**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** - 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:

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| **Plan Reference/ Drawing No.** | **Name of Plan** | **Prepared by** | **Date** |
| Sheet No. DA1001, Revision H | Site Plan – Master Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2001, Revision J | Basement Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2002, Revision J | Basement 2 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2100, Revision J | Ground Level Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2101, Revision J | Level 1 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2102, Revision J | Level 2 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2103, Revision J | Level 3 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2104, Revision J | Level 4 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2105, Revision J | Level 5 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2106, Revision J | Level 6 Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA2107, Revision J | Roof Plan | AJC Architects | 17 October 2023 |
| Sheet No. DA3101, Revision J | Elevations – Sheet 1 | AJC Architects | 17 October 2023 |
| Sheet No. DA3102, Revision J | Elevations – Sheet 2 | AJC Architects | 17 October 2023 |
| Sheet No. DA3103, Revision J | Elevations – Sheet 3 | AJC Architects | 17 October 2023 |
| Sheet No. DA3201, Revision H | Sections Sheet 1 | AJC Architects | 17 October 2023 |
| Sheet No. DA3202, Revision H | Sections Sheet 2 | AJC Architects | 17 October 2023 |
| Sheet No. DA3203, Revision G | Sections Sheet 3 | AJC Architects | 17 October 2023 |
| Sheet No. DA3805, Revision H | Adaptable Apartments – Sheet 1 | AJC Architects | 17 October 2023 |
| Sheet No. DA3806, Revision H | Adaptable Apartments – Sheet 2 | AJC Architects | 17 October 2023 |
| Sheet No. DA3807, Revision H | Silver Living Apartments – Sheet 1 | AJC Architects | 17 October 2023 |
| Sheet No. DA8902, Revision G | Cross Ventilation – Typical Sections Through Clerestory Windows | AJC Architects | 17 October 2023 |
| Drawing No. LD-DA100, Revision H | Ground Floor Overall | Scott Carver | 10 October 2023 |
| Drawing No. LD-DA106, Revision F | Level 6 Overall | Scott Carver | 10 October 2023 |
| Drawing No. LD-DA116, Revision E | Building A – Level 6 | Scott Carver | 10 October 2023 |
| Drawing No. LD-DA126, Revision E | Building B – Level 6 | Scott Carver | 10 October 2023 |
| Drawing No. LD-DA201, Revision C | Ground Floor Sections | Scott Carver | 18 April 2023 |
| Drawing No. LD-DA202, Revision C | Ground Floor Sections | Scott Carver | 10 October 2023 |
| Drawing No. LD-DA211, Revision B | Level 6 Sections | Scott Carver | 10 October 2023 |
| Drawing No. 21Q29\_DA\_C202, Revision 09 | OSD Tank 2 Plan, Section and Details | Henry & Hymas | 28 July 2023 |
| Drawing No. 21Q29\_DA\_C101, Revision 08 | Ground Floor – Detail Plan | Henry & Hymas | 28 July 2023 |
| Drawing No. HS-100, Issue 5 | Basement 2 – Inground Sanitary & Stormwater Drainage Plan – Sheet 1 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-101, Issue 5 | Basement 2 – Inground Sanitary & Stormwater Drainage Plan – Sheet 2 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-102, Issue 5 | Basement 2 – Inground Sanitary & Stormwater Drainage Plan – Sheet 3 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-103, Issue 5 | Basement 2 – Sanitary & Stormwater Drainage Plan – Sheet 1 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-104, Issue 5 | Basement 2 – Sanitary & Stormwater Drainage Plan – Sheet 2 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-105, Issue 5 | Basement 2 – Sanitary & Stormwater Drainage Plan – Sheet 3 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-106, Issue 5 | Basement 1 – Sanitary & Stormwater Drainage Plan – Sheet 1 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-107, Issue 5 | Basement 1 – Sanitary & Stormwater Drainage Plan – Sheet 2 | Intrax Projects | 27 July 2023 |
| Drawing No. HS-108, Issue 5 | Basement 1 – Sanitary & Stormwater Drainage Plan – Sheet 3 | Intrax Projects | 27 July 2023 |
| Drawing No. 21Q29\_DA\_BE01, Issue 03 | Bulk Earthworks Cut and Fill Plan | Henry & Hymas | 21 October 2022 |
| Drawing No. 21Q29\_DA\_BE02, Issue 01 | Bulk Earthworks Sections Sheet 1 of 2 | Henry & Hymas | 21 October 2022 |
| Drawing No. 21Q29\_DA\_BE03, Issue 01 | Bulk Earthworks Sections Sheet 2 of 2 | Henry & Hymas | 21 October 2022 |
| Drawing No. 21Q29\_DA\_C100, Issue 03 | General Arrangements Plan | Henry & Hymas | 27 January 2023 |
| Drawing No. 21Q29\_DA\_C101, Issue 07 | Ground Floor Detail Plan | Henry & Hymas | 3 March 2023 |
| Drawing No. 21Q29\_DA\_C200, Issue 05 | Stormwater Miscellaneous Details and Pit Lid Schedule | Henry & Hymas | 22 November 2022 |
| Drawing No. 21Q29\_DA\_C201, Issue 08 | OSD Tank 1 Plan | Henry & Hymas | 2 December 2022 |
| Drawing No. 21Q29\_DA\_C203, Issue 07 | OSD Tank 1 Sections and Details | Henry & Hymas | 2 December 2023 |
| Drawing No. 21Q29\_DA\_C250, Issue 05 | Stormwater Catchment Plan | Henry & Hymas | 3 March 2023 |
| Drawing No. 21Q29\_DA\_SE01, Issue 03 | Sediment and Erosion Control Plan | Henry & Hymas | 26 May 2022 |
| Drawing No. 21Q29\_DA\_SE02, Issue 02 | Sediment and Erosion Control Typical Sections and Details | Henry & Hymas | 20 May 2022 |

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| **Document Title** | **Prepared by** | **Date** |
| Oran Park Residential 3 – Corner of South Circuit and Civic Way DA Acoustic Assessment | Renzo Tonin & Associates | 29 April 2023 |
| Construction Waste Management Plan | Rickard Crookes Constructions | 5 May 2023 |
| Waste Management Plan – Ongoing Management, Issue 6 | Allen Jack + Cottier | 18 October 2023 |
| BASIX Certificate  Certificate No. 1312924M\_02 | Thermal Environmental Engineering | 4 May 2023 |

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

1. The doors outside the Bin Room on Basement Level 1 on the south-western end must be reconfigured so they are swinging inwards (rather than outwards). Alternatively, the bin room must be relocated so the doors (when open) do not encroach within a car parking space.
2. Car Parking Space No. 17 (for Room No. B2.01) and the associated storage unit must be relocated within the basement level, so it does not obstruct another parking space and/or associated structures.
3. Car Parking Space No. 111 and 112 (for Room No. B5.06) and the associated storage unit must be relocated within the basement level, so it does not obstruct another parking space and/or associated structures.
4. The motorcycle parking space encroaching over Car Parking Space No. 28 (for Room AG.02) must be relocated within the basement level and not encroach over any car parking space.

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

(3) **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 development consent applies.

(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) **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 has given Council written notice of the following:

1. for work that requires a principal contractor to be appointed:
2. the name and licence number of the principal contractor, and
3. the name of the insurer of the work under Part 6 of the *Home Building Act* 1989,
4. for work to be carried out by an owner-builder:
5. the name of the owner-builder, and
6. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

(6) **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 requirement does not apply:

1. to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
2. to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

(7) **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:

1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
2. 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.

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

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

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

(11) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.

(12) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material to prevent the spread of all weeds to or from the property.

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

(13) **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.

(14) **Voluntary Planning Agreement –** The proposed development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd, Leppington Pastoral Company Pty Ltd and Landcom, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2020.

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| **Contributions –** The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate. | | |
| $982.00 per hectare, | Total $1,060 | for Administration |

(15) **Safer by Design –** The following safer-by-design features shall be incorporated into the approved development:

1. Effective lighting is to be installed in and around the car parking areas as well as the public / private areas internal and external.
2. Doors into Electrical Meter Rooms, to have approved Power Company locks and doors to be kept locked at all times.
3. Intercom facilities should be incorporated into these entry/exit points at the front and back of the dwelling to enable residents to communicate and identify with people prior to admitting them to the premises. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
4. Bench seating and Common Open space BBQ areas to be maintained.
5. Signage needs to be provided at entry/exit points indicating public and private access points and areas throughout the development, to assist users and warn intruders that they will be prosecuted.
6. Landscaping close to and around the dwelling should be regularly maintained.
7. Lighting should be designed to the Australian and New Zealand Lighting Standards.

**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) **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.

(3) **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.

(4) **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.

(5) **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.

(6) **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.

(7) **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.

(8) **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*.

(9) **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.

(10) **Car Park Noise Control** – All off-street (including basement) car parks must be finished with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The 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.

(11) **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.

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

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

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

(13) **Design Quality Statement (Construction)** - A statement from a qualified designer verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, must be submitted to the certifier with the Construction Certificate application.

(14) **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.

(15) **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.

(16) **Mechanical Plant Selection and Attenuation –** Mechanical plant selection for the building that includes; air-conditioner plant for private balconies, plant for basement ventilation, car lift, and it’s control and operation must be consistent with “Table 7-4 Project Noise Trigger Levels” and “Table 7-5 Sleep Disturbance Assessment levels” and “Section 7.3 General Controls for Mechanical Plant and Equipment” contained within the report titled *“DA Acoustic Assessment: Oran Park Residential 3 Corner of South Circuit and Civic Way, Prepared by Renzo Tonin, Ref No TM651-01F01 (r1), Dated 29 April 2022,”* when assessedfor on-site and off-site noise sensitive receivers.

Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.

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

(17) **Construction Nosie Management Plan –** A comprehensive construction noise management plan must be prepared to address and manage all construction noise impact.

(18) **Plumbing and Ductwork** – All plumbing and ductwork (Including stormwater downpipes) must be concealed within the outer walls of the building so that it is not visible. Plans and elevations detailing the method of concealment must be submitted to the certifier with the Construction Certificate application.

(19) **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 Certifying Authority with the Construction Certificate application.

(20) **Further Salinity Assessment Required –** Additional salinity testing of soils is required to be undertaken on the site to extend to the depth of proposed development. Where assessment results indicate that salinity levels are higher and / or more aggressive to construction materials than those identified in the “Salinity Management Plan Tranche 20 and 29 Oran Park, prepared by Douglas Partners Project 34272.91, dated March 2014”, and further management is required, then the management plan must be amended to address the findings and be submitted to the Certifying Authority for approval with the construction certificate.

**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:

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. the certifier’s registration number, and a statement signed by the 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 the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. 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, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
3. 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) **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.

(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) **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.

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

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

(15) **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.

(16) **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.

**4.0 - During Works**

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

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

(2) **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.

(3) **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:

1. protect and support the building, structure or work on adjoining land from possible damage from the excavation,
2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
3. 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.

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

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

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

(6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the 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.

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

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

(9) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.

(10) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

*“WARNING UP TO $8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”*

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

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

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

(12) **Fill Compaction** - All fill must be compacted in accordance with Camden Council’s current Engineering Design Specifications.

(13) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))

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

(14) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

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

1. 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).

1. 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).

1. 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.

(16) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

(17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

(18) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

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

1. be prepared by a contaminated land specialist; 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 (Third 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) | 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.

(20) **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.

(21) **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).

(22) **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.

(23) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a 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.

(24) **Salinity Management Plan –** All approved development that includes earthworks, imported fill, landscaping, buildings, carparks, and associated infrastructure must be carried out and/or constructed in accordance with the management strategies as contained within the “approved” salinity management plan.

(25) **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.

(26) **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.

(27) **Building Glazing, Roof / Ceiling and Wall Construction –** The required glazing, roof / ceiling, and wall construction for the building must be constructed consistent with “Section 6.2 – Recommended Minimum façade glazing Specification” contained within the report titled *“DA Acoustic Assessment: Oran Park Residential 3 Corner of South Circuit and Civic Way, Prepared by Renzo Tonin, Ref No TM651-01F01 (r1), dated 29 April 2022.”*

**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) **Operation of Dairy Street –** An Occupation Certificate for the subject development must not be issued until the approved extension to Dairy Street is complete (and in operation) and dedicated to Council.

(2) **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*.

(3) **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.

(4) **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.

(5) **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.

(6) **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.

(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 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.

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

(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) **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.

(11) **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.

(12) **Design Quality Statement (Occupation)** - A statement from a qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development, must be submitted to the principal certifier.

(13) **Works as Executed Plans –** Before the issue of an occupation certificate, works as executed plans in accordance with Council’s engineering specifications must be prepared by a suitably qualified person and demonstrate, to the principal certifier’s satisfaction, the following requirements:

* 1. Digital data must be in AutoCAD .dwg or .dxf format and the data projection coordinate must be in GDA94 / MGA Zone 56.
  2. Verify that any water management basins have been completed in accordance with the approved plans and provide the following details:

1. Levels and dimensions to verify the storage volume of any water management facilities.
2. Levels and other relevant dimensions of:

* Internal drainage pipes.
* Orifice plates.
* Outlet control devices and pits.
* Weirs (including widths).

1. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
2. Verification that trash screens are installed.
   1. Where the site is flood affected, the plans must clearly delineate the extent of the flood planning levels. The plans must clearly delineate the extent and location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council’s Flood Risk Management Policy.

(14) **Water Management Facilities Positive Covenant –** Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier’s satisfaction, that a positive covenant has been registered with NSW Land Registry Services. The positive covenant must be created under Section 88E of the *Conveyancing Act 1919* and burden the property owner with a requirement to maintain any on-site detention, on-site retention/re-use and water quality facilities on the property.

The terms of the positive covenant must include the following:

1. The property owner is responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures.
2. The property owner will have the facilities inspected by a competent person on a schedule mandated by the facilities’ design specifications.
3. Council will have the right to enter the site at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities.
4. Council will have the right to recover as a liquidated debt the cost of any remedial work from the property owner upon demand.
5. The property owner will indemnify Council and all adjoining property owners against damage to their properties arising from the failure of any component of the facilities or the failure to clean, maintain and repair the facilities.

(15) **Rainwater Harvesting and Tanks –** For the purpose of harvesting rainwater for reuse on site, only rainwater captured from the roof catchment is allowed to be reused to water landscapes and vehicle washbays (if non-potable water is preferred).

The proposed use of rainwater must comply fully with “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009”,* andin particular with “Section 2 – Roofwater Reuse”.

Prior to the issue of an Occupation Certificate, a detailed operation and procedure manual shall be developed and submitted to the principle certifying authority detailing the rainwater harvesting system and identifying specific risk areas and treatments. It is mandatory to address the requirements of “Table 2.1 – Inspection and Maintenance of Roofwater Reuse Systems” of “Section 2 – Application of standard approach” within the “*Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009,”* that includes identification of who shall carry out inspections and when, details of emergency shutdown procedures, and the conducting of periodic testing to ensure water quality.

**6.0 - Ongoing Use**

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

(1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

(2) **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.

(3) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

(4) **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.

(5) **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.

(6) **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.

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

(8) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

(9) **Communal Private Open Space –** The communal private open space area is to be protected from excessive noise impact from on-site mechanical plant or similar noise sources. The open space area must be protected to achieve a level of 57 dB(A) (LAeq, 15 hours – 7am to 10pm).