

## RECOMMENDED CONDITIONS

### 1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** – The development must 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
A101-A	Cover Sheet	Mijollo International	4 February 2023
A102-A	Site Analysis Plan		4 February 2023
A103-E	Plan Ground Level		8 September 2023
A104-A	Plan Upper Level		4 February 2023
A105-A	Plan Roof		4 February 2023
A106-A	Shadow Analysis 1		4 February 2023
A107-A	Advertising Plan		4 February 2023
A108-C	Plan Basement Level		21 August 2023
A301-1C	Sections – AA, BB, CC & DD		21 August 2023
A401-C	Elevations & Materials Schedule		21 August 2023
A501-A	Part Plans – Kitchen & Indoor Play		4 February 2023
210027-DA- C01.01 Rev: 2	Cover Sheet and Drawing Schedule	Enspire	23 August 2023
210027-DA- C01.41 Rev: 2	General Arrangement Plan		23 August 2023
210027-DA- C02.01 Rev: 1	Demolition Plan		3 February 2023
210027-DA- C03.01 Rev: 1	Erosion & Sedimentation Control Plan		3 February 2023
210027-DA- C03.21 Rev: 1	Erosion & Sedimentation Control Plan Details		3 February 2023
210027-DA- C05.01 Rev: 2	Siteworks and Stormwater Management Plan Basement		23 August 2023

210027-DA-C05.02 Rev: 2	Siteworks and Stormwater Management Plan Ground Floor Sheet 01		23 August 2023
210027-DA-C05.03 Rev: 2	Siteworks and Stormwater Management Plan Ground Floor Sheet 02		23 August 2023
210027-DA-C06.01 Rev: 2	Byron Road Typical Cross Section		23 August 2023
210027-DA-C07.01 Rev: 2	Driveway Longitudinal Sections Sheet 01		23 August 2023
210027-DA-C07.02 Rev: 2	Driveway Longitudinal Sections Sheet 02		23 August 2023
210027-DA-C07.11 Rev: 2	Byron Road Longitudinal Sections Sheet 01		23 August 2023
210027-DA-C08.01 Rev: 2	Byron Road Cross Sections Sheet 01		23 August 2023
210027-DA-C14.01 Rev: 1	Retaining Wall Elevation		3 February 2023
210027-DA-C14.11 Rev: 2	Sitework Details		23 August 2023
210027-DA-C18.51 Rev: 1	Bio-retention Basin Plan and Details Sheet 01		3 February 2023
210027-DA-C18.52 Rev: 1	Bio-retention Basin Plan and Details Sheet 02		3 February 2023
210027-DA-C20.01 Rev: 1	Stormwater Catchment Plan		3 February 2023
210027-DA-C23.01 Rev: 1	Safety in Design		3 February 2023
L-00 Rev: A	Cover Page	Site Design + Studios	8 February 2023
L-01 Rev: A	Ground Floor Landscape Plan		8 February 2023
L-02 Rev: A	Ground Floor Detail Plan 1		8 February 2023
L-03 Rev: A	Ground Floor Detail Plan 2		8 February 2023
L-04 Rev: A	Upper Floor Landscape Plan		8 February 2023
L-05 Rev: A	Upper Floor Detail Plan 1		8 February 2023
L-06 Rev: A	Upper Floor Detail Plan 2		8 February 2023

L-07 Rev: A	Planting Schedule & Details		8 February 2023
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Document Title	Prepared by	Date
Traffic Report Ref: 21325 Rev: F	TTPA	March 2023
Acoustic Assessment Ref: 210819R1 Rev: 1	Rodney Stevens Acoustics	May 2022
Arborist Report	Lee Hancock Consulting Arborist	November 2021
Remedial Action Plan Ref: E25375.E06 Rev: 0	Eiaustralia	May 2022
Detailed Site Investigation with Salinity Assessment Ref: E25375.E02 Rev: 3	Eiaustralia	May 2022
Stormwater Management Report Ref: 210027 Rev: 1	Enspire	February 2023
Waste Management Plan	Mijolla International	Undated
Plan of Management	Tudor Planning and Design	September 2023

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

- a) An amended waste management plan is to be provided that demonstrates:
  - o A total of 17 x 660L bins are to be provided as followed:
    - Child care
      - i. 6 x 660L garbage bins
      - ii. 6 x 660L recycling bins
    - Commercial
      - iii. 3 x 660L garbage bins
      - iv. 2 x 660L recycling bins

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

(3) **Requirements of State Authorities** - The requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The requirements are:

- (a) Letter and attachments from Endeavour Energy, dated 29 March 2023, reference CNR-53524.
- (b) Letter and attachments from Sydney Water, dated 20 April 2023, reference 206166.
- (c) Letter from Sydney Trains, dated 20 April 2023, reference CNR-53524.

(4) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this

condition the relevant date has the same meaning as in section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

- (5) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

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 gives written consent to the condition not applying.

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

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

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

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

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

- a) in accordance with the approved plans;
- b) to Council's standards.

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

- (10) **Tree Removal** - Where existing trees are to be removed and where replacement trees are to be planted. The trees identified in the Arborist report by Lee Hancock, dated: 05/11/2021 identifies ten trees to be removed and are approved for removal:

a) T1 – T10: 10 x trees for removal

The following replacement trees shall be demonstrated in an amended landscape plan required by this consent:

- a) Species substitute from eight (8) 75L Tuckeroo (*Cupaniopsis anacardioides*) to eight (8) 75L Compact Spotted Gum (*Corymbia maculata* 'Lowanna')

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

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

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management.

- (11) **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.

- (12) **Outdoor Lighting** – The approved development must include lighting in all areas that complies with AS 1158 and AS 4282.
- (13) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.
- (14) **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.
- (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) **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.

- (17) **Hollow Bearing Trees / Active Nests** – A survey plan to identify if tree hollows or active nests are present, must be prepared. If tree hollows and / or active nests are present, a nest box installation and active nest relocation plan must be prepared in addition to the tree plan.

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

All hollow-bearing and active nest trees removed from the site are to be inspected prior to removal. Measures must be taken to ensure that fauna inhabiting tree hollows or active nests are treated humanely and relocated before development activities commence, in line with the National Parks and Wildlife Act 1974. A qualified ecologist

or wildlife carer will be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna)

- (18) **Separate Approval for Use of the Commercial Premises** - A separate development application for the fit out and use of the commercial premises shall be provided to and approved by Council prior to that use commencing (unless the fit out and use is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (19) **Separate Approval for Signs** - A separate development application for any proposed signs shall be provided to and approved by Council prior to the erection or display of those signs (unless the erection or display of those signs is exempt or complying development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008).
- (20) **Lighting** - The approved development must include lighting in all areas that complies with AS 1158 and AS 4282. The lighting must also comply with the following requirements:
  - (a) Lighting fixtures must be sturdy, durable, vandal resistant and easily maintainable.
  - (b) Lighting fixtures visible from the public domain must be mounted at a minimum height of 2.7m and their appearance must complement the architectural and landscape character of the development.
  - (c) Lighting in all public areas must be bright and even (to permit facial recognition of approaching persons at 15 metres).
- (21) **Shopfront Glazing and Security** - For all shopfronts facing public areas, the use of semi-transparent or obscured glazing is prohibited. Additionally, the use of security shutters or grilles for such shopfronts is prohibited and any security devices must be transparent or at least 80% open.

## 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) **Construction Certificate** - The following information shall be provided to the certifier prior to the issue of any Construction Certificate application:
  - a) Written consent is received from TfNSW / Sydney Trains in support of proposed drainage works discharging water into the Rail Corridor in accordance with letter dated 20 April 2023 (reference: CNR-53524).
  - b) Swept paths are to be updated and provided on the Civil Engineering Plans. Swept paths to be designed in accordance with AS2890.
  - c) Long Sections of drainage tailouts are to be provided. RIP RAP scour protection shall be placed at all drainage outlets with design calculations shown on plans.
  - d) A Civil Compliance Letter is to be provided to the certifying authority, certifying that the car park, access and drainage designs Comply with Camden Council's

Engineering Specification, Relevant DCP, Australian Standards and Guidelines.

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

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

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

- (4) **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.

- (5) **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:

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.

- (6) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the 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.

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

a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>



- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

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

- (8) **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.

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.

- (9) **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.

- (10) **Works in Road Reserves** - Where any works are proposed in a public road reservation, the relevant Public Road Activity Approval (Road Works Application, Road Opening Permit and/or Road Occupancy Permit) shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.

- (11) **Validation Report** - A validation report endorsed by a certified contaminated land consultant shall be provided to the certifier and Council within 30 days following completion of the remediation works, which demonstrates:

- a) compliance with the approved RAP;
  - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
  - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's Management of Contaminated Lands Policy;
- and includes:
- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
  - e) a "notice of completion of remediation work" as required by State Environmental Planning Policy (Resilience and Hazards) 2021; and
  - f) statement confirming that the site following remediation of contamination is suitable for the intended use.

- (12) **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.

- (13) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

- a) Additional shade is required within the outdoor play spaces on the upper ground level. Additional shade by 1-2 additional trees (Rooms 11E, 13E, 12E)
- b) Additional large canopy trees and boundary screen planting to be included in the setback next to stormwater basin
- c) Deep soil to be demonstrated within the plans based off the mature height and spread of the tree. All soil volumes should be in line with part 4P of the Apartment Design Guidelines (ADG)
- d) Where plantings are to be incorporated on structures (such as basements or second story) soil volumes to be designed in accordance with ADG 4P with soil profiles, irrigation and systems that provide adequate oxygen, water and nutrients is crucial for plant survival. Table 5 of the guidelines provide the minimum soil standards for plant sizes.

- (14) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the accredited certifier and Council.

- (15) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area 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 certifier with the Construction Certificate application.

- (16) **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.

- (17) **Fibre-Ready Facilities/Telecommunications Infrastructure** – Documentary evidence must be provided to the certifier 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 certifier.

- (18) **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 (Leppington North Precinct (LNP)) - Essential Infrastructure	<i>Open Space &amp; Recreation - Land</i>	\$3,709 per 100m <sup>2</sup> of Non-Residential GFA	\$79,447.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	<i>Open Space &amp; Recreation - Works</i>	\$1,089 per 100m <sup>2</sup> of Non-Residential GFA	\$23,326.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	Roads Land	\$234,688 per net developable hectare	\$188,314.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	Roads Works	\$192,569 per net developable hectare	\$154,517.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	Drainage Land	\$223,156 per net developable hectare	\$179,060.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	Drainage Works	\$97,367 per net developable hectare	\$78,127.00
Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure	Plan Administration Allowance	\$5,901 per net developable hectare	\$4,735.00
<b>TOTAL CONTRIBUTIONS</b>			<b>\$707,526.00</b>

A copy of the Camden Growth Areas 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.

- (19) **Section 7.11 Contributions – Works In Kind** - Section 7.11 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.
- (20) **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.
- (21) **Long Service Levy** - In accordance with 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. This applies to building and construction works with a cost of \$250,000 or more.
- (22) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be designed and certified by a suitably qualified structural engineer;
  - b) retaining walls in cut shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
  - c) retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
  - d) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connect to, a stormwater disposal system within the property boundaries;
  - e) retaining walls shall not be erected within drainage easements; and
  - f) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (23) **Provision of Hand Wash Facilities** - Hand wash facilities shall be provided in each treatment room. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (24) **Amended Byron Road Design** - Prior to the approval of any Section 138 road works application, the person acting on this consent is to obtain the latest Byron Road design from Council and submit amended engineering plans to the satisfaction of Council's Manager Infrastructure & Growth demonstrating the interface design of the proposed development is compatible with the interim and ultimate designs for Byron Road.

In this regard, the person acting on this consent must provide cross-sections (every 25m matching Byron Road chainages) of Byron Road in front of the subject property to the satisfaction of Council showing property boundary levels, interim and ultimate road levels. The design needs to fulfill the interim works objectives as stated below.

- (25) **Byron Road Utility Services** - Prior to the issue of any Construction Certificate, the person acting on this consent is to provide amended civil engineering plans that demonstrate how the utility services along the frontage of Byron Road will be coordinated between the interim and ultimate scenarios of the respective future road works and the applicant must also demonstrate how the future levels of ultimate utility services/assets will be achieved in accordance with the ultimate design of Byron Road up to the satisfaction of Camden Council's Manager Infrastructure & Growth.
- (26) **Consultation with Utility Authorities** - Prior to the issue of any Construction Certificate, the person acting on this consent is to provide evidence of consultation with utility authorities ensuring future capacity can be accommodated.
- (27) **Detailed Lighting Plan** - A detailed lighting plan shall be submitted to the accredited certifier with the Construction Certificate application. The plan must demonstrate that the orientation and intensity of lighting will comply with AS 4282 and AS 1158.
- (28) **Rainwater Re-Use** - Rainwater must be collected from roof areas and be used for non-potable uses including toilet flushing, cleaning and landscaping irrigation. Mains water must only be used as a back-up.

The capacity of on-site rainwater storage is to consider the likely water consumption required to maintain the landscaped areas within the site.

The rainwater tanks must be:

- (a) Located below ground.
- (b) Equipped with a 'first flush' diversion system to exclude the initial wash-off (first 5mm of rainfall) from a roof.
- (c) Connected to toilets, cleaning and irrigation fixtures.
- (d) Provided with screens on inlets and overflows to reduce mosquito risk.

Rainwater tanks must be designed to operate in accordance with the requirements of NSW Health, Sydney Water and the relevant Australian Standards.

Details demonstrating compliance must be provided to the certifier.

- (29) **Hot Water System** - Hot water is to be supplied from solar or heat pump systems before resort to other systems to meet hot water needs. Details demonstrating compliance must be provided to the certifier.
- (30) **Low Volatile Organic Compounds Emissions Content** - Materials used for construction must have low volatile organic compounds emissions content. Details demonstrating compliance must be provided to the certifier.
- (31) **Timber Building Materials** - Timber building materials must be sourced from sustainable suppliers such as products certified by the Forestry Stewardship Council. Details demonstrating compliance must be provided to the certifier.

- (32) **Reverse Cycle Air Conditioning** – A reverse cycle air conditioner with heating and cooling capabilities and ability to be controlled in each room must be installed. Details demonstrating compliance must be provided to the certifier.
- (33) **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 the Department of Planning and Environment that the SIC is not required to be paid for the approved development, or that it may be paid at a later stage in the development of the site approved by this development consent.

#### **More information**

A request for assessment by the Department of Planning 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](mailto:SIContributions@planning.nsw.gov.au).

### **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 the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
  - f) 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 the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. 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 principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
  - b) a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
  - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (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 – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

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

- (10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (11) **Hazardous Building Materials Assessment** - A hazardous building material assessment shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the principal certifier and Council.

Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW requirements and the NSW Government Code of Practice Demolition Work. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (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** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (14) **Site and Environmental Management Plans** – In accordance with the approved remediation action plan, an environmental management plan and occupational health



and safety plan that addresses all relevant legislative requirements and environmental effects is required to be completed prior to the commencement of remediation works. The plan is to be provided by the remediation contractor and recognise all remediation requirements of the remediation action plan.

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

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

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

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

- a) noise mitigation measures;
- b) noise and/or vibration monitoring;
- c) use of respite periods;
- d) complaints handling; and
- e) community liaison and consultation.

- (17) **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.

- (18) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.
- (19) **Decommissioning of On-Site Sewerage Management** - Written confirmation verifying that the existing on-site sewerage management facility has been decommissioned in accordance with the following, shall be provided to the principal certifier and Council:

Option 1: (Removal of system from site)

That the septic tank, disposal field and all associated drainage shall be decommissioned in accordance with the following:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council;
- b) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed; and
- c) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall then be emptied by a liquid wastewater contractor.

The septic tank and any associated drainage and disposal field including materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation fields shall be removed and disposed of at a suitably licensed landfill site. (i.e. aggregates, rubble, sand, concrete slabs and the like) A copy of the receipt for disposal of the waste materials shall be provided to Council.

The tank excavation /transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.

Option 2: (decommissioning on site)

The septic tank system shall be de-commissioned in the following manner:

- a) The septic tank/holding well and grease trap shall be emptied by a liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be provided to Council;
- b) the septic tank and holding well shall be thoroughly dusted with commercial grade agricultural lime;
- c) the base(s) of the tank(s) is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level; and

- d) the tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
- (20) **Demolition Work** - Consent is granted for the demolition of the existing dwellings and ancillary structures currently existing on the property, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
  - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
  - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
  - d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
  - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
  - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 The Demolition of Structures shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
  - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a licensed asbestos removalist who is appropriately licenced by SafeWork NSW to carry out the work shall remove all asbestos in accordance with the requirements of SafeWork NSW, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
  - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
  - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.

## 4.0 - During Works

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

(1) **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) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely 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, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

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.

(3) **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 as followed:

- a) stormwater drainage is to be installed as per the approved hydraulic drainage plan. Stormwater must be clear of and not impact upon the effluent management area as shown on the approved sustainable effluent management plan.

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;
  - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
    - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **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.
- (6) **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.
- (7) **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.
- (8) **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.

- (9) **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.

- (10) **Seal Up Existing Redundant Laybacks** – All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.

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

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

- (12) **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.

- (13) **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.

- (14) **Noise During Work** - Noise levels emitted during works must comply with:

- (a) Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

- (b) Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (c) Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

- (15) **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.
- (16) **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.
- (17) **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.
- (18) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, an assessment report and sampling location plan for such material must be provided to and approved by the principal certifier.

The assessment report and associated sampling location plan must:

- a) be prepared by a contaminated land specialist; 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 (Third 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 6000m<sup>3</sup> - 3 sampling locations; and
- f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> 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 <sup>3</sup> )
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) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (21) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan provided to Council including:
  - a) noise mitigation measures;
  - b) noise and/or vibration monitoring;
  - c) use of respite periods;
  - d) complaints handling; and
  - e) community liaison and consultation



- (22) **Remediation Action Plan** – All approved remediation works that include excavation, stockpiling, on-site and off-site disposal, cut, backfilling, compaction, monitoring, validation, site management and security and work health and safety must be carried out in accordance with the approved remediation action titled Remediation Action Plan 218 Byron Road, Leppington prepared by eiaustralia E25375.E06\_Rev 0 dated 13 May 2022 except where amended by other conditions of this development consent.

Any variation to the approved remediation action plans will require this development consent to be modified or a separate development consent to be obtained.

- (23) **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.
- (24) **Unexpected Finds Contingency (Remediation)** – Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (25) **Remediation Works Inspections** – A certified contaminated land consultant must frequently inspect the remediation works to confirm compliance with the remediation action plan including all health and safety requirements.
- (26) **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 salinity / control measures contained in Council's Engineering Specifications.
- (27) **Relics Discovery During Works** – If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
- all work must stop immediately in that area;
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
  - any requirements of Heritage NSW must be implemented.
- (28) **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,
  - Heritage NSW 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 Heritage NSW must be implemented.
- (29) **Acoustic Barrier to the Child Care Centre** - Acoustic noise barriers are to be constructed in accordance with the Figure 2-2 and 2-3 of the approved acoustic report titled Noise Impact Assessment proposed Child Care Centre, 218 Byron Road,

Leppington Report 2100819R revision1, prepared by Rodney Stevens Acoustics Pty Ltd, dated 6 May 2022.

The barriers on the first floor shall be increased in height to 1.8m (from 1.4m).

The barriers are to be constructed of materials that have a surface density of 10-15Kg/m<sup>2</sup> and be free from gaps and penetrations.

- (30) **Acoustic Barriers along the Boundaries** - A 1.8m acoustic barrier shall be constructed along the eastern and western property boundary as illustrated in figure 2-2 of the approved acoustic report titled Noise Impact Assessment proposed Child Care Centre, 218 Byron Road, Leppington Report 2100819R revision1, prepared by Rodney Stevens Acoustics Pty Ltd, dated 6 May 2022.

In addition the 1.8 barrier on the western boundary (adjacent to theme C play area) is to be increase to 2.1m high from the north western corner of the site to 2m past the approved building.

The barriers on the first floor shall be increased in height to 1.8m (from 1.4m).

- (31) **Acoustic Barriers along the Boundaries** - A 1.8m acoustic barrier shall be constructed along the western boundary and shall increase to a 2.1m barrier past the building envelope to the rear of the property.

The barriers on the first floor shall be increased in height to 1.8m (from 1.4m).

The barriers are to be constructed of materials that have a surface density of 10-15Kg/m<sup>2</sup> and be free from gaps and penetrations.

## 5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (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 principal certifier.
- (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) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
  - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;

- b) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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

- (5) **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:

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

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

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

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

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

- (7) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (8) **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.
- (9) **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.
- (10) **Work as Executed Plans** - Works as execute plans shall be prepared and provided in accordance with Councils Engineering Specifications.
- (11) **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.
- (12) **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.
- (13) **Acoustic Compliance Report** – A report shall be prepared by an independent acoustic consultant and be submitted to the principal certifier certifying that noise levels from Mechanical Plant will comply with the following criteria when measured at the nearest residential boundary (i.e. western boundary):

- 37dB(A) 7am-6pm

Mechanical plant shall be switched off outside these hours.

All noise attenuation materials and structures used for the mitigation and control of noise must be compliant with the conditions of this development consent.

For any non-compliance, the report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner/occupier.

The owner/occupier must then provide a supplementary acoustic report to the principal certifier certifying that all compliance works have been completed and that noise levels comply with the above criteria.

- (14) **Remediated Land Delineation** – A map that delineates the extent of the remediated land, as identified by the validation report required by this development consent, must be provided to Council for integration into Council's mapping system. The map must be provided in digital GIS format (ESRI Shape, .dxf or .dwg) and the data projection coordinate must be in GDA94 / MGA Zone 56.

- (15) **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.
- (16) **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.
- (17) **Food Premises Notification** - Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale, or food intended for sale. A 'Notification of Food Premises' form can be found on Council's website.

## 6.0 - Ongoing Use

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

- (1) **Number of Employees** - The number of people working on the premises shall not exceed 37 at any given time.
- (2) **Number of Students/Children** - The number of students/children on the premises shall not exceed 296 at any given time.
- (3) **Maneuvering of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (4) **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.
- (5) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday – Friday	6am – 6pm

- (6) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock shall be used for loading and unloading operations in connection with the approved use.
- (7) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (8) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (9) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (10) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.

- (11) **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.
- (12) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (13) **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.

- (14) **Alternate Ventilation where Windows to be Closed** - Whilst children are participating in indoor activities windows are to be closed as illustrated in figure 2-2 and 2-3 of the approved acoustic report. Where rooms require windows to be closed (but not necessarily sealed) to meet internal noise criteria the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to ensure fresh airflow inside the building. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required.
- (15) **Outdoor Play Areas** - In accordance with the approved acoustic report the following noise requirements for outdoor play areas are to be implemented:
  - a) No music is to be played in the outdoor play areas
  - b) Playground equipment that allows a child to be more than 0.5m above the ground level shall not be use
  - c) Children must be supervised at all times
- (16) **Waste and Delivery Vehicles** - Waste collection and Delivery vehicles to the site shall only occur during the between the hours of 9.00am – 4.00pm Monday to Saturday.
- (17) **Compliance with Plan of Management** – The centre-based child care facility must operate in accordance with the operations listed in the approved Plan of Management, as amended by any conditions of this consent.

- (18) **Cold food storage facilities** – Cold food storage equipment shall be of sufficient size to store all potentially hazardous food for use in the childcare facility within the designated kitchen and bottle preparation areas only.
- (19) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- (20) **Washing Facilities (Food Premises)** - The following washing facilities must be provided in the business area with a fixed connection to potable water and sewer:
- a) A permanent designated hand wash basin.
  - b) A permanent designated equipment cleaning sink consisting of:
    - a double bowl sink provided with hot and cold potable water with adequate space for the drying of equipment, or
    - a single bowl sink and dishwasher provided that all equipment is sanitised in the dishwasher.
- (21) **Department of Education Approval** – The centre must comply with all requirements of the Department of Education. A letter from the Department of Education which details the approved number and age of children to be accommodated at the centre, and any operational conditions, must be submitted to Council prior to the centre becoming operational.
- Should the Department of Education approval be subsequently amended at any time the operator of the centre must submit a copy of the amended approval to Council.
- (22) **Entry to the Site** – Upon completion of the Byron Road upgrade to a sub-arterial road, entry to the site will be limited to a left in left out arrangement.
- (23) **Pedestrian Paths** - The pedestrian paths through the development are to be kept clear and open to allow for the unobstructed movement of pedestrians through the entire development at all times.