

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** DA/2024/334/1

**Development:** Amendment to an approved residential flat building development by making alterations and additions to provide an additional two storeys, 20 additional units for in-fill affordable housing for a period of 15 years and 9 additional units for direct sale utilising bonus height and FSR provisions under *State Environmental Planning Policy (Housing) 2021*.

**Site:** Lot 1 in DP 1261472 and is otherwise known as 28A Ardill Road, Leppington

The above development application has been determined by the granting of conditions specified in this consent.

**Date of determination:** 6 May 2025

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lot 1 in DP 1261472 otherwise known as 28A Ardill Road, Leppington.

The conditions of consent are as follows:

## General

### 1.1 - General Conditions

- (1) **Approved plans and documents** - Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this development consent expressly require otherwise:

| Approved plans                                  |                             |                           |               |
|---|-----------------------------|---------------------------|---------------|
| Number  | Title                       | Drawn by                  | Date          |
| Job No. 8828-1<br>Drawing No. DA-001<br>Issue C | Lot 1 – Development Summary | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-002<br>Issue C | Site Analysis               | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-003<br>Issue C | Site Plan                   | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-100<br>Issue C | Lot 1 – Basement 2          | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-101<br>Issue C | Lot 1 – Basement 1          | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-102<br>Issue C | Lot 1 – Ground Floor        | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-103<br>Issue C | Lot 1 – Level 1             | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-104<br>Issue C | Lot 1 – Level 2             | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-105<br>Issue C | Lot 1 – Level 3             | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-106<br>Issue C | Lot 1 – Typical Level 4-7   | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-107<br>Issue C | Lot 1 – Roof Plan           | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-200<br>Issue C | North & South Elevation     | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-201<br>Issue C | East & West Elevation       | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-202<br>Issue B | Internal Elevation 1        | Zhinar Architects Pty Ltd | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-203<br>Issue c | Internal Elevation 2        | Zhinar Architects Pty Ltd | 14 March 2025 |

|  |                                    |                              |               |
|--|------------------------------------|------------------------------|---------------|
| Job No. 8828-1<br>Drawing No. DA-204<br>Issue C  | Section A                          | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-205<br>Issue C  | Section B & Driveway Section       | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-400<br>Issue C  | 3D View 1                          | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-401<br>Issue C  | 3D View 2                          | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-402<br>Issue C  | 3D View 3                          | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-403<br>Issue C  | 3D View 4                          | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. DA-500<br>Issue C  | Material Schedule                  | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Job No. 8828-1<br>Drawing No. SP-203<br>Issue C  | Adaptable Units                    | Zhinar Architects Pty Ltd    | 14 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP01<br>Rev C | Public Domain Plan                 | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP02<br>Rev C | Hardscape Plan                     | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP03<br>Rev C | Deep Soil Calculation & Soil Depth | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP04<br>Rev C | Landscape Plan 1                   | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP05<br>Rev C | Landscape Plan 2                   | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP06<br>Rev C | Landscape Plan 3                   | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP07<br>Rev C | Landscape Plan 4                   | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP08<br>Rev C | Specification Details &            | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP09<br>Rev C | Details 2                          | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP10<br>Rev C | Details 3                          | Conzept Landscape Architects | 19 March 2025 |
| Drawing No. LPS34<br>24-223 – Page LP11<br>Rev C | Details 4                          | Conzept Landscape Architects | 19 March 2025 |

|  |   |                            |               |
|--|---|----------------------------|---------------|
| Project No. 20240107<br>– Drawing No. S01-SW100 – Rev. B | Cover Page -<br>Stormwater Concept<br>Design                          | S&G Consultants Pty<br>Ltd | Undated       |
| Project No. 20240107<br>– Drawing No. S01-SW201 – Rev. B | Erosion & Sediment<br>Control Plan                                    | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW202 – Rev. B | Erosion & Sediment<br>Control Details                                 | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW301 – Rev. B | Stormwater Concept<br>Design Basement 2<br>Plan                       | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW302 – Rev. B | Stormwater Concept<br>Design Basement 1<br>Plan                       | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW303 – Rev. B | Stormwater Concept<br>Design Ground Floor<br>Plan                     | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW304 – Rev. B | Stormwater Concept<br>Design Roof Plan                                | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW401 – Rev. B | Stormwater Concept<br>Design Details Sheet                            | S&G Consultants Pty<br>Ltd | 17 March 2025 |
| Project No. 20240107<br>– Drawing No. S01-SW501 – Rev. B | Music Catchment Plan<br>& Details OSD<br>Catchment & Drains<br>Result | S&G Consultants Pty<br>Ltd | 17 March 2025 |

| Approved documents   |                                |                  |
|--|--------------------------------|------------------|
| Title  | Prepared by                    | Date             |
| BASIX Certificate Number<br>1788338M   | Angela Georges                 | 21 March 2025    |
| Thermal Assessor Certificate –<br>Multi Dwelling – Reference GS –<br>L2- 28 Ingleburn                          | Tutis Consulting               | 14 March 2025    |
| Proposal to Manage Affordable<br>Apartments  | Providential Homes             | 17 January 2025  |
| Road Traffic Noise Impact<br>Assessment – R160378R1-L1 –<br>Revision 9   | Rodney Stevens Acoustics       | 17 March 2025    |
| Waste Management Plan –<br>Report No. 5988, Revision F   | Elephants Foot Consulting      | 12 February 2025 |
| Clause 4.6 Variation – Building<br>Height  | Think Planners                 | 13 March 2025    |
| BCA & Access 202 Indicative<br>Compliance Report – PRO-<br>09575-F5B4 V 1.0                                    | Building Innovations Australia | 18 March 2025    |
| Stage 2 Contamination and<br>Salinity Assessment at 28<br>Ingleburn Road Leppington,<br>Report No. GTE1013     | Ground Technologies            | 5 June 2019      |
| Bushfire Hazard Assessment 28<br>Ingleburn Road Leppington 2179<br>(Lot 84/-/DP8979) Report No.<br>BR-166919-B | Bushfire Planning & Design     | 30 July 2019     |

|   |                     |              |
|---|---------------------|--------------|
| Aboriginal Heritage Due Diligence Assessment Revision 6 | Artefact Heritage   | 14 June 2019 |
| Geotechnical Report – GTE1013                           | Ground Technologies | 5 June 2019  |

In the event of any inconsistency between the approved plans/documents and a condition of this development consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

- (2) **Authority requirements** - The development must be carried out in accordance with the following authority requirements:

1. Endeavour Energy – Letter dated 19 August 2024, CNR-72334.
2. Sydney Water – Letter dated 6 September 2024, Reference: 217993, 183386.

**Condition reason:** To ensure the development complies with Authority requirements.

- (3) **Fulfillment of BASIX commitments** - Each commitment listed in an approved BASIX certificate for the following development must be fulfilled:

1. BASIX development.
2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Condition reason:** Prescribed condition under section 75 of the *Environmental Planning and Assessment Regulation 2021*.

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

**Condition reason:** To ensure that the design of the basement stormwater pump- out system complies with AS3500.3.2.

- (5) **Car parking design** – The basement car parking area shall be designed in accordance with AS2890.1

**Condition reason:** To ensure that the design of the basement car parking area complies with AS2890.1

## Building Work

### 2.1 - Before Issue of a Construction Certificate

- (1) **Surrender of development consent** - Pursuant to as section 4.17(1)(b) and 4.17(5) of the Environmental Planning and Assessment Act 1979, Development Consent No. 2019/596/1, dated 24 December 2020, (**Lot 1 DA Consent**) is to be surrendered. Prior to the issue of any Construction Certificate, a duly signed notice of surrender of the **Lot 1 DA Consent** under section 67 of the Environmental Planning and Assessment Regulation 2021 is to be delivered / provided to the

Council. No Construction Certificate can be issued until such time as the Council has provided to the applicant written notice that it has received the said notice of surrender of the **Lot 1 DA Consent** as referred to in section 67(3) of the Environmental Planning and Assessment Regulation 2021.

**Condition reason:** To require the surrender of existing consent(s) where warranted by approved development.

- (2) **Detailed landscaping plans** - Before the issue of a construction certificate, detailed landscaping plans must be prepared by a registered landscape architect and demonstrate, to the certifier's satisfaction, the following detailed design requirements:
1. Consistency with the concept landscaping plans approved by this development consent.
  2. Compliance with Appendix B of Camden Development Control Plan 2019.
  3. Trees to be minimum 2m from driveways.
  4. Trees shall be sourced in minimum of 100 litre container stock.
  5. Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use.
  6. All tree stock shall be compliant with AS2303-2018, with certification to be provided to the principal by the grower. Uncertified tree stock will not be accepted by Council.
  7. Installation of street trees to be in accordance with clause B.2.3, Appendix B of Camden DCP 2019 and Council's Engineering Design Specifications including root barrier installed 450-600 mm deep by minimum of 1.5 m wide, installed between tree and kerb and footpaths where applicable.

**Condition reason:** To ensure that detailed landscaping requirements are documented.

- (3) **Public infrastructure alterations** - Before the issue of a construction certificate, any required **alterations** to public infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlets, service provider pits, street trees or any other public infrastructure) must be approved by the roads authority under the *Roads Act 1993*. Any costs incurred will be borne by the developer. Evidence of the approval must be provided to the certifier.

**Condition reason:** To clarify the timing and need for approval under the *Roads Act 1993*.

- (4) **Fibre-ready facilities and telecommunications infrastructure** - Before the issue of a construction **certificate**, written evidence from the carrier must be obtained that demonstrates, to the certifier's satisfaction, that arrangements have been made for:
1. The installation of fibre-ready facilities to all premises in the development. Written confirmation that the carrier is satisfied that the fibre ready facilities are fit for purpose is also required.
  2. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual premises in the development through an agreement with a carrier.

**Condition reason:** To ensure fibre-ready telecommunications facilities are installed for new development.

- (5) **Glass reflectivity index** - Before the issue of a construction certificate, information must be **prepared** by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the glass reflectivity index for all glass used externally will not

exceed 20%.

**Condition reason:** To ensure all glass used externally has a reasonable maximum level of reflectivity.

- (6) **Long service levy** - Before the issue of a construction certificate, the long service levy must be paid at the prescribed rate to either the Long Service Payments Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986*. This applies to building and construction works with a cost of \$250,000 or more. Evidence of the payment must be provided to the certifier.

**Condition reason:** To ensure the long service levy is paid.

- (7) **Outdoor lighting provision** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the development will be provided with lighting in all outdoor areas that complies with AS 4282 - The Control of Obtrusive Effects of Outdoor Lighting and AS 1158 - Lighting for Roads and Public Spaces.

**Condition reason:** To ensure the provision of lighting in accordance with industry standards and to protect the amenity of the surrounding area.

- (8) **Special infrastructure contribution payment** - Before the issue of a construction certificate, 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, Housing and Infrastructure that the SIC is not required to be paid for the approved development.

### More information

A request for assessment by the Department of Planning, Housing and Infrastructure 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).

**Condition reason:** To require a special infrastructure contribution to be paid.

- (9) **Driveway design** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's satisfaction, that the approved driveway(s) will comply with AS 2890 - Parking

Facilities and Council's Access Driveway Specifications or Heavy Duty Industrial Commercial Vehicle Crossing (as applicable to the development).

A driveway crossing approval must be obtained from Council before the issue of a construction certificate. Evidence of the approval must be provided to the certifier.

**Condition reason:** To ensure that driveways are designed to appropriate standards.

- (10) **Mechanical ventilation** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's **satisfaction**, that any room or area not provided with natural ventilation in accordance with the Building Code of Australia will instead be provided with a mechanical ventilation system that complies with the following requirements:

1. AS 1668.1 - The Use of Ventilation and Air Conditioning in Buildings - Fire and Smoke Control in Buildings.
2. AS 1668.2 - The Use of Ventilation and Air Conditioning in Buildings - Mechanical Ventilation in Buildings.

**Condition reason:** To ensure that mechanical ventilation system(s) are provided where natural ventilation is not achieved.

- (11) **Construction certificate information** - Before the issue of a construction certificate, amended architectural plans are to be provided to the Certifier that details the Hydrant Booster assembly being contained within a cabinet that complements the architectural elements of the façade of the building it is to be located in front of, whilst meeting the requirements of Australian Standard AS 2419.1-2021.

**Condition reason:** To ensure that required information is provided to the certifier.

- (12) **Engineering specifications** - Before the issue of a construction certificate, civil engineering plans and information must be prepared by a suitably qualified civil engineer and demonstrate, to the certifier's satisfaction, that the development has been designed to comply with Council's engineering specifications, the approved plans and documents and the conditions of this development consent.

**Condition reason:** To ensure that the development will comply with Council's engineering specifications and the terms of this consent.

- (13) **Performance bond** - Before the issue of a construction certificate, a performance bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

**Condition reason:** To ensure that new public infrastructure works undertaken within the existing public domain are constructed to an appropriate standard.

- (14) **Damages bond** - Before the issue of a construction certificate, a bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the certifier.

**Condition reason:** To ensure that any damage to existing public infrastructure is rectified.

- (15) **Structural engineer certificate** - Before the issue of a construction certificate, a **certificate** must be prepared by a suitably qualified structural engineer and certify, to the certifier's satisfaction, that all piers, slabs, footings, retaining walls and structural elements have been designed in accordance with the approved and applicable geotechnical report(s). The certificate must be accompanied by a copy of the structural engineer's current professional indemnity insurance.

**Condition reason:** To ensure that building elements are designed for the site conditions.

- (16) **Civil engineering plans and information** - Before the issue of a construction **certificate**, civil engineering plans and information must be prepared by a suitably qualified civil engineer, to the satisfaction of the certifier. The plans and information must include the following elements:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
2. Earthworks.
3. Water quantity and quality facilities:
  - a. A detailed on-site detention and water quality report.
  - b. An electronic stormwater model.
  - c. A validated Camden Council MUSIC-link report with electronic model.
4. Details of any required augmentation of existing drainage systems to accommodate drainage from the development.
5. For roads and car parks:
  - a. Pavement design.
  - b. Traffic management devices.
  - c. Line marking.
6. Clearly delineate the extent/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 (only if the site is flood affected). The FPL is defined in Council's Flood Risk Management Policy.

The plans and information must be accompanied by certification from a suitably qualified civil engineer certifying that they comply with Council's engineering specifications.

**Condition reason:** To ensure that civil works are designed to appropriate standards.

- (17) **Waste rooms** - Before the issue of a construction certificate, information must be prepared by a suitably qualified person and demonstrate, to the certifier's **satisfaction**, that the waste rooms will comply with the following detailed design requirements:

1. Constructed of solid, impact resistant materials and finished in a smooth, even surface.
2. Smooth, impervious walls to ensure no moisture, oils or similar material can soak in.
3. Impervious, coved and graded floors that will be drained to a floor waste connection.
4. Ventilated in accordance with AS 1668 - The Use of Ventilation and Air Conditioning in Buildings.
5. Provided with lighting, pest proofing and an external water tap.
6. Roofed with a minimum ceiling height of 2.4m.
7. Serviced by a minimum 1.8m wide door(s) that opens in an outwards direction and can be locked open.

**Condition reason:** To ensure that hygienic waste management facilities are provided.

- (18) **Section 7.11 contributions** - Before the issue of a construction certificate, **contributions** must be made to Council for the following services and amounts under section 7.11 of the *Environmental Planning and Assessment Act 1979*:

| 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>  | \$19,495<br>per lot or dwelling          | \$2,404,379.00 |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure                             | <i>Open Space &amp; Recreation - Works</i> | \$5,962<br>per lot or dwelling           | \$106,685.00   |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure                             | Community Facilities Land                  | \$865<br>per lot or dwelling             | \$102,935.00   |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure                             | Roads Land                                 | \$234,688<br>per net developable hectare | \$207,934.00   |
|   | Roads Works                                | \$200,760                                | \$177,873.00   |

|   |                               |                                       |                       |
|---|-------------------------------|---------------------------------------|-----------------------|
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure |                               | per net developable hectare           |                       |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure | Drainage Land                 | \$223,156 per net developable hectare | \$197,716.00          |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure | Drainage Works                | \$101,509 per net developable hectare | \$89,937.00           |
| Camden Growth Areas Contributions Plan (LNP) - Essential Infrastructure | Plan Administration Allowance | \$6,152 per net developable hectare   | \$5,451.00            |
| <b>TOTAL CONTRIBUTIONS</b>  |                               |                                       | <b>\$3,925,292.00</b> |

A copy of the Camden Growth Areas Contributions Plan may be inspected at Council's 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 determination. 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.

Evidence of the contribution payment must be provided to the certifier.

**Condition reason:** To ensure that development makes contributions towards services identified in the applicable contributions plan.

- (19) **Services and fire hydrant enclosures** - Before the issue of a construction certificate for works above ground slab level, detailed plans must be prepared by a **suitably** qualified person and demonstrate, to the certifier's satisfaction, that all services (including gas meters, water meters, fire hydrants, sprinkler booster valves and the like) will be enclosed in a manner that complements the building(s) and in accordance with the requirements of the *Building Code of Australia*.

**Condition reason:** To ensure that essential services are appropriately screened.

- (20) **Intertenancy wall noise attenuation design** - Before the issue of a construction certificate, certification must be provided from a suitability qualified acoustic consultant and demonstrate, to the certifier's satisfaction, that the buildings are designed to minimise noise impacts between apartments. In particular, where an internal apartment layout places a bedroom against an intertenancy wall with living areas on the other side, the acoustic consultant must define a construction specification nominating the use of materials with low noise penetration properties that exceed the minimum standards of the *Building Code of Australia*, to the certifier's satisfaction.

**Condition reason:** To ensure consistency with Part 4H of the NSW Apartment Design Guide and achieve best practice standards for residential acoustic amenity.

## 2.2 - Before Building Work Commences

- (1) **Site security and fencing** - Before any building work commences, the site is to be secured and fenced to the satisfaction of the principal certifier.

**Condition reason:** To ensure that access to the site is managed before works commence.

- (2) **Sydney Water approval** - Before any building work commences, the approved construction certificate plans must be approved by Sydney Water to confirm if sewer, water or stormwater mains or easements will be affected by the development. Visit [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply. The Sydney Water approval must be provided to the principal certifier.

For subdivision works certificates, stamped water servicing coordinator must be provided to the principal certifier.

**Condition reason:** To ensure that any impacts upon Sydney Water infrastructure have been approved.

- (3) **Dilapidation report** - Before any building work commences, a dilapidation report must be prepared by a suitably qualified person to the satisfaction of the principal certifier. The report must include:
  1. A photographic survey of existing public infrastructure surrounding the site including (but not necessarily limited to):
    - a. Road carriageways.
    - b. Kerbs.
    - c. Footpaths.
    - d. Drainage structures.
    - e. Street trees.

In the event that access for undertaking the dilapidation report is denied by a property owner, the developer must detail in writing that all reasonable steps have been taken to obtain access to and advise the affected property owner of the reason for the survey and that these steps have failed. Written approval must be obtained from the principal certifier in such an event.

Should any public property or the environment sustain damage during the course of and as a result of works, or if the 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 developer's damages bond.

The report must be submitted to the principal certifier and Council 2 days before any building work commences. The development must comply with all conditions that the report imposes.

**Condition reason:** To ensure that any damage caused by works can be identified and rectified.

- (4) **Site management plan (preparation)** - Before any building work commences, a site management plan must be prepared by a suitably qualified person. The plan must demonstrate, to the satisfaction of the principal certifier, that the following site work matters will be managed to protect the amenity of the surrounding area:

1. Erosion and sediment control measures, including compliance with the NSW Department of Planning, Housing and Infrastructure document 'Guidelines for erosion and sediment control on building sites' and the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate (the blue book)' (as applicable and as amended from time to time).
2. Prohibiting offensive noise, vibration, dust and odour as defined by the *Protection of the Environment Operations Act 1997*.
3. Covering soil stockpiles and not locating them near drainage lines, watercourses, waterbodies, footpaths and roads without first providing adequate measures to protect those features.
4. Prohibiting the pumping of water seeping into any excavations from being pumped to a stormwater system unless sampling results demonstrate compliance with NSW Environment Protection Authority requirements and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018) criteria for water quality discharge.
5. Construction traffic management in accordance with Council's engineering specifications and AS 1742.3 - Manual of Uniform Traffic Control Devices - Traffic Control for Works on Roads.
6. Maintaining a fill delivery register including the date, time, truck registration number and fill quantity, origin and type.
7. Ensuring that vehicles transporting material to and from the site:
  - a. Cover the material so as to minimise sediment transfer.
  - b. Do not track soil and other waste material onto any public road.
  - c. Fully traverse the site's stabilised access point.
8. Waste generation volumes, waste reuse and recycling methods, waste classification in accordance with NSW Environment Protection Authority waste classification guidelines, hazardous waste management, disposal at waste facilities, the retention of tipping dockets and their production to Council upon request.
9. Hazardous materials management.
10. Work health and safety.
11. Complaints recording and response.

**Condition reason:** To ensure site management practices are established before any works commence.

- (5) **Utility services protection** - Before any building work commences, the developer must demonstrate, to the satisfaction of the principal certifier, that the following requirements have been met:

1. Undertake a 'Before You Dig Australia' services search and liaise with the relevant utility owners.
2. Offer all utility owners a duty of care, take action to prevent damage to utility networks and comply with utility owners' directions.
3. Obtain approval to proceed with the site works from utility owners.

**Condition reason:** To ensure that utilities are not adversely affected by development.

- (6) **Residential building work insurance** - Before any residential building work commences for which a contract of insurance is required under Part 6 of the *Home Building Act 1989*, a contract of insurance must be in force.

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

**Condition reason:** Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

- (7) **Erection of signs** - Before any building work commences, a sign must be erected in a prominent position on the site:

1. Showing the name, address and telephone number of the principal certifier for the work.
2. Showing 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.
3. Stating that unauthorised entry to the work site is prohibited.

The sign must be:

1. Maintained while the work is being carried out.
2. Removed when the work is being completed.

This condition does not apply in relation to:

1. Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building.

2. Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

**Condition reason:** Prescribed condition under section 70 of the *Environmental Planning and Assessment Regulation 2021*.

- (8) **Notification of *Home Building Act 1989* requirements** - Before any residential building work commences, the principal certifier must give Council written notice of the following:
  1. For work that requires a principal contractor to be appointed:
    - a. The name and licence number of the principal contractor.
    - b. The name of the insurer of the work under Part 6 of the *Home Building Act 1989*.
  2. For work to be carried out by an owner-builder:
    - a. The name of the owner-builder.
    - b. 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 information required by this condition is no longer correct, work must not be carried out unless the principal certifier gives Council written notice of the updated information.

This condition does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under Part 6 of the *Environmental Planning and Assessment Act 1979*.

**Condition reason:** Prescribed condition under section 71 of the *Environmental Planning and Assessment Regulation 2021*.

### 2.3 - During Building Work

- (1) **Priority (noxious) weeds management (during work)** - While building work is being carried out, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. Any priority (noxious) or environmentally invasive weed infestations that occur during works must be fully and continuously suppressed and destroyed by appropriate means, to the satisfaction of the principal certifier. All new infestations must be reported to Council.

**Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **Anti-graffiti finish** - While building work is being carried out, an anti-graffiti finish must be applied to all external facing and publicly accessible building elements, to the satisfaction of the principal certifier.

**Condition reason:** To protect buildings from graffiti application.

- (3) **Work hours** - While building work is being carried out, all work (including the delivery of materials) must be:

1. Restricted to between the hours of 7am to 5pm Monday to Saturday.
2. Not carried out on Sundays or public holidays.

Unless otherwise approved in writing by Council.

**Condition reason:** To protect the amenity of the surrounding area.

- (4) **Work noise** - While building work is being carried out, noise levels must comply with:
1. For work periods of 4 weeks or less, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 20dB(A).
  2. For work periods greater than 4 weeks but not greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 10dB(A).
  3. For work periods greater than 26 weeks, the LAeq level measured over a period not less than 15 minutes when work is occurring must not exceed the background level by more than 5dB(A). Alternatively, noise levels must comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

**Condition reason:** To protect the amenity of the surrounding area.

- (5) **Stormwater collection and discharge** - While building work is being carried out, the roof of the approved building work must be provided with guttering and downpipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, must be conveyed to the street gutter, drainage easement or existing drainage system in accordance with the approved stormwater plan(s).

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

Connection to the street gutter or drainage easement must only occur at the designated connection point for the site. New connections that require work to an easement pipe or kerb must only occur with Council's approval.

**Condition reason:** To ensure that stormwater is properly collected and discharged.

- (6) **Finished floor level** - Before the development proceeds beyond floor level stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the finished floor level complies with the approved plans and this development consent.

**Condition reason:** To ensure that the finished floor level complies with the approved plans and this development consent.

**Building height** - Before the development proceeds beyond frame stage, a survey report must be prepared by a registered surveyor. The report must confirm, to the satisfaction of the principal certifier, that the building height complies with the approved plans and this development consent.

**Condition reason:** To ensure that the building height complies with the approved plans and this development consent.

- (7) **Survey report** - Before concrete is poured, the building(s) must be set out by a registered surveyor and a peg out survey must be prepared. The survey must confirm, to the satisfaction of the principal certifier, that the building will be sited in accordance with the approved plans and this development consent.

**Condition reason:** To ensure that the building(s) will be sited in accordance with the approved plans and this development consent.

- (8) **Pollution warning sign** - While building work is being carried out, a sign must be displayed at all site entrances to the satisfaction of the principal certifier. The sign(s) must be constructed of durable materials, be a minimum of 1.2m x 900mm and read:

'WARNING UP TO \$30,000 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 (12 22 63) - Solution to Pollution.'

The wording must be a minimum of 120mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters. The sign(s) must have a white background and a red border.

The sign(s) must be maintained until the works have been completed.

**Condition reason:** To ensure that potential fines for pollution are clearly advertised.

- (9) **Site management plan (during work)** - While building work is being carried out, the approved site management plan must be complied with.

A copy of the plan must be kept on the site at all times and provided to Council upon request.

**Condition reason:** To protect the amenity of the surrounding area.

- (10) **Fill delivery register** - Once building work is completed, the delivery register for the site work must be submitted to Council.

**Condition reason:** To ensure that Council has a record of all fill deliveries to the site.

- (11) **Fill material (virgin excavated natural material and/or excavated natural material)** - Before the importation and placement of any fill material on the site, an assessment report and sampling location plan for the material must be prepared by a contaminated land specialist. The report and plan must demonstrate, to the satisfaction of the principal certifier, that:

1. The report and plan have been endorsed by a practising engineer with specific area of practice in subdivisional geotechnics.
2. For virgin excavated natural material, the report and plan have been prepared in accordance with:
  - a. The Department of Land and Water Conservation publication 'Site investigation for Urban Salinity'.
  - b. 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'.
3. For excavated natural material, the report and plan have been prepared in accordance with:
  - a. The Resource Recovery Exemption under Part 9, Clauses 91, 92 and 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
  - b. The NSW Environment Protection Authority Resource Recovery Order under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.
  - c. The Excavated Natural Material Order and Exemption 2014.
4. The fill material:
  - a. Provides no unacceptable risk to human health and the environment.
  - b. Is free of contaminants.
  - c. Has had its salinity characteristics identified in the report and specifically the aggressiveness of salts to concrete and steel (refer to the Department of Land and Water Conservation publication 'Site investigation for Urban Salinity').
  - d. Is suitable for its intended purpose and land use.
  - e. Has been lawfully obtained.
5. The sampling of the material for salinity complies with:
  - a. Less than 6,000m<sup>3</sup> - 3 sampling locations.
  - b. Greater than 6,000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2,000m<sup>3</sup> or part thereof.
  - c. A minimum of 1 sample from each sampling location must have been provided for assessment.
6. The sampling of the material for contamination must comply with:

- a. Virgin excavated natural material (1,000m<sup>2</sup> or part thereof) - 1 sampling location. For volumes less than 1,000m<sup>2</sup>, a minimum of 2 separate samples from different locations must be taken.
- b. Excavated natural material - Refer to the Resource Recovery Exemption.

**Condition reason:** To ensure that fill material has been adequately assessed before placement on the site.

- (12) **Unexpected contamination finds contingency (general)** - While building work is being carried out, if any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) are encountered, the work must cease immediately until a certified contaminated land consultant has conducted an assessment of the find to the satisfaction of the principal certifier.

Where the assessment identifies contamination and remediation is required, all work must cease in the vicinity of the contamination and Council must be notified immediately. Development consent must be obtained to undertake Category 1 remediation.

**Condition reason:** To ensure a procedure is in place to manage unexpected contamination finds encountered during site works.

- (13) **Car park noise control (during work)** - While building work is being carried out, all car parks must have a coved finish with Slabseal 2000 SR sealant (or a similar equivalent product) applied to concrete floors, to the satisfaction of the principal certifier.

**Condition reason:** To ensure that car parks are adequately finished to protect the amenity of the surrounding area.

- (14) **Fill compaction (non-subdivision)** - While building work is being carried out, all fill must be compacted in accordance with Council's current engineering specifications, to the satisfaction of the principal certifier.

**Condition reason:** To ensure that fill is compacted to appropriate standards.

- (15) **Material sampling and testing** - While building work is being carried out and before any material is delivered to the site, sampling and testing of all material in accordance with Council's engineering specifications must be completed by a suitably qualified testing organisation, to the satisfaction of the principal certifier. The testing results must include a certificate from the testing organisation that certifies compliance with the criteria in Council's engineering specifications. The testing results must be updated every 3 months or when the material source changes.

**Condition reason:** To ensure that material used in construction complies with Council's engineering specifications.

- (16) **Work near or involving vegetation** - While building work is being carried out, the following requirements must be complied with to the satisfaction of the principal certifier:

1. Existing vegetation (including street trees) not approved for removal must be protected in accordance with AS 4970 - Protection of Trees on Development Sites and Council's engineering specifications.
2. The boundaries of any bushland or waterfront land areas adjacent to the site must be fenced by minimum 1.8m high chain link or welded mesh fencing. The fencing must include signage advising that the vegetation behind it is protected. The fencing must be maintained until the works have been completed.
3. No work (including for vehicular access or parking) that transects vegetation not approved for removal can be undertaken.
4. All vegetation related work must be carried out by a fully insured and qualified arborist. The arborist must be qualified to Australian Qualifications Framework (AQF) Level 3 in Arboriculture for the carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.
5. All tree pruning must be carried out in accordance with AS 4373 - Pruning of Amenity Trees.
6. Where practical, all green waste generated from vegetation work must be recycled into mulch or composted at a designated facility.

**Condition reason:** To ensure that work near of involving vegetation is carried out to industry standards.

- (17) **Archaeological discovery** - While building work is being carried out, the following requirements must be complied with should relic(s) from the past be discovered that could have historical significance, to the satisfaction of the principal certifier:

1. All works in the vicinity of the discovery area must stop.
2. For Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. Any requirements of Heritage NSW must be implemented.
3. For non-Aboriginal objects, Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*. Any requirements of Heritage NSW must be implemented.

**Condition reason:** To ensure unexpected archaeological discoveries are managed in accordance with statutory requirements.

- (18) **Compliance with *Building Code of Australia*** - While building work is being carried out, the work must be carried out in accordance with the *Building Code of Australia*. A reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date (as defined by section 19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*).

This condition does not apply:

1. To the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

2. To the erection of a temporary building other than a temporary structure used as an entertainment venue.

**Condition reason:** Prescribed condition under section 69 of the *Environmental Planning and Assessment Regulation 2021*.

- (19) **Shoring and adequacy of adjoining property** - While building work is being carried out, 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.
  2. If necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if:

1. The person having the benefit of the development consent owns the adjoining land.
2. The owner of the adjoining land gives written consent to the condition not applying.

**Condition reason:** Prescribed condition under section 74 of the *Environmental Planning and Assessment Regulation 2021*.

- (20) **Window and Door Glazing** - All residential units located on the south eastern and southern facades of buildings (facing Ingleburn road and Ardill Road) will require minimum window / door glazing with acoustic seals in-order to comply with 'Table 6.1' of the *"Road Traffic Noise Impact Assessment: Proposed Residential Development: (Lot 1) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L1 Revision 9 Dated 17 March 2025"*. The acoustic treatments will apply to all units on the above facades from the ground floor to level 4.

**Condition reason:** To ensure reasonable amenity.

- (21) **Alternative Ventilation for Habitable Rooms** - For facades of units identified in 'Table 6.1' of the *"Road Traffic Noise Impact Assessment: Proposed Residential Development: (Lot 1) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L1 Revision 9 Dated 17 March 2025"*, windows may be required to be closed (but not necessarily sealed) to meet internal noise criteria. As a result, the provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) may need to be provided to habitable rooms on these facades to ensure fresh airflow inside the dwellings when windows are closed. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each unit.

**Condition reason:** To ensure reasonable amenity.

- (22) **Noise from Rooftop Mechanical Plant** - All roof top mechanical plant must be noise attenuated to ensure that principle private open space for each unit is protected to comply with 57 dB(A) (LAeq -15hr) from 7am to 10pm.

**Condition reason:** To ensure reasonable amenity.

- (23) **Wintergardens** - The units that will require wintergardens are C001, C003, B001, F003, C101, C104, B101, C201, C204, B201, C301, C304, B301, C401, B401, B001, B003, A001, E003, B101, B103, A101, A103, E103, B201, B203, A201, A203, E203, B301, B303, A301, A303, E303, B403, E403, C501, C601, C701, B501, B601 and B701.

**Condition reason:** To ensure reasonable amenity.

- (24) **Design and Operation of Wintergardens** - The design and operation of wintergardens are to be consistent with "Figure 6-1" and "Figure 3.16" "*Road Traffic Noise Impact Assessment: Proposed Residential Development: (Lot 1) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L1 Revision 9 Dated 17 March 2025.*"

**Condition reason:** To ensure reasonable amenity.

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

**Condition reason:** To ensure reasonable amenity.

- (26) **Acoustic fences** - 1.8m solid acoustic fences shall be provided to ground floor units C001, C003, B001, B003, A001, A003 and F003 as illustrated in appendix E of Acoustic report titled "*Road Traffic Noise Impact Assessment: Proposed Residential Development: (Lot 1) 28 Ingleburn Road Leppington, Prepared by Rodney Stevens Acoustics, Report No R160378R1-L1 Revision 9 Dated 17 March 2025.*"

**Condition reason:** To ensure reasonable amenity.

## 2.4 - Before Issue of an Occupation Certificate

- (1) **Survey certificate** - Before the issue of an occupation certificate, a survey certificate must be prepared by a registered surveyor and demonstrate, to the principal certifier's satisfaction, that the siting of the building(s) complies with the approved plans and this development consent.

**Condition reason:** To ensure that the building(s) are sited in accordance with the approved plans and this development consent.

- (2) **Driveway crossing construction** - Before the issue of an occupation certificate, evidence must be provided and demonstrate, to the principal certifier's satisfaction, that a driveway crossing has been constructed in accordance with this development consent and the driveway crossing approval.

**Condition reason:** To ensure that the building(s) is provided with vehicular access.

- (3) **Contributions payment evidence** - Before the issue of an occupation certificate, a document from Council certifying that the payment of section 7.11 contributions:
1. is not required at any time before the issue of an occupation certificate, or
  2. is required and the requirement has been met,  
must be provided to the principal certifier.

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

1. Council issued the document.
2. No contributions or levies have been required since the document was issued.

**Condition reason:** To require evidence that section 7.11 contributions have been paid if required.

- (4) **Special infrastructure contribution payment evidence** - Before the issue of an occupation certificate, a document from the Planning Secretary certifying that the payment of a special infrastructure contribution:
1. is not required at any time before the issue of an occupation certificate, or
  2. is required and the requirement has been met,  
must be provided to the principal certifier.

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

1. The Planning Secretary issued the document.
2. No contributions or levies have been required since the document was issued.

**Condition reason:** To require evidence that a special infrastructure contribution has been paid if required.

- (5) **Services** - Before the issue of an occupation certificate, the following information from energy, water and wastewater service suppliers must be obtained and provided to the principal certifier:
1. A notice of arrangement for the distribution of electricity from Endeavour Energy to service the approved development.
  2. A section 73 compliance certificate from Sydney Water demonstrating that satisfactory arrangements have been made to service the approved development. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to the [Sydney Water website](#) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

**Condition reason:** To ensure that energy, water and wastewater services are provided for the development.

- (6) **Building height** - Before the issue of an occupation certificate, a certificate from a registered surveyor must be prepared and certify, to the principal certifier's satisfaction, that the building height complies with the approved plans and this development consent.

**Condition reason:** To ensure that the building height complies with the approved plans and this development consent.

- (7) **Defects and liability bond** - Before the issue of an occupation certificate, a defects and liability bond must be lodged with Council in accordance with Council's Development Infrastructure Bonds Policy. Fees are payable for the lodgement and refund of the bond. Evidence of the bond lodgement must be provided to the principal certifier.

**Condition reason:** To ensure that the cost to rectify defects and liabilities in new public infrastructure works is captured.

- (8) **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.

**Condition reason:** To provide a legal mechanism for the long-term maintenance of water management facilities.

- (9) **On-site detention facility plan of management (preparation)** - Before the issue of an occupation certificate, an on-site detention facility plan of management (POM) must be prepared by a suitably qualified person, to the satisfaction of the principal certifier. The POM must describe all design and operational parameters for the facility including:

1. Design levels.
2. Hydrology and hydraulics.
3. Inspection and maintenance requirements (including time intervals for inspections and maintenance).

**Condition reason:** To provide a management regime for on-site detention facilities.

(10) **Geotechnical certification** - Before the issue of an occupation certificate, certification must be prepared by a suitably qualified geotechnical engineer and demonstrate, to the satisfaction of the principal certifier, that:

1. All works detailed in any geotechnical report applicable to the site have been undertaken under the engineer's supervision and to the engineer's satisfaction.
2. The assumptions relating to the site conditions made in preparation of the geotechnical report were validated during construction.

**Condition reason:** To ensure that geotechnical works have been complete to appropriate standards.

(11) **Verge reconstruction** - Before the issue of an occupation certificate, the unpaved road verges directly adjoining the property must be reconstructed with grass species listed in Council's engineering specifications.

**Condition reason:** To ensure that road verges are reconstructed with grass following building works.

(12) **Water management facilities certificate** - Before the issue of an occupation certificate, a certificate must be prepared by a suitably qualified person and demonstrate, to the satisfaction of the principal certifier, that the water management facilities comply with the following requirements:

1. The water management facilities have been completed in accordance with the approved construction certificate plans or that any variations that have been made will not impair the performance of the basins.
2. The water management facilities will function in accordance with the design intent approved by the construction certificate.

**Condition reason:** To ensure that water management basins will comply with the construction certificate.

(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:
  - a. Levels and dimensions to verify the storage volume of any water management facilities.

- b. Levels and other relevant dimensions of:
    - i. Internal drainage pipes.
    - ii. Orifice plates.
    - iii. Outlet control devices and pits.
    - iv. Weirs (including widths).
  - c. Verification that the orifice plates have been fitted and the diameter of the fitted plates.
  - d. Verification that trash screens are installed.
3. 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.

**Condition reason:** To ensure that the completed works are recorded.

- (14) **Landscaping works completion** - Before the issue of an occupation certificate, all of the landscaping works approved by this development consent and the construction certificate must be completed to the satisfaction of the principal certifier. This must include the provision of certification from the supplier of all trees certifying that the trees comply with AS 2303 - Tree Stock for Landscape use.

**Condition reason:** To ensure that all approved landscaping works have been completed to an appropriate standard.

- (15) **Existing street trees inspection** - Before the issue of an occupation certificate, all existing street trees along all public roads adjoining the site must be inspected by Council. Any damage to these existing street trees must be rectified to the satisfaction of Council. Evidence of the inspection and Council's satisfaction of any required rectification works must be provided to the principal certifier.

**Condition reason:** To ensure that existing street trees are inspected for damage and rectified where required.

- (16) **Private waste collection contract** - Before the issue of an occupation certificate, a private waste collection contract must be entered into for the collection of all waste and its disposal at a waste facility. Evidence of the contract must be provided to the principal certifier and Council.

**Condition reason:** To ensure that a formal arrangement is in place for the private collection of waste.

(17) **In-fill affordable housing (occupation)** - Before the issue of an occupation certificate, the following requirements must be complied with:

1. A restriction must be registered, in accordance with section 88E of the *Conveyancing Act 1919*, against the title of the property relating to the development, which will ensure the following requirements are met:
  - a. The affordable housing must be used for affordable housing.
  - b. The affordable housing component must be managed by a registered community housing provider.
2. Evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider.
3. Evidence that the requirements of points 1. and 2. have been met must be given to the consent authority.

**Condition reason:** Prescribed condition under section 82 of the *Environmental Planning and Assessment Regulation 2021*.

(18) **Intertenancy wall noise attenuation construction** - Before the issue of an occupation certificate, certification must be provided from a suitability qualified acoustic consultant and demonstrate, to the principal certifier's satisfaction, that all intertenancy walls where an internal apartment layout places a bedroom against an intertenancy wall with living areas on the other side, have been constructed in accordance with the defined construction specification submitted with the construction certificate to ensure that all sound between apartments has necessary noise attenuation.

**Condition reason:** To ensure consistency with Part 4H of the NSW Apartment Design Guide and achieve best practice standards for residential acoustic amenity.

(19) **Acoustic Compliance Report** - An acoustic assessment report based on noise monitoring of the operation of all mechanical plant on the site must be submitted to the principal certifier's satisfaction prior to the issue of an occupation certificate for the building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrating compliance with the following:

Mechanical plant noise complies with:

- Day 52 dB(A) (LAeq, 15min)
- Evening 52 dB(A) (LAeq, 15min)
- Night 51 dB(A) (LAeq, 15min)

when measured at the nearest noise affected flat / unit on "Lot 1". Materials and

Mitigation Controls

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

For any acoustic non-compliance(s), the compliance report must make recommendations for compliance or further mitigation of noise sources, to the satisfaction of Council. The developer must then comply with the recommendations of the compliance report and a further acoustic compliance report must be prepared by a suitably qualified acoustic consultant and demonstrate, to the principal certifier's satisfaction, that the noise criteria in this condition has been achieved.

**Condition reason:** To ensure that operational noise levels will comply with the approved acoustic report

## 2.5 - Occupation and Ongoing Use

- (1) **Priority (noxious) weeds management (ongoing)** - During occupation and ongoing use of the development, weed dispersion must be minimised and weed infestations must be managed under the *Biosecurity Act 2015* and the *Biosecurity Regulation 2017*. All new infestations must be reported to Council.

**Condition reason:** To ensure priority (noxious) weeds are managed in accordance with statutory requirements.

- (2) **On-site detention facility plan of management (ongoing)** - During occupation and ongoing use of the development, the on-site detention facility plan of management plan required by this development must be complied with.

**Condition reason:** To provide a management regime for on-site detention facilities.

- (3) **Graffiti removal** - During occupation and ongoing use of the development, all graffiti applied to the development must be removed within 48 hours of its application.

**Condition reason:** To protect the visual amenity of the area surrounding the development.

- (4) **Car park noise control (ongoing)** - During occupation and ongoing use of the development, the coved finish and sealant applied to all car parks must always be maintained to a standard that eliminates tyre squeal noise from being audible.

**Condition reason:** To protect the amenity of the surrounding area.

- (5) **Offensive noise and noise compliance** - During occupation and ongoing use of the development, the use and occupation of the premises, including all plant and equipment, must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Operational noise must also comply with the NSW Noise Policy for Industry 2017.

**Condition reason:** To protect the amenity of the surrounding area.

- (6) **Landscaping works maintenance** - During occupation and ongoing use of the development, the approved landscaping must be perpetually maintained in a complete and healthy condition.

**Condition reason:** To ensure that approved landscaping works are perpetually maintained to an appropriate standard.

- (7) **Public domain landscaping works establishment period** - Following the completion of all civil works, soil preparation and treatment, initial weed control, planting, turf and street tree installation and mulching, the developer must maintain the landscaping works for 12 months. At the conclusion of this period all landscaping works must be in an undamaged, safe and functional condition and all plantings must have signs of healthy and vigorous growth.

**Condition reason:** To ensure that approved public domain landscaping works are established to an appropriate standard.

- (8) **Car wash bay and vehicle washing (residential development)** - During occupation and ongoing use of the development, the car wash bay and vehicle washing must comply with the following requirements:
1. Vehicle washing must only be conducted in the approved car wash bay.
  2. All wastewater generated from the car wash bay must be discharged to sewer or via alternative on-site disposal options where water is recycled or re-used.
  3. Wastewater must not enter the stormwater system.
  4. A designated hose fitted with a water trigger device must be used for vehicle washing.
  5. Car wash bays and drains must be regularly cleaned and maintained.
  6. The site owner/manager must advise residents of the operational and maintenance requirements for the car wash bay.

**Condition reason:** To prevent water pollution.

- (9) **In-fill affordable housing (ongoing)** - During occupation and ongoing use of the development, the following requirements must be complied with for a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates:
1. The affordable housing component must be used for affordable housing.
  2. The affordable housing component must be managed by a registered community housing provider.
  3. Notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change.
  4. The registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

**Condition reason:** Prescribed condition under section 82 of the *Environmental Planning and Assessment Regulation 2021*.

- (10) **Communal Open Space** - All communal open space areas must be noise protected to comply with 57 dB(A) (LAeq - 15hr) from 7am to 10pm.

**Condition reason:** To ensure reasonable amenity.