**RECOMMENDED CONDITIONS**

**Deferred Commencement Consent**

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

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

Schedule A Condition

1. **Deferred Commencement** - The following matters must be complied with to Council’s satisfaction:
2. Amended civil engineering plans demonstrating that the swale along the north western boundary of the development site has been designed to accommodate the external upstream catchment area in its pre-development condition for all storm events up to the 100-year ARI must be submitted to Council’s satisfaction. The design shall be consistent and complementary of the parent subdivision approval (DA/2016/1468/1) and shall be in accordance with Camden Council’s Engineering Specifications.

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. RMS, correspondence dated 17th September 2019
2. Proposed access onto Ingleburn Road from Road No. 1 shall be restricted to left in / left out. Signage shall be erected restricting access to Road No. 1 from Ingleburn Road to a left in / left out arrangement only.
3. All construction vehicles are to be contained wholly within the site and vehicles must enter the site via Road No. 1 before stopping.

(2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Reference/ Drawing No.** | **Name of Plan** | **Prepared by** | **Date** |
| Lot 2 – 1100 Issue F | Basement level 2 Plan | AE Design | 21/08/20 |
| Lot 2 – 1101 Issue G | Basement Level 1 Plan | AE Design | 21/08/20 |
| Lot 2 – 1200 Issue G | Ground Floor Plan | AE Design | 21/08/20 |
| Lot 2 – 1300 Issue G | Level 2 -4 Floor Plan | AE Design | 21/08/20 |
| Lot 2 – 1301 Issue G | Level 5 Floor Plan | AE Design | 21/08/20 |
| Lot 2 – 1302 Issue G | Level 6 Floor Plan | AE Design | 21/08/20 |
| Lot 2 – 1400 Issue G | Roof Plan | AE Design | 21/08/20 |
| Lot 2 – 1500 Issue G | Section AA | AE Design | 21/08/20 |
| Lot 2 – 1501 Issue G | Section BB | AE Design | 21/08/20 |
| Lot 2 – 1503 Issue E | Section – Carpark Ramp  | AE Design | 21/08/20 |
| Lot 2 – 1600 Issue G | North, South Elevation | AE Design | 21/08/20 |
| Lot 2 – 1601 Issue G | East, West Elevation | AE Design | 21/08/20 |
| Lot 2 – 1602 Issue B | Internal Elevations | AE Design | 21/08/20 |
| Lot 2 – 1702 Issue G | ADG Compliance – Part 4 | AE Design | 21/08/20 |
| Lot 2 – 1706 Issue G | Materials Schedule | AE Design | 21/08/20 |
| Lot 2 – 1805 Issue G | Adaptable Units | AE Design | 21/08/20 |
| Lot 2 – 1806 Issue E | Basix Info | AE Design | 21/08/20 |
| Lot 2 – 2000 Issue B | Lift Information | AE Design | 21/08/20 |
| SW220 Revision H | Basement 2 Plan | SGC | 6/10/20 |
| SW221 Revision H | Basement 1 Plan | SGC | 6/10/20 |
| SW222 Revision H | Ground Floor Plan | SGC | 6/10/20 |
| SW223 Revision H | Roof Plan | SGC | 6/10/20 |
| SW300 Revision H | Details Sheet Sheet 1 of 2 | SGC | 6/10/20 |
| SW301 Revision H | Details Sheet Sheet 2 of 2 | SGC | 6/10/20 |
| SW400 Revision H | Plan and details | SGC | 6/10/20 |
| SW500 Revision H | Music Catchment Plan | SGC | 6/10/20 |
| SW501 Revision H | OSD Catchment Plan | SGC | 6/10/20 |
| 31.20(19)/107’E’ Revision E | Lot 2 Landscape Plan | Iscape | 24/7/20 |
| 31.20(19)/112 | Overall Materials Palette 1 | Iscape | April 2020 |
| 31.20(19)/143’D’ Revision D | Overall Landscape Plan | Iscape | 29/04/20 |
| 31.20(19)/144’B’ Revision B | Overall Materials Palette 2 | Iscape | 29/04/20 |

|  |  |  |
| --- | --- | --- |
| **Document Title** | **Prepared by** | **Date** |
| Road Traffic Noise Impact Assessment: Proposed Residential Development : (Lot 2) 28 Ingleburn Road Leppington, Report No R160378R1-L2, Revision 5 | Rodney Stevens Acoustics | 18 August 2020 |
| Stage 2 Contamination and Salinity Assessment at 28 Ingleburn Road Leppington, Report No. GTE1013 | Ground Technologies | 5 June 2019 |
| Bushfire Hazard Assessment 28 Ingleburn Road Leppington 2179 (Lot 84/-/DP8979) Report No. BR-166919-B | Bushfire Planning & Design | 30 July 2019 |
| Waste Management Plan |  | 4 July 2019 |
| Operational Waste Management Plan Report No. 18106 Revision H | Elephants Foot Recycling Solutions | 14 February 2020 |
| Aboriginal Heritage Due Diligence Assessment Revision 6 | Artefact Heritage | 14 June 2019 |
| Geotechnical Report – GTE1013 | Ground Technologies | 5 June 2019 |

1. **Modified Documents and Plans** – The development shall be modified as follows:
2. Garbage and recycling bins shall not be transported to the collection vehicle via the driveway. A pathway must be installed in the marked area as indicated upon the approved ground floor plan, Lot 2 - 1200 Issue G, prepared by AE Design, to ensure that bins can be moved from the bin storage area to the collection vehicle safely. There must be no lip or step between the bin storage area and bin collection area. The bin path of travel must have a maximum gradient of 1:30 and a minimum access width of 1.6m

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

(4) **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.

(5) **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.

(6) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates:

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

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

This clause does not apply:

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

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

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

1. protect and support the adjoining building, structure or work from possible damage from the excavation; and
2. where necessary, underpin the building, structure or work to prevent any such damage.

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

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

(9) **Demolition of Temporary Turning Head(s)** – The demolition of temporary turning head(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.

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

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

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

(12) **Street 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.

(13) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.

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

(15) **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*.

(16) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.

(17) **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.

(18) **Graffiti Resistant Materials and Finishes** – Graffiti resistant materials and finishes to front fences and retaining walls must be used where possible.

(19) **Future Strata Subdivision Requirements** – Any future Strata Subdivision of the residential flat buildings approved by this consent shall ensure the following:

* Each unit is allocated at least one car parking space;
* All visitor car parking spaces shall be shown as common property and must not be allocated to individual units; and
* No car parking space is to be in an individual lot within the Strata scheme.

**2.0 - Prior to Issue of a Construction Certificate**

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

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

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

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

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

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

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

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

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

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

1. retaining walls shall be designed and certified by a suitably qualified structural engineer;
2. retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
3. adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries.
4. retaining walls shall not be erected within drainage easements; and
5. retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

(6) **Design of Retaining Walls** – The proposed retaining wall, including footings adjacent to LOT: 85 DP: 8979 (36 Ingleburn Road, Leppington) shall be designed by a registered and suitably qualified practising structural engineer and shall be wholly located within the development lot – 28 Ingleburn Road, Leppington (LOT: 84 DP: 8979)

(7) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:

1. be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
2. ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

(8) **Plumbing and Ductwork** - All plumbing and ductwork including stormwater downpipes must be concealed within the outer walls of the residential flat buildings so they are not visible. Plans and elevations detailing the method of concealment must be submitted to and approved by Council before the issue of a Construction Certificate. Any variation to this requirement requires Council approval.

(9) **Bush Fire Protection** – This approved development shall comply with the following requirements:

1. In accordance with the Bushfire Hazard Assessment, Report No. BR-1669-B, prepared by Bushfire Planning & Design, dated 30/7/2019, all buildings shall be constructed to BAL 12.5 under AS 3959 and the requirement of Planning for Bush Fire Protection 2019:
2. At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Zone, in accordance with ‘Planning for Bush Fire Protection 2019’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’; and
3. Water, electricity and gas are to comply with ‘Planning for Bush Fire Protection 2019’

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

(10) **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.

(11) **Stormwater Design** – Prior to the issue of the Construction Certificate for this development, an approved Subdivision Works Certificate for the parent subdivision DA/2016/1468/1 shall be provided to the certifying authority. The design of the building works including the stormwater system shall be designed to be consistent with the approved road design in DA/2016/1468/1.

(12) **Basement Pump-Out System –** The basement stormwater pump-out system shall be designed and certified by a suitable qualified person in accordance with AS3500.3.2.

(13) **Car Park Design –** The basement car park area shall be designed in accordance with AS2890 Part 1.

(14) **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.

(15) **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.

(16) **Provision of Kerb Outlets -** Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

The outlets shall be located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the principal certifier.

(17) **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.

(18) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.

(19) **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.

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

1. Deep soil/ planter box soil volumes shall be in accordance with table 5, part 4P of Apartment Design Guide (DPIE Resource).
2. Green Walls to be incorporated into the landscape.
3. Street trees to be sourced in minimum 100 litre container stock and installed not less than 10 metres from road intersections.
4. All plant stock to be sourced in accordance with tests and measurements contained within AS2303-2015 – Tree Stock for Landscape Use.
5. Tree planting detail and section drawings are to specify root barrier where trees are planting in close proximity to hard surfaces.
6. The following tree species must be substituted: Pyrus calleryana ‘Bradford’ with alternative species that will reach a mature height greater than 15m, Tristaniopsis laurina to be substituted with Tristaniopsis laurina ‘Luscious’, Eucalyptus crebra to be substituted with Corymbia maculata and Angophora costata must be substituted for alternative large deciduous tree species including Quercus palustris, Quercus palustris ‘Pringreen’, Liquidambar styraciflua ‘Ward’ fruitless variety.

Details demonstrating compliance shall be provided to the certifier.

(21) **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.

(22) **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.

(23) **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.

(24) **Contributions Payment Timing** - If no construction certificate in respect of the erection of any building to which this development consent relates has been issued on or before 25 September 2022, the monetary contributions detailed in this development consent must be paid prior to the issue of the first construction certificate after that date for any such building.

(25) **Special Infrastructure Contributions Payment Timing** – If no construction certificate in respect of the erection of any building to which this development consent relates has been issued on or before 25 September 2022, the Special Infrastructure Contribution detailed in this development consent must be paid prior to the issue of the first construction certificate after that date for any such building.

(26) **Carwash Bay and Vehicle Washing** – Washing of vehicles shall be conducted in a designated car wash bay to be included on amended plans. Waste water generated from the bay shall be discharged to Sydney Water Sewer or via alternative on-site disposal options where water is recycled or re-used.

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

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

(27) **Design Verification** – A statement from a qualified Architect, verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be submitted to the Certifying Authority’s satisfaction.

**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:

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

(3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

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

(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:

1. a Construction Certificate has been issued by a certifier;
2. a principal certifier has been appointed by the person having benefit of the development consent;
3. if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
4. the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
5. the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

1. that unauthorised entry to the work site is prohibited;
2. the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
3. the name, address and telephone number of the principal certifier.

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

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

(7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.

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

(8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with ‘Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

(9) **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.

1. 36 Ingleburn Road, Leppington (Lot: 85 DP:8979)

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.

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

(11) **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.

(12) **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.

(13) **Construction Waste Management Plan** - Construction waste management must be undertaken in accordance with the “*Waste Management Plan, Dated 4 July 2019.”* The plan must be kept on site for compliance until the completion of all construction works.

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

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

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

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

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

(16) **Tree Protection** – All trees noted within Section 7.1, as well as tree numbered 1 of the Arboricultural Impact Assessment Report, dated 18 May 2020, reference 2652.8, prepared by Redgum Horticultural Arboriculture & Horticulture Consultants, shall be retained and protected in accordance with Australian Standards AS 4970-2009 *Protection of Trees on Development Sites* and as per Section 5.6-5.20 & 5.24-5.32 of the report.

Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

**4.0 - During Works**

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

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

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

unless approved in writing by Council.

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

1. **Window and Door Glazing** – All residential units located on the south-eastern and southern facades of buildings will require minimum window / door glazing with acoustic seals in-order to comply with ‘Table 6.1’ of the *“Road Traffic Noise Impact Assessment: Proposed Residential Development : (Lot 2) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L2 Revision 5, Dated 18 August 2020.”* The acoustic treatments will apply to all units on the above facades from the ground floor to level 6.
2. **Alternative Ventilation for Habitable Rooms** –For facades of units identified in ‘Table 6.1’ of the *“Road Traffic Noise Impact Assessment: Proposed Residential Development : (Lot 2) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L2 Revision 5, Dated 18 August 2020”* windows may be required 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) may 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. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.
3. **Noise from Rooftop Mechanical Plant** - All roof top mechanical plant must be noise attenuated to ensure that principle private open space for each unit is protected to comply with 57 dB(A) (LAeq -15hr) from 7am to 10pm.
4. **Wintergardens** – The units that will require wintergardens include: B1.3, B1.4, C1.1. C1.3, D1.2, A2.3, B2.2, B2.3, B2.4, C2.1, C1.3, D2.3, A3.3, B3.2, B3.3, B3.4, C3.1, C3.3, D3.3, A4.3, B4.2, B4.3, B4.4, C4.1, C4.3, D4.3.
5. **Design and Operation of Wintergardens** - The design and operation of wintergardens are to be consistent with “Figure 6-1” and “Figure 3.27” *“Road Traffic Noise Impact Assessment: Proposed Residential Development : (Lot 2) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L2 Revision 5, Dated 18 August 2020”.*

1. **Glass Louvres Servicing Wintergarden** - The louvres / blades used for the wintergardens are to be laminated and double-glazed windows.

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

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

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

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

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

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

1. stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
2. builder’s operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
3. waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
4. a waste storage area shall be located on the site;
5. all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
6. toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
	* 1. be a standard flushing toilet connected to a public sewer; or
		2. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
		3. be a temporary chemical closet approved under the *Local Government Act 1993*.

(11) **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 principal certifier prior to the development proceeding beyond floor level stage.

(12) **Building Height** - A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the principal certifier prior to the development proceeding beyond frame stage.

(13) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.

(14) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

(15) **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.

(16) **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.

(17) **Vehicles Leaving the Site** - The construction supervisor must ensure that:

* all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
* the wheels of vehicles leaving the site:
	+ - do not track soil and other waste material onto any public road adjoining the site; and
		- fully traverse the site’s stabilised access point.

(18) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)) Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

(19) **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.

(20) **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.

(21) **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.

(22) **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.

(23) **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.

(24) **Fill Material (VENM)** - Prior to the importationand/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:

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

Virgin Excavated Natural Material (VENM):

1. the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
2. the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

d) confirm that the fill material;

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

Sampling of VENM for salinity of fill volumes:

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

f) greater than 6000m3 - 3 sampling locations with 1 extra location for each additional 2000m3 or part thereof.

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

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

|  |  |  |
| --- | --- | --- |
| **Classification of Fill Material** | **No of Samples Per Volume** | **Volume of Fill (m3)** |
| Virgin Excavated Natural Material | 1(see Note) | 1000or 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.

(25) **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.

(26) **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).

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

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

(28) **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.

(29) **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 be contacted and conducted a thorough assessment.

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

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

(30) **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 Table 10: Structural design recommendations within Stage 2 Contamination and Salinity Assessment at 28 Ingleburn Road Leppington, Prepared by Ground Technologies, Report No. GTE1013, Dated 5 June 2019.

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

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

(32) **Regulatory Traffic Signage** – Signage shall be erected restricting access to Road No. 01 from Ingleburn Road to a left in / left out arrangement only. Erection of street signage shall be at full cost to the applicant and / or the property owner.

**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. **Issue of Occupation Certificate** – The issue of the Occupation Certificate shall not occur until such time as road construction and associated drainage works are completed subject to development consent DA/2016/1468/1 and roads subject to this development consent are registered to Council as public roads.

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

(3) **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.

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

(5) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.

(6) **Building Height** - A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the principal certifier.

(7) **Design Verification** – A Statement from a qualified Architect, verifying that the residential flat buildings achieve the design quality of the development as shown on the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

(8) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved acoustic report; “*Road Traffic Noise Impact Assessment: Proposed Residential Development: (Lot 2) 28 Ingleburn Road, Leppington, Prepared by Rodney Stevens Acoustics, Report No. R160378R1-L2 Revision 5, dated 18 August 2020”.*

1. **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 demonstrating compliance with the following:
* Mechanical plant noise complies with:
* Day 50 dB(A) (LAeq, 15 min)
* Evening 50dB(A) (LAeq, 15 min)
* Night 45 dB(A) (LAeq, 15 min)

 **When measured at the nearest noise affected flat / unit on “Lot 2”.**

* 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 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) **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.

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

1. Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
2. Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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

(12) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:

1. be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
2. ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.

(13) **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:

1. the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
2. the proprietor shall have the facilities inspected annually by a competent person;
3. 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
4. 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.

(14) **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.

(15) **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.

(16) **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.

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

(18) **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.

(19) **Footpath Works Bond –** Where the applicant proposes deferral of work in accordance with Council’s engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways works 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 deferral, whichever occurs first.

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

(20) **Defects and Liability Bond –** The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council’s Development Infrastructure Bonds Policy.

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

(21) **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.

(22) **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.

(23) **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.

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

(25) **Contributions Payment Evidence** – A document from Council certifying that the payment of Section 7.11 contributions:

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

must be submitted to the certifier.

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

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

(26) **Special Infrastructure Contribution Payment Evidence** - A document from the Planning Secretary certifying that the payment of a special infrastructure contribution:

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

must be submitted to the certifier.

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

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Plan Name** | **Contribution Type** | **Indexed Rate** | **Amount Payable** |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Open Space & Recreation – Land | $11,854per lot or dwelling | $1,126,130.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Open Space & Recreation – Works | $4,985per lot or dwelling | $473,575.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Community Facilities – Land | $526per lot or dwelling | $49,970.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Roads – Land | $142,701per net developable hectare | $101,803.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Roads – Works | $167,851per net developable hectare | $119,745.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Drainage – Land | $135,690per net developable hectare | $96,801.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Drainage – Works | $84,869per net developable hectare | $60,546.00 |
| Camden Growth Areas Contributions Plan – Essential Infrastructure | Plan Administration Allowance | $5,144per net developable hectare | $3,670.00 |
| **Total Contributions – Essential Infrastructure** | **$2,032,240.00** |
| Camden Growth Areas Contributions Plan – Non Essential Infrastructure | Community Facilities - Works | $2,688per lot or dwelling | $255,360.00 |
| Camden Growth Areas Contributions Plan – Non Essential Infrastructure | Open Space – Land | $463per lot or dwelling | $43,985.00 |
| **Total Contributions – Non Essential Infrastructure** | **$299,345.00** |
| **Total Contributions** | **$2,331,585.00** |

A copy of the Leppington North Precinct Section 7.11 Contributions Plan may be inspected at Council’s Camden office at 70 Central Avenue Oran Park or can be accessed on Council’s website at [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

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

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

**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:

1. be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
2. emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
3. **Principle Private Open Space Protection** - All wintergardens on “approved plans” must ensure that principle private open space within each wintergarden is protected to comply with 57 dB(A) (LAeq -15hr) from 7am to 10pm.
4. **Communal Open Space** – All communal open space areas must be noise protected to comply with 57 dB(A) (LAeq – 15hr) from 7am to 10pm.

(4) **Drainage Easements** - No changes to site levels, or any form of construction, shall occur within any drainage easements located on the allotment.

(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) **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 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.