

Recommended Conditions of Consent

Approved Development:

This deferred commencement consent approves the following development subject to conditions:

- The construction of a mixed use development in three stages, as follows:

Stage 1:

- Torrens title subdivision to create four lots and a public road;
- Construction of roads, including a temporary deceleration lane on Bringelly Road and a pedestrian through site link between Building A and future Building B;
- Construction of a seven storey building, referred to as Building A, with 148 apartments and a maximum building height of 25.53m comprising:
 - An apartment mix of:
 - 24 x one-bedroom apartments;
 - 106 x two-bedroom apartments; and
 - 18 x three-bedroom apartments.
 - Fifteen of the units within Building A will be adaptable units;
 - Seven ground floor commercial and retail tenancies with a combined gross floor area of 1,632m² and direct pedestrian access from the proposed service lane to the west or the proposed town centre road to the south;
 - The provision of 1,347m² of communal open space (COS) centrally located to the ground floor and 168m² of roof top communal open. Access to the COS is provided via residential lobbies located adjacent commercial tenancies and by lift access;
 - Two levels of basement car parking comprising 220 visitor, staff and residential car spaces (including 21 accessible spaces), storage spaces for residential units, 64 bicycle spaces with lift/stair access, service and waste areas. Access to the basement level is via ramp access off the proposed service lane from the west;
 - Separate storage lockers are provided on basement levels 1 & 2;
 - Waste collection rooms for commercial waste, bulky goods waste and residential waste is located within basement level one; and,
- Associated site works.

Stage 2:

- Demolition of all existing buildings and associated structures on 297 Bringelly Road, Leppington;

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- Construction of a seven storey building with 111 residential units and a maximum building height of 24.0 metres (referred to as Building B) comprising:
 - An apartment mix of:
 - 23 x one-bedroom apartments;
 - 74 x two-bedroom apartments; and
 - 14 x three-bedroom apartments.
 - Twelve of the units within Building B will be adaptable units;
 - Four ground floor commercial and retail tenancies with a combined gross floor area of 742m² and direct pedestrian access off proposed service lane to the west and pedestrian promenade facing Bringelly Road to the north;
 - The provision of 1,191m² of communal open space centrally located to the ground floor with 403m² of roof top communal open space across five separate spaces. Access to the COS is provided via residential lobbies located adjacent commercial tenancies and by lift access;
 - Two levels of basement car parking comprising 146 visitor, staff, residential car spaces (including 19 accessible spaces), storage spaces for residential units, 45 bicycle spaces, lift/stair access, service and waste areas. Access to the basement level is via ramp access off the proposed Service Lane from the west;
 - Communal and residential lobbies, comms/ back of house rooms are also provided at the ground floor.
 - Separate storage lockers are provided on basement levels 1 & 2;
 - Waste collection rooms for commercial waste, bulky goods waste and residential waste is located within basement level one; and,
- Associated site works.

Stage 3:

- Demolition of the temporary deceleration lane and construction of a cul-de-sac turning head, in accordance with the requirements of Transport for NSW.

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:
- a) Location of Sag Point - Revised plans shall be submitted to demonstrate the need for a dish drain across intersections has been satisfactorily removed by providing appropriate sag points in Future Service Roads.
 - b) Drainage Easement Widths - Plans shall be submitted to show the width of the proposed Drainage Easement in affected properties are in accordance with Council's Specifications prior registration of the of the easement.
 - c) Drainage Easement Registration - The applicant shall submit to Council proof that the required drainage easement has been registered by the Land Registry Services.
 - d) Engineering Plans to Show Stages - Plans shall be submitted to clearly demonstrate the required engineering works at each stage of the development as per the approved staging plans.
 - e) Cross Sections - Cross sections shall be submitted for the Leppington Town Centre Road in accordance with Section 2.2.3 and 2.4.8 - 2.4.10 of Camden Council Engineering Design Specs (2020), indicating both interim and future works in the road reserve
 - f) Swale to Accommodate Upstream Flows - The Town Centre Road shall be set back from the eastern boundary to allow upstream flows to be accommodated in a swale onsite. The applicant shall provide modelling, grading, longitudinal sections and cross-sections for the temporary swale in accordance with Section 3 of Camden Council Engineering Design Specs (2020), to accommodate up to 1% AEP overland flows from upstream catchment from the east.
 - g) Flows Over Retaining Walls - Revised plans and modelling shall be submitted in accordance with Section 3 of Camden Council Engineering Design Specs (2020) that demonstrate that 1% AEP interim surface flows are prevented from bypassing Pit L2/1 or flowing over both retaining walls at western and southern ends of the site.
 - h) Deceleration Lane Plans - Civil design plans are required to demonstrate that the deceleration lane is to be temporary in nature. The civil design plans are to show the drainage, shared path, utility relocation, street lighting and pavement associated with the development. Upon Council receiving the revised civil design plans the concurrence below can be conditioned.

Schedule B Conditions

1.0 - General Conditions of Consent

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

The general terms of approval/requirements are:

1. Sydney Trains letter dated 9 November 2020;
2. Heritage NSW letter dated 31 August 2020;
3. RMS letter dated 10 July 2019;
4. Endeavour Energy e-mail dated 21 March 2019;
5. NSW RFS letter dated 13 July 2018;
6. Endeavour Energy e-mail dated 9 July 2018;
7. Sydney Water letter dated 6 July 2018;
8. NSW Police letter dated 20 June 2018

- (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:

Architectural Plans			
Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project 16-067, Dwg. DA0010, Rev. F	Subdivision Plan	Urban Link	22/10/2020
Project 16-067, Dwg. DA1002, Rev. E	Site Plan	Urban Link	17/06/2020
Project 16-067, Dwg. DA1004, Rev. E	Demolition Plan	Urban Link	17/06/2020
Project 16-067, Dwg. DA2001, Rev. E	Master Plan	Urban Link	17/06/2020
Project 16-067, Dwg. DA2102 & DA2103, Rev. E	BLD A - Floor Plans; Basement 02 & Basement 01	Urban Link	17/06/2020
Project 16-067, Dwg. DA2104, Rev. F	BLD A - Floor Plans; Ground Floor Plan	Urban Link	22/10/2020
Project 16-067, Dwg. DA2105 to DA2111, Rev. E	BLD A - Floor Plans; Level 01 Floor Plan to Roof Plan	Urban Link	17/06/2020
Project 16-067, Dwg. DA2202 to DA2204, Rev. F	BLD B - Floor Plans; Basement 02 to Ground Floor Plan	Urban Link	22/10/2020

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Project 16-067, Dwg. DA2205 to DA2211, Rev. E	BLD B - Floor Plans; Level 01 Floor Plan to Roof Plan	Urban Link	17/06/2020
Project 16-067, Dwg. DA2301 to DA2303, Rev. E	Staging; Staging Plan (Stage 1) to Staging Plan (Stage 03)	Urban Link	17/06/2020
Project 16-067, Dwg. DA3001 to DA3005, Rev. E	BLD A - Elevations/ Sections; Elevations 1 to Driveway / Ramps	Urban Link	17/06/2020
Project 16-067, Dwg. DA3101 to DA3105, Rev. E	BLD B - Elevations/ Sections; Elevations 1 to Driveway / Ramps	Urban Link	17/06/2020
Project 16-0067, Dwg. DA6301 to DA3005, Rev. E	External Finishes; Finishes Schedule Sheet 01 to Sheet 03	Urban Link	17/06/2020
Civil Works Plans			
Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project 20170269, Dwg. C100, Rev. G	Cover Sheet	SGC Consulting	02/12/2020
Project 20170269, Dwg. C110, Rev. G	Key Plan - Temporary Road	SGC Consulting	02/12/2020
Project 20170269, Dwg. C111, Rev. G	Key Plan – Future 25m Wide Town Centre Road	SGC Consulting	02/12/2020
Project 20170269, Dwg. C200, Rev. G	General Arrangement Plan - Temporary Road & Slip Lane	SGC Consulting	02/12/2020
Project 20170269, Dwg. C201 to C205, Rev. G	Road Drainage Layout Plan - Sheets 1 to 5 of 5	SGC Consulting	02/12/2020
Project 20170269, Dwg. C206 & C207, Rev. G	General Arrangement Plan - Future Town Centre Street - Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. C300, Rev. G	Road Longitudinal Section Along Service Lane Control Line	SGC Consulting	02/12/2020
Project 20170269, Dwg. C301, Rev. G	Road Longitudinal Section Along Future Service Lane Control Line	SGC Consulting	02/12/2020
Project 20170269, Dwg. C302, Rev. G	Road Longitudinal Section Along Bringelly Road Slip Lane Control Line	SGC Consulting	02/12/2020
Project 20170269, Dwg. C303 & C304, Rev. G	Road Longitudinal Section Along Future Town Centre Street Control Line – Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. C351, Rev. G	Road Typical Sections & Swale Drain Design	SGC Consulting	02/12/2020

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Project 20170269, Dwg. C400 to C402, Rev. G	Drainage Longitudinal Section - Sheets 1 to 3 of 3	SGC Consulting	02/12/2020
Project 20170269, Dwg. C403 to C406, Rev. G	Drainage Table - Sheet 1 to 4 of 4	SGC Consulting	02/12/2020
Project 20170269, Dwg. C431 & C432, Rev. G	Kerb Return Plan – Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. C500, Rev. G	Typical Details	SGC Consulting	02/12/2020
Project 20170269, Dwg. C600, Rev. G	Road Drainage Catchment Plan	SGC Consulting	02/12/2020
Project 20170269, Dwg. C651, Rev. G	Gutter Flow Analysis	SGC Consulting	02/12/2020
Project 20170269, Dwg. C652, Rev. G	Existing Drainage System Capacity Analysis	SGC Consulting	02/12/2020
Stormwater Concept Design Plans			
Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project 20170269, Dwg. SW100, Rev. F	Cover Sheet	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW200 & SW201, Rev. F	Stormwater Concept Design - Basement 2 Plan - Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW202 & SW203, Rev. F	Stormwater Concept Design - Basement 1 Plan - Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW204 & SW205, Rev. F	Stormwater Concept Design - Site Plan - Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW300 to SW302, Rev. F	Stormwater Concept Design - Details Sheet 1 - Sheet 1 to 3 of 3	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW400 & SW401, Rev. F	Erosion and Sediment Control - Plan - Sheets 1 & 2 of 2	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW402, Rev. F	Erosion and Sediment Control – Details	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW500, Rev. F	Stormwater Concept Design - Music Catchment Plan	SGC Consulting	02/12/2020
Project 20170269, Dwg. SW501, Rev. F	Stormwater Concept Design - OSD Catchment Plan	SGC Consulting	02/12/2020
Landscaping Plans			
Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project 1819, Dwg. LS01, Sheet 1, Iss. J	Site Plan	Melissa Wilson	24/06/2020

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Project 1819, Dwg. LS02, Sheet 2, Iss. J	Central Pedestrian Laneway	Melissa Wilson	24/06/2020
Project 1819, Dwg. LS03, Sheet 3, Iss. J	Building A COS and POS Space	Melissa Wilson	24/06/2020
Project 1819, Dwg. LS04, Sheet 4, Iss. J	Building B COS and POS Space	Melissa Wilson	24/06/2020
Project 1819, Dwg. LS05, Sheet 5, Iss. J	Building A + B Roof Terrace	Melissa Wilson	24/06/2020

Document Title	Prepared by	Date
DA Access Report, Ref 18063, Issue G	Vista Access Architects	31/07/2019
20170269-R03-Stormwater Management Report, Issue B	SGC Consultants	21/10/2020
Proposed Mixed Use Residential 297 Bringelly Road, Leppington, Noise Impact Assessment, Revision 5	Rodney Stevens Acoustics	15/03/2020

These approved plans and documents are subject to any amendments in any plans or documents accepted by Council in satisfaction of the Schedule A condition of this development consent.

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

- a) The approved Subdivision Plan (Dwg. No. DA0010, Rev. F) shall be modified such that the entire extent of the approved road in Proposed Lot 4 and in Lot 104 in DP 1204146 is identified as road reserve, together with the Pedestrian Through Site Link in Lot 2. The portion of Proposed Lot 4 that does not have a road approved for construction upon it shall be consolidated with Proposed Lot 5 as a Residue Lot.
- b) The typical Service Lane Section (Dwg. No. C351, Rev. G) shall be modified such that the footpath is 3.5 metres wide.

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

(3) **Separate Approval for Use** - A separate development application for the fit out and use of each commercial/retail tenancy (i.e. 'Commercial No. 01 to 06' and 'Retail' in Building A, and 'Commercial No. 01 to 03' and 'Retail' in Building B) 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).

(4) **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).

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- (5) **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.
- (6) **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.
- (7) **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:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (8) **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:

- a) 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.
- (9) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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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.

- (10) **Demolition of Temporary Turning Head(s)/Temporary Roads(s)** – The demolition of temporary turning head(s)/temporary road(s) will require sufficient excavation of all pavement materials (including all residue pavement materials) so that no contamination from these roads remains on site. Further, any soils adjoining these roads/turning heads potentially affected by residue pavement material or contaminated run-off must be inspected and removed where they are considered to be affected or contaminated.

Contaminated pavement material and soils are to be waste classified for either disposal to a licensed landfill or assessed for possible reuse under a NSW Environment Protection Authority Resource Recovery Order or Exemption.

A certified contaminated land consultant must inspect the site post-excavation and confirm in writing that they are satisfied (which may include the need for testing) that no residual contamination from the temporary turning head(s)/temporary road(s) remains on the land. The written confirmation must be provided to the principal certifier prior to the issue of a Subdivision Certificate for the approved lots thereon, prior to the release of any bond held for the demolition works.

- (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 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).

- (14) **Demolition of Temporary Water Quality Facilities** - All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

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

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- c) in accordance with the approved plans;
- d) to Council's standards; and
- e) 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) **Conditional Approval for Tree Removal** - Consent is granted for the removal of twenty (20) trees as per the Arboricultural Impact Assessment prepared by Redgum Horticultural, dated 26 March 2018, Ref: 3594.

- a) Approved tree works are to be undertaken in accordance with the relevant provisions of AS 4373 'Pruning of amenity trees' and is to be carried out in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry.
- b) Approved tree 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.
- c) This consent does not grant access to adjoining land. The applicant must negotiate any issues of access with adjoining property owners.
- d) In the case of obvious nesting hollows being present within the tree/s an experienced wildlife handler (member of NANA or WIRES) is to be present during the tree work. Relocation of wildlife from the nesting hollows and the creation of new nesting opportunities shall be provided elsewhere on the property at a rate of one for one. Relocated hollow sections of nesting boxes are to be installed within existing trees for any animals removed. The design of these boxes is to conform to those designs outlined within the publication: The Nestbox Book. At least one relocated hollow or nest box is to be installed for each hollow removed that has been considered to have accommodated wildlife (irrespective of whether the hollow had an animal in it at the time of removal/assessment).
- e) Green waste and or timber generated from the approved tree work is to be recycled into mulch and reused on site or transferred to a designated facility for composting. Stock piles of green waste or processed timber for reuse including firewood must be stored behind the building line or place out view from the street within 28 days of the tree works authorised by this consent.
- f) All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.
- g) Tree work is inherently noisy and potentially disruptive to normal traffic conditions in your street; as such the applicant shall notify (at least 24 hours prior) surrounding neighbours of the time and date of the approved tree works.

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- (17) **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.

- (18) **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.

- (19) **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*.

- (20) **Graffiti Resistant Materials and Finishes** - Graffiti resistant materials and finishes must be used where possible.

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

2.0 - Prior to Issue of a Construction Certificate

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

- (1) **Staging of Construction Works** - The development is to be completed in stages in accordance with the approved Staging Plan/s titled Staging Plan (Stage 1), Staging Plan (Stage 02), and Staging Plan (Stage 03), Dwg. No. DA2301, DA2302 and DA2303, Rev. E, prepared by Urban Link, Project No. 16-0067, dated 17/06/2020.

The approved engineering works shall be staged such that the civil works are undertaken with Stage 1 of the development and the stormwater drainage concept works and landscaping works are undertaken with the relevant buildings.

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

- (2) **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.

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Note. Fees are payable for the lodgement and refund of the bond.

- (3) **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.
- (4) **Electrical Services Pad-Mounted Substation** - In the event that a padmounted substation(s) is necessary to service the development, and this substation is to be located within any existing or future public land, the applicant shall consult with Council about the proposed location. Council shall agree to the location of any padmounted substation(s) within any existing or future public lands prior to its construction. Padmounted substations must be located outside of flood prone land and above the probable maximum flood and flood planning levels.
- (5) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) 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.

- (6) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be designed and certified by a suitably qualified structural engineer;
 - b) retaining walls in cut shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - c) retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
 - d) 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.

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- e) retaining walls shall not be erected within drainage easements; and
- f) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

- (7) **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 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.

- (8) **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.

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

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the certifier with the Construction Certificate application.

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

- (10) **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 application.

- (11) **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.

- (12) **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

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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.

- (13) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the accredited certifier.
- (14) **Car Park Noise Control** – All off-street (including basement) car parks 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.

- (15) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the certifier.

The detailed landscape must include:

- a) Notation 1 on Landscape Plan *Corymbia maculata* to be deleted and substituted with *Corymbia citriodora* subsp variegata "Spotted Gum".
- b) Notation 2 on Landscape Plan *Eucalyptus sideroxylon* to be deleted and substituted with *Lophostemon confertus*.
- c) Three (3) *Corymbia citriodora* to be incorporated north of the building line along Bringelly Road frontage.
- d) All trees to be sourced in minimum of 100 litre container stock.
- e) All trees to be sourced in accordance with tests and measurements contained within AS2303-2018 - Tree Stock for Landscape Use.
- f) Tree planting detail and section drawing are to specify 450mm root barrier where trees are planting in close proximity to hard surfaces.
- g) For trees planted within or adjacent to hardstand areas - StrataCell or equivalent root management system shall be provided beneath all adjoining hardstand areas, with integrated sub-surface irrigation and conditioned soil to be provided to a minimum cell area of 20m², and within the projected mature canopy spread/dripline of proposed trees, or no less than 5m from trunks.
- h) Where tree spacing is less than 5m, the StrataCell system shall be provided to the entire hardstand area.
- i) All other proposed trees must be provided with a minimum 2m x 2m planting area, with a nine square metre area free of intrusions, or alternatively a sub-

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surface StrataCell system with integrated sub-surface irrigation and conditioned soil be provided to a minimum cell area of 20m².

- j) Proposed plantings within planter boxes on structures shall provide a minimum planter bed soil depth of 600mm, and provide for and detail adequate drainage.
 - k) Where trees are proposed within planter boxes and/or on structures, adequate soil volumes shall be provided and detailed in accordance with Section P4 of the Apartment Design Guide.
- (16) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the accredited certifier and Council.
- (17) **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.
- (18) **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.
- (19) **Mechanical Plant Selection and Control** - Mechanical plant selection for the development and its operation should not exceed the following noise criteria when measured at the nearest residential boundary:
- Day: 45dB(A) (LAeq, 15min)
 - Evening: 45 dB(A) (LAeq, 15min)
 - Night: 40dB(A) (LAeq, 15min)
- All plant must be suitably located on site and screened with suitable acoustic materials (where necessary) to meet the criteria. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.
- (20) **Salinity** - The approved development must comply with the requirements of the salinity/design management requirements of Council's Engineering Specifications and AS 2870-2011. Details demonstrating compliance shall be submitted to the certifier.
- (21) **Public Domain Materials** - Materials used in the public domain (i.e. the approved roads and the pedestrian through site link) are to be consistent with Table 4-1 in Schedule 2 to the Camden Growth Centre Precincts Development Control Plan. Details demonstrating compliance shall be submitted to the certifier.
- (22) **Privacy – Window Sill Height** - To ensure reasonable privacy for Unit 5.17, its windows shall have a minimum sill height of 1.7m above finished floor level. Alternatively, the window(s) may be permanently fixed to this height (i.e. windows

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are not to swing or lift open) with obscure glazing provided that the ventilation requirements of the BCA are met. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

- (23) **Amenity of Private Open Space and Balconies** - Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the 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.
- (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:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
- a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;

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- e) 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
 - f) the date on which the work is intended to commence.
- (4) **Construction 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:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the 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:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.
- The sign shall be maintained while the work is being carried out and removed upon the completion of works.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **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.
- (8) **Dilapidation Report – Adjoining Property** – A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.
- a) 293 Bringelly Road, Leppington (lot 106 in DP 1204146);
 - b) 313 Bringelly Road, Leppington (lot 103 in DP 1204146); and,

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- c) 321 Bringelly Road, Leppington (lot 102 in DP 1204146)

All costs incurred in preparing the dilapidation report and complying with the conditions it imposes shall be borne by the applicant.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant shall demonstrate in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence shall be obtained from the principal certifier in such circumstances.

- (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.

- (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.

- (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.

- (12) **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:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;

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- g) work, health and safety; and
 - h) community consultation.
- (13) **Construction Noise Management Plan** – A construction noise management plan shall be provided to the principal certifier and include the following:
- a) noise mitigation measures;
 - b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation.
- (14) **Decommissioning of On-Site Sewerage Management** - Written confirmation verifying that the existing on-site sewerage management facility (including the septic tank, disposal field and all associated drainage) has been decommissioned in accordance with the following, shall be provided to the principal certifier and Council:
- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council;
 - b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed; and
 - c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a liquid wastewater contractor.
- The septic tank and any associated drainage and disposal field including materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation fields shall be removed and disposed of at a suitably licensed landfill site (i.e. aggregates, rubble, sand, concrete slabs and the like). A copy of the receipt for disposal of the waste materials shall be provided to Council.
- The tank excavation /transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
- (15) **Sewage Connection** - As the proposed development is located on top of the approved effluent application area for the childcare centre, the childcare centre shall be connected to Sydney Water sewage mains infrastructure prior to commencement of construction works.

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- (16) **Demolition Work** - Consent is granted for the demolition of the existing child care facility and associated awnings and car park currently existing on the property, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site.
 - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
 - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied.
 - d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services.
 - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times.
 - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
 - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
 - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc.) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.

4.0 - During Works

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

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

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

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

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

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

- (2) **Site Management** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste storage area shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:

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- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (3) **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.
- (4) **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.
- (5) **Compaction (Lots)** – The approved lots, which are subject to filling must be compacted in accordance with Council's current Engineering Construction Specifications. A suitably qualified and experienced geotechnical engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798.
- (6) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (7) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (8) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (9) **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)

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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.

- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **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.
- (15) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;

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- i) provides no unacceptable risk to human health and the environment;
- ii) is free of contaminants;
- iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; 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 for contamination and salinity must be undertaken in accordance with the following table:

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

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

- (16) **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.
- (17) **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).

- (18) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan prepared prior to the commencement of works, including:
 - a) noise mitigation measures;

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- b) noise and/or vibration monitoring;
 - c) use of respite periods;
 - d) complaints handling; and
 - e) community liaison and consultation
- (19) **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 certified contaminated land consultant has been contacted and conducted a thorough assessment.

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

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

- (20) **Alternate Ventilation** – As identified in Section 7 of the acoustic report titled “Proposed Mixed Use Residential 297 Bringelly Road, Leppington, Noise Impact Assessment, Revision 5” prepared by Rodney Stevens Acoustics, dated 15 March 2020, alternate ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) and AS 1668.2:2002 must be provided to habitable rooms in residential units on the northern, eastern and western facades of the northern block of Building B (levels 1 to 6) to ensure fresh airflow inside the dwellings when windows are closed. Consultation may be required with a mechanical engineer to ensure that the development remains compliant with the BCA and AS1668. Compliance with the above ventilation requirement is to be demonstrated for each application on the affected lots.
- (21) **Glazing Requirements for Window and Doors** - The recommendations in Table 7-1 of the acoustic report titled “Proposed Mixed Use Residential 297 Bringelly Road, Leppington, Noise Impact Assessment, Revision 5” prepared by Rodney Stevens Acoustics, dated 15 March 2020 shall be implemented for all recommended windows and doors within the residential development.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **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.

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- (2) **Strata Plan of Subdivision** - The proposed strata subdivision shall be created and registered with NSW Land Registry Services prior to the issue of a final Occupation Certificate. All plans for the approved development shall be consistent with the registered allotment and any restrictions as to the user created under the property title.
- (3) **Positive Covenant – OSD / On Site Retention / Water Quality Facility** - A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

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

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

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

- (4) **Stormwater – Plan of Management (POM)** - The registered proprietor of the land shall prepare a Plan of Management (POM) for the on-site detention facilities. The POM shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements, and time intervals for such inspection and maintenance. The POM shall be provided to the principal certifier for approval.
- (5) **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.
- (6) **Geotechnical Compliance Certificate** - A Certificate of Compliance prepared by a suitably qualified and experienced Geotechnical Engineer shall be provided to the principal certifier stating that the works detailed in the Geotechnical Report have been undertaken under the Engineer's supervision and to the Engineer's satisfaction, and that the assumptions relating to site conditions made in preparation of the report were validated during construction. This certificate shall accompany the Works as Executed plans.

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- (7) **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.
- (8) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the principal certifier. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (9) **Acoustic Compliance Report** – An acoustic assessment report based on noise monitoring of the operation of all mechanical plant on the site must be submitted to Camden Council (Consent Authority) prior to the issue of an occupation certificate for the building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrate that mechanical plant noise complies with the following:
- Day 45 dB(A) (LAeq, 15min)
 - Evening 45 dB(A) (LAeq, 15min)
 - Night 40 dB(A) (LAeq, 15min)

When measured at the nearest residential boundary.

For any non-compliance, the acoustic compliance report must include recommendations for compliance and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to Section 4.55 'Modification' of the EP&A Act for the modification of the development consent must be submitted to the consent authority (Camden Council) for determination, with the recommended amendments to be implemented following Council Consent.

- (10) **Certification of Glazing Requirements for Window and Doors** - That a certification certificate shall be provided to the principal certifying authority, stating that the glazing requirements for the windows and doors have been met as outlined in table 7-1 of the Acoustic report titled "Proposed Mixed Use Residential 297 Bringelly Road, Leppington, Noise Impact Assessment, Revision 5" prepared by Rodney Stevens Acoustics, dated 15 March 2020
- (11) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
- (12) **Inspection of Existing Street Trees** – All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.

6.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.

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- (2) **Show Easements/ Restrictions on the Plan of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots to be Identified** - Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (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):
 - a) lot boundaries;
 - b) road/drainage/public reserves;
 - c) street names;
 - d) final fill contours and boundaries; and
 - e) depth in filling in maximum 0.5m Increments

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

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

Note. 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.

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

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
- b) 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 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:

- a) easement for services;
- b) easement to drain water and drainage easement/s over overland flow paths;
- c) easement for on-site-detention;
- d) positive covenant over the on-site detention / water quality facility for the maintenance, repair and insurance of such a facility;
- e) easement for water quality facility;
- f) retaining wall, positive covenant, and restriction to user;
- g) access denial for specific roads;
- h) restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council;
- i) 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.

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- (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:

- a) Lot numbers – White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
 - b) Street names – White lettering on Brunswick Green background at kerb and gutter tangent points.
- (18) **Stencilled Pit Lintels** – Pit lintels must be labelled with permanent stencilled signs in accordance with Council's current Engineering Design Specifications.
- (19) **Section 7.11 Contributions – Monetary** - 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 Rate	Amount Payable
Leppington North Precinct Section 7.11 (LNP) Contributions Plan - Essential Infrastructure	<i>Open Space - Land</i>	\$2,255 per 100m ² of Non Residential GFA	\$53,534.00
LNP Contributions Plan - Essential Infrastructure	<i>Open Space - Works</i>	\$949 per 100m ² of Non Residential GFA	\$22,529.00
LNP Contributions Plan - Essential Infrastructure	<i>Open Space & Recreation - Land</i>	\$11,854 per lot or dwelling	\$3,058,332.00
LNP Contributions Plan - Essential Infrastructure	<i>Open Space & Recreation - Works</i>	\$4,985 per lot or dwelling	\$1,286,130.00
LNP Contributions Plan - Essential Infrastructure	Community Facilities Land	\$526 per lot or dwelling	\$135,708.00
LNP Contributions Plan - Essential Infrastructure	Roads Land	\$142,701 per net developable hectare	\$186,054.00

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LNP Contributions Plan - Essential Infrastructure	Roads Works	\$167,851 per net developable hectare	\$218,844.00
LNP Contributions Plan - Essential Infrastructure	Drainage Land	\$135,690 per net developable hectare	\$176,913.00
LNP Contributions Plan - Essential Infrastructure	Drainage Works	\$84,869 per net developable hectare	\$110,652.00
LNP Contributions Plan - Essential Infrastructure	Plan Administration Allowance	\$5,144 per net developable hectare	\$6,707.00
TOTAL CONTRIBUTIONS - ESSENTIAL INFRASTRUCTURE			\$5,255,403.00
LNP Contributions Plan - Non Essential Infrastructure	Community Facilities Works	\$2,688 per net developable hectare	\$693,504.00
LNP Contributions Plan - Non Essential Infrastructure	Open Space & Recreation - Works	\$463 per net developable hectare	\$119,454.00
LNP Contributions Plan - Non Essential Infrastructure	Open Space - Works	\$58 per net developable hectare	\$1,377.00
TOTAL CONTRIBUTIONS - NON ESSENTIAL INFRASTRUCTURE			\$814,335.00
TOTAL CONTRIBUTIONS			\$6,069,738.00

A copy of the 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.

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.

- (20) **Special Infrastructure Contribution** - A special infrastructure contribution (SIC) is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

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

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

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal

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(<https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

- (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.

- (24) **CCTV Footage** - Prior to release of Subdivision Certificate, a CCTV camera report of all stormwater drainage pipes for the development shall be submitted to the Principal Certifying Authority for assessment. The submission shall include the hardcopy report and an electronic report in a format suitable to the PCA. The CCTV inspection shall be carried out in accordance with Water Services Association of Australia (WSAA) "Sewer Inspection Report Code of Australia" and the "Sewerage Code of Australia" (Sydney Water Edition).

CCTV Field Assessors must have NATA accreditation under the Sydney Water Field Testing Services Program for CCTV inspections and have adequate professional indemnity insurance to cover the value of the works they are inspecting.

A minimum of 2 CCTV reports will be required to be undertaken by the developer.

The first shall be carried out after the placement of AC pavement layer and not more than 2 weeks before the Final Inspection date. The second shall be at the end of the defects and liability period.

As a minimum stormwater pipes shall be inspected and reported on the following:

- a) Horizontal alignment,
- b) Vertical alignment,
- c) Cracks and defects,
- d) Pipe joints,
- e) Joints in manholes and other pipes including both existing and new,
- f) Ovality.

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The camera must stop perpendicular to all cracks, defects, intrusions, joints and manholes and pan 360degrees. Camera speed shall be no greater than 0.2m/sec (or as agree by Camden Council Engineers). The report and camera footage shall be in colour.

7.0 - Ongoing Use

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

- (1) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (2) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council's stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.
- (3) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- (4) **Emission Requirements** - All gases, odours, dust, fumes, steam, moisture and particulate matter generated by the use of the premises shall be collected into approved stacks for discharge to the atmosphere. The quality of the discharges from the stack system shall comply with the requirements of the *Protection of the Environment Act 1997* and Regulations made thereunder.
- (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*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (6) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (7) **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

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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.

- (8) **Delivery / Collection Vehicle Noise Control** - All delivery or collection vehicles must switch engines off when vehicles are docked for loading or unloading