**RECOMMENDED CONDITIONS**

**Deferred Commencement Consent**

This deferred commencement consent shall not operate until the applicant satisfies Council, in accordance with the *Environmental Planning and Assessment Regulation* *2000*, in relation to the matters listed in the Schedule A condition, within 5 years of the date of this determination. Upon Council being satisfied as to the matters listed in the Schedule A condition, Council will notify the applicant in writing that the consent has been made operative subject to the conditions listed in Schedule B.

Should Council not be satisfied as to the matters listed in the Schedule A condition within the specified timeframe, this deferred commencement consent will be rendered permanently inoperative.

**Schedule A Condition**

1. **Deferred Commencement** - The following matters must be complied with to Council’s satisfaction:
2. Roundabout on Byron Road Long sections. The roundabout at Ch. 1183 on Byron Road (CH. 40.298 at Town Centre Road) must be indicated upon the long sections for Byron Road (Drawing 132).
3. Town Centre Road interim works in Cross-sections. Cross sections indicating interim and future works along the length of the entire Town Centre Road must be provided.
4. An Easement to Drain Water over neighbouring Lot 5 DP 536005 must be registered with NSW Land Registry Services to allow the free discharge of stormwater from the development site.
5. An Easement for Batter and Support must be registered with NSW Land Registry Services over Lot: 58B; DP: 8979 to support proposed Road 4, unless an alternative solution to the satisfaction of Council can be demonstrated that no easement for batter and support is required.
6. An Easement for Maintenance and Support and a supporting Positive Covenant must be registered with NSW Land Registry Services for Lot 3 DP 1202350 to prevent the owner of the lot undermining the retaining wall that is proposed to be constructed on / within close proximity to the boundary of the lot.

The terms of the above registered easements and positive covenants must specify that only Camden Council has the authority to vary, release and modify the encumbrances. Evidence of registration of the easements at the NSW Land Registry Services must be submitted to Council prior to obtaining an operational development consent.

Schedule B Condition

**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:

**NSW Department of Primary Industries – DPI Water**

1. These General Terms of Approval (GTA) only apply to the controlled activities in the plans and associated documentation relating to DA/866/2016/1 and provided by Council:
2. Statement of Environmental Effects
3. Stormwater Management Plan
4. Civil Plans
5. Bushfire Assessment
6. Landscape Plans

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

1. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
2. The consent holder must prepare or commission the preparation of:
3. Vegetation Management Plan
4. Construction Civil and Drainage Plans
5. Soil and Water Management Plan
6. All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water’s guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals](http://www.water.nsw.gov.au/Water-Licensing/Approvals).
7. Vegetation Management Plans
8. Laying pipes and cables in watercourses
9. Riparian Corridors
10. In-stream works
11. Outlet structures
12. Watercourse crossings
13. The consent holder must (i) carry out any controlled activity with approved plans and (ii) construct and / or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
14. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.
15. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.
16. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.
17. The consent holder must provide a security deposit (bank guarantee or cash bond) equal to the sum of the cost of complying with the obligations under any approval – to DPI Water as and when required.
18. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.
19. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
20. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water.
21. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
22. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must note be removed until the site has been fully stabilised.
23. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
24. The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by DPI Water.
25. The consent holder must establish a riparian corridor along Bonds Creek and tributary in accordance with a plan approved by DPI Water.

**New South Wales Rural Fire Service, D16/2701**

**Asset Protection Zones**

1. At the issue of subdivision or construction certificate (whichever is first), the consent authority shall be satisfied that a suitable mechanism is established for the perpetual maintenance of the land/s (excluding the riparian protection area) to the standards of an inner protection area (IPA) as outlined in ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as to not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with section 4.1.3 of ‘Planning for Bush Fire Protection 2006’.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

1. Public road access shall comply with section 4.1.3(1) of ‘Planning for Bush Fire Protection 2006’,
2. Roll top kerbing shall be provided along the northern edge of proposed road 4 (local street) to allow fire fighting vehicles to mount the kerb and utilise the full 9m wide road reserve in an emergency.
3. No-parking signs are to be erected on both sides along the length of proposed road (local street) until such time the full road width has been constructed. These signs shall be installed along the boundary of the road reserve so that it does not obstruct fire fighting vehicles.
4. The 1.5m wide verge of the proposed road 4 (local road) shall not be planted until the full road width has been constructed.

**Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

1. New construction shall comply with Bushfire Attack Levels as shown in Schedule 1 of the bush fire report prepared by Travers Bushfire and Ecology, file no. A16017B2, dated 2 November in accordance with Australian Standard AS3959-2009 ‘Construction of buildings in bush fire-prone areas’ or NASH Standard (1.7.14 updated) ‘National Standard Steel Framed Construction in Bushfire Areas – 2014’ as appropriate and section A3.7 Addendum Appendix 3 of ‘Planning for Bush Fire Protection 2006’.
2. Any new Class 10b structures as defined per the ‘Building Code of Australia’ shall be non-combustible.

**Landscaping**

1. Landscaping to the site is to comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’.

**Sydney Trains**

1. An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning’s document titled ‘Development Near Rail Corridors and Busy Roads – Interim Guidelines’.

**RMS**

1. Any temporary and / or permanent relocation of utility services adjacent to the Roads and Maritime corridor requires prior consultation with the Roads and Maritime.
2. All works / regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services.
3. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
4. All vehicles are to enter and leave the site in a forward direction.
5. All vehicles are to be wholly contained on site before being required to stop.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, 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** |
| C102 Rev G | Existing features layout plan | ADG | 14.05.20 |
| C120 Rev G | Bulk earthworks – interim case layout plan | ADG | 14.05.20 |
| C121 Rev F | Bulk earthworks – interim case site sections Sheet 1 of 2 | ADG | 14.05.20 |
| C122 Rev F | Bulk earthworks – interim case site sections Sheet 2 of 2 | ADG | 14.05.20 |
| C130-1 Rev A | Roadworks & Drainage Overall staging layout plan | ADG | 14.05.20 |
| C130-2 Rev A | Roadworks & Drainage Interim case interim plan | ADG | 14.05.20 |
| C130-3 Rev A | Roadworks & Drainage Ultimate case layout plan | ADG | 14.05.20 |
| C131 Rev J | Roadworks typical cross sections ultimate case | ADG | 14.05.20 |
| C132 Rev I | Roadworks longitudinal section road 1 – Byron Road Ultimate Case | ADG | 14.05.20 |
| C133 Rev H | Roadworks longitudinal section Road 2 – Town Centre Road Ultimate Case | ADG | 14.05.20 |
| C134 Rev H | Roadworks Longitudinal section Road 3 Ultimate Case | ADG | 14.05.20 |
| C135 Rev H | Roadworks Longitudinal section Road 4 Ultimate Case | ADG | 14.05.20 |
| C136 Rev E | Roadworks Cross Sections Road 1 – Future Byron Road Ultimate Case | ADG | 14.05.20 |
| C137 Rev F | Roadworks Cross Sections Road 2 – Town Centre Road Ultimate Case | ADG | 14.05.20 |
| C138 Rev E | Roadworks Cross Sections Road 3 Ultimate Case | ADG | 14.05.20 |
| C139 Rev E | Roadworks Cross Sections Road 4 Interim Case | ADG | 14.05.20 |
| C140 Rev G | Stormwater Pre-Development Quantity Catchment Plan | ADG | 14.05.20 |
| C141-1 Rev B | Stormwater – Interim Case Post-Development Quantity Catchment Plan Sheet 1 of 2 | ADG | 14.05.20 |
| C141-2 Rev B | Stormwater – Interim Case Post-Development Quantity Catchment Plan Sheet 2 of 2 | ADG | 14.05.20 |
| C141-3 Rev B | Stormwater – Ultimate Case Post-Development Quantity Catchment Plan Sheet 1 of 2 | ADG | 14.05.20 |
| C141-4 Rev B | Stormwater – Ultimate Case Post-Development Quantity Catchment Plan Sheet 2 of 2 | ADG | 14.05.20 |
| C142 Rev I | Stormwater Quality Catchment Plan | ADG | 14.05.20 |
| C143 Rev I | Stormwater Longitudinal Sections Sheet 1 of 3 | ADG | 22.05.20 |
| C144 Rev H | Stormwater Longitudinal Sections Sheet 2 of 3 | ADG | 22.05.20 |
| C145 Rev H | Stormwater Longitudinal Sections Sheet 3 of 3 | ADG | 22.05.20 |
| C148 Rev B | On site detention basin details – interim case | ADG | 14.05.20 |
| C150 Rev J | Overall services layout plan ultimate case | ADG | 14.05.20 |
| C165 Rev D | Roadworks Longitudinal Section road 2 – Town Centre Road Interim Road | ADG | 14.05.20 |
| C166 Rev C | Roadworks Longitudinal Section Road 4 Interim Case | ADG | 14.05.20 |
| C170 Rev D | Roadworks Cross Sections Road 1 – Future Byron Road Interim Case | ADG | 14.05.20 |
| TP00.01 Rev C | Site set out plan | Rothelowman | 25.10.19 |
| TP00.03 Rev C | Proposed site plan | Rothelowman | 25.10.19 |
| TP00.08 Rev B | Site facilities – Basement & ground floor | Rothelowman | 01.02.19 |
| TP00.09 Rev B | Site facilities – upper ground | Rothelowman | 01.02.19 |
| TP01.01 Rev F | Overall basement 2 plan | Rothelowman | 01.02.19 |
| TP01.02 Rev F | Overall basement 1 plan | Rothelowman | 01.02.19 |
| TP01.03 Rev G | Overall ground floor plan | Rothelowman | 25.10.19 |
| TP01.04 Rev G | Overall upper ground floor plan | Rothelowman | 25.10.19 |
| TP01.05 Rev E | Overall level one floor plan | Rothelowman | 01.02.19 |
| TP01.06 Rev E | Overall level two floor plan | Rothelowman | 01.02.19 |
| TP01.07 Rev E | Overall level three floor plan | Rothelowman | 01.02.19 |
| TP01.08 Rev E | Overall level floor plan | Rothelowman | 01.02.19 |
| TP01.09 Rev E | Overall level five floor plan | Rothelowman | 0.1.02.19 |
| TP01.10 Rev D | Overall roof plan | Rothelowman | 01.02.19 |
| TP02.01 Rev D | Overall elevations | Rothelowman | 01.02.19 |
| TP03.01 Rev D | Overall sections | Rothelowman | 01.02.19 |
| TP08.01 Rev B | Adaptable Units 1 | Rothelowman | 01.02.19 |
| TP09.01 Rev C | Ramp details | Rothelowman | 01.02.19 |
| TP10.01 Rev A | Apartments at Town Centre Road Entry | Rothelowman | 01.02.19 |
| TP11.01 Rev G | Area 1 Basement 2 | Rothelowman | 01.02.19 |
| TP11.02 Rev H | Area 1 Basement 1 | Rothelowman | 01.02.19 |
| TP11.03 Rev L | Area 1 Ground Level | Rothelowman | 24.01.19 |
| TP11.04 Rev L | Area 1 Ground Upper | Rothelowman | 24.01.19 |
| TP11.05 Rev F | Area 1 Level 1 | Rothelowman | 01.02.19 |
| TP11.06 Rev F | Area 1 Level 2 | Rothelowman | 01.02.19 |
| TP11.07 Rev F | Area 1 Level 3 | Rothelowman | 01.02.19 |
| TP11.08 Rev F | Area 1 Level 4 | Rothelowman | 01.02.19 |
| TP11.09 Rev G | Area 1 Level 5 | Rothelowman | 01.02.19 |
| TP11.10 Rev G | Area1 Roof | Rothelowman | 01.02.19 |
| TP12.01 Rev E | Area 1 Elevations Sheet 1 Sheet 1 | Rothelowman | 01.02.19 |
| TP12.02 Rev E | Area 1 Elevations Sheet 2 | Rothelowman | 01.02.19 |
| TP12.03 Rev E | Area 1 Elevations Sheet 3 | Rothelowman | 01.02.19 |
| TP12.04 Rev E | Area 1 Elevations Sheet 4 | Rothelowman | 01.02.19 |
| TP21.01 Rev F | Area 2 Basement 2 | Rothelowman | 01.02.19 |
| TP21.02 Rev F | Area 2 Basement 1 | Rothelowman | 01.02.19 |
| TP21.03 Rev J | Area 2 Ground Level | Rothelowman | 25.10.19 |
| TP21.04 Rev J | Area 2 Ground Upper | Rothelowman | 25.10.19 |
| TP21.05 Rev E | Area 2 Level 1 | Rothelowman | 01.02.19 |
| TP21.06 Rev E | Area 2 Level 2 | Rothelowman | 01.02.19 |
| TP21.07 Rev E | Area 2 Level 3 | Rothelowman | 01.02.19 |
| TP21.08 Rev E | Area 2 Level 4 | Rothelowman | 01.02.19 |
| TP21.09 Rev E | Area 2 Level 5 | Rothelowman | 01.02.19 |
| TP21.10 Rev E | Area 2 Roof | Rothelowman | 01.02.19 |
| TP22.01 Rev E | Area 2 Elevations Sheet 1 | Rothelowman | 01.02.19 |
| TP22.02 Rev E | Area 2 Elevations Sheet 2 | Rothelowman | 01.02.19 |
| TP22.03 Rev E | Area 2 Elevations Sheet 3 | Rothelowman | 01.02.19 |
| TP22.04 Rev D | Area 2 Elevations Sheet 4 | Rothelowman | 01.02.19 |
|  | Materials Palette | Rothelowman | November 2017 |
| LDA-00 Rev B | Cover sheet & Design statement | Geoscapes | 30.05.18 |
| LDA-01 Rev B | Overall landscape masterplan | Geoscapes | 30.05.18 |
| LDA-02 Rev B | Byron communal courtyard concept | Geoscapes | 30.05.18 |
| LDA-03 Rev B | Byron streetscape & private space concept - north | Geoscapes | 30.05.18 |
| LDA-04 Rev B | Byron streetscape & private space concept - south | Geoscapes | 30.05.18 |
| LDA-05 Rev B | Byron detailed landscape plan – Sheet 1 | Geoscapes | 30.05.18 |
| LDA-06 Rev B | Byron detailed landscape plan – Sheet 2 | Geoscapes | 30.05.18 |
| LDA-07 Rev B | Byron courtyard sections | Geoscapes | 30.05.18 |
| LDA-08 Rev B | Street interface sections | Geoscapes | 30.05.18 |
| LDA-09 Rev B | Landscape typical details | Geoscapes | 30.05.18 |
| LDA-11 Rev B | Byron planting schedule | Geoscapes | 30.05.18 |

|  |  |  |
| --- | --- | --- |
| **Document Title** | **Prepared by** | **Date** |
| Acoustic Report, 202 Byron Road Leppington Development Application, project number 20160221.1 and addendum letter | Acoustic Logic | November 2017 & 28/05/2018 |
| Salinity Management Plan | Canopy Enterprises | May 2018 |
| 202 Byron Road, Leppington Civil Engineering Report – Site based Stormwater Management | ADG | 22 May 2020 |
| 202 Byron Road, Leppington Hydraulic Impact Assessment | ADG | 9 August 2019 |
| Operational & Construction Waste Management Plan | Waste Audit and Consultancy Services | May 2018 |
| Bushfire Protection Assessment (addendum) | Travers bushfire & ecology | 2 November 2017 |

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

1. A suitable road vertical curve that is in accordance with relevant Austroads Guide to Road Design requirements must be proposed at the interim intersection of Road 2 and the existing Byron Road levels.
2. The Landscape plans must be designed to match finished floor levels and ramp grades of the approved architectural and engineering plans specified in the approved plan table subject to condition 1.0(2).
3. The south eastern road verge and kerb intersecting with proposed roads No. 3 and No.4 must be amended in the interim case to provide for two way traffic flow within Road No. 4.
4. High sill windows or fix obscure glazing with a minimum sill height of 1.5m above finished floor level must be provided to all northern windows of unit E-U305.

Amended plans or documentation demonstrating compliance must be provided to the certifier and Council prior to the issue of a Construction Certificate / Subdivision Works Certificate (whichever occurs first).

(4) **Separate Approval for Use** - A separate development application for the fit out and use of the ‘shop’ tenancy within Building A nominated upon Drawing TP01.03 Rev G Overall ground floor plan shall be provided to, and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).

(5) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to and approved by Council 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.

(6) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.

(7) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, 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.

(8) **Home Building Act** - Pursuant to Section 4.17(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 principal certifier for the development to which the work relates:

1. in the case of work for which a principal contractor has been appointed:
2. has been informed in writing of the name and licence number of the principal contractor; and
3. 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.
4. in the case of work to be carried out by an owner-builder;
5. has been informed in writing of the name of the owner-builder; and
6. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

(9) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

1. to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.

(10) **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:

1. protect and support the adjoining building, structure or work from possible damage from the excavation; and
2. 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 principal certifier prior to the excavation commencing.

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

(12) **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.

(13) **Street Signage** – The following street signage shall be installed at the applicant’s / developer’s expense:

* No parking signs are to be proposed on the southern side of Road 4.

(14) **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).

(15) **Construction of Permanent Water Quality Facilities** - Permanent water quality facilities must be constructed:

1. in accordance with the approved plans;
2. to Council’s standards; and
3. when 80% of the catchment is built out.

Earth batters associated with the facilities must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

(16) **Tree Removal** - The trees identified below in the approved tree removal plan (Existing Features layout plan, Drawing No. C102 Rev G, prepared by ADG and dated 14/5/20) are approved for removal.

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.

Where possible all green waste generated from the approved tree work is to be recycled into mulch or composted at a designated facility. All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.

(17) **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:

* 1. no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
  2. 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.

(18) **Landscaping and Embellishment Works on Future Public Land** - Prior to the transfer of land to Council’s ownership, all landscaping and embellishment must be inspected and approved by Council.

(19) **Street Tree Establishment and Maintenance 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 their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

(20) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.

(21) **Safer By Design** - Safer-by-design features shall be incorporated into the approved development as per the attached correspondence issued by NSW Police, dated 20th July 2018.

(22) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. 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 *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, 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 to prevent the spread of all weeds to or from the property.

Earth moved containing noxious weed material must be disposed of at an approved waste management facility and be transported in compliance with the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*.

(23) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

**Note.** The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

**2.0 - Prior to Issue of a Construction Certificate and Subdivision Works Certificate**

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

1. **Controlled Activity Approval** – The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
2. **Contributions Payment Evidence –** If no construction certificate in respect of the erection of any building to which this development consent relates has been issued on or before 25 September 2022, the monetary contributions detailed in this development consent must be paid prior to the issue of the first construction certificate after that date for any such building.
3. **Dumped material removal and validation** - The fill/rubbish/asbestos containing materials that have been dumped on site, in the vicinity of Building D, 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](http://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 classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

Following the removal of the dumped material, the residual soil shall be validated as free from asbestos and contaminates.

A validation report prepared by a certified contamination land consultant shall be provided to the PCA prior to the issue of a Construction Certificate, the report must demonstrate:

a) the material waste classification;

b) that the material has been removed and disposed of an appropriately licenced facility;

c) the number and location of validation samples taken;

d) the results of sample analysis; and

e) a statement confirming that the site following remediation of contamination is suitable for the intended use.

In the event that contamination requiring remediation is identified as part of the assessment, site works in the vicinity of the contamination must cease in the vicinity of the contamination and the consent authority notified immediately.

Where remediation works are required a remediation action plan (RAP) must be prepared. The RAP together with a separate development application must be lodged with the consent authority (Camden Council) to obtain consent for the remediation works.

This condition applies to the Subdivision Works Certificate Application.

(4) **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.** Fees are payable for the lodgement and refund of the bond.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(5) **Structural Engineer’s Certificate** - A certificate must be prepared by a practising structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(6) **Evacuation Plan Required** - A plan indicating that permanent, fail-safe, maintenance free measures are incorporated in the development to ensure that timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site should a flood occur. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(7) **Free Flow of Water** – The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(8) **Water Resisting Construction** - All external and internal partitions, framework, service and flooring must be constructed using flood compatible material. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(9) **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 (if required) 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.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(10) **Acoustic Report** - The development shall be designed in accordance with Section 4.5 and table 10 ‘minimum glazing recommendations’ contained within Acoustic Report, 202 Byron Road, Leppington Development Application, project number 20160221.1, prepared by Acoustic Logic, Dated November 2017. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(11) **Glazing Requirement** – The acoustic engineer shall specify the minimum Rw values for the glazing thickness of winter gardens to achieve an external amenity of no greater than 57dB(A) Laeq (15hr).Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(12) **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 accredited certifier.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

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

1. the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
2. the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
3. the level for the driveway across the footpath area shall achieve a gradient of 4%; and
4. a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

(14) **Basement Ramp** – Basement ramps that permit path of travel for waste vehicles shall be designed by a structural engineer to achieve a pavement strength of 23 tonnes to accommodate Council’s waste vehicle. Details demonstrating compliance shall be provided to the certifier prior to issue of a Construction Certificate.

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

1. retaining walls shall be designed and certified by a suitably qualified structural engineer;
2. retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
3. 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.
4. retaining walls shall not be erected within drainage easements; and
5. retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(16) **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 accredited certifier must:

1. 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
2. ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

(17) **Flood Management Plan** - A flood management plan prepared by a suitably qualified engineer in accordance with Camden Council's Flood Risk Management Policy.

Details demonstrating compliance shall be provided to the certifier prior to issue of a Construction Certificate.

(18) **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 certifier with the Construction Certificate and Subdivision Works Certificate application.

A stormwater plan is to be submitted to the certifier 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 certifier.

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

(19) **Shared Pedestrian / Cyclist Path** - A continuous width of shared pedestrian / cyclist path facility must be proposed without changes in width along the entirety of the facility.

This condition applies to the Subdivision Works Certificate application.

(20) **Kerb Blisters and Kerb Extensions** - All permanent kerb blisters / kerb extensions must be constructed integral with the road kerb as is consistent with the requirements of the relevant Development Control Plan for the area and as per Figure 4-6 Schedule 1 – Austral and Leppington North Precincts.

This condition applies to the Subdivision Works Certificate application.

(21) **Access Ramp** - A vehicle access ramp must be proposed for construction in order to provide access to the base of the combined on-site detention and water quality facility that is proposed adjacent to the intersection of proposed Road 3 and proposed Road 4. The location of the vehicle access must be proposed to connect from proposed Road 3 and not from proposed Road 2. The access must be designed in accordance with AS 2890.2:2018 and must be designed to allow for vehicle turning movements of a medium rigid vehicle as a minimum.

This condition applies to the Subdivision Works Certificate application.

(22) **Gross Pollutant Traps** - Gross Pollutant Traps must be proposed as a pre-treatment device to be installed on all drainage stormwater pipe systems that discharge into the proposed combined on-site detention and water quality facility that is proposed adjacent to the intersection of proposed Road 3 and proposed Road 4.

Maintenance access to proposed Gross Pollutant Traps is to be via an off-road maintenance hardstand area constructed of heavy-duty concrete and that can accommodate a medium rigid vehicle eductor truck. Alternatively, the proposed Gross Pollutant Traps must be proposed to be within 3m from the pavement lip line of proposed kerb and gutter public for maintenance purposes.

This condition applies to the Subdivision Works Certificate application.

(23) **No Manholes or Junction Pits** - No manholes or junction pits must be proposed for construction within the carriageway of proposed roads for stormwater drainage, sewer drainage, Telecommunications reticulation and electrical reticulation purposes without prior agreement or consent from Camden Council’s Assets and Design Services team.

This condition applies to the Subdivision Works Certificate application.

(24) **Safety Barrier** - Errant vehicles must be protected from driving off or driving into the culvert headwalls at the intersection of Byron Road and Road 2 (interim Scenario) by the provision of appropriate safety barrier product.

This condition applies to the Subdivision Works Certificate application.

(25) **Culvert Size** - The culvert at the intersection of Byron Road and Road 2 (interim Scenario) must be sized for the 1% AEP design storm event and in accordance with section 3.3.4 of Council’s Engineering Design Specification.

This condition applies to the Subdivision Works Certificate application.

(26) **Kerb Return Plans and Longitudinal Sections** – Kerb return plans and longitudinal sections shall be provided in accordance with Council’s engineering Design Specifications.

This condition applies to the Subdivision Works Certificate Application.

(27) **Turning Paths and Sight Distance** – Turning paths and sight distance assessment shall be provided for the ultimate works at intersections for major roads with subdivision roads, in accordance with Council’s Engineering Design Specifications.

This condition applies to the Subdivision Works Certificate Application.

(28) **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 certifier prior to the issue of a Subdivision Works Certificate.

(29) **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 Subdivision Works Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Subdivision Works Certificate plans shall be provided to the certifier with the Subdivision Works Certificate application.

(30) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with ‘Managing Urban Stormwater – Soils and Construction (‘the blue book’). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate and Subdivision Works Certificate application.

(31) **Flood Planning Level Delineation** – The construction plans must clearly delineate the extent of the flood planning level in addition to the flood mapping requirements outlined in Council’s Engineering Design Specifications. The flood planning level is defined in Council’s Flood Risk Management Policy.

(32) **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.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(33) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as 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 to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.

This condition applies to the Construction Certificate Application.

(34) **Car Park Noise Control** – The basement car park must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.

Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(35) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council’s Engineering Specifications and the following requirements:

1. Deep soil / planter box soil volumes shall be in accordance with table 5, Part 4 of the Apartment Design Guide.
2. Green walls shall be incorporated into the development and shown upon the landscape plans.
3. Rooftop garden planting schedule shall include shrubs and groundcover species (including common garden herbs) capable of growing up to 2m in height.
4. Street trees shall be sourced in minimum 100 litre container stock and installed not less than 10 metres from road intersections.
5. All plant stock shall be sourced in accordance with tests and measurements contained within AS2303-2015 – Tree Stock for Landscape Use.
6. Public domain tree planting detail and section drawings are to specify root barrier where trees are planted in close proximity to hard surfaces and WSUD Principles.

Details demonstrating compliance shall be provided to the certifier with the Construction Certificate Application.

(36) **Mechanical Ventilation** - Any room or area not provided with natural ventilation in accordance with the relevant requirements of the Building Code of Australia must be provided with a system of mechanical ventilation that complies with the requirements of Australian Standard 1668, Parts 1 & 2. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

(37) **Carwash Bay and Vehicle Washing** - Washing of vehicles shall be conducted in a designated car wash bay shown on approved plans.  Generated wastewater should be discharged to Sydney Water Sewer or via alternative on-site disposal options where water is recycled or re-used.

The following wash bay design and operational requirements are to be provided prior to the issue of a Construction Certificate:

* Wash bay(s) and drains must be regularly cleaned and maintained.
* A designated hose fitted with a water trigger devise must be utilised.
* Wastewater is not permitted to enter the stormwater system.
* Erect signage to stop engine degreasing, engine washing, mechanical work.
* Provide a wash bay maintenance management plan that includes a contingency plan in case of system breakdown.
* The Body Corporate / Owner must advise residents / tenants of operational and maintenance requirements for the car wash facility.

(38) **Bush Fire Safety – Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

1. the RFS’ Bush Fire Safety Authority for the DA (D16/2701); and
2. the bush fire report provided with the DA **(if applicable**); and
3. the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(39) **Tree Survey Plan and Hollow Bearing Trees/Active Nests** – A tree survey plan to identify the location, type and condition of existing trees proposed to be removed, including whether tree hollows or active nests are present, must be prepared. If tree hollows and/or active nests are present, a nest box installation and active nest relocation plan must be prepared in addition to the tree survey plan.

The nest box installation and active nest relocation plan shall provide fauna with short-term habitat requirements during vegetation clearance and bushland restoration works. Each individual tree hollow must be replaced at a minimum 1:1 ratio with nest boxes.

All hollow-bearing and active nest trees removed from the site are to be inspected prior to removal. Measures must be taken to ensure that fauna inhabiting tree hollows or active nests are treated humanely and relocated before development activities commence, in line with the *National Parks and Wildlife Act 1974*. A qualified ecologist or wildlife carer will be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

This condition applies to the Subdivision Works Certificate application.

(40) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:

1. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
2. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the certifier.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(41) **Damages Bond** - 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.** A fee is payable for the lodgement of the bond.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(42) **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 7.23 of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning, Industry and Environment (DPIE).

Evidence of payment of the SIC shall be provided to Council and the certifier prior to the issue of the Construction Certificate Application.

Alternatively, the applicant must obtain written confirmation from DPIE that the SIC is not required to be paid for the approved development.

(43) **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.

This condition applies to the Construction Certificate Application.

**3.0 - Prior to Commencement of Works**

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

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(2) **Notice of Principal Certifier** - 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:

1. a description of the work to be carried out;
2. the address of the land on which the work is to be carried out;
3. the registered number and date of issue of the relevant development consent;
4. the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
5. if the principal certifier is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as principal certifier; and
6. a telephone number on which the principal certifier may be contacted for business purposes.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(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:

1. the name and address of the person by whom the notice is being given;
2. a description of the work to be carried out;
3. the address of the land on which the work is to be carried out;
4. the registered number and date of issue of the relevant development consent and construction certificate;
5. a statement signed by or on behalf of the principal certifier (only where no principal certifier 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
6. the date on which the work is intended to commence.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(4) **Construction Certificate and Subdivision Works Certificate Required** - In accordance with the requirements of the *EP&A Act 1979,* building or subdivision works approved by this consent shall not commence until the following has been satisfied:

1. a Construction Certificate and Subdivision Works Certificate has been issued by a certifier;
2. a principal certifier has been appointed by the person having benefit of the development consent;
3. if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
4. 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
5. the principal certifier 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 Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

1. that unauthorised entry to the work site is prohibited;
2. 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
3. the name, address and telephone number of the principal certifier.

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

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(6) **Site is to be Secured** - The site shall be secured and fenced.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(7) **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/tapin](http://www.sydneywater.com/tapin) to apply.

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

(8) **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.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(9) **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 principal certifier 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.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(10) **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 principal certifier.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(11) **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 principal certifier.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(12) **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.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(13) **Environmental Management Plan** -An environmental management plan (EMP) prepared in accordance with Council’s Engineering Design Specification shall be provided to the principal certifier.

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:

1. measures to control noise emissions from the site;
2. measures to suppress odours and dust emissions;
3. soil and sediment control measures;
4. measures to control air emissions that includes odour;
5. measures and procedures for the removal of hazardous materials that includes waste and their disposal;
6. any other recognised environmental impact;
7. work, health and safety; and
8. community consultation.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(14) **Construction Noise Management Plan –** A construction noise management plan shall be provided to the principal certifier and include the following:

1. noise mitigation measures;
2. noise and/or vibration monitoring;
3. use of respite periods;
4. complaints handling; and
5. community liaison and consultation.

This condition applies to both the Construction Certificate and Subdivision Works Certificate applications.

(15) **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.

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.

**4.0 - During Works**

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

(1) **Work Hours** - All work (including delivery of materials) shall be:

* restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
* not carried out on Sundays or public holidays,

unless approved in writing by Council.

(2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

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

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

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

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

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

(4) **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 be conveyed to the detention basin.

All roof water shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier 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:

1. 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;
2. 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;
3. 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;
4. a waste storage area shall be located on the site;
5. 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);
6. 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:
   * 1. be a standard flushing toilet connected to a public sewer; or
     2. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
     3. 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 proposed floor level is at or above RL77.2 metres AHD, shall beprovided to the principal certifier prior to construction proceeding above that level.

(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 principal certifier 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 principal certifier 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:

* all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
* the wheels of vehicles leaving the site:
  + - do not track soil and other waste material onto any public road adjoining the site; and
    - 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](http://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.

(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) **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.

(20) **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).

(21) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan, including:

1. noise mitigation measures;
2. noise and/or vibration monitoring;
3. use of respite periods;
4. complaints handling; and
5. community liaison and consultation

(22) **Fill Material (VENM and ENM)** – Prior to the importationand/or placement of any fill material (VENM or ENM) on the site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

1. be prepared by a person with experience in the geotechnical aspects of earthworks; and
2. be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
3. be prepared in accordance with;

For Virgin Excavated Natural Material (VENM):

1. the Department of Land and Water Conservation publication "Site Investigation for Urban Salinity;" and
2. 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."

For Excavated Natural Material (ENM):

1. the Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the Protection of the Environment Operations (Waste) Regulation 2014;
2. the NSW EPA Resource Recovery Order under Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014; and
3. the excavated natural material order 2014 (ENM Order)

d) confirm that the fill material;

1. provides no unacceptable risk to human health and the environment;
2. is free of contaminants;
3. 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");
4. is suitable for its intended purpose and land use; and
5. has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

e) less than 6000m3 - 3 sampling locations; and

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 and ENM 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 (m3)** |
| Virgin Excavated Natural Material | 1  (see Note) | 1000  or part thereof |
| Excavated Natural Material | (Refer Exemption) |  |

**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.

(23) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, 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 be 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.

(24) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan, prepared by Canopy Enterprises, 202 Byron Road Leppington, dated May 2018.

(25) **Aboriginal Objects Discovered During Works** – If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:

* all excavation or disturbance of the area must stop immediately in that area;
* the Environment, Energy and Science Group (EES) must be advised of the discovery in writing in accordance with Section 89A of the National Parks and Wildlife Act 1974*,* and
* any requirements of EES must be implemented.

(26) **Master Key** – Council’s master key system is to be installed on doors accessing collection rooms (roller shutter and bulky waste).

(27) **Waste Chutes** – Waste chutes must have a cut off device located at or near the base of the waste chute so that the chute can be safely isolated while maintenance works are taking place.

(28) **Construction Requirements, window and Door Treatments** - The construction requirements and window and door treatments are to be consistent with Section 4.5 and table 10 ‘minimum Glazing recommendations’ contained within Acoustic Report, 202 Byron Road Leppington Development Application, project number 20160221.1, prepared by Acoustic Logic, Dated November 2017.

(29) **Alternative Ventilation for Habitable Rooms** - For buildings A, B, C and D living rooms and bedrooms with a partial view of either Byron Road or Town Centre Road may require windows to be closed to meet internal noise criteria. As a result, 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 dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.

**5.0 - 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 relating to subdivision works have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.

**Note.** The intent of this condition is to provide for the issue of a Subdivision Certificate before the commencement of building works.

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

1. lot boundaries;
2. road/drainage/public reserves;
3. street names;
4. final fill contours and boundaries; and
5. 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.** Fees are payable for the lodgement and refund of the bond.

(7) **Surveyor’s Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the principal certifier, 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 principal certifier (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 principal certifier. 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 principal certifier:

1. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
2. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed 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](http://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 principal certifier which incorporates the following easements, positive covenants and restrictions to user where necessary:

1. easement for services;
2. easement to drain water and drainage easement/s over overland flow paths;
3. easement for on-site-detention;
4. positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
5. easement for water quality facility;
6. retaining wall, positive covenant, and restriction to user;
7. Salinity Management Plan - All proposed construction works that include earthworks, imported fill, landscaping, roads, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with Salinity Management Plan prepared by Canopy Enterprises 202 Byron Road, Leppington, dated May 2018.
8. restriction as to user on all lots containing a drainage easement that prohibits the alteration of the surface levels within the drainage easement and limits fencing across the easement to open form fencing;
9. public positive covenant over the approved lot(s) containing the:

* modified “construction” on-site detention/sediment control basin and water quality facility; and/or
* permanent water quality facility,

for the maintenance, repair and insurance of such a facility;

1. covenant entitling Council, it’s servants, agents and persons authorized 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 principal certifier. 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 principal certifier.

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

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

(18) **Stencilled Pit Lintels** – Pit lintels must be labelled with permanent stencilled signs in accordance with Council’s current Engineering Design Specifications.

(19) **Flood Planning Level Delineation (Works as Executed Plans)** – The Works as Executed plans must clearly delineate the extent of the flood planning levels in addition to the flood mapping requirements outlined in Council’s Engineering Design Specifications. The flood planning level is defined in Council’s Flood Risk Management Policy.

An updated flood map that delineates the extent of the flood planning level and that is based upon the final completed subdivision layout must be provided to Council for integration into Council’s mapping system. The updated flood map must be provided as a separate layer in .dxf or .dwg format and show the flood planning level, PMF, 1% and 5% AEP levels.

(20) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:

1. the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
2. the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

This condition does not apply where an applicable exemption exists under Commonwealth law. Documentary evidence of any exemption relied upon must be provided to the principal certifier.

(21) **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.** Fees are payable for the lodgement and refund of the bond.

(22) **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.** Fees are payable for the lodgement and refund of the bond.

(23) **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.** Fees are payable for the lodgement and refund of the bond.

**6.0 - 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. **Release of the Occupation Certification** – The release of the Occupation Certificate shall not occur until Council has issued a Subdivision Certificate.

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

1. **Section 7.11 Contributions – Monetary (Leppington North Precinct)** - A contribution pursuant to the provisions of Section 7.11 of the *EP&A Act 1979* for the services and amounts detailed below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Name** | **Contribution Type** | **Indexed** | **Amount Payable** |
| **Rate** |
| Leppington North Precinct Section 94 (LNP) Contributions Plan – Essential Infrastructure | Open Space Land | $11,337 | $4,931,595.00 |
| per lot or dwelling |
| LNP Contributions Plan – Essential Infrastructure | Open Space Works | $5,010 | $2,179,350.00 |
| per lot or dwelling |
| LNP Contributions Plan – Essential Infrastructure | Community Facilities Land |  | $218,805.00 |
| $503 per lot or dwelling |
| LNP Contributions Plan – Essential Infrastructure | Roads Land | $136,478 | $363,045.00 |
| per net developable hectare |
| LNP Contributions Plan – Essential Infrastructure | Roads Works | $85,305 | $448,793.00 |
| per net developable hectare |
| LNP Contributions Plan – Essential Infrastructure | Drainage Land | $129,772 | $345,206.00 |
| per net developable hectare |
| LNP Contributions Plan – Essential Infrastructure | Drainage Works | $85,305 | $226,920.00 |
| per net developable hectare |
| LNP Contributions Plan – Essential Infrastructure | Plan Administration allowance | $5,170 | $13,753.00 |
| per net developable hectare |
|  |
|  | **Total Essential Infrastructure** |  | **$8,727,467.00** |
| LNP Contributions Plan – Non Essential Infrastructure | Community Facilities Works |  | $1,175,370.00 |
| $2,702  per lot or dwelling |
| LNP Contributions Plan – Non Essential Infrastructure | Open Space Land |  | $202,710.00 |
| $466  per lot or dwelling |
|  | **Total – Non Essential Infrastructure** |  | **$1,378,080.00** |

|  |  |
| --- | --- |
| **Total Contribution** | **$10,105,547.00** |

A copy of the Leppington North Precinct Section 7.11 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](http://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.

1. **Contributions Payment Evidence** – A document from Council certifying that the payment of Section 7.11 contributions:

* is not required at any time before the issue of an occupation certificate, or
* is required and the requirement has been met,

must be submitted to the certifier.

An occupation certificate must not be issued unless the certifier has received a copy of the document and has confirmed with Council that:

* Council issued the document, and
* No contributions or levies have been required since the document was issued.

1. **Special Infrastructure Contribution Payment Evidence** – A document from the Planning Secretary certifying that the payment of a special infrastructure contribution:

* is not required at any time before the issue of an occupation certificate, or
* is required and the requirement has been met,

must be submitted to the certifier.

An occupation certificate must not be issued unless the certifier has received a copy of the document and has confirmed with the Planning Secretary that:

* the Planning Secretary issued the document, and
* No contributions or levies have been required since the document was issued.

(6) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the principal certifier. Verification 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.

(7) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the EP&A Regulation 2000.

(8) **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 principal certifier.

(9) **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 principal certifier.

(10) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved acoustic report, 202 Byron Road Leppington Development Application, project number 20160221.1, prepared by Acoustic Logic, Dated November 2017.

(11) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.

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

1. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
2. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed 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](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(13) **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 principal certifier must:

1. 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
2. ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

(14) **Flood Management Plan** - A certificate of compliance prepared by a suitably qualified engineer shall be provided to the principal certifier stating that all aspects of the flood risk management plan have been completed and/or implemented in accordance with the approved Plan.

(15) **Flooding – Evacuation Management Plan** - A Flood Emergency Evacuation and Management Plan for the proposed development shall be prepared in accordance with Council's Flood Risk Management Policy (as amended).

(16) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.

(17) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.

(18) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

(19) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

(20) **Waste Bins** – The number of waste bins to be ordered shall be consistent with the number specified within the approved waste management plan.

(21) **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.

(22) **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.

(23) **Indemnity Agreement** – The strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads.

(24) **House Numbering** – The dwellings on the site (existing and approved, primary and secondary) must be readily identifiable from the street by displaying their Council allocated house numbers. The allocated house numbers will be in accordance with the current Geographical Names Board of NSW Address Policy. E-mail Council at [lis.mailbox@camden.nsw.gov.au](mailto:lis.mailbox@camden.nsw.gov.au) to obtain the allocated house numbers. Any alternative numbering of the dwellings is not permitted.

**7.0 - Ongoing Use**

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

(1) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

(2) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/ unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

(3) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:

1. be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
2. emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.

(4) **Storage of goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

(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 (e.g. 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.