegetation across the subject site is proposed to be removed. ' We question the need for this and are concerned about the visual impact on the Campbelltown LGA side of the Scenic Hills if all vegetation is removed from the Water NSW land designated as Lot 2.*

Officer Comment:

Vegetation proposed to be removed is limited to the developer's land, namely Lot 101 DP 1192131 – 1100 Camden Valley Way, Leppington, with work conducted within Pt Lot: 2 DP: 1086624 – 1096 Camden Valley Way, Leppington limited to relocating a water main asset to reposition this asset within a future road reserve within DA2015/704.

3. *More generally, in relation to the proposed removal of vegetation across the site mentioned in SOEE (Staged Residential, p.20), we question the total disregard for the Policy and Strategies required for flora and fauna (6) in the comment provided in the adjacent column. It blatantly ignores the intention of the policy and dismisses the strategies recommended for its implementation. Incidentally, there is an inconsistency between the two SOEE's in relation to the 'several trees' mercifully proposed to be retained for the Heritage Park. Are they located in Stage 2 or Stage 3 of the Development? We seek confirmation that the landmark fig tree will not be removed from the ridgeline and that its viability will not be threatened by the proposed bulk earthworks.*

Officer Comment:

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'. On 4 December 2015, 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 may now determine the application and approve the DA subject to conditions.

In respect to trees proposed to be retained within the Heritage Park, work conducted to create the Heritage Park will be contained within Stage 2 of the development subject to DA/2015/993/1. The prominent fig tree, which is located within the proposed Hill Top Park forms part of Stage 1 works subject to DA/2014/439/1 and is proposed to be retained. The extent of earthworks and civil works sought within the current application are a considerable distance from the fig tree and will not impact upon the structural integrity of the tree.

4. *The SHA submission pointed out that 'while it is "anticipated" that the Emerald Hills Biodiversity Certification Application (EHBCA) will be signed before these DA's are determined, there is no particular requirement that it be so. We have*

deep concerns about EHBCA's ability to protect the biodiversity of the area, and particularly its " knock-on " effect on the bio-diversity of the Scenic Hills more generally. We support SHA's position that no disturbance of the site should occur (e.g. vegetation removal and earthworks) until the EHBCA agreement is in place and no DA should be approved prior to this.

Officer Comment:

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.

In this instance, the applicants have opted for bio-certification to be granted upon the site, rather than provide an assessment of the impact of the development on biodiversity values. On 4 December 2015, 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 may now determine the application and approve the DA subject to conditions.

- 5) *We seek reassurances that the site specific controls listed in C13 (excavation depths, screen planting, hooded lighting etc.) will be implemented. It seems to us that allowing only single storey dwellings nearest to the ridgeline would help in mitigating any potential negative visual impacts. It is up to Council to ensure that the Development Control Plan is complied with, in particular as it affects the visibility of any part of this development from the Campbelltown LGA.*

Officer Comment:

An assessment of the application against the development controls contained within Camden Development Control Plan 2011 reveals that generally, the application is compliant. Specifically, development controls relating to finished ground levels, screen vegetation and street lighting comply with the requirements of the DCP. A discussion of items not meeting DCP compliance is discussed in earlier sections of this report.

In respect to the objectors request that only single storey dwellings be permitted nearest to the ridgeline to mitigate visual impacts, consideration of visual impacts was made during the rezoning stage, subsequent master plan and the specific Emerald Hills chapter of the Camden Development Control Plan 2011. In this instance, no development standards or development controls are prescribed to limit future residential development to single storey. Within Camden Local Environmental Plan 2010, the maximum building height of Emerald Hills for residential land is 9.5 metres, which would allow two storey development to be constructed in the future.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development*

Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Department of Primary Industries – Water

The application was referred to the Department of Primary Industries - Water under the Integrated development provisions of the Act, as the development proposes works within 40 metres of an existing watercourse.

The Department of Primary Industries – Water have issued general terms of approval for works requiring a controlled activity approval under the *Water Management Act 2000*, which is referenced in the recommended consent conditions.

New South Wales Rural Fire Service

The application was referred to the New South Wales Rural Fire Service under the Integrated development provisions of the Act, as the subject site includes bushfire prone land requiring the issue of a bushfire safety authority under the *Rural Fires Act 1997*. The RFS have issued general terms of approval for a deemed fire safety authority, which is referenced in the recommended consent conditions.

Roads and Maritime Services

The application was referred to Roads and Maritime Services as a traffic generating development under the provisions of the Infrastructure SEPP. The RMS raised no objections to the proposed development, however provided specific conditions to address the proposed water main lead in works underneath Camden Valley Way. This specific requirement from RMS has been provided within the conditions of consent.

Transgrid

The application was referred to Transgrid for assessment under the provisions of Clause 45(1)(b) of the Infrastructure SEPP in that the development proposes the formation of a riparian corridor and batters adjacent to the riparian corridor within and immediately adjacent to Transgrid transmission easements.

Transgrid raised no objection to the proposed development and have provided conditions, which will be included in the consent.

Endeavour Energy

The application was referred to Endeavour Energy for assessment under the provisions of Clause 45(1)(b) of the Infrastructure SEPP in that the development proposed is adjacent to a transmission easement at the south corner extent of works.

Endeavour Energy raised no objection to the proposed development and have provided conditions, which will be included in the consent.

APA Group

The application was referred to APA Group for assessment under the provisions of Clause 55 of the Infrastructure SEPP in that the development proposed is adjacent to a gas pipeline easement at the south corner extent of works.

No objection was raised with the proposal subject to a risk assessment to be undertaken by the developer to consider the 6m gas pipeline easement within the vicinity of subdivision works. As the proposed works are some distance away, it is considered that the development does not propose any significant safety risks. Nevertheless, the recommended condition from APA Group forms part of the conditions of consent for the development.

Jemena

The application was referred to Jemena for assessment under the provisions of Clause 55 of the Infrastructure SEPP. In respect to the Jemena eastern gas pipeline easement, relocation of this infrastructure and easement has been made under DA2014/308. Jemena in their response to Council have advised that staging works for sections 2 – 6 do not affect the Jemena Eastern Gas Pipelines assets and accordingly, raise no objection to the proposal with no specific conditions or requirements.

Water NSW

The application was referred to Water NSW as they own and manage a controlled area containing the Upper Canal corridor and associated infrastructure which supplies water to greater Sydney that adjoins the development site. In view of the importance of protecting the land adjoining the proposed development, Water NSW requested that specific conditions to address the following matters; Erosion and sediment controls, access to Water NSW Controlled Area during operations, notification of incidents affecting the Upper Canal and specific fencing requirements be incorporated into the development consent. These specific requirements from Water NSW have been provided within the conditions of consent.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

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. Accordingly, DA/2015/993/1 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

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

The general terms of approval/requirements are:

1. Department of Primary Industries – Water, correspondence numbered 10 ERM2015/1028, dated 18th November 2015
 2. NSW Rural Fire Service correspondence numbered D15/3036, dated 12th November 2015.
- (2) **Agency Requirements** – The requirements of the following agencies as listed below shall be complied with prior to, during, and at the completion of the development:
- Water NSW, dated 28th October 2015 and 21st April 2016.
 - Transgrid, dated 14th January 2016.
 - Endeavour Energy, dated 17th December 2015.
 - APA Group, dated 22nd October 2015.
- (3) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
NA50613004-027-CI-DA-0003 Revision 4	Notes and Legends Sheet	Cardno	02/09/2015
NA50613004-027-CI-DA-0006 Revision 5	Stage 2-3 General Arrangement Plan	Cardno	21/03/2016
NA50613004-027-CI-DA-0007 Revision 4	Stage 4 – 6 General Arrangement Plan	Cardno	02/09/2015
NA50613004-027-CI-DA-	Stage 2 – 6 Road Hierarchy	Cardno	10/03/2016

0012 Revision 5	Plan		
NA50613004-027-CI-DA-0013 Revision 5	Stage 2 – 6 Typical Road Cross Sections Sheet 1 of 2	Cardno	10/03/2016
NA50613004-027-CI-DA-0014 Revision 4	Stage 2 – 6 Typical Road Cross Sections Sheet 2 of 2	Cardno	10/03/2016
NA50613004-029-CI-SK-0019 Revision 1	Retaining Wall Plan	Cardno	06/05/2016
NA50613004-029-CI-SK-0020 Revision 1	Retaining Wall Elevations	Cardno	06/05/2016
NA50613004-027-CI-DA-2001 Revision 5	Stage 2 – 3 Staging Plan	Cardno	21/03/2016
NA50613004-027-CI-DA-2010 Revision 5	Stage 2 – 3 Alignment Control Plan	Cardno	21/03/2016
NA50613004-027-CI-DA-2150 Revision 2	Stage 2 – 3 Sports Field Sediment and Erosion Control Plan	Cardno	02/09/2015
NA50613004-027-CI-DA-2201 Revision 4	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 1 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-2202 Revision 4	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 2 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-2203 Revision 5	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 3 of 6	Cardno	21/03/2016
NA50613004-027-CI-DA-2204 Revision 4	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 4 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-2205 Revision 5	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 5 of	Cardno	21/03/2016

	6		
NA50613004-027-CI-DA-2206 Revision 4	Stage 2 – 3 Sediment and Erosion Control Plan Sheet 5 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-2210 Revision 4	Stage 2 – 3 Sediment and Erosion Details	Cardno	02/09/2015
NA50613004-027-CI-DA-2250 Revision 2	Stage 2 – 3 Sports Field Siteworks Plan Sheet 1 of 3	Cardno	02/09/2015
NA50613004-027-CI-DA-2251 Revision 2	Stage 2 – 3 Sports Field Siteworks Plan Sheet 2 of 3	Cardno	02/09/2015
NA50613004-027-CI-DA-2252 Revision 2	Stage 2 – 3 Sports Field Siteworks Plan Sheet 3 of 3	Cardno	02/09/2015
NA50613004-027-CI-DA-2301 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 1 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2302 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 2 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2303 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 3 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2304 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 4 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2305 Revision 5	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 5 of 19	Cardno	21/03/2016
NA50613004-027-CI-DA-2306 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan	Cardno	02/09/2015

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NA50613004-027-CI-DA-2307 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 7 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2308 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 8 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2309 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 9 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2310 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 10 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2311 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 11 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2312 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 12 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2313 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 13 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2314 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 14 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2315 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 15 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2316 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan	Cardno	02/09/2015

	Sheet 16 of 19		
NA50613004-027-CI-DA-2317 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 17 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2318 Revision 5	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 18 of 19	Cardno	21/03/2016
NA50613004-027-CI-DA-2319 Revision 4	Stage 2 – 3 Roadworks and Stormwater Drainage Plan Sheet 19 of 19	Cardno	02/09/2015
NA50613004-027-CI-DA-2330 Revision 2	Stage 2 – 3 Sales Office and Carpark Interim Access Plan	Cardno	02/09/2015
NA50613004-027-CI-DA-2351 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 1 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2352 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 2 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2353 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 3 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2354 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 4 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2355 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 5 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2356 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 6 of 11	Cardno	02/09/2015

NA50613004-027-CI-DA-2357 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 7 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2358 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 8 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2359 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 9 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2360 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 10 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2361 Revision 4	Stage 2 – 3 Road Longitudinal Sections Sheet 11 of 11	Cardno	02/09/2015
NA50613004-027-CI-DA-2702 Revision 5	Stage 2 – 3 Bioretention – Detention Basin 5 Plan	Cardno	25/02/2016
NA50613004-027-CI-DA-2704 Revision 4	Stage 2 – 3 Typical Bioretention – Detention Basin Details and Sections	Cardno	02/09/2015
NA50613004-027-CI-DA-2801 Revision 4	Stage 2 – 3 Catchment Plan	Cardno	02/09/2015
NA50613004-027-CI-DA-4001 Revision 5	Stage 4 – 6 Staging Plan	Cardno	21/03/2016
NA50613004-027-CI-DA-4010 Revision 5	Stage 4 – 6 Alignment Control Plan Stage 4 - 6	Cardno	21/03/2016
NA50613004-027-CI-DA-4201 Revision 4	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 1 of 6	Cardno	02/09/2015

NA50613004-027-CI-DA-4202 Revision 5	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 2 of 6	Cardno	21/03/2016
NA50613004-027-CI-DA-4203 Revision 4	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 3 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-4204 Revision 4	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 4 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-4205 Revision 5	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 5 of 6	Cardno	21/03/2016
NA50613004-027-CI-DA-4206 Revision 4	Stage 4 – 6 Sediment and Erosion Control Plan Sheet 6 of 6	Cardno	02/09/2015
NA50613004-027-CI-DA-4210 Revision 4	Stage 4 – 6 Sediment and Erosion Details	Cardno	02/09/2015
NA50613004-027-CI-DA-4301 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 1 of 16	Cardno	02/09/2015
NA50613004-027-CI-DA-4302 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 2 of 16	Cardno	02/09/2015
NA50613004-027-CI-DA-4303 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 3 of 16	Cardno	02/09/2015
NA50613004-027-CI-DA-4304 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 4 of 16	Cardno	02/09/2015
NA50613004-027-CI-DA-	Stage 4 – 6 Roadworks and	Cardno	02/09/2015

4305 Revision 4	Stormwater Drainage Plan Sheet 5 of 16		
NA50613004- 027-CI-DA- 4306 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 6 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4307 Revision 5	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 7 of 16	Cardno	21/03/2016
NA50613004- 027-CI-DA- 4308 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 8 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4309 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 9 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4310 Revision 5	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 10 of 16	Cardno	21/03/2016
NA50613004- 027-CI-DA- 4311 Revision 5	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 11 of 16	Cardno	21/03/2016
NA50613004- 027-CI-DA- 4312 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 12 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4313 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 13 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4314 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 14 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA-	Stage 4 – 6 Roadworks and	Cardno	02/09/2015

4315 Revision 4	Stormwater Drainage Plan Sheet 15 of 16		
NA50613004- 027-CI-DA- 4316 Revision 4	Stage 4 – 6 Roadworks and Stormwater Drainage Plan Sheet 16 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4351 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 1 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4352 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 2 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4353 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 3 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4354 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 4 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4355 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 5 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4356 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 6 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4357 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 7 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4358 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 8 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA-	Stage 4 – 6 Road	Cardno	02/09/2015

4359 Revision 4	Longitudinal Sections Sheet 9 of 16		
NA50613004- 027-CI-DA- 4360 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 10 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4361 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 11 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4362 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 12 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4363 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 13 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4364 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 14 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4365 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 15 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4366 Revision 4	Stage 4 – 6 Road Longitudinal Sections Sheet 16 of 16	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4701 Revision 5	Stage 4 – 6 Bioretention – Detention Basin 6 Plan	Cardno	25/02/2016
NA50613004- 027-CI-DA- 4702 Revision 4	Stage 4 – 6 Bioretention – Detention Basin 7 Plan	Cardno	02/09/2015
NA50613004- 027-CI-DA- 4710 Revision 4	Stage 4 – 6 Typical Bioretention – Detention Basin	Cardno	02/09/2015

	Details		
NA50613004-027-CI-DA-4801 Revision 4	Stage 4 – 6 Stormwater Catchment Plan	Cardno	02/09/2015
60020 PPS.dwg Issue A	Plan of Proposed Subdivision of Lots 1 & 2 in DP Sheet 1 of 2 & 2 of 2	Lean Lackenby & Hayward	14/07/2015
60061 PPS.dwg Issue A	Plan of Proposed Subdivision of Lot 3 in DP Sheet 1 of 2 & 2 of 2	Lean Lackenby & Hayward	14/07/2015
60062 PPS.dwg Issue C	Plan of Proposed Subdivision of Lot 4 in DP Sheet 1 of 1	Lean Lackenby & Hayward	19/05/2016
60063 PPS.DWG Issue A	Plan of Proposed Subdivision of Lot 5 in DP Sheet 1 of 1	Lean Lackenby & Hayward	14/07/2015
60064 PPS.dwg Issue D	Plan of Proposed Subdivision of Lot 6 in DP Sheet 1 of 1	Lean Lackenby & Hayward	17/05/2016
60065 PPS.dwg Issue B	Plan of Proposed Subdivision of Lot 7 in DP Sheet 1 of 1	Lean Lackenby & Hayward	17/05/2016
Pages 1 – 40 Revision D Page 41 Revision E Pages 42 – 45 Revision D	Emerald Hills Stage 2 – 6 Landscape DA Package	Place Design Group	Pages 1 – 40 - Dated August 2015 Page 41 – Dated March 2016 Pages 42 – 45 Dated August 2015

Page 46 – Revision E			Page 46 – Dated March 2016
Pages 47 – 55 Revision D			Pages 47 – 55 – Dated August 2015

Document Title	Prepared by	Date
Emerald Hills Estate, Stage 2 – 6 Development Application Vegetation Management Plan Version 3	Eco Logical Australia	30 June 2015
Waste Management Plan	Stephen McMahon	4 th September 2015
Engineering Development Report Stage 2 – 6 Civil Works – Emerald Hills Estate Version 5 and addendum letter dated 22 nd March 2016.	Cardno	1 st September 2015 Addendum letter dated 22 nd March 2016
Bushfire Protection Assessment – Proposed Subdivision - Emerald Hills Stages 2 – 6 Version 5	Eco Logical Australia	18 th March 2016
Emerald Hills Estate, Leppington Residential Precinct – Stage 2 -6 DA Acoustic Assessment Report No. 610.12010-R4 Revision O and addendum letter ‘ Corner lots adjacent to roundabouts Noise Levels in External Areas ‘ dated 22 nd March 2016	SLR Global Environmental Solutions	12 th August 2015 Addendum letter dated 22 nd March 2016
Former St Andrews Home for Boys, Emerald Hills, 1100-1150 Camden Valley Way, Leppington: Interpretation Strategy Version 3	AHMS – Archaeological & Heritage Management Solutions	September 2015

(4) **Modified Documents and Plans** - The development shall be modified as follows:

- a) Drawing Number 59028 Superlot.dwg, Plans of Proposed Subdivision of Lot 201 in DP1210950 (UNREG) Sheet 1 of 1, prepared by Lean Lackenby & Hayward, dated 14/7/2015 shall be

amended to reflect the demolition of the sales office prior to the commencement of Stage 4 works.

- b) All retaining walls, and rock retaining walls within the Scenic Character Protection Area, shall adopt darker, recessive toned colours such as dark browns, dark greens and charcoal, consistent with the requirements of Clause 13.12 of Camden Development Control Plan 2011.
- c) Item No. 6 (One multi-purpose playspace which incorporates playground equipment and skate equipment) of development contributions subject to the Voluntary Planning Agreement executed between Camden Council and Hazcorp Developments Pty Limited, Taurus Development Company Pty Limited (trading as Emerald Hills Estate), and D & AI Limited, dated 1 August 2014 does not form part of this development consent. Separate development consent for these works must be separately obtained.
- d) Screen planting vegetation to the south of the verge (between the verge and site boundary) of Road No. 34 as shown upon Page 46 Revision E of Emerald Hills Stage 2 - 6 Landscape DA package, dated March 2016 shall delete the use of *Callistemon viminalis* with all trees to be planted using a minimum pot size of 100 litres.

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

- (5) **Building Code of Australia** – All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (6) **Public Open Space, Street Trees, Maintenance and Establishment Period** – For a period of 12 months, commencing from the installation date of the street trees and their protective guards, the Applicant will be responsible for the necessary watering, successful establishment, maintenance and any repair of all subject street trees and their protective guards.

As will be determined by Council's Public Tree Management Officer, the Applicant will be responsible for any necessary repairs or replacements needed at the completion of the 12 month maintenance and establishment period.

The Applicant will be responsible to ensure that any necessary repairs or replacements are to be completed with the same species, plant maturity and materials and the works carried out within 4 weeks following the completion date of the maintenance and establishment period.

- (7) **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 Australia, dated 30th June 2015, prepared for Macarthur Developments P/L, Stage 2 – 6 DA for Emerald Hills Estate, Version 2, project No. 14WOL/660.

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 Department of Primary Industries - 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 Department of Primary Industries - Water General Terms of Approval (GTA's) and Vegetation Management Plans (VMP's) applying to this Consent and Construction Certificate (CC).

It is the Applicant's responsibility to arrange a site inspection with the Consent Authority (i.e. Camden Council) and the NSW Department of Primary Industries - Water, 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.

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

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

- (9) **Biobanking Statement** – The development must comply with all conditions relating to on-site measures specified in the biobanking statement (biobanking statements ID:159 and 168).
- (10) **Sewer Line / Lead in Works** – The sewer line proposed in the E2 Environment Conservation Zone as per ‘ Proposed Lead-In Sydney Water Infrastructure Plan, Version 1, Job No. 8/22902 ‘ is to be contained within the development easement as shown in Figure 3 of the Biodiversity Certification Assessment Report and Bio-Certification Strategy for Emerald Hills Estate (Eco Logical Australia, 27 April 2105).
- (11) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (12) **Noxious Weeds Management** – The applicant must fully and continuously suppress and destroy by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after works. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

- (13) **Waste Bin Collection Points** – All waste bin collection points must be 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.
- (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) **Manoeuvring of Vehicles** – All vehicles shall enter and exit the site in a forward direction.
- (16) **Outdoor Lighting** – All lighting shall comply with AS 1158 and AS 4282.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Requirements for Utility Crossing Under RMS Control Roads** – Any road crossings should be by underboring and shall be maintenance free.

Boring under the RMS control roads, the proponent to provide ground condition, diameter and depth of the proposed underbore

The following information should also be submitted for review:

- The geotechnical investigation within the vicinity of the underbore location.
- Typical longitudinal and cross sections of the proposed underbore.
- Detail analysis and predicted surface settlement of the underbore works.
- Proposed monitoring plan that required before, during and after the underbore work.

Based on the information, the RMS will determine whether a detailed review will be required. If detailed review is required, the proponent to meet the cost for the review.

If it can be demonstrated to the RMS (details should be forwarded to this office) that underboring is impractical then trenching may be approved by the RMS. Details, location and dimensions / cross section to be submitted for Asset Sydney Approval.

- (2) **Staging of Construction Works** - The development is to be completed in stages in accordance with the approved Staging Plan for Stage 1, 2, 3, 4, 5, 6 and 7.

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.

- (3) **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 the Department of Primary Industries – Water until a copy of the CAA has been provided to the Consent Authority (I.e. Camden Council).

- (4) **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 Roads Authority can approve commencement of works within an existing road reserve.

- (5) **Compliance with AUSTROADS** – The proposed road design must comply with AUSTROADS Standards including, but which are 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.

- (6) **Regulatory Signage** – All regulatory signage must be reviewed and approved by Council's Local Traffic Committee prior to the issue of a Construction Certificate.
- (7) **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.
- (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) **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.
- (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) **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.

A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

- (12) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan 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.

- (13) **Validation Report** – Remediation works approved by DA/2014/1202/1 and DA/2014/1031/1 must be completed and 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.

- (14) **Site Audit Statement** - Remediation works approved by DA/2014/1202/1 and DA/2014/1031/1 must be completed and 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) to cover DA/2014/1202/1 and DA/2014/1031/1 and background sampling density 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.

- (15) **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.
- (16) **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
- (17) **Salinity** – All Development Works shall comply with the requirements of the Salinity Management Plan – ‘*Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Emerald Hills Estate, Leppington, prepared by Douglas Partners, Project Number 76553.00 Revisions 1, dated June 2013, and Supplementary Salinity Investigation, prepared by Douglas Partners, project Number 76553.02, dated 15 April 2014.*’
- Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (18) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **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) **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.
- (4) **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 Certifying 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.

- (5) **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; and
 - 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.

- (6) **Performance Bond** - Prior to commencement of works a performance bond of 5% value of civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Demolition Work** - Consent is granted for the demolition of the sales office currently existing on the property, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
 - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
 - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
 - d) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
 - e) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the PCA for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
 - f) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal;
 - g) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and

- h) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.
 - i) The Sales Office shall be demolished prior to the commencement of Stage 4 works.
- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- 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).
- (10) **Hazardous Building Materials Assessment** - A hazardous building material assessment shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the 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.
- (11) **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.
- (12) **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.
- (13) **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; and
- 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.
- (14) **Biodiversity Credits** - The development must comply with all the conditions relating to the retirement of all required biodiversity credits (ecosystem and species credits) specified in the biobanking statements ID:159 and ID:168 before the development is physically commenced.

4.0 - During Works

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

- (1) **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, sewage, 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.

- (2) **Construction Hours** – All works (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.
- (3) **Compliance With BCA** – All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **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.
- (5) **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 facility;
- 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*.

(6) **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 \$15,00 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution. “

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (7) **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.
- (8) **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.
- (9) **Noise During Work** - 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's Environmental Noise Manual.

- (10) **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.
- (11) **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.
- (12) **Fill Material Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (13) **Fill Material** - 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.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks;
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics;
- 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.

- (14) **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.

- (15) **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).
- (16) **Unexpected Finds Contingency (General)** – Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash materials, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (17) **Compliance With Salinity Management Plan** – All works must comply with the requirements of the report titled *Report on Salinity Investigation and Management Plan, Proposed Residential Subdivision, Emerald Hills Estate, Leppington, prepared by Douglas Partners, Project Number 76553.00 Revisions 1, dated June 2013, and the Supplementary Salinity Investigation prepared by Douglas Partners, project number 76553.02, dated 15 April 2014.*
- (18) **Waste Disposal** – The proponent shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required** – An Occupation Certificate shall be obtained prior to any use or occupation of the development.

6.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the

requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.

- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.
- (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 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.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (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.
- (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 suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.
- (11) **Sydney Water Approval** – The Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority before release of the plan of subdivision.
- (12) **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; and
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (13) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).

- (14) **Certification of Finished Ground Levels** – Certification of the finished ground levels prepared by a registered land surveyor confirming that the finished ground levels complies with the Minimum Earthworks Cut Level as shown in Figure C96 as per Clause C13.12.4 of Camden Development Control Plan 2011 shall be submitted to the PCA prior to the issuing of subdivision certificates within the scenic character protection area.
- (15) **Extinguishment of Easement** – The easement for water supply 2.44 & 6.095 wide (DP536373)(L 950219) shall be extinguished prior to the issuing of subdivision certificates for Stage 2 works.

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

Unit rate	Unit	Total	Purpose
\$88.10	Lot	\$50,129.00	Community Facility (Lots 300>m ²)
Unit rate	Unit	Total	Purpose
\$246.42	Lot	\$140,213.00	Administration
Total Cash Contribution - \$190,342.00			

Prior to the release of the subdivision certificate(s), the developer must complete (or obtain Council's approval of a deferral for the completion of) the below listed items in accordance with the timing specified in the Schedule of Works in the Voluntary Planning Agreement.

Item No. 4 - A 3.94ha approximately double playing field plus a 100 space car park in a location generally consistent with that marked ' OVAL ' on the Stage 1 Plan, and that is otherwise in accordance with the specification for item OVAL as per the Voluntary Planning Agreement.

Item No. 6 - One multi-purpose playspace which incorporates playground equipment and skate equipment in a location generally consistent with that marked ' PG1 ' on the Stage 2 Plan (the playground and skate equipment may be provided in separate locations within the surrounds of Item 4 - the oval subject to approval by Council under Clause 13 of this deed) that is otherwise in accordance with the specification for item PG1 as per the Voluntary Planning Agreement.

Item No. 7 - Embellishment of approximately 24,060 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS2 ' on the Stage 2 Plan and that is otherwise in accordance with the specification for Item OS2 as per the Voluntary Planning Agreement.

Item No. 8 - Embellishment of approximately 3,860 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS3 ' on the Stage 2 Plan and that is otherwise in accordance with the specification for Item OS3 as per the Voluntary Planning Agreement.

Item No. 9 - Embellishment of approximately 6,952 sqm of transmission line easement land within the areas identified as ' TL2 ' on the Stage 2

Plan and that is otherwise in accordance with the specification for Item TL2 as per the Voluntary Planning Agreement.

Item No. 10 - One playground in a location generally consistent with that marked ' PG2 ' on the Stage 2 Plan that is otherwise in accordance with the relevant portions of the specification for Item PG2 as per the Voluntary Planning Agreement.

Item No. 11 - Fitness equipment situated along and adjoining footpath in a location, generally consistent with that marked ' FT1 ' on the Stage 2 Plan that is otherwise in accordance with the specification for Item FT1 as per the Voluntary Planning Agreement.

Item No. 12 - Pedestrian and cycle footpath of 1,084 metres in length and 2.5 metres wide (2,710 sqm) in locations generally consistent with those marked ' Dual Use Path ' on the Stage 2 Plan and otherwise in accordance with Council's Engineering Design Specifications.

Item No. 13 - Embellishment of approximately 9,834 sqm of passive open space at locations that are generally consistent with the areas identified as ' OS4 ' on the Stages 3 - 6 Plan and that is otherwise in accordance with the specification for Item OS4 as per the Voluntary Planning Agreement.

Item No. 14 - One playground in a location generally consistent with that marked ' PG3 ' on the Stages 3 - 6 Plan that is otherwise in accordance with the specification for Item PG3 as per the Voluntary planning Agreement.

Item No. 15 - Pedestrian and cycle footpath of 210 metres in length and 2.5 metres wide (525 sqm) in locations generally consistent with those marked ' Dual Use Path ' on the Stages 3 - 6 Plan and otherwise in accordance with Council's Engineering Design Specifications.

(17) **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) retaining wall, positive covenant, and restriction to user;
- d) reciprocal 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);

- e) Acoustic Fence – To ensure adequate external acoustic amenity is provided, lots 2132, 6009 and 6103 must have an acoustic fence as indicated in red within the addendum report title *Emerald Hills Estate – Stage 2-6 RFI, Corner Lots Adjacent to Roundabouts, Noise Levels in External Areas*, prepared by SLR Consulting Australia Pty Ltd, reference 610.12010 Stage 2-6 fences 20160322.docx, dated 22 March 2016.
 - f) Façade Treatments and Mechanical Ventilation – To ensure that internal acoustic amenity is provided, dwellings on Lots 2001 to 2002, Lots 2029 to 2032, Lots 2113 to 2130, Lots 2132 to 2142, Lots 6009 to 6013 and Lots 6103 to 6105 must include the façade treatments and/or mechanical ventilation requirements outlined in the acoustic report titled *Emerald Hills Estate, Leppington, Residential Precinct – Stage 2-6 DA, Acoustic Assessment*, prepared by SLR Consulting Australia Pty Ltd, reference 610.12010 – R4, dated 12 August 2015.
- (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.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (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.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (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 5% of the value of civil works, with Council.

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

Note – An administration fee is payable upon the lodgement of a bond with Council.

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

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

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

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

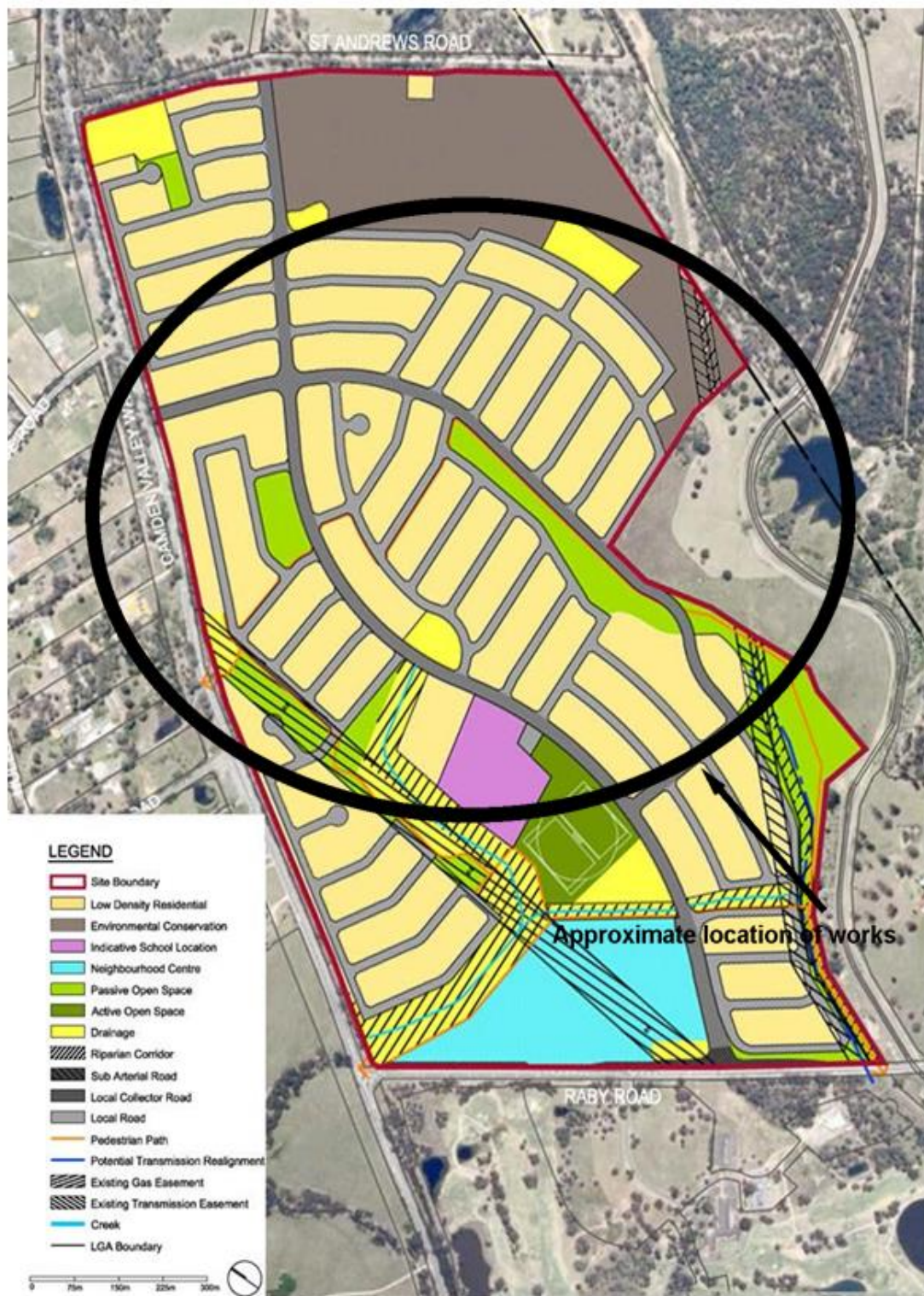
- (b) Maps to be provided shall include the final layout of the subdivision and as a separate layer in .dxf or .dwg format.

RECOMMENDED

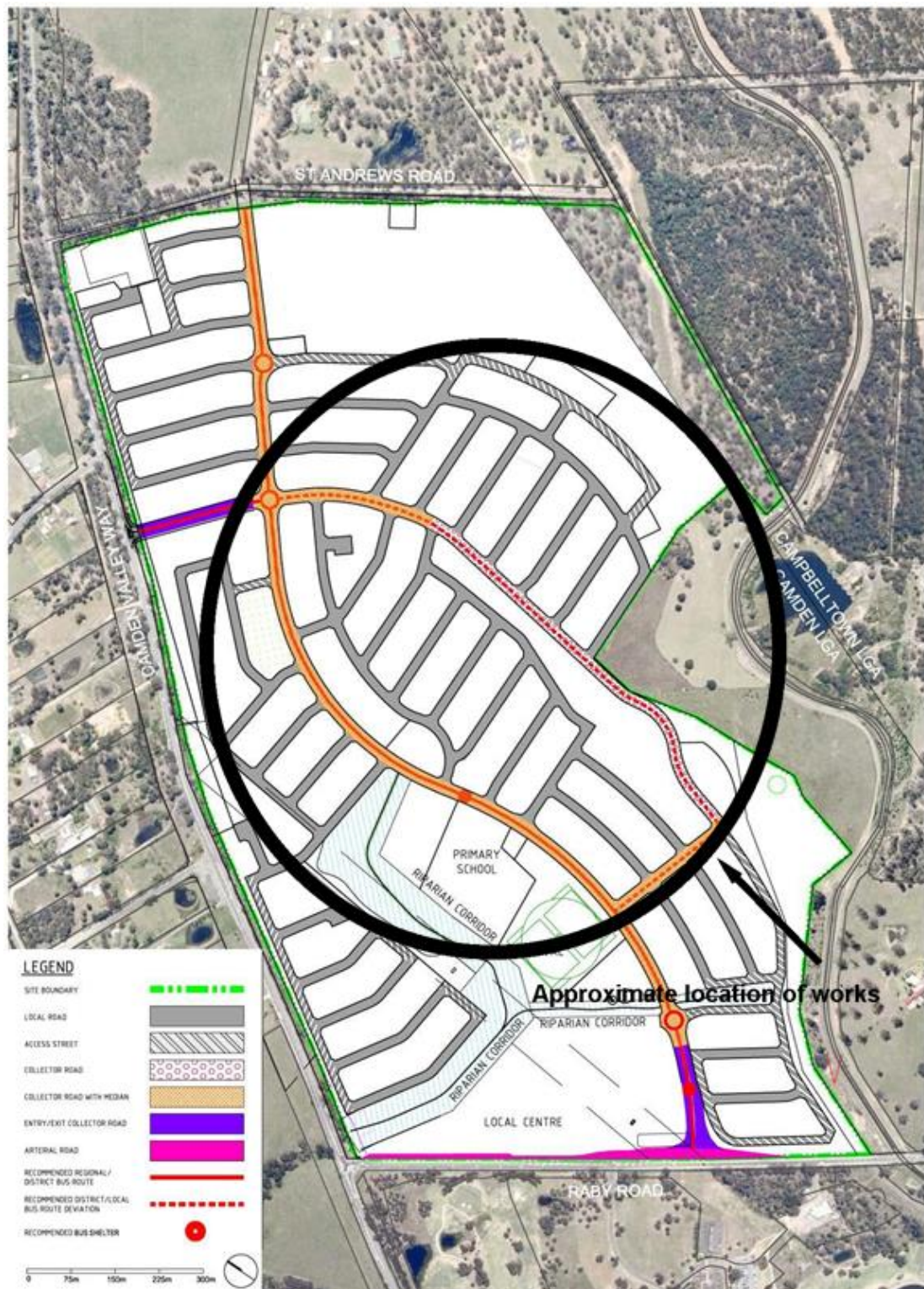
That the Panel:

1. Determine DA/2015/993/1 for the staged residential subdivision (Stages 2 to 6) to create 569 lots, minor earthworks, associated roads, drainage and landscaping pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions contained in this report.

Attachment 1 – Figure C82 Indicative Master Plan



Attachment 2 – Figure C84 Emerald Hills Road Hierarchy and Bus Route



Attachment 3 – Figures C86 – C91

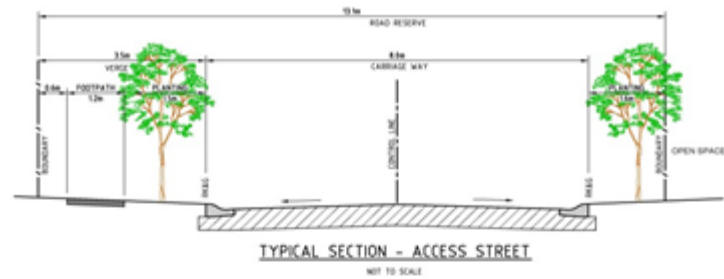


Figure C86 Emerald Hills Typical Access Street



Figure C87 Emerald Hills Typical Local Road

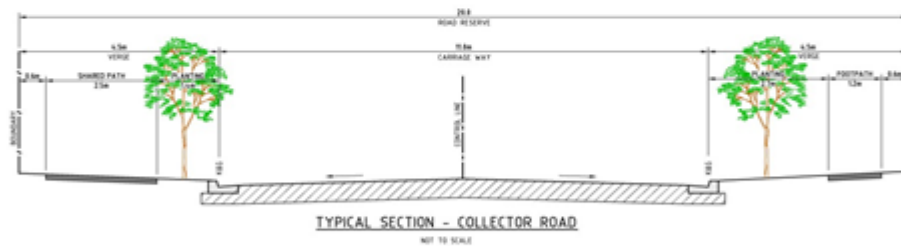


Figure C88 Emerald Hills Typical Collector Road



Figure C89 Emerald Hills Typical Collector Road with Median



Figure C90 Emerald Hills Typical Collector Road with Median and Bus Set down

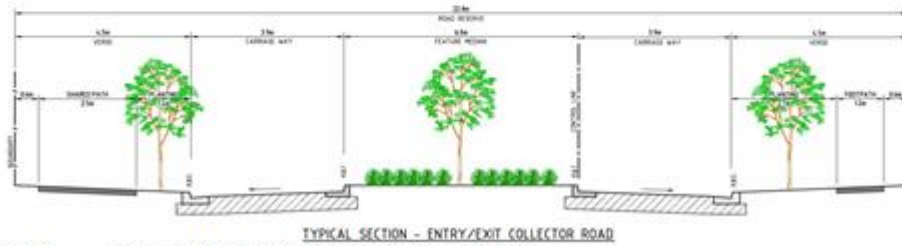
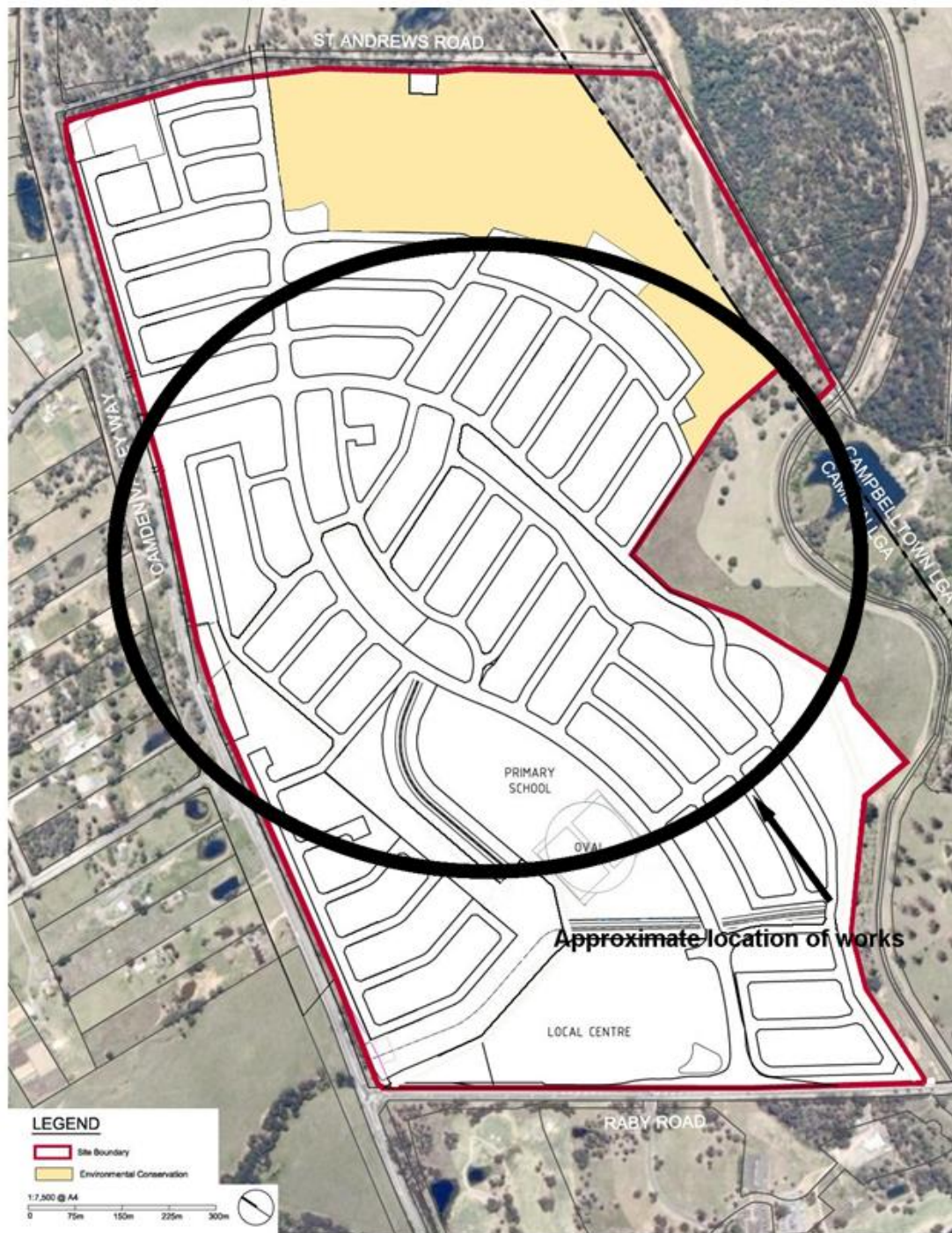


Figure C91 Emerald Hills Typical Entry / Exit Collector Road

Attachment 4 – Figure C93 Environmental Conservation Area



Attachment 5 – Figure C96 Scenic Character Protection Area

