

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

The general terms of approval/requirements are:

1. NSW Rural Fire Service General Terms of Approval dated 20 May 2019
2. Natural Resources Access Regulator General Terms of Approval dated 9 July 2019

- (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
1803 DA-01 Revision B	Site Plan	GartnerTrovato	17/04/2019
1803 DA-02 Revision B	Planning Controls Diagram	GartnerTrovato	17/04/2019
1803 DA-04 Revision B	Basement Plan	GartnerTrovato	17/04/2019
1803 DA-05 Revision B	Level 01 (Ground Floor Plan)	GartnerTrovato	17/04/2019
1803 DA-06 Revision B	Level 02 (First Floor Plan)	GartnerTrovato	17/04/2019
1803 DA-07 Revision B	Level 03 (Second Floor Plan)	GartnerTrovato	17/04/2019
1803 DA-08 Revision B	Roof Plan	GartnerTrovato	17/04/2019
1803 DA-09 Revision B	Elevations Plan	GartnerTrovato	17/04/2019
1803 DA-10 Revision B	Elevations Plan	GartnerTrovato	17/04/2019
1803 DA-11 Revision B	Sections Plan	GartnerTrovato	17/04/2019
1803 DA-12 Revision B	Sections Plan	GartnerTrovato	17/04/2019
1803 DA-14 Revision B	Perspectives Plan	GartnerTrovato	17/04/2019
1803 DA-15 Revision B	Perspectives Plan	GartnerTrovato	17/04/2019
1803 DA-16 Revision B	Perspectives Plan	GartnerTrovato	17/04/2019
1803 DA-17 Revision B	Perspectives Plan	GartnerTrovato	17/04/2019

L03 Issue D	Landscaping Plan	JMD Design	21/03/2019
L04 Issue D	Landscaping Section Plan	JMD Design	21/03/2019
L05 Issue D	Landscaping Section Plan	JMD Design	21/03/2019
L06 Issue D	Indicative Plant Schedule	JMD Design	21/03/2019
L07 Issue D	Indicative Plant Schedule	JMD Design	21/03/2019
18-002936 SK01	Roof Catchment Plan	Calibre Group	-
18-002936 SK02	Basement Plan Stormwater Network	Calibre Group	-
18-002936 SK03	Drainage Calculations	Calibre Group	-

Document Title	Prepared by	Date
Bushfire Assessment Report	EcoLogical Australia	29 March 2019
Noise Impact Assessment	Acoustic Logic	3 April 2019
Construction Waste Management Plan	TTM	30 November 2018
Operational Waste Management Plan	TTM	30 November 2018
Statement of Compliance – Access for People with a Disability	Accessible Building Solutions	12 November 2018
Salinity Investigation and management	Douglas Partners	27 October 2017

- (3) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (4) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **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:
- protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (6) **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.

- (7) **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.

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

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

The following procedures shall be strictly observed:

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

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

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

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

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

- (10) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (11) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (12) **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*.

- (13) **Australian Standards** - All car parking spaces, parking layout and roads shall comply with the relevant Australian Standards and design codes.
- (14) **Transport for NSW** – Temporary or permanent soil or rock anchors which extend into the exhibited rail corridor are not permitted.
- (15) **Safer By Design** - The following safer-by-design recommendations of the Camden Local Area Command Safer by Design Evaluation (dated 17 January 2019) must be incorporated into the approved development:

Surveillance

- All vegetation/ landscaping is to be trimmed on a regular basis to ensure it is kept to a minimal height i.e. eye level, at all times.
- CCTV Cameras should be strategically mounted within the car parking areas to monitor activity within these areas.
- Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.

Lighting

- Lighting must be designed to the Australian and New Zealand Lighting Standards.
- Lighting layout for the outdoor areas should be Anti Vandal type lights which are a better option, for both lighting and maintenance.
- A lighting maintenance policy must be established for the development.
- Australian and New Zealand Lighting Standard 1158 - Car Parks, must be used.

Signage

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
- Warning, trespassers will be prosecuted. Warning, these premises are under electronic surveillance.
- Directional signage should be posted at decision making points (e.g. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.
- Signage needs to be provided at fire exits in the building to assist occupants to identify exits in emergency situations.
- Signage needs to be provided to assist occupants to identify fire suppression equipment, e.g. extinguishers, fire hoses etc.
- A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

- (16) **Voluntary Planning Agreement** - The proposed development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd, Leppington Pastoral Company Pty Ltd and Landcom, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2011.

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

\$832.00 per hectare	Total \$1,181	for Administration
\$16,111 per additional lot	Total \$16,111	for Various

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) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (2) **Driveway Gradients and Design** – The design of all driveways shall comply with AS2890.1, AS2890.2, AS2890.6 and Parking Facilities Codes and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a->

- 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.
- e) Parking spaces and aisles shall comply with the Code
- f) Loading dock facilities shall comply with the Code.

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

- (3) **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.
- (4) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (5) **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 Certifying Authority and Council.
- (6) **Garbage Room** – 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. Details demonstrating compliance shall be provided to the Certifying Authority.
- (7) **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 Certifying Authority.
- (8) **Food Premises** - The design, construction, of the food premises and / or food storage areas including the commercial kitchen, the kitchenettes associated with residents' dining rooms and the coffee shop / café shall comply with all applicable Acts, Regulation, codes and standards including:
 - a) the *Food Act 2003*;
 - b) the Food Regulation 2015;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) AS 1668.1-2015 and 1668.2-2012;
 - e) the BCA; and

- f) AS 4674-2004 Design, construction and fit-out of food premises

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (9) **Hair Dressing Salons** - The design, construction, fit-out, use and ongoing operation of the hair dressing salon shall comply with relevant provisions of the Local Government (General) Regulation 2005. Details demonstrating compliance shall be provided to the Certifying Authority.
- (10) **Regulated System** - The regulated system shall be designed and installed in accordance with the relevant provisions of:
- a) *Public Health Act 2010*;
 - b) the Public Health Regulation 2012;
 - c) AS/NZS 3666;
 - d) AS 1470 and AS 1657;
 - e) AS/NZS 1892.1 and 2865; and
 - f) relevant provisions for safe access in accordance with Workcover – Code of Practice for Safe Work on Roofs Part 1: Commercial and Industrial Buildings.

Plans and specifications for the design, installation, operation and maintenance of the regulated system(s), including details on the locations of all plant and equipment, shall be provided to the Certifying Authority with the Construction Certificate application.

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

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

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

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

- (13) **Civil Engineering Plans** - Civil engineering plans indicating drainage, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design

and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

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

- (14) **Services** – Certificates and/or relevant documents shall be obtained from the following service providers and provided to the certifying authority:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with Endeavour Energy to service the approved development.
 - b) Water and sewerage supplier – Evidence demonstrating that satisfactory arrangements have been made with Sydney Water to service the approved development.
- (15) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the Certifying Authority demonstrating that satisfactory arrangements have been made for:
- a) 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
 - b) 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 Certifying Authority.

- (16) **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 – An administration fee is payable upon the lodgement of a bond with Council.

- (17) **Mechanical Plant Selection and Attenuation** - The selection of mechanical plant for the building must be undertaken with the involvement of a suitably qualified acoustic consultant. The plant must not exceed the following sound power levels where the plant is located along the following site boundaries:

- Northern Boundary 74 dB:
- Eastern Boundary 74 dB:
- Southern Boundary 76 dB:
- Western Boundary 71 dB:

All plant that exceeds the above levels must be screened with suitable acoustic materials to meet the criteria. Suitable details, including endorsement from the suitably qualified acoustic consultant, demonstrating compliance with the requirements of this condition must be provided to the Certifying Authority with the Construction Certificate application.

- (18) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (19) **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 Certifying Authority.
- (20) **Fire Sprinkler System** – Prior to the issue of a construction certificate for the Residential Care Facility details of the fire sprinkler system are to be provided to the PCA to demonstrate compliance with Clause 55 of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004.
- (21) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (22) **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.
- (23) **Transport for NSW** – Prior to the issue of the relevant Construction Certificate, an acoustic assessment is to be submitted to TfNSW demonstrating how the proposed development will comply with the Department of Planning & Environment document "Development Near Rail Corridors and Busy Roads – Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.
- (24) **External Walls and Cladding Flammability** - The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the Certifying Authority must:
 - a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.
- (25) **Arrangements for Maintenance of Asset Protection Zone** – Prior to the issue of a Construction Certificate, written agreement from Camden Council must be obtained confirming their acceptance that appropriate arrangements can be made which govern the maintenance and management of the required asset protection zone over the adjoining riparian corridor. The maintenance and management of this APZ is the responsibility of the persons acting on this consent.

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) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
 - a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
 - a) that unauthorised entry to the work site is prohibited;

- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

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

- (5) **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 to apply.

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

- (6) **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.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

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

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

- (9) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (10) **Site is to be Secured** - The site shall be secured and fenced.
- (11) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure

within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

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

- (12) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (13) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (14) **DA/2017/1627/1 Intersection of Dick Johnson Drive and Road 2501** – Prior to the commencement of works, the intersection of Dick Johnson Drive and Road No. 2501 approved by DA/2017/1627/1 must be completed to a sufficient standard to enable safe and practicable construction access and egress.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (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:

- 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.

- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

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

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

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (8) **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.

- (9) **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.

- (10) **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.
- (11) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (12) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - iii) be a standard flushing toilet connected to a public sewer; or
 - iv) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - v) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (13) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to PCA prior to the development proceeding beyond floor level stage.
- (14) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the PCA prior to the development proceeding beyond frame stage.
- (15) **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.

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

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

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

Sampling of VENM for salinity of fill volumes:

- e) less than 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.

- (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) **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 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.

- (21) **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 reports:
- Report on Salinity Investigation and Management Plan: Tranche 7, 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.99, Dated June 2011.
 - Report on Salinity Investigation and Management Plan Part Tranche 25, 26 and 27 Oran Park, Prepared by Douglas Partners, Project 76618.15, Dated August 2014.
 - Report on Salinity Investigation and Management Plan Proposed Residential subdivision Tranche 25 and 26 Oran Park, Prepared by Douglas Partners, Project 76778.70, Dated October 2017.
- (22) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification

Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

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

- (23) **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.
- (24) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (25) **Construction Waste Management Plan** - Construction waste management must be undertaken in accordance with the *Operational Waste Management Plan: Proposed Residential Aged Care Development at Dick Johnson Drive Oran Park, Prepared by ttm, dated 29/11/2018.* The plan must be kept on site for compliance until the completion of all works.
- (26) **Construction Requirements for Glazed Windows and Doors** - The construction requirements for glazed windows and doors are to be consistent with "Section 5.6 – Recommended Construction" and "Table 6 – Recommended Glazing Construction Projected future conditions and "Table 7 – minimum RW of glazing (with acoustic seals)" contained within the "DA Acoustic Assessment: Oran Park Residential Aged Care Facility, Prepared by Acoustic Logic, Dated 3 April 2019."
- (27) **External Wall Construction** - The external wall construction requirements are to be consistent with "Section 5.6 – Recommended Construction" and "Table 10 – Recommended Light Weight External Wall Construction Projected Future Conditions" contained within the "DA Acoustic Assessment: Oran Park Residential Aged Care Facility, Prepared by Acoustic Logic, Dated 3 April 2019."
- (28) **Mechanical Ventilation** - Facades identified in the report may require windows to be closed (but not necessarily sealed) 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.
- (29) **Refuse Room Design, Bin Wash and Ventilation** - The design of the refuse room and bin wash area (located within) must be consistent with the "Operational Waste Management Plan: Proposed Residential Aged Care Development at Dick Johnson Drive Oran Park, prepared by TTM, Dated 30 November 2018."
- (30) **Ventilation** - Natural (unobstructed, permanent openings direct to external air no less than one-twentieth of the floor area) or mechanical ventilation (minimum rate of 100 L/s and 5L/m² exhausting rate) must be provided to waste storage areas unless refrigerated below four degree Celsius.
- (31) **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.

- (32) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (33) **Construction Access and Egress** – No construction access or egress is permitted from Dick Johnson Drive or the drainage reserve/riparian corridor.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required-** An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **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.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **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.
- (6) **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.
- (7) **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 PCA. 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.
- (8) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (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 PCA.
- (10) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National

Construction Code (NCC). Prior to the issue of an Occupation Certificate the Principal Certifying Authority must:

- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (11) **Mechanical Exhaust System** - A Certificate of Compliance prepared by a suitably qualified engineer confirming that the mechanical exhaust systems have been designed, constructed and installed in accordance with the relevant requirements of Clause F4.12 of the BCA and AS1668 Parts 1 and 2, shall be provided to the PCA. Certification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (12) **Food Premises** - Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Notification' form can be found on Council's website.
- (13) **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.
- (14) **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.
- (15) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (16) **Defects and Liability Bond** – The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

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

- (17) **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 and approved by Camden Council prior to the issue of any Occupation Certificate. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrating compliance with the following:

(a) Mechanical plant noise complies with:

- LAeq,15min, 40 dB(A) Day period 7.00am – 6.00pm
- LAeq,15min, 39 dB(A) Evening period 6.00pm to 10.00pm
- LAeq,15 min, 37 dB(A) Night period 10.00pm to 7.00am

when measured at the location of the nearest existing or future residential receivers.

(b) Materials and Mitigation Controls

That all noise attenuation materials and structures used for the mitigation / control of noise is constructed and compliant with the conditions of the consent.

For any non-compliance, the acoustic compliance report must include recommendations for compliance and any remedial works are to be carried out prior to the issue of any Occupation Certificate.

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

- a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the 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.

- (19) **Section 88B Instrument** - The person acting on this consent must prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:

- a) restriction as to user occupying the development to:
 - i) persons 55 years of age or older or people who have a disability;
 - ii) people who live within the same household with seniors or people who have a disability;
 - iii) staff employed to assist in the administration of and provision of services to housing provided State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

- (20) **Completion of DA/2017/1627/1** – Prior to the issue of an Occupation Certificate, all work associated with DA/2017/1627/1 must be completed and a Subdivision Certificate issued.

- (21) **Indemnity Agreement** - The owner of the land must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private roads.

- (22) **Arrangements for Maintenance of Asset Protection Zone** – Prior to the issue of any Occupation Certificate, the arrangements agreed to by Camden Council to govern the maintenance and management of the required asset protection zone over the adjoining riparian corridor, must be finalized, made binding and/or registered on the

title on the land (whichever is appropriate). The maintenance and management of this APZ is the responsibility of the person acting on this consent.

- (23) **Access to facilities and public transport** - Prior to the issue of any Occupation Certificate the person acting on this consent must provide suitable evidence to the PCA that demonstrates the provision of a suitable path of travel to public transport and / or shops in accordance with Clause 26 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) 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.
- (2) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (3) **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.

- (4) **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).

- (5) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (6) **Medical Waste** - Waste disposal containers with securely fitting lids shall be kept on the property for the storage of any clinical and related waste prior to the final disposal of the material at a facility approved by the EPA.

Waste disposal containers for sharps must comply with AS 3816.

- (7) **Use of Court Yards** - The use of external communal court yards is not permitted between 10.00pm and 7.00am.
- (8) **Heavy Vehicle Use of Loading Dock** - Only one (1) heavy vehicle movement (in or out) is permitted to use the loading dock in any 15 minute period.
- (9) **Operational Use of Loading Dock** - Loading dock operation is only permitted between the hours of 7.00am and 10.00pm Monday to Saturday and, 8.00am to 10.00pm on Sunday and Public Holidays.
- (10) **Garbage and Waste Collection** - The collection of garbage and waste is only permitted during daytime hours of 7.00am to 6.00pm.
- (11) **Delivery / Collection Vehicle Noise Control** - All delivery or collection vehicles must switch engines off when vehicles are docked for loading or unloading
- (12) **Building Internal Noise Levels** - For internal rooms and spaces, the internal noise levels are to be compliant with the “satisfactory design sound level” as listed in ‘AS/NZS2107:2000 – Acoustics – Recommended design Sound Levels and Reverberation Times For Building Interiors.’
- (13) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (14) **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.
- (15) **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.

- (16) **Parking Areas to be Kept Clear** - At all times, the loading dock, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (17) **Asset Protection Zone** - The persons acting on this consent shall be responsible for the management and maintenance of the asset protection zone required by the NSW Rural Fire Services’ General Terms of Approval.