

RECOMMENDED 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. Letter from Sydney Water dated 30 June 2016.
2. Letter from the Camden Local Area Command dated 26 April 2017.

- (2) **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
TP00.00 – TP25.05 (inclusive and as stamped approved by Camden Council)	Architectural and related plans	Rothelowman	Various
N/A	Bronze Screen Detail	Rothelowman	N/A
LDA-00 – LDA-12 (inclusive and as stamped approved by Camden Council)	Landscaping and related plans	groundink	Various
C01 – C45 (inclusive and as stamped approved by Camden Council)	Engineering and related plans	ADG	Various
N1100470-01 – N114070-10 (inclusive and as stamped approved by Camden Council)	Swept path and vehicle template assessments	GTA Consultants	26 May 2017

Document Title	Prepared by	Date
Civil Engineering Report	ADG	March 2017
Acoustic Report for 76 Rickard Road, Leppington	Acoustic Logic	4 November 2016
Accessibility Report – DA Review	ABE Consulting	3 November 2016
Arboricultural Impact Assessment	Red Gum Horticultural	17 October 2016

Building Services – Spatial Allowances Brief - DA	Acor Consultants	3 November 2016
Bush Fire Protection Assessment	Travers Bush Fire & Ecology	November 2016
Alternative Bush Fire Hazard Advice (via e-mail)	Peterson Bushfire	25 August 2017
Demolition Waste Management Plan	Waste Audit and Consultancy Services	November 2016
Operational & Construction Waste Management plan	Waste Audit and Consultancy Services	November 2016
Remediation Action Plan	Coffey	25 October 2016

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

- a) 15 additional bicycle parking spaces must be provided in lot 1's basement via enlarged storage cases.
- b) 2 additional visitor car parking spaces must be provided in lot 2' basement.
- c) 31 additional bicycle parking spaces must be provided in lot 2's basement via enlarged storage cases.
- d) Provide an electric vehicle charging station in the basement of each lot.
- e) For apartments C-UG07, C-U107 and C-U207, offset the living area window from the adjacent gallery access in building B to avoid direct view lines.
- f) For apartments F-UG08, F-U108, F-U208 and F-U307, offset the living area windows facing the adjacent apartments in building E to avoid direct view lines.
- g) The terraces of all ground floor apartments (on both lots) facing internal communal areas of the site must have a boundary treatment consisting of a low wall with semi-transparent decorative fencing (combined height of 1.5m) set behind landscaping.
- h) The acoustic screens used to achieve wintergarden treatments for the apartments adjacent to Rickard Road must be openable to allow occupants control over noise attenuation and ventilation. The openable screens must be designed and constructed to achieve the acoustic criteria detailed in the approved acoustic report.
- i) Permeable paving must be used on both lots to the extent necessary to ensure that deep soil zones, as defined by the Apartment Design Guide, are achieved across 7% of the individual areas of lot 1 and lot 2.
- j) Provide additional privacy screens in the following locations:
 - along the south eastern edge of apartment B-U301's balcony to mitigate view lines from building C's upper terrace;
 - along the south western edge of apartments D-UG01, D-U101, D-U201 and D-U301s' private open spaces to mitigate view lines from/to adjacent apartments building E;

- along the south western edge of apartments E-U109, E-U209 and E-U309's private open spaces to mitigate view lines from/to adjacent apartments in building D;
- along the south eastern edge of apartments E-UG03, E-U103, E-U203 and E-U303s' private open spaces to mitigate view lines from/to adjacent apartments in building F; and
- along the south western edge of apartments D-U114, DU215 and D-U311 to mitigate view lines from/to adjacent apartments in building F.

The screens must be permanently fixed 1.8m high privacy screens with any openings being less than 30% of the surface area of the screen (when viewed in elevation) and individual opening width being a maximum of 30mm.

k) For each apartment:

- provide unobstructed window openings equal to at least 5% of the floor area served;
- all windows in habitable rooms must have a total minimum glass area of not less than 10% of the floor area of the room;
- the approved terraces and balconies must integrate air conditioning units, screened clothes drying areas and gas and water outlets into their detailed design;
- provide storage areas compliant with design criteria 1, Objective 4G-1 of the Apartment Design Guide; and
- provide a waste and recycling cupboard or other temporary storage areas with enough space to hold 2 days' worth of waste and recycling.

l) Incorporate wayfinding signage, apartment numbers and resident/visitor access intercom systems into the detailed design for lots 1 and 2.

m) Detail drip lines on horizontal building edges to avoid staining.

n) The detailed design must incorporate the following:

- where possible, make use of locally sourced, recycled and renewable materials;
- robust and durable materials in common circulation areas and lift interiors;
- polished concrete, tiles or timber floors, insulated roofs, walls and floors and window and door seals;
- roof and paving materials and colours are to minimise the retention of heat from the sun; and
- roof areas must incorporate thermal insulation to maximise thermal comfort in the top level apartments.

- o) Incorporate a range of articulation features to the acoustic walls that provide noise attenuation and secure access to both lots, avoiding the appearance of blank walls.
- p) Provide the following disabled accessibility features:
 - disabled accessible waste disposal facilities and mail boxes;
 - wheel chair seating in the communal open space areas; and
 - space and power for the recharging of wheelchairs and/or other mobility devices such as scooters.
- q) No steps are approved in any existing, approved or future public road reserves and must be removed from these locations.
- r) Incorporate sensors to control artificial lighting in all common areas.
- s) The detailed design plans must reflect the final layout shown on the approved architectural plans.

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

- (4) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (5) **BASIX Certificate** - An amended, valid and compliant BASIX certificate must be provided for the approved development that reflects the final layout shown on the approved architectural plans and all modifications required by this development consent.

The applicant shall undertake the development strictly in accordance with the commitments listed in the amended BASIX certificate.

- (6) **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.
- (7) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
 - a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;

- i) has been informed in writing of the name of the owner-builder; and
- ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

(8) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

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

A copy of the written consent must be provided to the PCA prior to the excavation commencing.

(9) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993* prior to works commencing.

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

(11) **Local Traffic Committee Concurrence** - Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line marking and devices.

(12) **Street Lighting** - Street lighting for the subdivision shall be designed and installed in accordance with relevant Australian Standards and to the satisfaction of the Roads Authority (Council).

(13) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (14) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (15) **Outdoor Lighting** - The approved development must include lighting in all outdoor areas that complies with AS 1158.3.1 and AS 4282.
- (16) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (17) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view. No such equipment is permitted to cause the maximum building height to exceed the approved maximum built height.
- (18) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *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.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (19) **Section 149 Certificates** - The Section 149 Planning Certificates for the site and all apartments constructed thereon must be updated with the following information:

There are existing intensive agricultural activities in the Camden local government area and adjoining local government areas, including poultry farms, piggeries and horticulture. Odour from the operations of these activities may at times be experienced on land that is in their proximity.

- (20) **New Streets 3 and 4** - New streets 3 and 4 must be constructed and dedicated to Council.

The approved street tree planting for these roads is not to be commenced and completed until these roads connect to an existing public road (a public road that exists at the date of determination of this development consent).

Prior to the issue of a subdivision certificate, an incomplete works bond must be lodged with Council's in accordance with Council's Development Infrastructure Bonds Policy. The bond must cover the full cost of completing the street tree planting.

- (21) **Walls Fronting Public Places** - Any walls fronting public places must be finished with an anti-graffiti coating.
- (22) **Adaptable Apartments** - 10% of the apartments must be designed as adaptable apartments in accordance with AS 4299.
- (23) **Car Parking for Adaptable Apartments** - Car parking allocated to adaptable apartments must comply with AS 2890.6:2009 for disabled parking spaces.
- (24) **Universal Design** - At least 20% of the total apartments must incorporate the Liveable Housing Guideline's silver level universal design features.
- (25) **Works on SP2 Infrastructure (Classified Road) Land** - No development is approved within the area of the site zoned SP2 Infrastructure (Classified Road) except for:
- minor regrading works shown on the approved plans;
 - ancillary drainage works;
 - construction of a 3.2m high colorbond fence as detailed in condition 1.0(27) of this development consent;
 - construction and dedication of the connection of New Street 1 to the existing alignment of Rickard Road;
 - subdivision of the SP2 zoned land into a residue lot.
- (26) **Tree Retention Within the Rickard Road Road Reserve** - The existing trees within the existing Rickard Road road reserve are to be retained unless required for removal to facilitate road construction (as approved by this development consent) and associated sight lines.
- (27) **Radiant Heat Barrier Fence** – A 3.2m high radiant heat barrier fence (of colorbond in a neutral colour) must be constructed along the north eastern boundary of the site, for 100m in length, starting from where the site's north eastern boundary meets Rickard Road (as described in the Alternative Bush Fire Hazard Advice e-mail from Peterson Bushfire dated 25 August 2017). The fence must be removed only once the bush fire hazard vegetation at 91 Ingleburn Road, Leppington has been removed.

This requirement replaces the requirement for an asset protection zone to be created on 91 Ingleburn Road, Leppington as detailed in the Bush Fire Protection Assessment by Travers Bush Fire & Ecology dated November 2016.

- (28) **Water Tanks** - The water tanks within the approved buildings' 6m setback to the site's north eastern boundary must be constructed of metal or concrete.

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) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

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

- (2) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

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

- (4) **Driveway Gradients and Design** - The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:

- a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%;
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate; and
- e) the driveways shall comply with AS2890.2:2002 in relation to changes in grades at the top of the basement ramps.

Details demonstrating compliance shall be provided to the Certifying Authority.

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

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

Details demonstrating compliance shall be provided to the Certifying Authority.

- (6) **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.

A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

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

- (7) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc., shall be designed in accordance with Council's Engineering Specifications. Turning heads must be provided at the end of all dead end roads for subdivisions that are progressively developed in a staged manner.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (8) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.

- (9) **Easement Creation** - Drainage easements shall be obtained over downstream properties where drains for the disposal of stormwater are located across lands owned by others (and where the drainage is not within a water course). The width of the drainage easement/s shall be in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to Council with the Construction Certificate application.

The easement shall be registered with the NSW Land & Property Information prior to the issue of an Occupation Certificate.

- (10) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

Where a Construction Certificate is required by this development consent, 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.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (11) **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.
- (12) **Garbage Rooms** - Plans showing the location and details of garbage rooms and rooms used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage rooms are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap must be provided.
- (13) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.

The detailed landscape plan must incorporate the following:

- Update the landscape plan to reflect the final layout for the development as shown on the approved architectural plans listed in this development consent.
- Relocate the proposed seating areas adjacent to apartment D-UG11's living area to an area of the site not directly adjacent to an apartment's habitable rooms with doors or windows.
- Strategically place large tree species (10-25m high) with the landscaping.

Large tree species suitable to the Camden LGA include *Quercus palustris*, *Quercus palustris* 'Pringreen' and *Liquidambar styraciflua* 'Ward' fruitless variety.

Species selection must be derived from Council's preferred tree list which is available at:

<http://www.camden.nsw.gov.au/assets/pdf/Environment/Biodiversity/2015/15-67558-Final-Tree-Management-Policy-Appendix-A-Tree-and-Landscape-Species-List.pdf>

- Provide landscaping adjacent to the 2 above ground stormwater detention tanks along the site's north eastern boundary to screen them from public view.
 - Increase the rate of street tree planting to 1 tree per 10m of road length.
 - Street trees are to be sourced in accordance with the tests and measurements contained within AS2303-2015 – Tree Stock for Landscape Use.
 - Tree planting details are to specify root barrier treatments where trees are planted in close proximity to hard surfaces.
- (14) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the certifying authority:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with Endeavour Energy to service the approved development.
 - b) Telecommunication carrier – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the approved development.
 - c) Water and sewerage supplier – Evidence demonstrating that satisfactory arrangements have been made with Sydney Water to service the approved development.
- (15) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning and Environment (DPE).
- Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.
- Alternatively, the applicant must obtain written confirmation from DPE that the SIC is not required to be paid for the approved development.
- (16) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (17) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.
- Note** – An administration fee is payable upon the lodgement of a bond with Council.
- (18) **Section 94 Contributions – Monetary (Leppington Precinct)** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Leppington Precinct Section 94 (LP) Contributions Plan - Essential Infrastructure	Open Space Land	\$9,535 per lot or dwelling	\$2,040,490.00
LP Contributions Plan - Essential Infrastructure	Open Space Works	\$4,730 per lot or dwelling	\$1,012,220.00
LP Contributions Plan - Essential Infrastructure	Community Facilities Land	\$323 per lot or dwelling	\$69,122.00
LP Contributions Plan - Essential Infrastructure	Roads Land	\$33,191 per net developable hectare	\$62,319.00
LP Contributions Plan - Essential Infrastructure	Roads Works	\$238,380 per net developable hectare	\$447,582.00
LP Contributions Plan - Essential Infrastructure	Drainage Land	\$227,957 per net developable hectare	\$428,012.00
LP Contributions Plan - Essential Infrastructure	Drainage Works	\$191,999 per net developable hectare	\$360,497.00
LP Contributions Plan - Essential Infrastructure	Plan Administration Allowance	\$8,795 per net developable hectare	\$16,513.00
Total Contributions – Essential Infrastructure			\$4,436,755.00
LP Contributions Plan - Non Essential Infrastructure	Community Facilities Works	\$2,123 per lot or dwelling	\$454,322.00
LP Contributions Plan - Non Essential Infrastructure	Open Space Works	\$54 per lot or dwelling	\$11,556.00
Total Contributions – Non Essential Infrastructure			\$465,878.00
Total Contributions			\$4,902,633.00

A copy of the Leppington Precinct Section 94 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (19) **Mechanical Plant Selection and Location** - Mechanical plant selection for all apartment buildings and for individual apartments must not exceed the project specific noise levels for residential receivers of 46 dB(A) day, 45 dB(A) evening, and 40 dB(A) night. All plant must be suitably located on site or screened with suitable acoustic materials to meet the criteria when measured at a distance of 1m inside the nearest affected residential boundary. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (20) **Alternative Ventilation for Lot 1** - For all apartments constructed on lot 1, windows along the northern, eastern and western facades are required to be closed to meet internal noise criteria. For affected apartments that require windows to be closed (but not necessarily sealed) to meet internal noise criteria, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades to ensure fresh airflow inside the apartments when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (21) **Landscaped Areas** - A plan must be provided demonstrating that 30% landscaped areas will be achieved for the approved developments on lots 1 and 2.
- (22) **Skylights for Solar Access** - All skylights must be located and designed such that they permit solar access into the apartments (and associated private open spaces) they serve to achieve 2 hours solar access between 9am and 3pm on 21 June (mid-winter).

Details demonstrating compliance shall be provided to the Certifying Authority.

- (23) **Skylights and Ducts for Natural Ventilation** - The location and design of all skylights and ventilation ducts must facilitate natural cross ventilation in accordance with the Apartment Design Guide.

A statement endorsing the achievement of the above must be obtained from a suitably qualified and experienced consultant in natural ventilation design and assessment. The statement shall be provided to the Certifying Authority.

- (24) **GTA Consultants Recommendations** - The recommendations provided by GTA Consultants on approved drawing nos. N110470-01 sheets 1 - 10 (inclusive) dated 27 May 2017 must be incorporated into the design.

Details demonstrating compliance shall be provided to the Certifying Authority.

- (25) **External Walls and Cladding Flammability** - The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the Certifying Authority must:
- (a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - (b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

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 of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;

- d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (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
 - e) 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) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Demolition Works** - Consent is granted for the demolition of the existing buildings and structure currently existing on the property (76 Rickard Road only), subject to compliance with the following conditions:
- a) All demolition works must comply with AS 2601.
 - b) 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.

- c) 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.
 - d) 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.
 - e) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services.
 - f) 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.
 - g) 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.
 - h) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
 - i) All lead contaminated materials identified in the buildings must be handled and disposed of in accordance with the NSW Environment Protection Authority's requirements.
 - j) Dust controls must be implemented on site prior to and during demolition.
 - k) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - l) Sound pressure levels emanating from the site must comply with the Interim Guideline for Construction Noise (Office of Environment and Heritage).
 - m) 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.
- (8) **Sydney Water Approval** - The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or

easements will be affected by any part of the development. Go to www.sydneywater.com.au/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the PCA.

- (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.
- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the PCA and Council.
- (12) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (13) **Construction Management Plan** - A construction management plan that includes, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (14) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (15) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;

- c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (16) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.
- The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (17) **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 with a 1.8m high protection fence. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.
- (18) **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.

4.0 - During Works

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

- (1) **Approved and Prepared Plans and Reports to be Complied With** - All plans and reports approved by, and required to be prepared by this development consent, must be complied with.
- (2) **Work Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (3) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the stormwater drainage system as per the approved hydraulic plan.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste 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) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (7) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.
- (8) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (9) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and

maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

- (10) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

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

- (11) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (12) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (13) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (14) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (15) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (16) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.

All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance and be suitably fenced or cordoned off with suitable signage to provide warning of any potential danger.

- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (19) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6,000m³ - 3 sampling locations; and

- f) greater than 6,000m³ - 3 sampling locations with 1 extra location for each additional 2,000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

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

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (20) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (21) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).
- (22) **Unexpected Finds Contingency (Remediation)** – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (23) **Remediation Works Inspections** - A qualified environmental consultant or scientist must frequently inspect the remediation works to confirm compliance with the RAP including all health and safety requirements.
- (24) **Off-Site Disposal of Contaminated Soil/Materials** - All contaminated materials proposed to be disposed off-site must be disposed to a licensed landfill facility able to accept the classification of waste material.
- (25) **Salinity Management** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the salinity design/management requirements of Council's Engineering Specifications and Appendix B of the Camden Growth Centre Precincts Development Control Plan.
- (26) **Aboriginal Objects** - Should any Aboriginal objects be found during development, work must cease and the advice of the NSW Office of Environment and Heritage must be sought and followed.

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) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (4) **Registration of Land** - Documentary evidence shall be provided to the PCA confirming registration of the subject allotment with NSW Land & Property Information.
- (5) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the approved development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the approved development.
 - c) Water supplier – A Section 73 Compliance Certificate from Sydney Water demonstrating that satisfactory arrangements have been made to service the approved development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (6) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures;
- b) the proprietor shall have the facilities inspected annually by a competent person;
- c) the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with Land and Property Information shall be provided to and approved by the PCA prior to the issue of an Occupation Certificate.

- (7) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the PCA for approval.
- (8) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, must be completed in the road reserve in accordance with the *Roads Act* Approval.
- (9) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the PCA stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate shall accompany the Works as Executed plans.
- (10) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (11) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (12) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (13) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been

tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.

- (14) **Indemnity Agreement** - An indemnity agreement must be in place with Council before occupation and before waste collection will occur from within the site.
- (15) **Mechanical Exhaust Required For Basement Car Parks** - All basement car parks must have suitably sized mechanical exhaust systems.
- (16) **Loading Dock/Waste Collection Management Plan** - A loading dock and waste collection management plan must be prepared for the site. The management plan must provide for the temporal separation of heavy vehicles entering and exiting the basements to minimise conflicts.
- (17) **Salinity Management Compliance** - Details demonstrating compliance with the salinity management condition of this development consent must be provided to the PCA.
- (18) **External Walls and Cladding Flammability** - The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate the PCA must:
 - (a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - (b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

6.0 – Ongoing Use

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (3) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the approved basements.
- (4) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (5) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).

- (6) **No Waste to Be Stored Outside of the Site** - No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (7) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (8) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc.) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (9) **Car Park Ventilation and Noise Control** - Noise from car park exhaust systems and supply fans must comply with the external project specific noise levels for residential receivers of 46 dB(A) day, 45 dB(A) evening and 40 dB(A) night and with AS 2107 for internal noise for enclosed car parks.

7.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots to be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all

engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the PCA.

- (5) **Fill Plan** - A fill plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must show (where applicable):

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

The plan is to be provided electronically in portable document format (.PDF).

- (6) **Incomplete Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

Note – 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) **Electricity Notice of Arrangement** - A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the PCA (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.

- (10) **Soil Classification** - A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.

- (11) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the approved development;
- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the approved development; and
- c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with Sydney Water to service the approved development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to www.sydneywater.com.au/section73 or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (12) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

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

- (13) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the 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) easement for on-site-detention;
- d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
- e) easement for water quality facility;
- f) retaining wall, positive covenant, and restriction to user;
- g) a positive covenant/restriction as to user that requires that the recommendations of the approved Bush Fire Assessment Report (as partially superseded by the Alternative Bush Fire Hazard Advice e-mail from Peterson Bushfire dated 25 August 2017) be carried out; and
- h) covenant entitling Council, it's servants, agents and persons authorised by it to enter the site and operate vehicles for the purposes of waste collection.

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

- (15) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.

- (16) **Compaction Report** - A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.

- (17) **Lot Numbers and Street Names** - Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the PCA.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
- b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.

- (18) **Validation Report** - A validation report prepared by a suitable qualified person shall be provided to the PCA within 30 days of completion of the remediation works, and prior to the issue of a Subdivision Certificate, which demonstrates:

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

and includes:

- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- e) a “notice of completion of remediation work” as required under Clause 18 of SEPP 55; and
- f) a statement confirming that the site following remediation of contamination is suitable for the intended use.

- (19) **Footpath Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways in accordance with Council's Development Infrastructure Bonds Policy.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of deferrals, whichever occurs first.

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 bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

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

- (21) **Water Quality Facility Works Bond** - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with

Council for the construction of approved water quality facilities in accordance with Council's Development Infrastructure Bonds Policy.

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

- (22) **Salinity Management Compliance** - Details demonstrating compliance with the salinity management condition of this development consent must be provided to the PCA.
- (23) **SP2 Infrastructure (Classified Road) Land** - The area of the site zoned SP2 Infrastructure (Classified Road) is to be created as a residue lot. This excludes the area of the SP2 zoned land to be constructed and dedicated as a public road for the connection of New Street 1 to the existing alignment of Rickard Road.