



Camden Council

Attachments

Ordinary Council Meeting
11 July 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

ORD01	Addendum Report - Construction and Operation of a Mobile Concrete Batching Plant and Associated Site Works - 60 Greendale Road, Bringelly	
	Attachment 1: Recommended Conditions	5
	Attachment 2: Proposed Plans	23
	Attachment 3: Council Report & Attachments 23 May 2017	43
	Attachment 4: EPA Response - 30 June 2017	93
	Attachment 5: Applicants Justification for Site Location.....	100
	Attachment 6: Brickworks Development Layout Plan	103
	Attachment 7: Applicant's Air Quality Assessment Response - 3 July 2017.....	105
ORD02	Section 82(A) Review - Use of an Existing Farm Building as a Depot Associated With A Construction Company - 238 Cobbitty Road, Cobbitty	
	Attachment 1: Recommended Conditions	107
	Attachment 2: Proposed Plans.....	113
	Attachment 3: Section 82A Review Request	115
ORD03	Alterations & Additions to an Existing Dwelling & Use as a Group Home - 58 Valley View Drive, Narellan	
	Attachment 1: Recommended Conditions - 58 Valley View Drive, Narellan.....	123
	Attachment 2: Proposed Plans	131



ORD04	Home Business - Beauty Salon - 10 Peisley Court, Harrington Park	
	Attachment 1: Recommended Conditions	133
	Attachment 2: Proposed Plans	137
ORD05	Twelve Development Applications for the Construction of 12 Two Storey Dwelling and Associated Site Works - 2 Longview Road, Gledswood Hills	
	Attachment 1: DA 287/2017 - Recommended Conditions.....	139
	Attachment 2: DA 288/2017 - Recommended Conditions.....	151
	Attachment 3: DA 289/2017 - Recommended Conditions.....	163
	Attachment 4: DA 290/2017 - Recommended Conditions.....	175
	Attachment 5: DA 292/2017 - Recommended Conditions.....	187
	Attachment 6: DA 294/2017 - Recommended Conditions.....	199
	Attachment 7: DA 295/2017 - Recommended Conditions.....	210
	Attachment 8: DA 296/2017 - Recommended Conditions.....	221
	Attachment 9: DA 303/2017 - Recommended Conditions.....	232
	Attachment 10: DA 300/2017 - Recommended Conditions.....	243
	Attachment 11: DA 304/2017 - Recommended Conditions.....	254
	Attachment 12: DA 313/2017 - Recommended Conditions.....	265
	Attachment 13: DA 287/2017 - Proposed Plans	276
	Attachment 14: DA 288/2017 - Proposed Plans	280
	Attachment 15: DA 289/2017 - Proposed Plans	284
	Attachment 16: DA 290/2017 - Proposed Plans	287
	Attachment 17: DA 292/2017 - Proposed Plans	290
	Attachment 18: DA 294/2017 - Proposed Plans	294
	Attachment 19: DA 295/2017 - Proposed Plans	297
	Attachment 20: DA 296/2017 - Proposed Plans	301
	Attachment 21: DA 300/2017 - Proposed Plans	304
	Attachment 22: DA 303/2017 - Proposed Plans	308
	Attachment 23: DA 304/2017 - Proposed Plans	311
	Attachment 24: DA 313/2017 - Proposed Plans	315
ORD07	Minutes to the 17 May 2017 Business Assurance and Risk Committee Meeting	
	Attachment 1: Minutes to the 17 May 2017 Business Assurance and Risk Committee meeting.....	319
Diary	Councillor Diary	
	Attachment 1: Councillor Diary - 11/07/2017	328

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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Figure 1.1	Project Area	EMM	N/A
Figure 3.1	Proposed Site Layout	EMM	N/A
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Signage Plan	N/A	N/A
Dwg No. MS- 102112-100 Rev 6 Sheet A3	Floor Plan	MBS	29/9/2011
Dwg No. MS- 102112-110 Rev 1 Sheet A3	Elevations	MBS	3/2/2011
Dwg No. MS- 102112-111 Rev 1 Sheet A3	Elevations	MBS	3/2/2011
Dwg No. 1422.GD.01 Issue B	Landscape Plan	Greenland Design	18/3/2017
Dwg No. 1422.GD.02 Issue B	Landscape Details & Specification	Greenland Design	18/3/2017
N/A	Proposed Intersection	EMM	N/A
Dwg No. B747/1 Sheet C1 Rev C	Stormwater Basin	Tasman Engineering Consultants	25/1/2017
Dwg No. B747/1 Sheet C2 Rev C	Stormwater Longitudinal Section	Tasman Engineering Consultants	25/1/2017
Dwg No. B747/1 Sheet C3 Rev C	Dissipator Detail	Tasman Engineering Consultants	25/1/2017

Document Title	Prepared by	Date
Environmental Impact Statement (Volume 1 and 2, including appendix A to O)	EMM	N/A
Surface Water Assessment (Rev D)	Royal Haskoning DVH	8/3/2017
Revised Road Traffic Assessment	EMM	28/10/2016

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. General Terms of Approval from Office of Environment and Heritage dated 13 July 2016 listed in Attachment C.
 2. Conditions from NSW Environmental Protection Authority dated 30 June 2017 listed in Attachment D (NOTE: General condition 18 of Attachment D, which relates to construction hours, is not applicable. Construction hours are specified at Condition 4.0 (4) of this development consent).
 3. Conditions from Endeavour Energy date 28 July 2016 listed in Attachment E.
 4. Conditions from the NSW Rural Fire Service dated 1 July 2016 listed in Attachment F.
- (5) **Modified Documents and Plans** - The development shall be modified as follows:
- a) Amend the landscape plan to include the following tree species: *Acacia decurrens* (Black Wattle), *A. parramattensis* (Parramatta Wattle), *A. implexa* (Hickory Wattle); and
 - b) Amend the landscape plan so 46 new trees (species provided in a) above) are provided along the street frontage of the development area to replace trees approved to be removed.
- (6) **Separate Approval for Signs** - A separate development application for any proposed signs additional to the sign approved as part of this development consent shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs.
- (7) **Signage Height** - The approved sign is permitted to a maximum height of 2m measured from natural ground level to the top of the sign.

- (8) **Tree Removal** - The trees as shown in the approved landscape plan are approved for removal. Replacement trees shall be planted at a ratio of 1:1 in accordance with the landscape plan.

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

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

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management. The plantings are to be installed on the subject property within six (6) months of the removal/s authorised by this consent.

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

The following procedures shall be strictly observed:

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

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

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

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

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

- (10) **Outdoor Lighting** - All lighting shall comply with Australian Standard AS1158 and AS4282.
- (11) **Noxious Weeds Management** – The applicant must fully and continuously suppress and destroy by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after works. New infestations must be reported to Council.
- Pursuant to the *Noxious Weeds Act 1993*, 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.
- (12) **Intersection Sight Distance** - The safe intersection sight distance must be in accordance with the Austroad Guidelines for an 80km/hr road.
- (13) **Auxiliary Turning Lanes** - The auxiliary turning lanes must be in accordance with Austroad guidelines.
- (14) **Access Driveway** - The access driveway must be in accordance with Australian Standards 2890.1 and 2890.2.
- (15) **Car Parking** - All car parking areas must be constructed in accordance with Australian Standards 2890.1 2890.2 and 2890.6. An accessible parking space must be provided on site in addition to the parking spaces already provided.
- (16) **Aboriginal / European Heritage** – The proposed development must comply with the following requirements during construction and as part of ongoing use:
- a) Compliance with the recommendations 7.1.3 to 7.1.10 of the *Aboriginal Cultural Heritage Assessment: Bringelly Concrete Batching Plant*, by EMM dated 24 May 2016; and
 - b) Compliance with the Section 8 Mitigation Measures of the *Statement of Heritage Impact: Bringelly Concrete Batching Plant*, by EMM dated 9 May 2016.
- (17) **Finished Colours** – The entire development including the acoustic fencing must comprise neutral / earthy tones that are sympathetic to the rural character.

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) **Acoustic Report** - The development shall be constructed in accordance with the acoustic report: "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016." Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (2) **Water Quality Monitoring Plan** - A water quality monitoring plan shall be provided to the Certifying Authority.

The WQMP shall include monitoring (this extends to water quality sampling and laboratory analysis) for all completed water quality treatment systems that provide water quality treatment to service the development both during the construction and post development stages. Only relevant water quality treatment systems that drain the development should be included in the WQMP.

The WQMP shall include:

- a) quarterly water sampling;
 - b) reference to an approved sampling methodology;
 - c) location plan of sampling;
 - d) frequency of reporting of results to the Consent Authority; and
 - e) nomination of suitable water quality criteria (i.e., concentration values for pollutants expressed in mg/l) for the purpose of determining compliance.
- (3) **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 Certifying Authority with the Construction Certificate application.

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

- (4) **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 subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (5) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and Australian Standard 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (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.

A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

- (7) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering

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

- (8) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (9) **Smoke Free Premises** - The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and Smoke-Free Environment Regulation 2000. Details demonstrating compliance shall be provided to the Certifying Authority.
- (10) **Accessibility** - Prior to the issuing of a Construction Certificate for the proposed amenities building, detailed plans are to be provided to the appointed Accredited Certifier to assess the Construction Certificate, that demonstrates & details compliance with Part D3 of the National Construction Code – Building Code of Australia and Australian Standard – AS 1428.1 – 2009 Design for Access and Mobility.
- (11) **Salinity Management for Construction Materials** – The selection of construction materials must be able to withstand a mildly aggressive environment to concrete and steel.
- (12) **Construction and Operational Waste Management Plans** – Construction and operational waste management plans for the development must be consistent with the "Bringelly Waste Management Plan", Prepared by Boral.

The collection contractor and subsequent disposal facility must be identified.

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) **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 and be kept on site for compliance until the completion of all construction works.
- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;

- b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (4) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

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

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

- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (9) **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.

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

- (10) **Performance Bond** - Prior to commencement of works a performance bond of \$10,000.00 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

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

- (11) **Environmental Management Plan** – An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

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 is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) any other recognised environmental impact; and
- e) community consultation.

4.0 - During Works

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

- (1) **Acoustic Perimeter Barriers** – The 4.0 metre (total height) acoustic bund/barrier (comprising 2m earth bund with a 2m solid barrier on top of the bund) is required to be constructed within 4 weeks of construction commencing. The barrier is to be constructed along the northern and eastern perimeter of the development site. In addition, either a 4m high solid barrier or 4m high acoustic bund/barrier will be required to be constructed on the western perimeter. The bunds/barriers shall be located consistent with "Figure 2.2" in the "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016".
- (2) **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 (2008) (refer to:

www.environment.nsw.gov.au/waste/envguidins/index.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.

- (3) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:
 - a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application shall be made for a Road Opening Permit and an approval under Section 138 of the *Roads Act 1993*.
 - b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138 of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

- (4) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (5) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (6) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;

- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (7) **Site Management Plan** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc.);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (8) **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.
- (9) **Noise mitigation and Management Measures** – The noise mitigation measures contained within "Section 8 – Management and Mitigation" of the report "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016" must be constructed on the site and complied with at all times.

Noise levels emitted during demolition and construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 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).

Construction period greater than 4 weeks:

The L10 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).

- (10) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

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

- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations;
- 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 should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

Note 1: 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.

- (11) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and 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).
- (12) **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.
- (13) **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.
- (14) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

- (15) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (16) **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.
- (17) **Tree Hollows** - Tree hollows and/or active nests within trees approved for removal must be replaced to provide fauna with short-term habitat requirements during vegetation clearance and bushland restoration works.

Each individual tree hollow and/or active nest must be replaced at a minimum 1:1 ratio with nest boxes that will provide suitable short-term habitat requirements. Any hollow-bearing and/or active nest trees removed from the development site are to be inspected prior to removal. Measures must be taken to ensure that fauna inhabiting tree hollows, active nests or other habitat (i.e. logs, leaf litter) are appropriately treated and relocated before development activities commence, in line with the *National Parks and Wildlife Act 1974*.

A qualified ecologist is required to be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

- (18) **Environmental and/or Declared Noxious Weeds** - If Environmental and/or Declared Noxious Weeds are found within the site, weed management must occur in accordance with best practice weed management procedures, state legislation (*Noxious Weeds Act 1993*, *National Weeds Strategy 2007*) and the Camden Council Development Control Plan 2011.
- (19) **Vegetation Fencing** - Fencing to be installed around Existing Native Vegetation and other Cumberland Plain Woodland to ensure its protection during construction.
- (20) **Use of Felled Trees** - The trunks and larger branches of felled trees within the development area are to be placed on the ground of the adjoining Existing Native Vegetation (ENV) to enhance habitat of the ENV.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (3) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves etc.) at any time.
- (4) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (5) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (7) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the acoustic mound and fence has been constructed in accordance with the approved acoustic report "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016."
- (8) **Building Height** - A registered surveyor shall certify that the maximum height of the 3 silos is consistent with the height referenced in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (9) **Driveway Crossing Construction** – The driveway crossing shall be constructed in accordance with this consent and the Driveway Crossing Approval (PRA) prior to use or occupation of the development.
- (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 for On-Site Sewerage Management** - An 'Approval to Operate' under Section 68 of the *Local Government Act 1993* shall be obtained from Council.

- (12) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) Positive covenant over the on-site detention and water quality facility for the maintenance, repair and insurance of such a facility.
- (13) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.

6.0 – Ongoing Use

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

- (1) **Developer Contributions** – In Accordance with Camden Contributions Plan No. 7 – Road Maintenance: Extractive Industry, the Applicant shall pay Camden Council road maintenance contributions of \$0.0811 for every tonne of material transported to and from the site, indexed to CPI. Each payment must be:
- a) paid to Council at the end of each calendar year; and
- b) based on weighbridge records of all supplementary concrete making materials transported to the site and concrete and spoil transported from the site.

A copy of the Section 94 Contributions Plan may be inspected at Council's Administration Centre located at Central Avenue, Oran Park.

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

- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (3) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (4) **Maximum Vehicle Size** - The maximum vehicle permitted to access the site is a general access vehicle (up to 19m in length), until such time that a B-Double vehicle access route is approved to the new site entrance, in which case B-Double vehicles will be permitted to access the site.
- (5) **Number of Vehicle Movements** – The following restrictions applies to trucks entering and leaving the site:
- a) up to 86 truck loads of concrete leaving the site per day;
- b) up to 20 truck loads of aggregates entering the site per day; and
- c) up to 7 truck loads of cement powder entering the site per day.

- (6) **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.
- (7) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
In addition to the above approved hours, Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday.	
No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

- (8) **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.
- (9) **Approved Signage Maintenance** - The approved sign shall be maintained in a presentable and satisfactory state of repair.
- The level of illumination and/or lighting intensity used to illuminate the sign shall comply with Australian Standards 1158 and 4282.
- (10) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (11) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (12) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council's stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.
- (13) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

- (14) **Amenity** - The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (15) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
- b) the repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
- i) retained for recycling; or
 - ii) disposed of in accordance with the requirements of Sydney Water.
- (16) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (17) **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.

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.

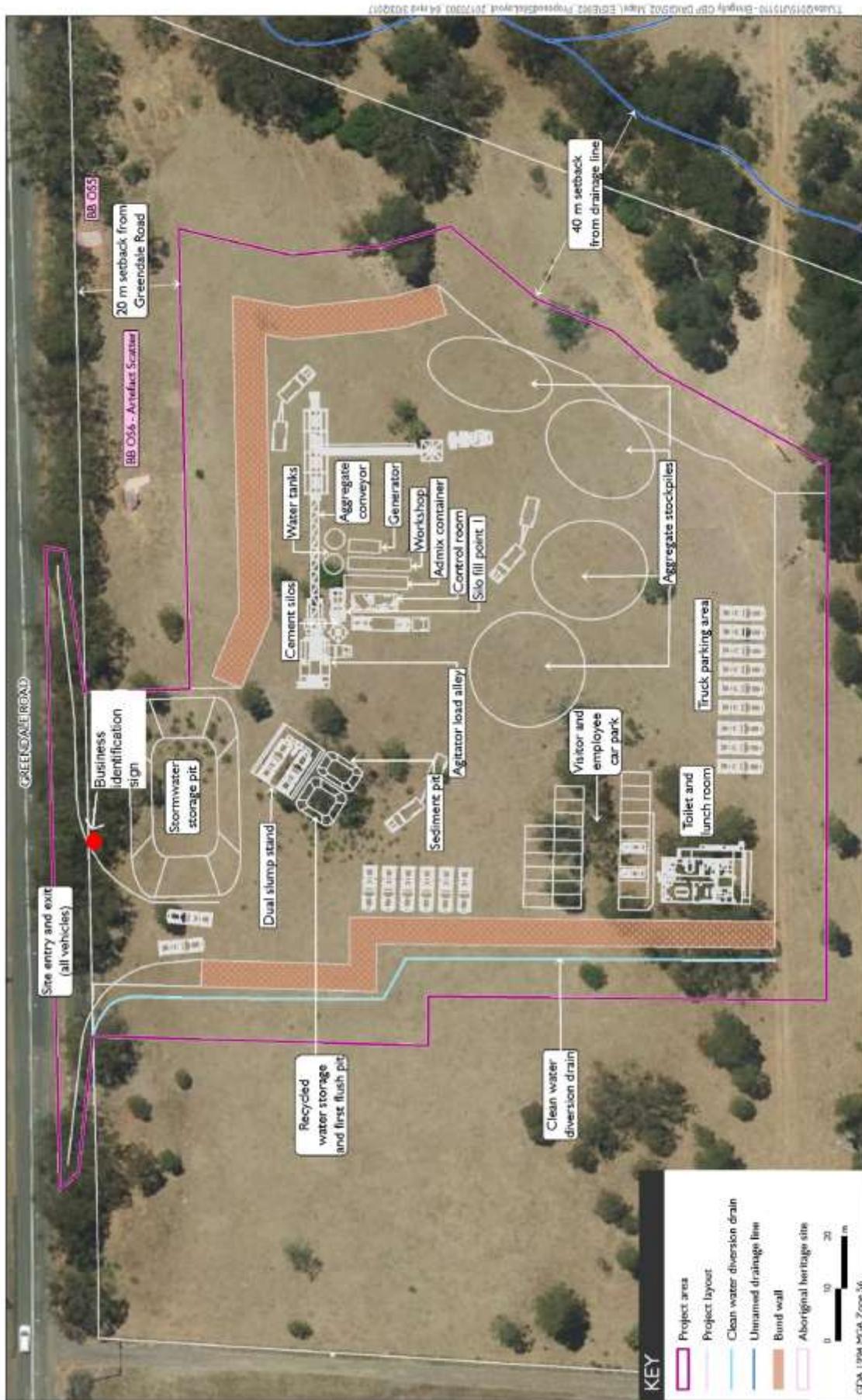
- (18) **Environmental and/or Declared Noxious Weeds** – The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur. New infestations must be reported to Council. Pursuant to the *Noxious Weeds Act 1993*, 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.
- (19) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good

working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.

- (20) **Air Quality Emission Control Factors** – The development site as a minimum must provide the following: monthly sweeping of paved roads / surfaces, water sprays operating in unloading and storage areas, cement supplement silo loading, hopper loading additives and mixer activities, CBP material transfer points. These provision must be consistent with "Section 6.3 – Emission reduction Factors" of the report titled "Air Quality Impact Assessment: Proposed Bringelly Concrete Batching Plant, Prepared by Ramboll Environ, Dated April 2016."
- (21) **Pre-mixed Concrete Permitted** - Only pre-mixed concrete can be produced by this development.
- (22) **Production Capacity** – Concrete production is restricted to a maximum 125,000 tonnes of concrete per annum.
- (23) **Noise Mitigation 31 Greendale Road Bringelly** - Upon receiving a written request from the land owner of Lot 1 DP 252040 (31 Greendale Road, Bringelly), the Applicant must negotiate a suitable noise mitigation solution in accordance with the following:
- The negotiation process outlined in Chapter 8 of the NSW Environment Protection Authority's Industrial Noise Policy, January 2000 (INP, 2000);
 - The noise mitigation measures are to achieve compliance with the noise limits for 31 Greendale Road as specified in Table 1 of EPA's correspondence dated 30 June 2017;
 - Within 6 months of receiving a written request from the landowner, the applicant must install the agreed noise mitigation to the satisfaction of the landowner; and
 - Pay the reasonable costs in association with the installation of the agreed noise mitigation measures.

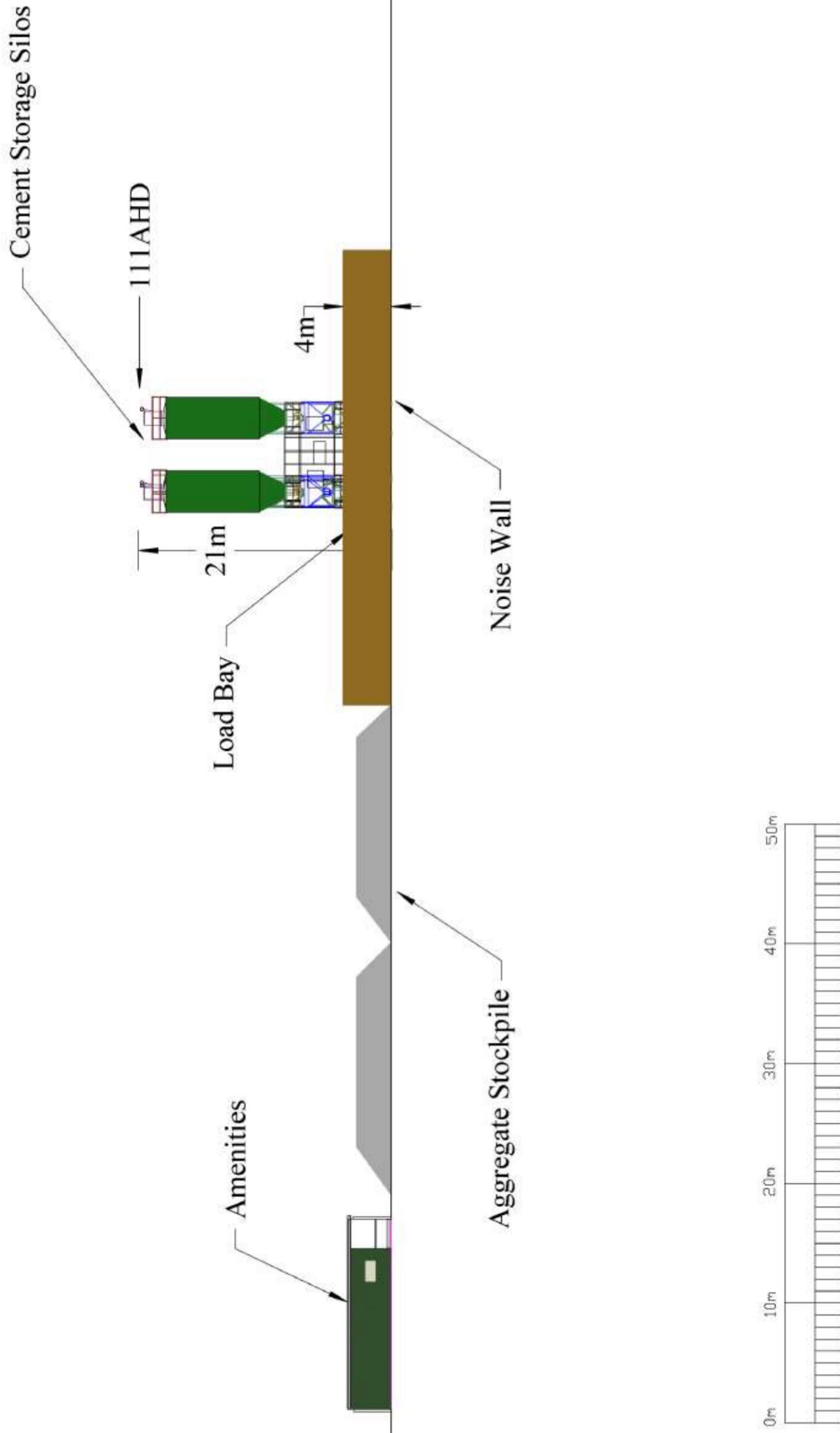


Project area
 Bringley Concrete Batching Plant
 Environmental Impact Statement
 Figure 1.1



Proposed site layout
 Bringelly Concrete Batching Plant
 Environmental Impact Statement
 Page 71





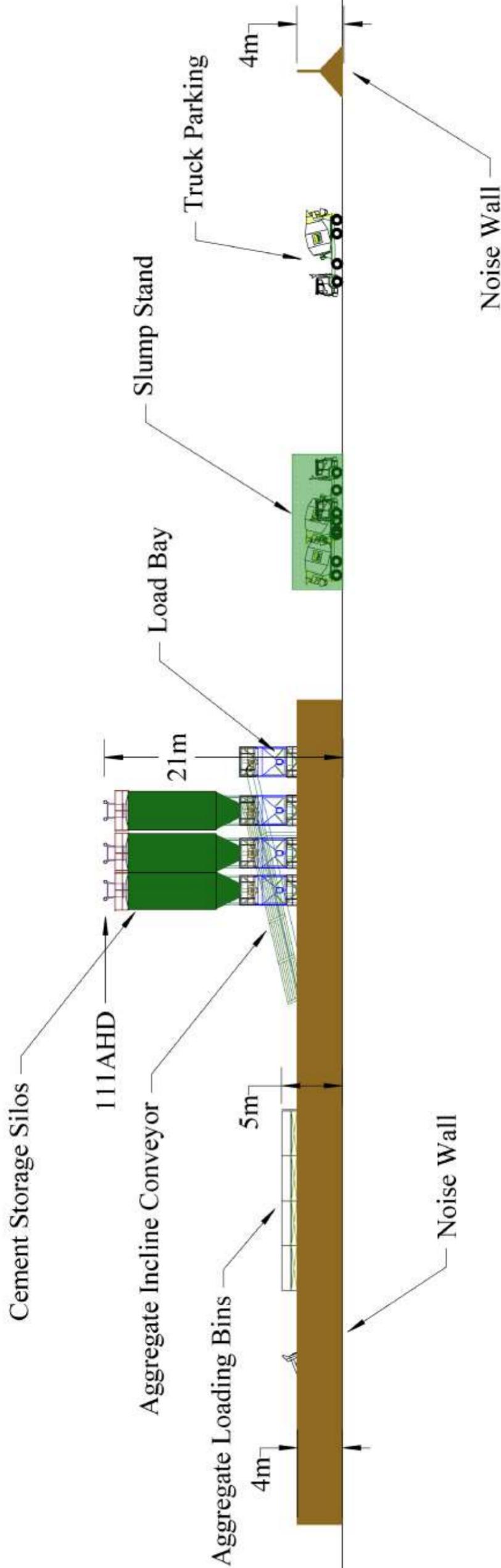
Drawn	R.F.
Date	Sep 2016
Scale	1:500 @ A3
Drawing Number	Bringelly Mobile Batch Plant
	Sep 2016

BORAL RESOURCES (NSW) P/L
Bringelly Batch Plant
Title
Elevation View - East

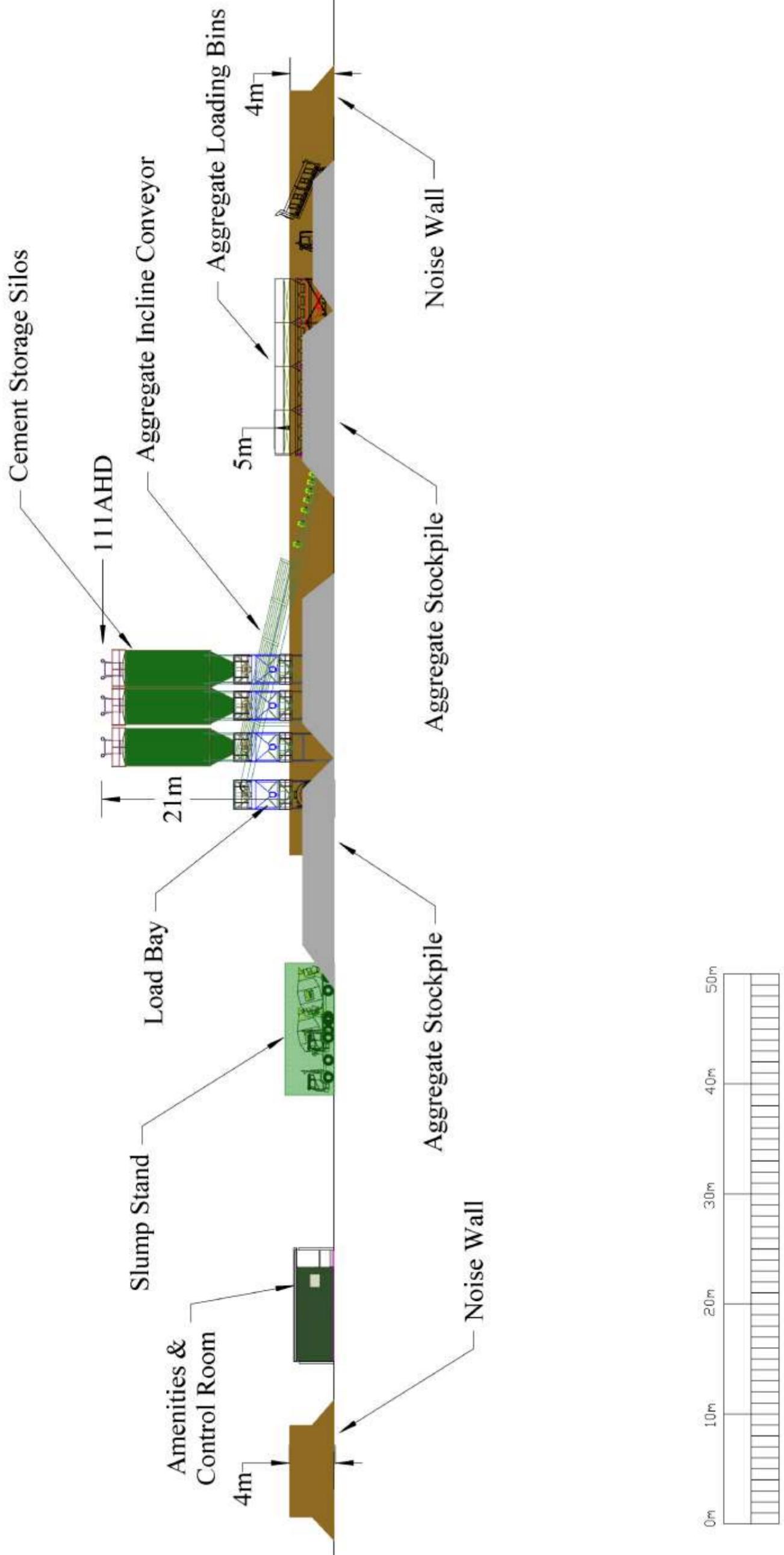
Revision	Date
1 Elevation View	
2	

ORD01

Attachment 2



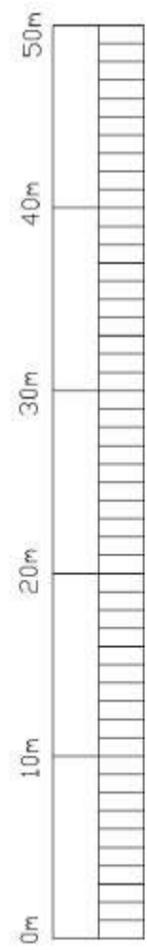
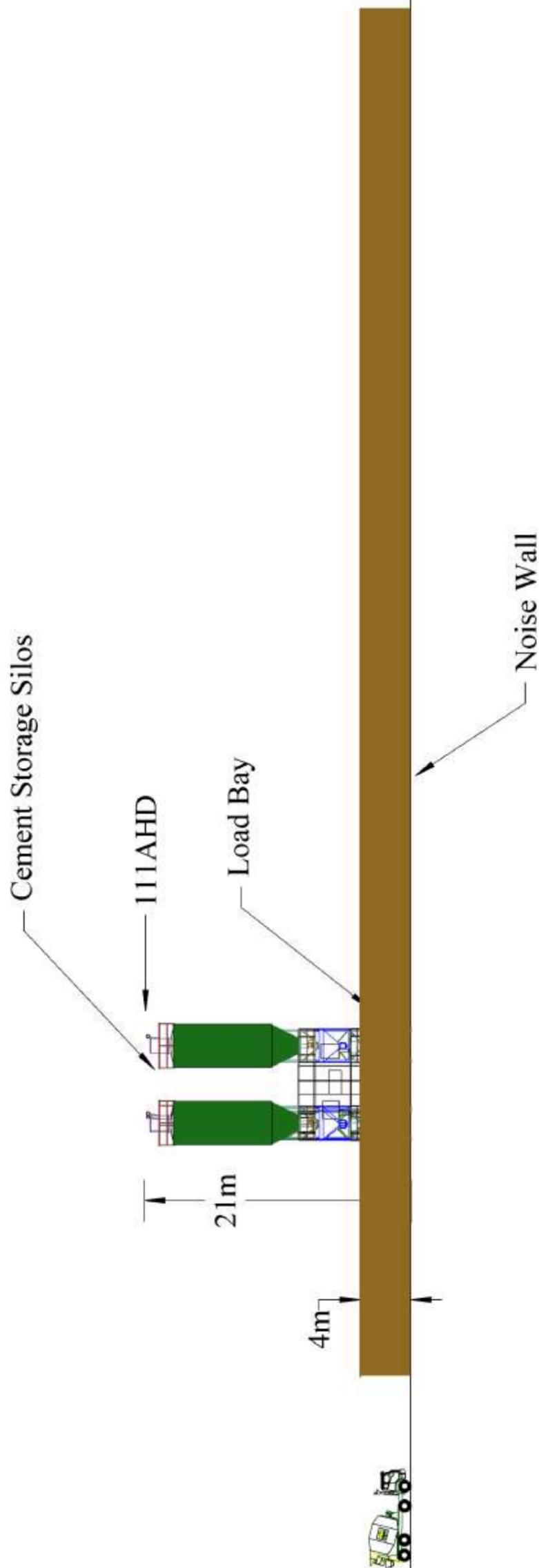
Revision		Drn	Date	BORAL RESOURCES (NSW) P/L		Drawn	R.F.
1	Elevation View			Bringelly Batch Plant		Date	Sep 2016
2				Title		Scale	1:500 @ A3
				Elevation View - North		Drawing Number Bringelly Mobile Batch Plant Sep 2016	



Revision		Drn	Date	BORAL RESOURCES (NSW) P/L		Drawn	R.F.
1	Elevation View			Bringelly Batch Plant		Date	Sep 2016
2				Title		Scale	1:500 @ A3
				Elevation View - South		Drawing Number Bringelly Mobile Batch Plant Sep 2016	

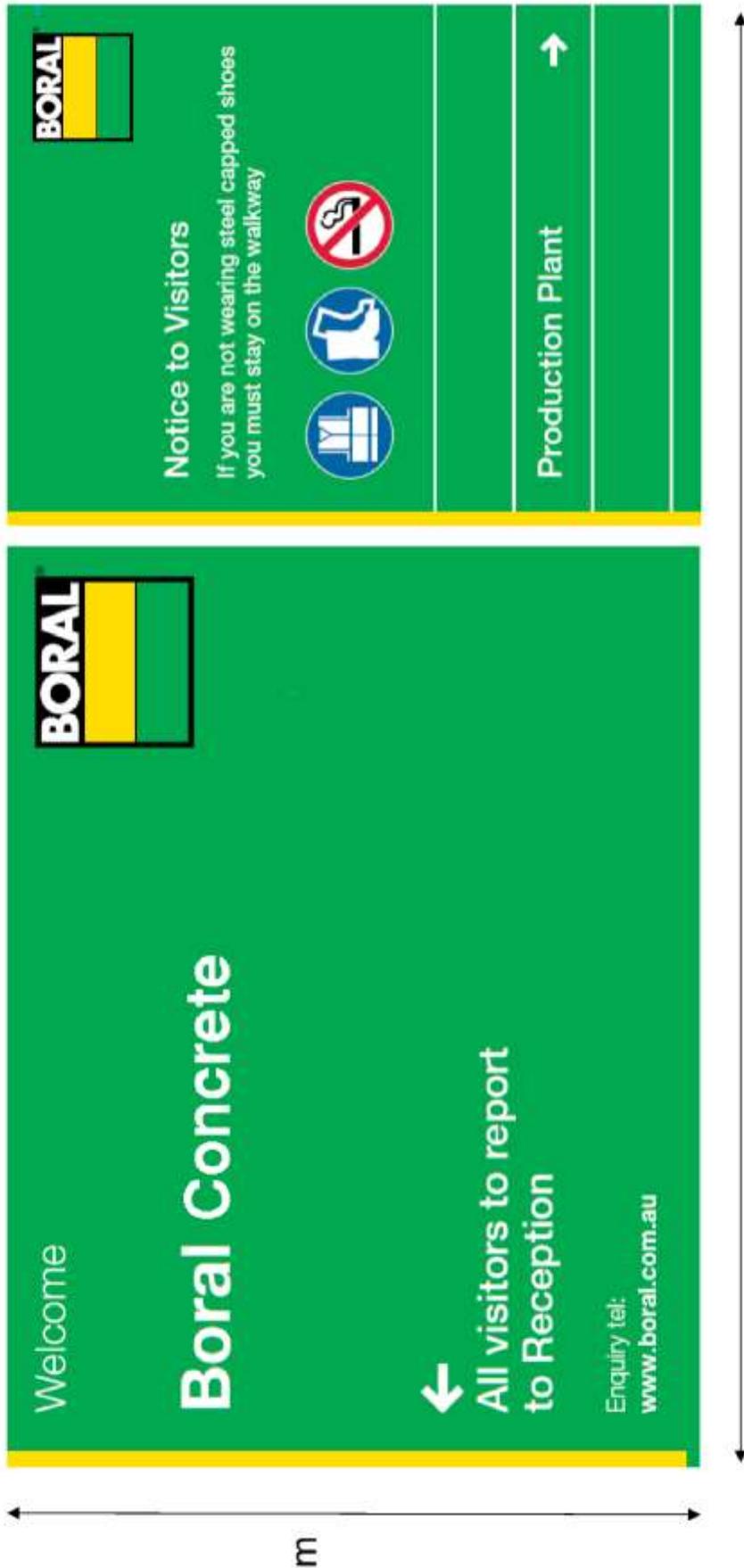
ORD01

Attachment 2



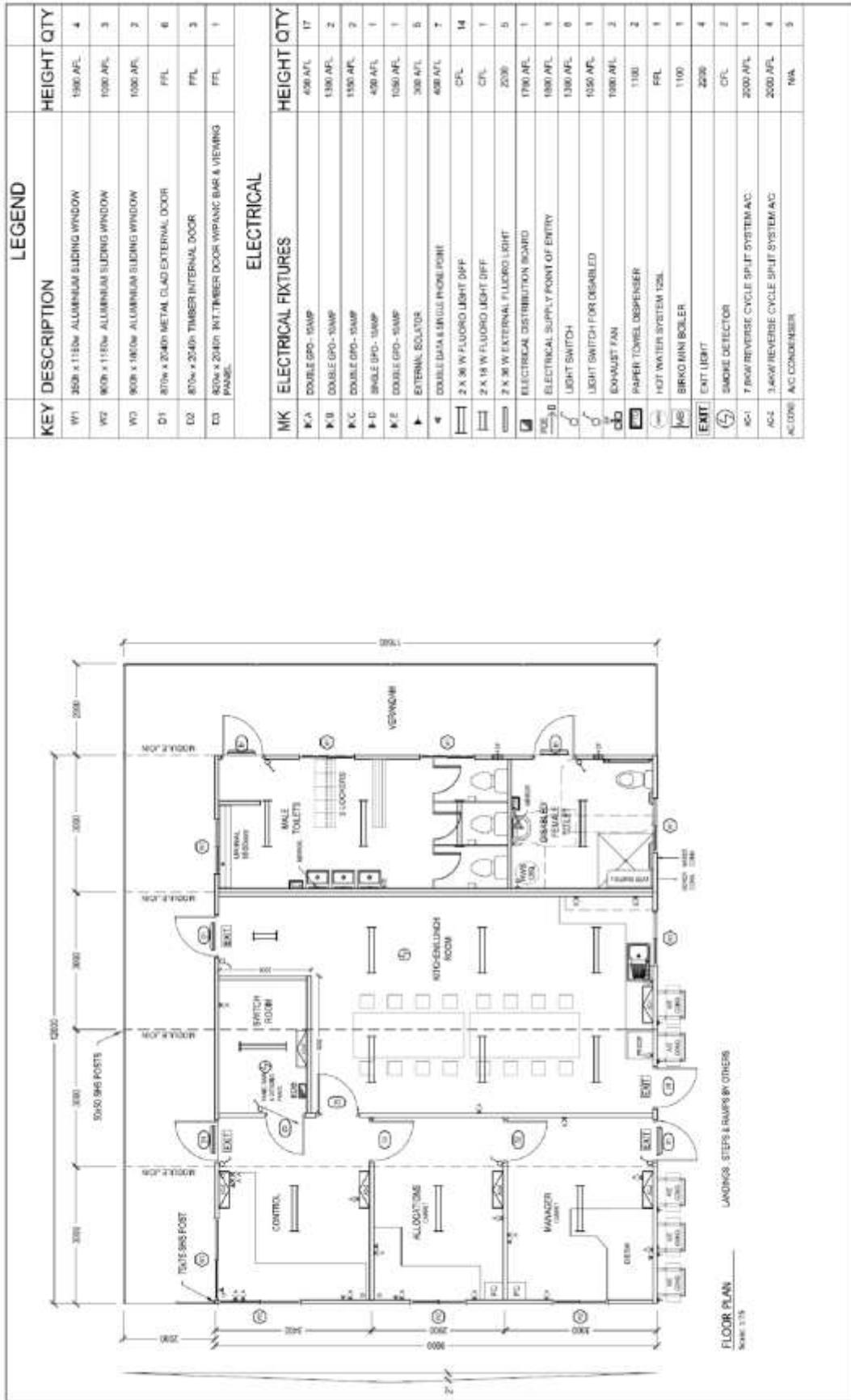
Revision		Drn	Date	BORAL RESOURCES (NSW) P/L		Drawn	R.F.
1	Elevation View			Bringelly Batch Plant		Date	Sep 2016
2				Title		Scale	1:500 @ A3
				Elevation View - West		Drawing Number	
						Bringelly Mobile Batch Plant	
						Sep 2016	

Bringelly Concrete Batching Plant
Signage Plan



m

2 m



CLIENT:
BORAL
CONCRETE PLANT

100% COMPLETE TO CONTRACT DOCUMENTS AND ALL NOTED TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2011.

PROJECT:
12.0 x 9.6m MULTIPURPOSE BUILDING

DRAWING NUMBER:
MS-102112-100

BUILDING NUMBER:

REV. 1 QUOTATION NUMBER: 102112
REV. 2 SHEET AS

No.	DESCRIPTION	DATE
1	FOR APPROVAL	28.10.2016
2	FOR APPROVAL	11.02.2017
3	FOR APPROVAL	02.02.2017
4	REVISED TO CHANGE BUILDING HEIGHT	23.03.2017
5	REVISED TO CHANGE BUILDING HEIGHT AND TO ADD TO THE EXISTING BUILDING FOOTPRINT	04.04.2017
6	ADD INT. DR. 2.00m x 1.50m	04.04.2017

CLIENT APPROVAL

modular building

MBS

31 STURT STREET, SMITHFIELD NSW 2164
TEL: 1800 217 131
FAX: (02) 8718 2599
www.modularbuilding.com.au

DATE: 28.10.2016

CHECKED BY: [Signature]

SCALE: 1/5

FOR APPROVAL ONLY

PROJECT	12.0 x 9.6m MULTI-PURPOSE BUILDING
TITLE	ELEVATIONS (1)
DATE	28/02/17
DESIGNED BY	JA
CHECKED BY	AM
SCALE	1:75
DRAWING NUMBER	MS-102112-110
QUOTATION NUMBER	102112
REP.	1
SHEET NO.	----

CLIENT:
BORAL
CONCRETE PLANT

THE COMPANY HAS BEEN REGISTERED AS AN ENGINEER AND ARCHITECT WITH THE ENGINEERING COUNCIL OF AUSTRALIA (ECA) AND THE ARCHITECTS BOARD OF AUSTRALIA (ABA) UNDER THE PROFESSIONAL ENGINEERS ACT 1966 AND THE ARCHITECTS ACT 1997. NEW SOUTH WALES REGISTRATION NO. 12448. (SEE WEBSITE FOR FULL LIST OF MEMBERSHIP NUMBERS)

No.	DESCRIPTION	DATE
1	FOR APPROVAL	

CLIENT APPROVAL

SIGNATURE: _____
NAME: _____
DATE: _____

148 GILBA ROAD
GIRRAVEEN
2145
TEL: 9636 4445
FAX: 9636 4454

Attachment 2

ORD01

EAST ELEVATION
Scale: 1:75

WEST ELEVATION
Scale: 1:75

FOR APPROVAL ONLY

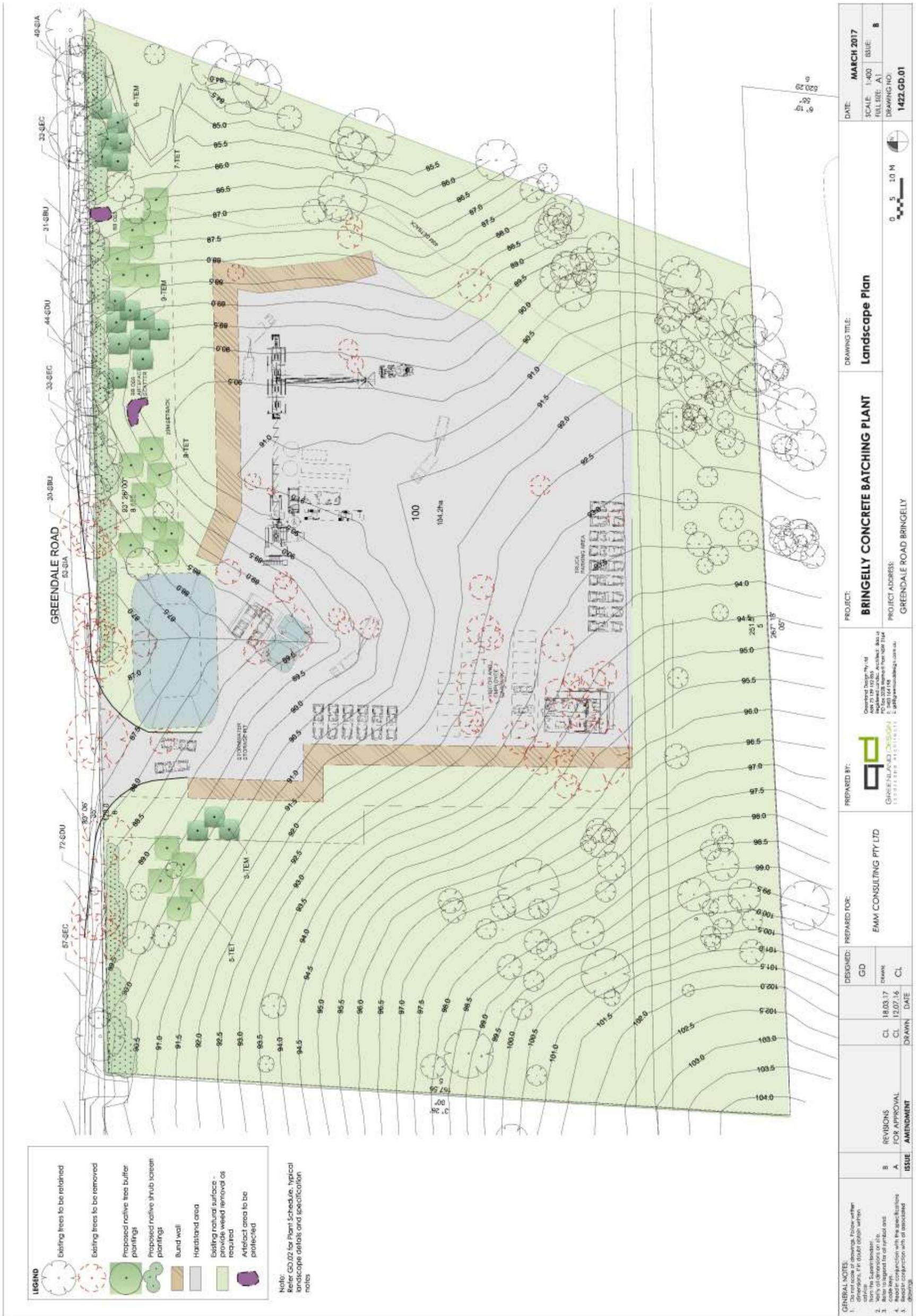
DATE	23/2/11	TITLE	ELEVATIONS (2)
DRAWN BY:	AB	PROJECT:	12.0 x 9.6m MULTI-PURPOSE BUILDING
CHECKED BY:	AP	DRAWING NUMBER:	MS-102112-111
SCALE:	1:75	QUOTATION NUMBER:	---
			BUILDING NUMBER: ----
			REF: 1 SHEET OF 1

CLIENT:	
BORAL CONCRETE PLANT	
BORAL CONCRETE PLANT, 150-152, WILSON ROAD, GARRAWEEEN, CO. DUBLIN 15. TEL: 01-836 4445 FAX: 01-836 4454	

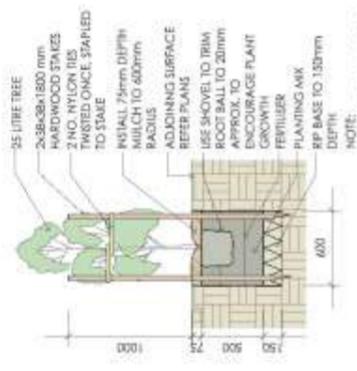
No.	DESCRIPTION FOR APPROVAL	DATE
1		

CLIENT APPROVAL	
SIGNATURE: _____ NAME: _____ DATE: _____	

	146 GILBA ROAD GARRAWEEEN 2145 TEL: 9636 4445 FAX: 9636 4454
--	--



Plant Schedule		Common Name	Botanical Name	Size	Mature Height	Mature Spread	Native (N)
Trees							
TEM	18	Grey Box	<i>Eucalyptus melanocarpa</i>	25Litre	15 - 20m	6 - 10m	N
RET	20	Forest Red Gum	<i>Eucalyptus tereticornis</i>	25Litre	over 30m	6 - 10m	N
Shrubs							
SHU	61	Blackthorn	<i>Rhus spinae</i>	200mm	2 - 3m	0.3 - 0.6m	N
SCU	116	Coarse Hair Fern	<i>Dawsonia ulicola</i>	200mm	0.9 - 1.5m	0.3 - 0.6m	N
SEC	123	Cherry Laurel	<i>Excoecaria cupressiformis</i>	200mm	3 - 5m	1.2 - 2.0m	N
3/A	102	Australian Nettle	<i>Indigofera australis</i>	200mm	1.5 - 3m	2.0 - 3.5m	N



1 - 25 Litre Tree Planting
scale 1:25

SPECIFICATION NOTES

PLANTING MATERIALS
Planting Mix:
 50% Black Soil
 50% Coarse Sand
 30% Organic Material
 as available from Australian Native Landscapes, Phone: (02) 9450 1444, or approved equivalent. Samples shall be provided to the Superintendent prior to ordering or delivery to site. Any material delivered to site that is rejected by the Superintendent, shall be removed by the contractor at the contractor's own expense. Minimum depth of mix to planting hole shall be as specified on details.
Mulch:
 Mulch to garden bed:
 Mulch shall mean hardwood mulch (25mm grade), free from material derived from Pine, Willow, Poplar, Coral trees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded hardwood mulch to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 1444, or approved equivalent.
Plant Materials:
 All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well wrapped, not sun or frost blown and not root bound.
 Plants shall be sourced from **Andreasens Green** Wholesale nursery, contact Damien (02) 9777 4713, email damien@andreasengreen.com.au or approved equivalent.

PREPARATION AND HARDWORKS

Excavating for Spill Planting
 To planting areas, excavate a hole for each plant large enough to provide not less than twice the depth and twice the diameter than the root ball of species to be planted.

Staking

Use durable hardwood, straight, free from knots or twists, painted at one end. Drive stakes into the ground a minimum one third of their length, avoiding damage to the root system.
 Use 2x300mm hardwood stakes with double nylon ties.
 Ties shall be spaced 500mm apart along the stem.
 One tie at half the height of the main stem and the other as necessary to stabilise the plant.

MAINTENANCE / PLANT ESTABLISHMENT

Maintenance shall apply to all hard and soft landscape materials installed prior to the "handover" and acceptance by Principals Representative and the Site Superintendent. The maintenance period shall commence at the granting of practical completion and shall extend for 26 weeks.
 Maintenance shall consist of the following works:
 - Follow a daily watering programme to be approved by Superintendent. Water all plants individually, twice per week or when necessary to ensure constant plant growth. Water all turf and mowed grassed areas, twice per week.
 - Apply appropriate weed control sprays and hand weed as required to maintain all lawns, paths, mulched areas, paved areas, and tree pits in turf free of weed or rogue grass growth.
 - Regularly tidy and top up mulch and firm edges to prevent spill over onto paved / grassed areas.
 - Spray to control pests and diseases.
 - Replace plants, which fail with plants of a similar size and quality as originally specified to approval of Superintendent. Costs of replacement shall be the responsibility of the Contractor. Replacement planting will be undertaken within 2 weeks of identification of dead material or instruction by the Superintendent.
 - Report any incidence of plant stolen or destroyed by vandalism.
 - Adjust stakes and ties to plants as necessary, ensure that triangulation of plants does not occur.
 - Remove and replace plants as directed or where necessary.
 - Note and report defects or faults arising out of defective workmanship or materials.
 - Note any areas to maintain healthy growth.
 - Make good any erosion or soil subsidence, which may occur including soft areas in pathways.
 - Mow lawn to maintain neat healthy growth.
 - A final inspection shall be made by the Superintendent before handover. Any items requiring rectification shall be reported before the works are finally approved, and retention moneys released.

NOTE:

- All finished levels are to be verified by Contractor on site.
- All scope works to be in strict accordance with Council's landscape code and guidelines.
- This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable.

Twelve Months Maintenance Schedule	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	GREENLAND DESIGN Twelve Months Maintenance Schedule Mow lawn Pruning of trees Deadwood job painting 30% release fertiliser Road side lawns fertiliser as required Cut back oleander and grass Spraying of roses Plant Bed Spotting weeds and herbicide spraying as required Top up mulch as required Dead foliage removal Pest Management Monitoring and herbicide protect as required Water clean up Remove dead foliage and planting as required											

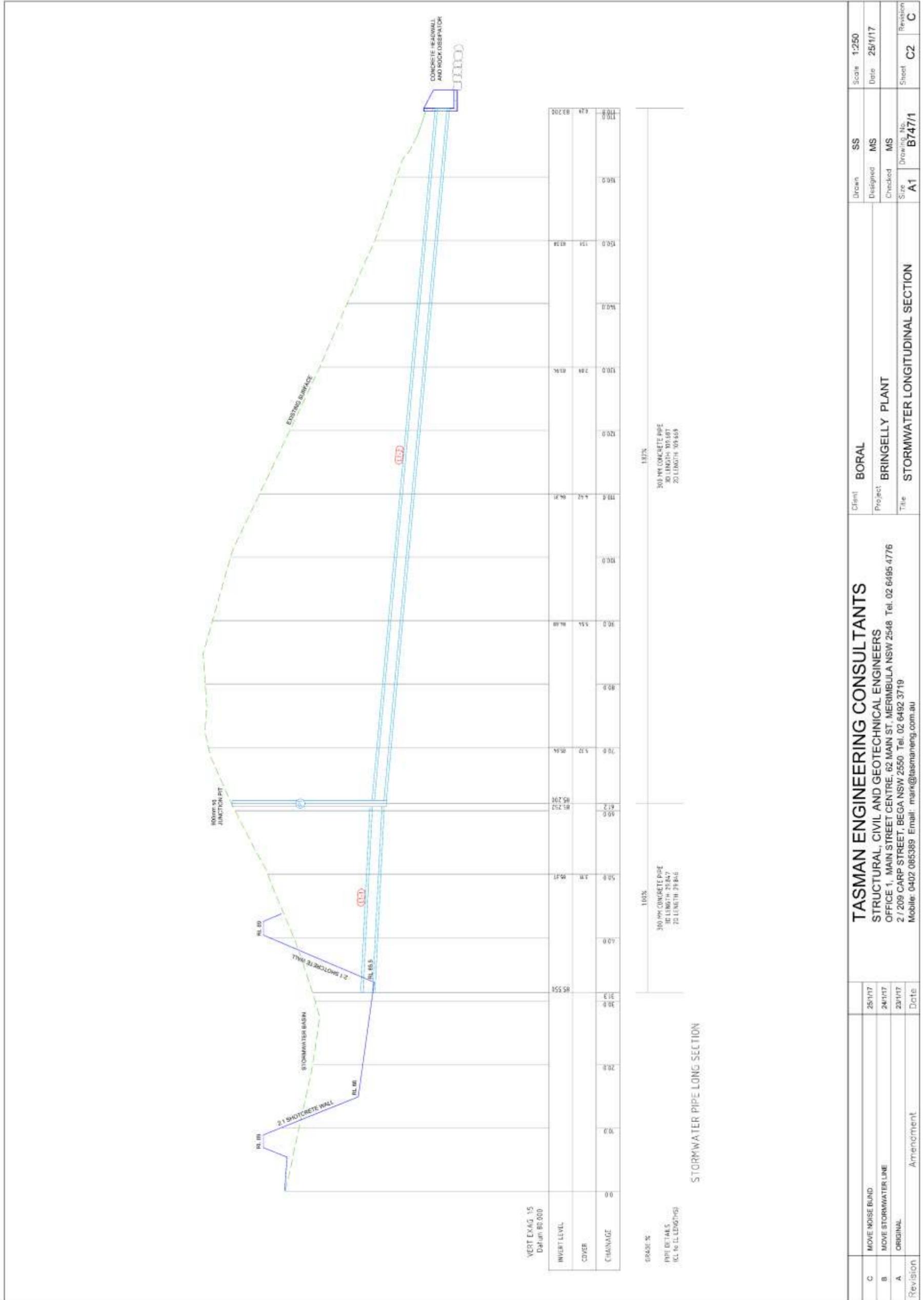
GENERAL NOTES: 1. Do not issue or drawings follow written advice from the Superintendent. 2. Verify all dimensions on the code book. 3. Read in conjunction with the specifications drawings. 4. Read in conjunction with all associated drawings.	REVISIONS B FOR APPROVAL A AMENDMENT	CL 18.03.17 CL 12.07.16 CL	G/D EMM CONSULTING PTY LTD	DESIGNED: G/D DRAWN: EMM DATE: CL	PREPARED FOR: EMM CONSULTING PTY LTD	PREPARED BY: GREENLAND DESIGN 1/100 GARDEN ROAD, SYDNEY NSW 1585 PH: 02 9450 1444 FAX: 02 9450 1448 E: gdesign@andreasengreen.com.au	PROJECT: BRINGELLY CONCRETE BATCHING PLANT	DRAWING TITLE: Landscape Details & Specification	DATE: MARCH 2017
									SCALE: various FULL SIZE: A1 DRAWING NO: 1422.GD.02



Proposed intersection - horizontal sight lines

Bringelly Concrete Batching Plant





Client	BORAL	Scale	1:250
Project	BRINGELLY PLANT	Drawn	SS
Title	STORMWATER LONGITUDINAL SECTION	Designed	MS
Revision		Checked	MS
		Size	A1
		Drawing No.	B747/1
		Sheet	C2
		Date	25/1/17
		Revision	C

TASMAN ENGINEERING CONSULTANTS
 STRUCTURAL, CIVIL AND GEOTECHNICAL ENGINEERS
 OFFICE 1, MAIN STREET CENTRE, 62 MAIN ST, MERIMBULA NSW 2548 Tel. 02 6495 4776
 2 / 209 CARP STREET, BEGA NSW 2550 Tel. 02 6492 3719
 Mobile: 0402 085389 Email: mark@tasmaneng.com.au



ORDINARY COUNCIL

ORD05

SUBJECT: CONSTRUCTION AND OPERATION OF A MOBILE CONCRETE BATCHING PLANT AND ASSOCIATED SITE WORKS - 60 GREENDALE ROAD, BRINGELLY
FROM: Director Planning & Environmental Services
TRIM #: 17/92192

APPLICATION NO: 578/2016
PROPERTY ADDRESS: 60 Greendale Road, Bringelly
APPLICANT: Boral Resources (NSW) Pty Ltd
OWNER: Boral CSR Bricks Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly.

The DA is referred to Council for determination as there remain unresolved issues contained in 14 submissions received from 13 property addresses in objection to the DA and a variation to the height control in the Camden LEP.

SUMMARY OF RECOMMENDATION

That Council determine DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 578/2016 seeks approval for the construction and operation of a mobile concrete batching plant and associated site works.

Specifically the proposed development involves:

- Construction and operation of a mobile concrete batching plant with a production capacity of up to 125,000 tonnes of concrete per annum;
- Removal of 46 trees and their replacement with 46 new trees;
- Erection of business identification signage;
- Construction of a new access from Greendale Road including turning lanes;
- Construction of three storage silos (21m high);
- Construction of a control room, amenities building, workshop, lunchroom and toilet;
- Construction of a four metre high acoustic mound/wall;
- Construction of a 24 space car park and separate truck parking;

This is the report submitted to the Ordinary Council held on 23 May 2017

Page 1



- Operation of four hoppers, one enclosed agitator load bay, two enclosed slump stands, four open aggregate stockpiles, one electricity generator, and one front-end loader;
- Installation of one concrete admixtures container, two water management pits, water tanks and a sediment pit;
- Provision of services, drainage and associated site works;
- Concrete production using standard agitator trucks (up to 86 loads of concrete per day); and
- Material deliveries (up to 20 loads of aggregate per day and up to seven loads of cement powder per day).

Hours of operation / staff

- 7:00 am to 10:00pm Monday to Saturday;
- 8:00am to 10:00pm Sundays and public holidays;
- No raw material deliveries after 6:00pm; and
- 13 full time staff (three plant staff and 10 drivers).

The cost of work for the development is \$1,155,000.

The applicant advises that the development will service the upgrade of Bringelly Road and other future road and infrastructure projects in the local and regional area.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development tab, then click on 'Check/Find a Development Application Online'.

THE SITE

The site is known as 60 Greendale Road, Bringelly and is legally described as Lot 100 DP 1203966.

The site area is approximately 104 hectares and has a 1km road frontage to Greendale Road. The proposed development is located towards the western side of the site with a development area of approximately 1.7 hectares.

The development area is elevated above the road level and comprises scattered vegetation. A watercourse (Bardwell Gully) is located to the east and an electricity easement (owned by Endeavour Energy) is located to the south. The proposed development area is currently used for stock agistment and grazing.

An extractive industry is also located on the site known as the Boral CSR Bringelly Brickworks (now trading as PGH Bricks), which undertakes extraction activities and manufactures bricks.

Land on the northern side of Greendale Road is within the Liverpool LGA and is zoned RU4 Primary Production Small Lots subject to the Liverpool Local Environmental Plan (LEP) 2008. This zone permits primary industry production with some residential land uses.

The subject site is zoned RU1 Primary Production subject to the Camden Local Environment Plan (LEP), which permits similar land uses. The surrounding character is largely rural in nature.



The site is located within the South West Growth Centre.

The nearest residential dwelling being 31 Greendale Road, Bringelly is approximately 120m north of the development on the northern side of Greendale Road. Bringelly Reserve is approximately 900m to the northeast and is adjacent to the Bringelly Community Centre.



An additional aerial image identifying surrounding sensitive land uses is provided as an attachment to this report.

Road Upgrades / Maintenance

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is to be completed by NSW Roads and Maritime Services (RMS) by 2020. The upgrades include the following works in proximity to the project area:

- Realigning The Northern Road approximately 300m east of the existing alignment at the Bringelly Road intersection;
- Widening of The Northern Road and Bringelly Road from two to four lanes with a central median to allow for six lanes in the future; and
- A grade separated interchange at the intersection to Bringelly Road/Greendale Road/The Northern Road.

An insert from the RMS upgrade plan is as an attachment to this report.

KEY DEVELOPMENT STATISTICS

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 3



The development has been assessed against the relevant planning controls and is compliant with the exception of the variations noted below. Below is a summary of the key development statistics associated with the DA, and variations are discussed at the end of the table.

Camden Local Environmental Plan 2010			
Clause	Standard	Proposed	Compliance
4.3 Height of Buildings	Maximum 9.5m.	The three silos will be 21m above natural ground level.	LEP Variation 1
5.9 Trees / Vegetation	Development consent is required for the removal of tree species prescribed by the Camden DCP.	46 trees are proposed to be removed. The tree species being removed include Grey Box and Forest Red Gum. These will be replaced with 46 trees of the same species within the environmentally sensitive land along the street frontage. Council's Vegetation Management Officer supports the application subject to conditions.	Yes

Camden Development Control Plan 2011			
Clause	Standard	Proposed	Compliance
B4 Advertising and Signage	No greater than one 0.7m ² business identification sign is permitted in rural zones.	A 2m ² business identification sign is proposed.	DCP Variation 1
B5.1 Car Parking	For an Industry/Light Industry use, a minimum of one parking space per 70m ² of Gross Floor Area (GFA) is required.	The total GFA is 160m ² ; three parking spaces are required. 24 parking spaces are proposed including an additional dedicated truck parking area.	Yes
D1.1 Rural Accommodations, Dwellings and Outbuildings	A 20m minimum front building setback.	33m to the nearest building.	Yes
	5m minimum	93m to the western side	Yes

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 4



	side and rear building setback.	boundary and 33m to the rear boundary (the lunchroom).	
--	---------------------------------	--	--

ASSESSMENT

Designated Development

Pursuant to Schedule 3 of the NSW *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposed development is classified 'designated development' as the facility will produce more than 30,000 tonnes of concrete per year.

As a result, an Environmental Impact Statement (EIS) is required to support the DA. The EIS was reviewed by Council staff together with the supporting documents and the documentation is considered to be adequate.

The DA was publically exhibited in accordance with the requirements for designated development outlined by the Regulations.

Zoning and Permissibility

Zoning:	RU1 Primary Production
Permissibility:	The proposed development is defined as an 'Industry' by the LEP, which is a prohibited land use in this zone. However the development has established its permissibility under Part 2 Clause 7 (4) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 as it is located within the site of an approved extractive industry being the Boral CSR Bringelly Brickworks. (State Significant Development Application 5684 approved 3 March 2015).

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 33 - Hazardous and Offensive Development</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 55- Remediation of Land</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 64- Advertising and Signage</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Infrastructure) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>Sydney Regional Environmental Plan No 9- Extractive Industry (No 2-1995)</u> - Compliant with</p>
--	--

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 5



	conditions recommended where necessary. <u>Deemed SEPP Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)</u> - Compliant with conditions recommended where necessary. <u>State Environmental Planning Policy (Sydney Region Growth Centres) 2005</u> - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden LEP 2010</u> - Generally compliant with one variation proposed as discussed below.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	<u>Draft Infrastructure State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016</u> - Compliant with conditions recommended where necessary.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> - Generally compliant with one variation proposed as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues and Submissions sections of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Fourteen submissions were received from 13 property addresses, which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

LEP Variation 1 – Maximum building height

LEP Development Standard

Clause 4.3 of the Camden LEP requires the height of a building on the site to not exceed 9.5m.

The three cement storage silos will be 21m above natural ground level.

Variation Request

The applicant has requested a height variation be supported based on the following:

- The height of the silos is required in order to allow dry cement materials to be gravity fed.
- The project area is designated as future industrial/employment lands and is adjacent to the Boral CSR Bringelly Brickworks, which has a 17.5m building height.
- It is considered that maintaining the development standard would have little public benefit, namely elimination of some minor adverse visual impacts.
- The project's public benefits are considered to substantially outweigh the benefit of maintaining the development standard.
- The project is considered to be consistent with the objectives of the height control and the RU1 Primary Production zone.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 6



Council Staff Assessment

The submitted Clause 4.6 variation request to Clause 4.3 (Height of buildings) development standard is supported by Council staff and, there are sufficient environmental planning grounds to vary the standard as outlined below:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site;
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant, which is considered to have public benefit.
- The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works. Further, the development is temporary and the rural lands can be restored once the use ceases.

Based on the above considerations and in the particular circumstances of the case, the proposed variation to the development standard is acceptable.

The development is considered to be in the interests of the public given that the relevant objectives of the building height standard and objectives of RU1 Primary Production zone are met despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

DCP Variation 1 – Signage

DCP Control

The Camden DCP permits one business identification sign within rural zones to a maximum area of 0.7m². One 2m² business identification sign is proposed (1m high x 2m wide).

Variation Request

The applicant has requested the variation be supported based on the following:

- The sign is compatible with the amenity and character of the area.
- The sign is considered in keeping with the future industrial use of the land.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 7



Council Staff Assessment

The proposed variation is supported based on the following:

- The signage will not obstruct key view corridors along Greendale Road.
- The signage does not dominate the streetscape.
- The size is required to ensure legibility for road directional purposes.

Key Issues

Traffic Impacts

A traffic and transport assessment report was submitted with the application. **This report is provided under separate cover.**

The report found that the average daily traffic movement on Greendale Road will increase by 13% to 15% and concludes there will be no detrimental impact on the existing road network for the following reasons:

- The existing road remains suitable and road widening is not required.
- Future truck movements within the site will have a minimal impact on the surrounding road network.
- The number of vehicle movements is restricted based upon the maximum permitted tonnage of concrete production being 125,000 tonnes per annum.

Council's Traffic Engineer has assessed the proposal and raised no objection on traffic grounds, subject to conditions.

As noted above, the RMS is currently upgrading the Greendale/Bringelly/The Northern Road intersection with works expected to be completed by 2020. This work will improve traffic movement within the surrounding road network.

Camden Council's Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, requiring a monetary contribution per tonnage of material transported to and from the site.

Acoustic Impacts

An acoustic report was submitted with the application. **This report is provided under separate cover.**

The acoustic report considered the impacts to the residential properties located on the opposite side of Greendale Road, Bringelly Primary School and the adjoining brickworks site.

The proposed development is consistent with the EPA Industrial Noise Policy.

While the most sensitive noise criteria is not met at one residential property (being the closet residence), the operational noise level is below the 'Recommended Acceptable Noise Level - Rural Residence' and the 'Recommended Maximum Noise Level – Rural Residence' of the policy.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 8



The applicant has offered upgrade works to the closet residence to mitigate potential noise impacts.

Council staff contacted the closest resident to discuss the applicant's proposed upgrade works. The owner has advised that they object to the development and upgrade works do not satisfactorily address their concerns.

Council staff are satisfied that the proposal is acceptable having regard to the Industrial Noise Policy and noting compliance with the Recommended Acceptable Noise Level and Recommended Maximum Noise Level for this type of industrial development.

Conditions are recommended to ensure the hours of operation and the recommendations of the acoustic report are enforced, and that the maximum permitted tonnage of concrete production per annum and offensive noise is not exceeded.

Air Quality

An air quality assessment report was submitted with the application. **(This report is provided under separate cover).**

Existing air quality and meteorological conditions were analysed with respect to the potential increase in air pollutants resulting from the dust / cement materials associated with the proposed development. The emissions are to be controlled by the use of paved roads, sweeping of roads, use of water sprays, cement supplements and mixer additives. The results determined it was unlikely there would be exceedances of the relevant emissions standards.

Conditions have been recommended to enforce the proposed dust mitigation measures, which include:

- Regular sweeping of paved roads;
- Water sprays on all stockpiles;
- Water sprays used during aggregate and sand unloading; and
- Cement loaded pneumatically into silos in an enclosed system.

The DA was referred to the NSW Environment Protection Authority (EPA) given they are the Appropriate Regulatory Authority for the proposed concrete works.

The EPA provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

A copy of the EPA's advice is attached.

Siting of the Development

Future Zoning

Bringelly is located within the South West Growth Centre. The South West Growth Centre Structure Plan (Edition 3) prepared by the Department of Planning and Environment indicates the site will likely be zoned 'Industrial', with industrial land located immediately north, 'transitional land' located to the south, and walkable neighbourhoods' located to the east.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 9



The South West Growth Centre Structure Plan is provided as an attachment to this report.

In the future, the development will likely be sited amongst similar industrial land uses. The subject site is considered an appropriate location for the proposed development given it is co-located with the Boral CSR Bringelly Brickworks site.

Siting within the existing lot

Council officers requested the development be setback as far as possible from Greendale Road to mitigate visual and acoustic impacts.

The applicant has advised that the location of the development has been selected taking into consideration site topography, the location of the watercourse, the preservation of the existing vegetation and an Endeavour Energy easement, which is located across the rear boundary of the development area.

In addition, the applicant notes that the site layout has been designed to maximise the operation's efficiency and functionality and to ensure compliance with relevant site operation criteria.

The proposed siting is considered acceptable noting the constraints of the site. The development exceeds the required 20m setback as prescribed by the DCP and will have no unacceptable impacts on the locality.

Heritage Impacts

The Bringelly Road/Greendale Road corridor is listed as a potential heritage item in the Camden DCP. The majority of the proposed development is less than 5m in height and will be screened on approach along Greendale Road via the proposed earth mound and acoustic fence together with the existing and proposed vegetation. The acoustic fence will be painted a natural colour to ensure it blends into its setting. The development is not considered to adversely impact the potential heritage item.

The site is not within a Heritage Conservation Area nor is it located within proximity to any local or state heritage items. Council's Heritage Officer contacted Liverpool City Council to determine whether any heritage items/conservation areas exist in proximity to the proposed development. The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given there is a separation distance of 1.2km, there will be no heritage impacts.

Flora and Fauna Impacts

Environmentally sensitive land is located along the Greendale Road frontage of the development area, comprising Cumberland Plain Woodland (CPW). Forty seven new trees (Forest Red Gum and Grey Box) are proposed within the environmentally sensitive land along the street frontage. The additional planting will embellish the environmentally sensitive land and provide an improved landscape outcome.

Submissions

The DA was publically advertised in accordance with the requirements for designated development pursuant to the *Environmental Planning and Assessment Regulation 2000*. The DA was advertised for 30 days with the exhibition periods being 29 June 2016 to 28 July 2016 and 25 January 2017 to 23 February 2017.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 10



Fourteen submissions were received from 14 property addresses objecting to the proposed development. Five submissions were received from addresses within the Camden LGA and eight submissions were received from addresses within the Liverpool LGA. The address of one submission could not be identified.

One submission was received from Liverpool City Council, however the concerns raised were addressed and the submission was withdrawn.

The following discussion addresses the issues and concerns raised in the remaining submissions.

1. *Excessive plant operation hours. Suggested hours: 7.00am to 5.00pm Monday to Friday.*

Officer Comment:

The proposed hours of operation are 7.00 am to 10.00pm Monday to Saturday and 8.00am to 10.00pm Sundays and public holidays.

The applicant has advised the proposed hours of operation are required to ensure economic viability of the development.

The proposed development will not operate during sensitive residential hours being before 7.00am or after 10.00pm. Further, the noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy.

Noting the above, the proposed hours of operation are considered acceptable.

2. *Built form incompatible with existing rural landscape.*

Officer Comment:

The built form is comparable to the existing extractive industry on the site (Boral CSR Bringelly Brickworks), which has a stack height of 17.5m.

Impacts on the existing character are reduced through setbacks greater than required by the Camden DCP, neutral and recessive colours and materials and landscape screening.

3. *Poor state of roads to be worsened by proposed development. Traffic report states B-Doubles approved to the current Boral CSR Bringelly Brickworks entrance and this is to be extended.*

Officer Comment:

A B-Double vehicle access route currently ends at the site entrance to the brickworks. The applicant can apply to the National Heavy Vehicle Regulator, Camden Council and Liverpool City Councils to extend the existing B-Double vehicle access route as part of a separate process after the DA is determined.

The applicant has advised that the proposed development can rely on semi-trailers. A condition is recommended that restricts access to the site to vehicles no greater than 19m in length (semi-trailer) unless otherwise approved by the appropriate authorities.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 11



Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, which will require a monetary contribution per tonnage of material transported to and from the site.

4. *80km/hr speed limit near proposed site entrance likely to result in accidents.*

Officer Comment:

The proposed entrance complies with the required sight lines. The construction of the entrance will be conditioned to comply with relevant Australian Standards. Subject to these conditions, the proposed entrance is considered satisfactory.

5. *Safety concerns for the existing school during peak pick-up and drop-off times. Concerns for trucks turning left onto The Northern Road that currently occupy the adjacent lane to make the turn. Traffic light timing at the intersection is not sufficient to allow trucks to turn.*

Officer Comment:

The proposed development has been assessed and is not considered to result in increased safety concerns during peak school drop off and pick up times.

The turning paths at the Greendale/Bringelly/The Northern Road intersection are considered adequate.

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is scheduled for completion by the NSW Roads and Maritime Services (RMS) by 2020. This work will improve traffic movement within the surrounding network.

6. *The traffic report did not take account future traffic on Greendale Road from recently approved cemeteries at 41 Greendale Road, Bringelly, 321 Greendale Road, Greendale, and the crematorium at 992 Greendale Road, Greendale, and the Vietnamese St Joseph Convention Centre at Tyson Road, Bringelly, or the increased production of the Boral CSR Bringelly Brickworks, or the new airport. Also potential for water delivery trucks should other water sources not be available.*

Officer Comment:

The traffic report concludes there is sufficient capacity in the current road network to accommodate the proposed development.

This is discussed in more detail within the 'Key Issues' section of the report.

7. *Generation of dust, which will exacerbate health problems and affect quality of tank water supply to surrounding dwellings. A dust report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out.*

Officer Comment:

An air quality assessment, which concluded the development will not exceed NSW Environment Protection Authority criteria, was submitted with the DA. Council's

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 12



Environmental Health Officer has reviewed the report and raised no objection, subject to conditions.

This is discussed in more detail within the 'Key Issues' section of the report.

8. *Vehicle emissions will affect health.*

Officer Comment:

The proposed development is not considered to give rise to increased health impacts as a result of the additional vehicle movements.

9. *Generation of noise. An acoustic report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out. Noise generation from the electricity generator also of concern. Noise concerns for 33 Greendale Road, Bringelly and the existing school due to passing trucks.*

Officer Comment:

An acoustic assessment was submitted with the DA that assessed the operations of the proposed development, including the generator and other operational facilities within the immediate locality.

The noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy at 33 Greendale Road.

This is discussed in more detail within the 'Key Issues' section of the report.

10. *Water supply is ambiguous. No certainty of water supply for dust suppressions and for bush fire protection.*

Officer Comment:

Water supply will be provided by the first flush pit, which will collect natural water runoff from the site. The sedimentation basin is also available for water supply. Water can also be sourced from the Boral CSR Bringelly Brickworks water management dam.

11. *Watercourses are said to have no name; however on a report map Bardwell Gully is marked.*

Officer Comment:

Council staff have assessed the likely impacts on the existing watercourse to the east, identified as Bardwell Gully, and consider there will be no detrimental impacts to the watercourse or water quality.

The NSW Department of Primary Industries – Water (DPI – Water) raised no concern with the proposed works.

12. *Proposed water flow under the road to 33 Greendale Road might impede placement of a future dwelling on this property. The change in natural surface flow is likely to increase flooding of the existing driveway.*

Officer Comment:

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 13



There will be no increased water flow from the site as a result of the development.

A stormwater detention pit is proposed to ensure the post development flow from the site meets pre-development flows in accordance with Council's Engineering Specifications.

13. Impacts to native flora and fauna.

Officer Comment:

A biodiversity assessment was submitted with the application, which concludes there will be no significant impact on the threatened biodiversity recorded or predicted to occur within the project area.

This is discussed in more detail within the 'Key Issues' section of the report.

14. Proximity to heritage properties.

Officer Comment:

The site is not within a Heritage Conservation Area or within proximity to any local or state heritage items.

The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given the distance to the school from the development (1.2km), there will be no heritage impacts.

This is discussed in more detail within the 'Key Issues' section of the report.

15. Impacts on a potential future heritage listed property at 33 Greendale Road (not currently heritage listed).

Officer Comment:

According to the Liverpool City Council LEP, 33 Greendale Road is not identified as a local heritage item nor is it within a heritage conservation area.

The proposed development is not expected to have a significant impact upon any future local heritage status of the dwelling given visual impacts will be reduced through the proposed earth mound and acoustic fence and existing and proposed vegetation screening.

16. Inconsistent with the RU1 zone and surrounding RU4 zone.

Officer Comment:

A concrete batching plant is permissible under the Mining, Petroleum Production and Extractive Industries SEPP. Concrete works may be carried out on land that is subject to an already existing, approved extractive industry.

The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works. Further, the development is temporary and the rural lands can be restored once the use ceases.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 14



17. *Liverpool City Council requires a 50m setback to Greendale Road. The proposed development should have at least the same setback as the existing Boral CSR Bringelly Brickworks (approximately 250m).*

Officer Comment:

The Camden DCP requires a 20m front boundary setback. The majority of the development is set back greater than 40m, which includes the three cement silos.

The front boundary setback cannot be increased given an existing Endeavour Energy easement straddles the rear boundary of the development area.

This is discussed in more detail within the 'Key Issues' section of the report.

18. *Life expectancy of the development has not been specified.*

Officer Comment:

The applicant has indicated this is a temporary batching plant however an end date cannot be provided at this point as it is being constructed to service the development of the south west growth areas.

Noting the site is located within the South West Growth Centre and is identified for future industrial land, the operation of the plant is not considered to result in future land use conflicts.

19. *Evacuation plan for the site not specified.*

Officer Comment:

The applicant has advised the proposed development will operate in accordance with all SafeWork NSW health and safety regulations.

20. *The vegetation screening is insufficient. Landscape screening will likely perish and will not become established quickly enough to provide screening.*

Officer Comment:

The proposed vegetation screening has been assessed by Council staff and is considered the most appropriate species for inclusion with the existing environmentally sensitive area (Forest Red Gum and Grey Box). A condition is recommended requiring a 12 month maintenance and establishment period.

While the trees are being established, the existing vegetation along with the proposed setbacks, and earth mound/acoustic fence are considered sufficient to limit visual impacts.

21. *Concerns with the number of signs.*

Officer Comment:

The number of signs proposed has been reduced from 11 to one business identification sign. The one sign is considered acceptable and reasonable for site identification purposes.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 15



22. *The proposed development may dictate what adjacent properties will be zoned into the future as part of the future growth centre precinct. An industrial zone is not desirable.*

Officer Comment:

Any future rezoning of the land will be carried out by the Department of Planning and Environment, which will undertake community consultation to inform the rezoning.

23. *The existing Boral CSR Bringelly Brickworks will have no need for the proposed development.*

Officer Comment:

The existing Boral CSR Bringelly Brickworks will operate independently of the proposed development.

24. *Boral may make applications for future plants adjacent to the subject site.*

Officer Comment:

Depending on the viability of any future proposal, any use that is permitted via the Camden LEP or SEPP may be considered on the site and will be assessed on merit.

25. *Loss of property values.*

Officer Comment:

The value of surrounding properties is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

In accordance with the Planning for Bushfire Protection (2006), any DA that does not comply with the local LEP must be referred to the RFS.

The DA was referred to the RFS and a response was received with the General Terms of Approval (GTA) of the RFS. A condition is recommended to ensure compliance with the GTAs, which will be provided as an attachment to the development consent.

Office of Environment and Heritage (OEH)

The DA was referred to the OEH as Integrated Development in that it requires the grant of an Aboriginal heritage impact permit pursuant to the *National Parks and Wildlife Act 1974* given known Aboriginal artefacts are located within proximity to the proposed development on the subject site.

A response was received from OEH containing its GTAs, which require an application be submitted to OEH for an Aboriginal Heritage Impact Permit should any artefacts be required to be removed. A condition is recommended to ensure compliance with the OEH GTAs, which will be provided as an attachment to any development consent issued.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 16



Department of Primary Industries – Water (DPI – Water)

The DA was referred to the DPI – Water. A response was received from the DPI – Water advising that, for the purpose of the *Water Management Act 2000*, a controlled activity approval is not required and no further assessment by the DPI - Water is necessary.

NSW Roads and Maritime Services (RMS)

The DA was referred to the RMS as the applicant requested that the speed limit be reduced from 80kmh to 60kmh along Greendale Road. The RMS advised a speed limit reduction would not be supported.

Noting the above, the applicant undertook a sight distance assessment for an 80kmh speed limit in accordance with the Austroad Guidelines. The assessment showed that the proposed site access will comply with the required sight lines for vehicles entering and exiting the site.

Council's Traffic Engineers have reviewed the sight distance assessment submitted by the applicant and advised that the proposed access is adequate and acceptable.

Endeavour Energy

The DA was referred to Endeavour Energy given various easements exist across the site benefiting Endeavour Energy.

A response was received from Endeavour Energy, noting the southern boundary of the project area is within close proximity to an easement. Endeavour Energy provided a list of conditions, which are recommended for inclusion as part of the development consent, to ensure protection of the easement.

NSW Environment Protection Authority (EPA)

The DA was referred to the EPA. The EPA has confirmed it will be the Appropriate Regulatory Authority for the development under the *Protection of the Environment Operations Act 1997*.

The EPA has provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

Department of Trade and Investment (DTI)

The DA was referred to the DTI for general comment as to the likely impacts the proposed development might have upon trade and investment within the wider community. The DTI raised no objection to the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental*

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 17



Planning and Assessment Act 1979 and all relevant instruments, plans and policies. Accordingly, DA 578/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

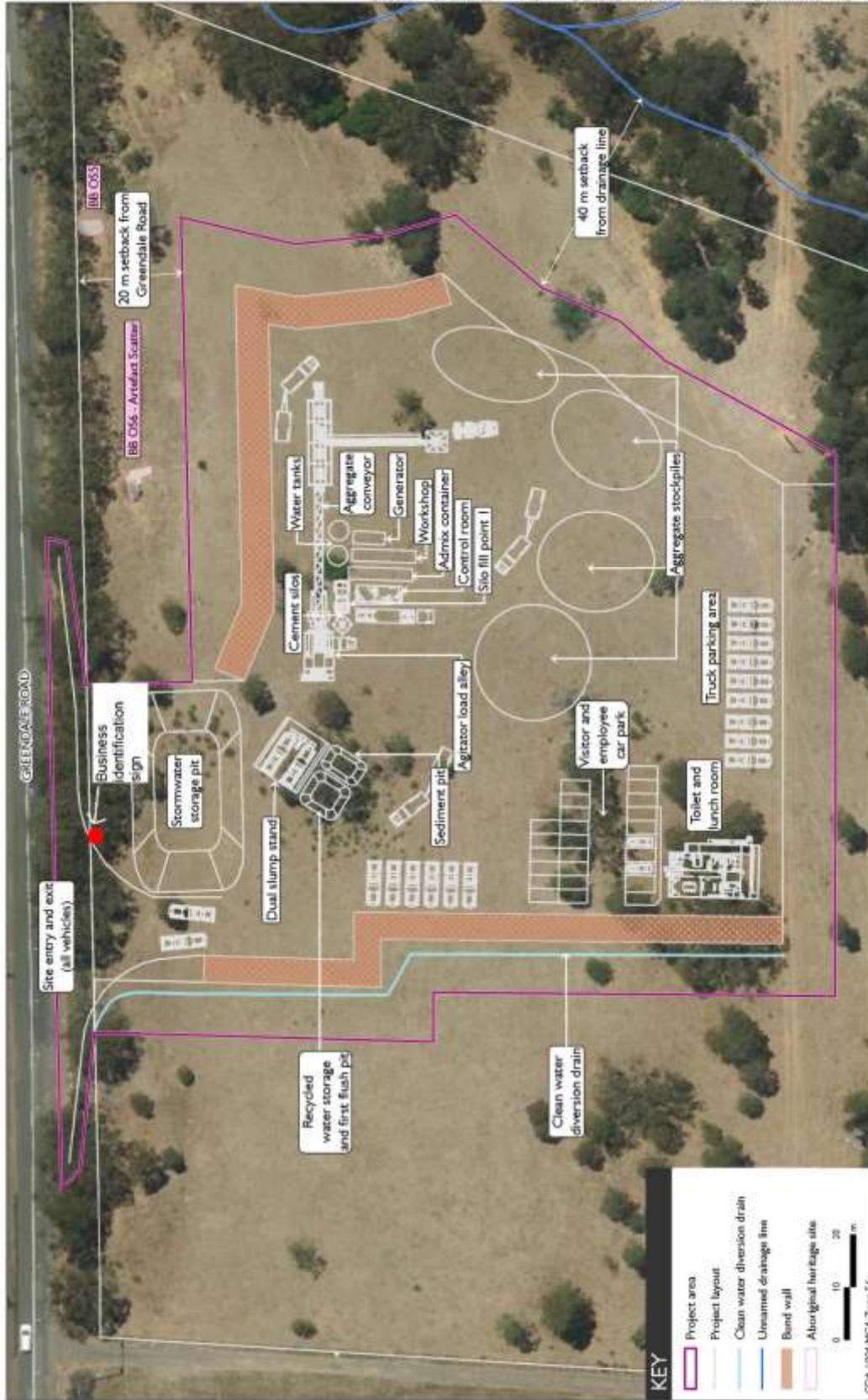
That Council:

- i. **supports the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 60 Greendale Road, Bringelly for the following reasons:**
 - a) **the height of the silos is critical for operation of the mobile concrete batching plant which is considered to be of public benefit.**
 - b) **The silos are setback 46m from Greendale Road and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.**
 - c) **The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.**
 - d) **The height breach does not result in any adverse amenity impacts on surrounding development.**
 - e) **The objectives of the control and zone are considered to have been met despite the numerical non-compliance.**
- ii. **approve DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly, subject to the recommended conditions.**

ATTACHMENTS

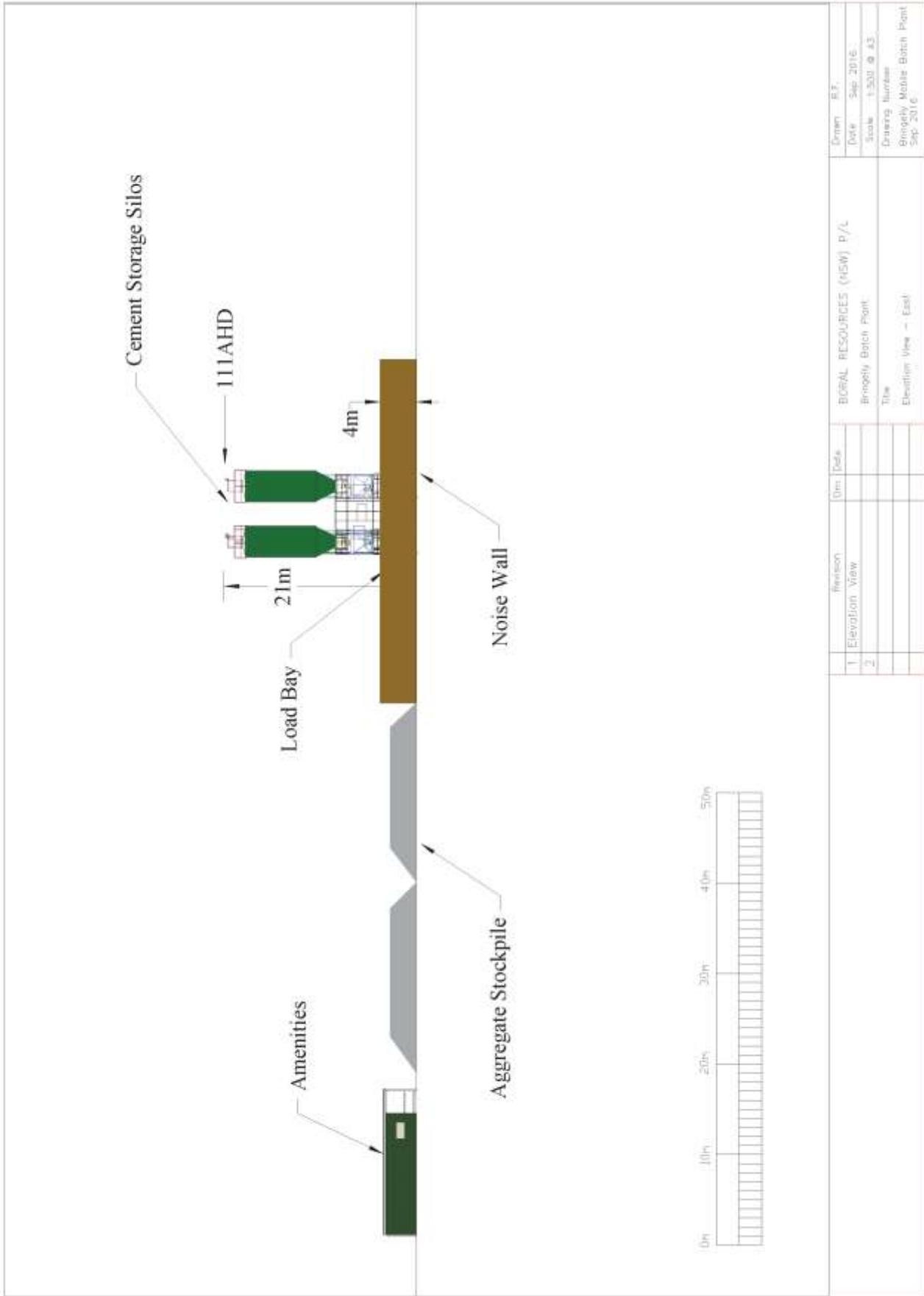
1. Recommended Conditions
2. Proposed Plans
3. Structure Plan
4. Surrounding Land Uses Map
5. RMS Road Upgrade Map
6. Endeavour Energy response and conditions
7. EPA Response and conditions
8. Office of Environment & Heritage response and conditions
9. NSW RFS response and conditions
10. Public Exhibition and Submissions Map - *Supporting Document*
11. Submissions - *Supporting Document*

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 18



Proposed site layout
Bringelly Concrete Batching Plant
Environmental Impact Statement
Figure 3.1

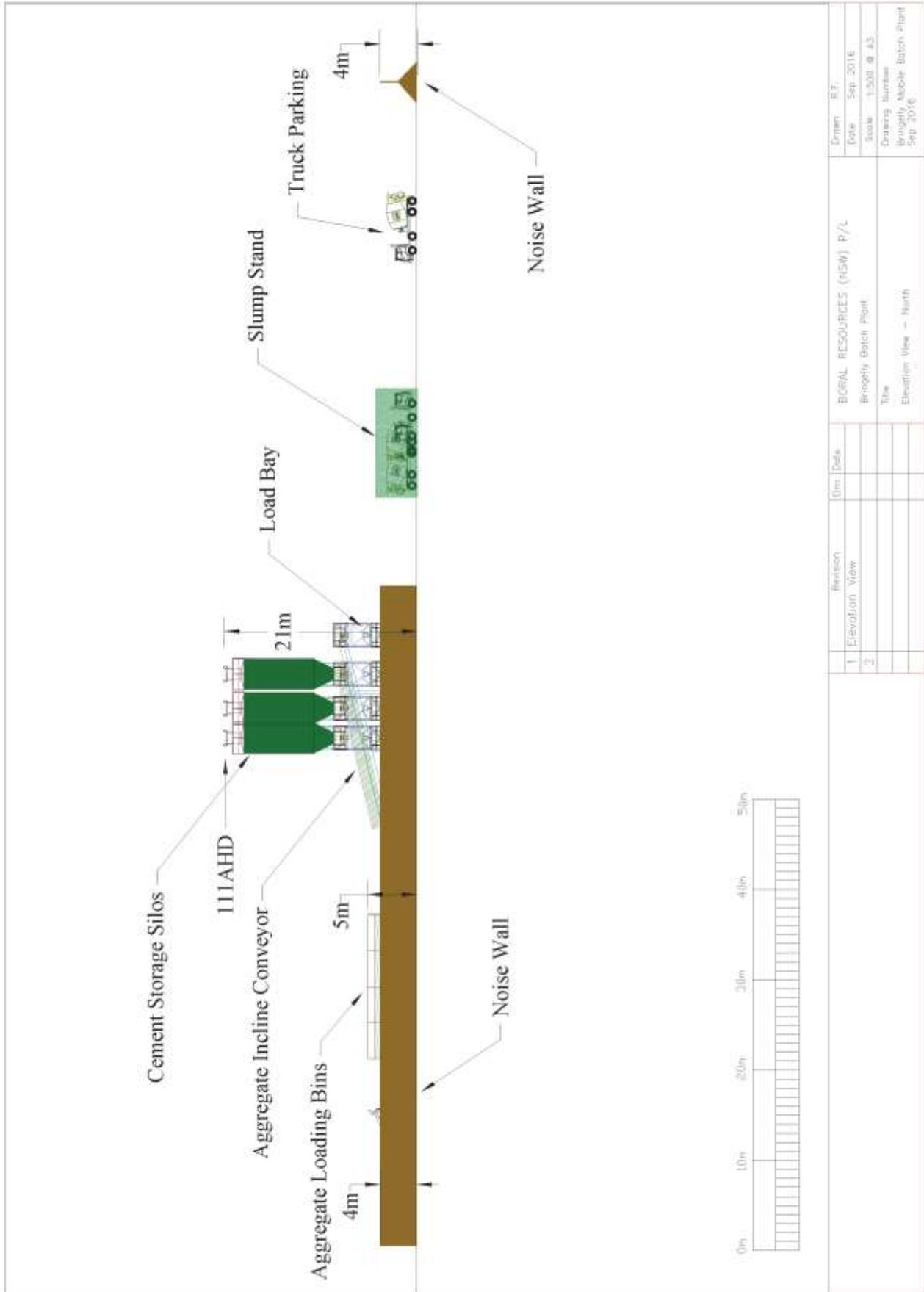


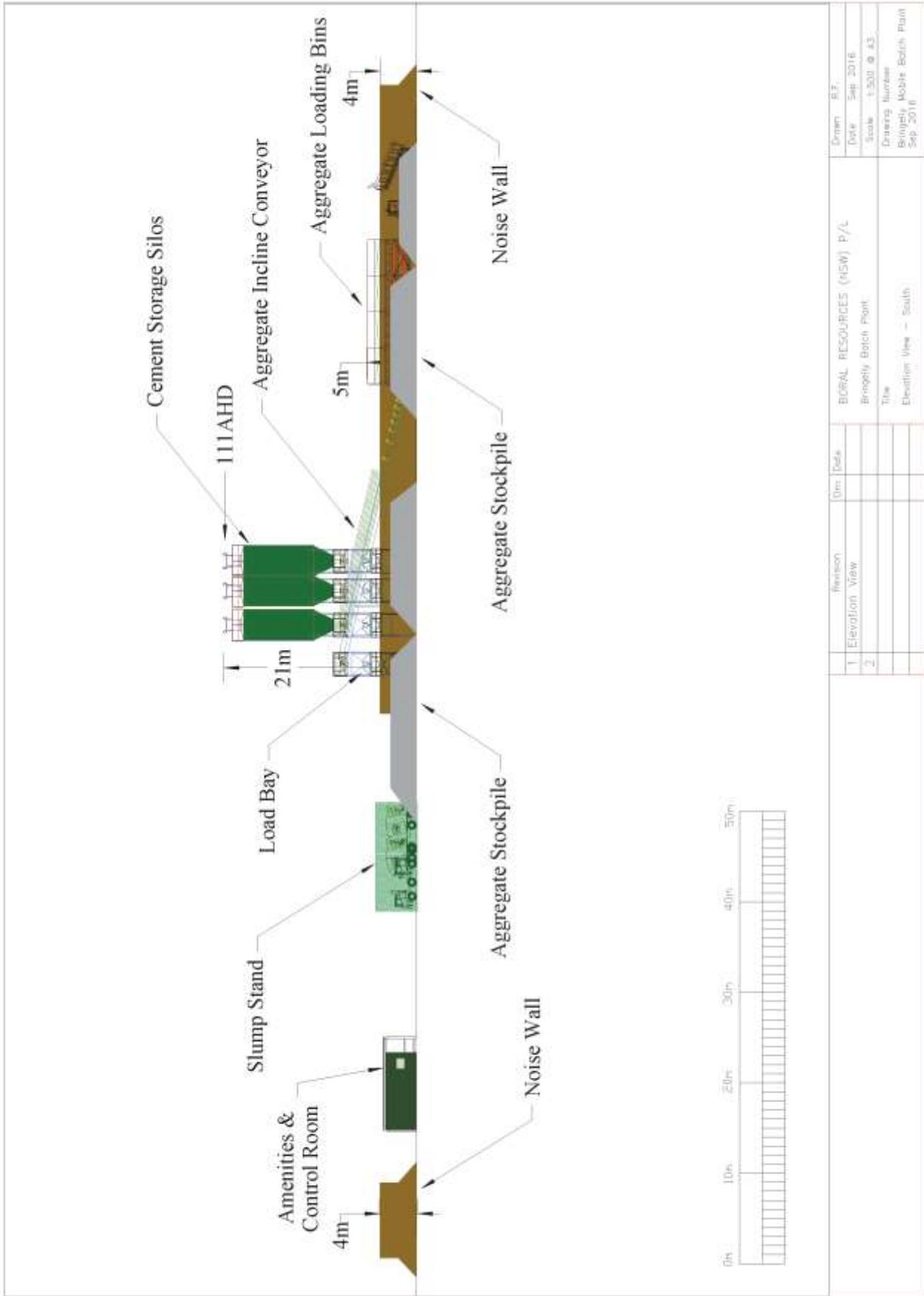


ORD01

Attachment 3

Attachment 3 **ORD01**

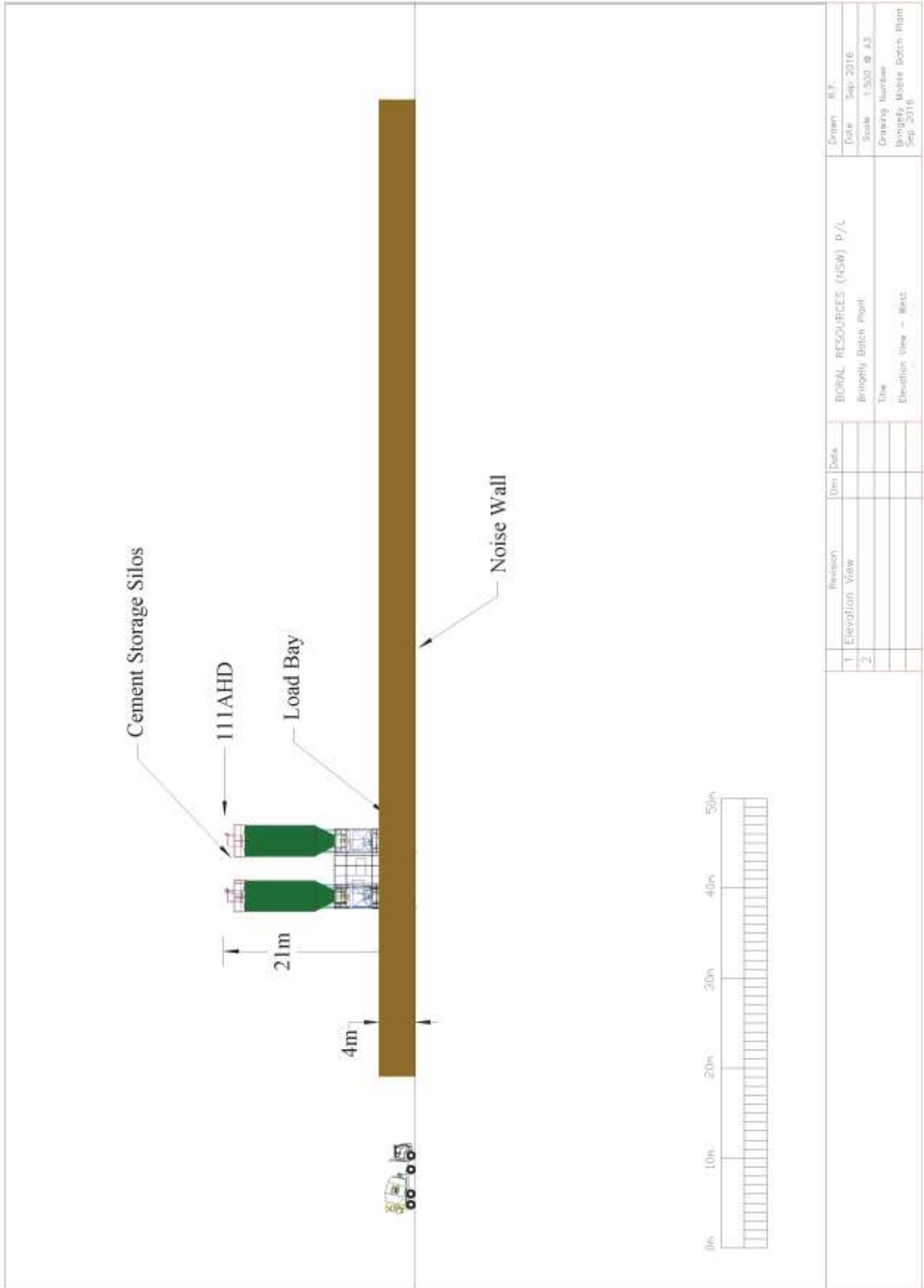




Revision	Date	Drawn	R.F.
1. Elevation View			
2.			

BORAL RESOURCES (HSW) P/L	Date	Date	Date
Broughly Batch Plant		Sep 2016	Sep 2016
		Scale 1:500 @ A3	
		Drawing Number	
		Bringley Mobile Batch Plant	
		Sep 2016	

Title	Elevation View - South



Bringelly Concrete Batching Plant
Signage Plan





LEGEND		
KEY	DESCRIPTION	HEIGHT QTY
WT	3050 x 1180w ALUMINIUM SLIDING WINDOW	1300 AFL 4
W2	9020 x 1180w ALUMINIUM SLIDING WINDOW	1300 AFL 3
W3	8020 x 1820w ALUMINIUM SLIDING WINDOW	1300 AFL 2
DI	870w x 2040w METAL CLAD EXTERNAL DOOR	PFL 6
DI	870w x 2040w TIMBER INTERNAL DOOR	PFL 3
DI	820w x 2040w INT-TIMBER DOOR W/RYANIC BARR & VIEWING PANEL	PFL 1
ELECTRICAL		
MK	ELECTRICAL FIXTURES	HEIGHT QTY
K/A	DOUBLE GPO - 15AMP	400 AFL 17
K/B	DOUBLE GPO - 15AMP	1300 AFL 2
K/C	DOUBLE GPO - 15AMP	1300 AFL 2
K/D	SINGLE GPO - 15AMP	400 AFL 1
K/E	DOUBLE GPO - 15AMP	1300 AFL 1
	EXTERNAL RELAY	300 AFL 5
	DOUBLE DATA & SINGLE PHONE POINT	400 AFL 7
	2 X 36 W FLUORESCENT LIGHT DIFF	CFL 14
	3 X 18 W FLUORESCENT LIGHT DIFF	CFL 1
	2 X 36 W EXTERNAL FLUORESCENT LIGHT	2200 5
	ELECTRICAL DISTRIBUTION BOARD	1700 AFL 1
	ELECTRICAL SUPPLY POINT OF ENTRY	1300 AFL 1
	LIGHT SWITCH	1300 AFL 6
	LIGHT SWITCH FOR DISABLED	1300 AFL 1
	EXHAUST FAN	1300 AFL 2
	PAPER TOWEL DISPENSER	1300 2
	HOT WATER SYSTEM T20L	PFL 1
	BP/RO MIN BOLLER	1300 1
	EXIT LIGHT	2000 4
	SMOKE DETECTOR	CFL 2
	7.6KW REVERSE CYCLE SPLIT SYSTEM AC	2000 AFL 1
	3.6KW REVERSE CYCLE SPLIT SYSTEM AC	2000 AFL 4
	AC COND. AC CONDENSER	N/A 3

CLIENT APPROVAL		CLIENT: BORAL CONCRETE PLANT		DATE: 20.10.16		PROJECT: 12.0 x 9.6m MULTI-PURPOSE BUILDING	
SIGNATURE: _____ NAME: _____ DATE: _____		DRAWING NUMBER: MS-102112-100		DRAWING BY: _____		BUILDING NUMBER: _____	
MBS modular building solutions		SCALE: 1:100		COURT/STATION NUMBER: 10012		REV: 5 SHEET 03	
31 STURT STREET, SMITHFIELD NSW 2164 TEL: 1800 217 131 FAX: (02) 8718 2599 www.modularbuilding.com.au		No. DESCRIPTION DATE		1 FOR APPROVAL 28/10/16		2 FOR APPROVAL 29/10/16	
		3 FOR APPROVAL 28/10/16		4 REVISED BY CHANGE SUBMITTING 28/10/16		5 REVISED BY CHANGE SUBMITTING 28/10/16	
		6 REVISED BY CHANGE SUBMITTING 28/10/16		7 REVISED BY CHANGE SUBMITTING 28/10/16		8 REVISED BY CHANGE SUBMITTING 28/10/16	
		9 REVISED BY CHANGE SUBMITTING 28/10/16		10 REVISED BY CHANGE SUBMITTING 28/10/16		11 REVISED BY CHANGE SUBMITTING 28/10/16	

FOR APPROVAL ONLY

DATE:	03.02.2017	TITLE:	ELEVATIONS (1)
DRAWN BY:	AL	CHECKED BY:	MS-102112-110
SCALE:	1:75	QUANTIFICATION NUMBER:	10/12
PROJECT:			12.0 x 9.6m MULTI-PURPOSE BUILDING
DRAWING NUMBER:			MS-102112-110
BUILDING NUMBER:			***
REV:			1
			SHEET (A)

CLIENT:
BORAL
CONCRETE PLANT

REGISTERED ARCHITECTS AND ENGINEERS STATE BOARD
REG. NO. 102112-110
REGISTERED ARCHITECTS AND ENGINEERS STATE BOARD
REG. NO. 102112-110

No.	DESCRIPTION	DATE
1	FOR APPROVAL	

CLIENT APPROVAL

SIGNATURE: _____
NAME: _____
DATE: _____

146 GILBA ROAD
GIRRAWEEEN
2145
TEL: 9636 4445
FAX: 9636 4454

EAST ELEVATION
Scale 1:75

WEST ELEVATION
Scale 1:75

FOR APPROVAL ONLY

CLIENT: BORAL CONCRETE PLANT	DATE: 02/02/2017	TITLE: ELEVATIONS (2)	PROJECT: 12.0 x 9.6m MULTI-PURPOSE BUILDING
	DESIGNED BY: [Blank]	DRAWING NUMBER: MS-102112-111	BUILDING NUMBER: ---
	CHECKED BY: [Blank]	QUOTATION NUMBER: ---	REV. 1: ---
	SCALE: 1:75		SHEET 43

No.	DESCRIPTION	DATE
1	FOR APPROVAL	

CLIENT APPROVAL

 NAME
 DATE

146 GILBA ROAD
 GIRRAWEEN
 2145
 TEL: 9636 4445
 FAX: 9636 4454



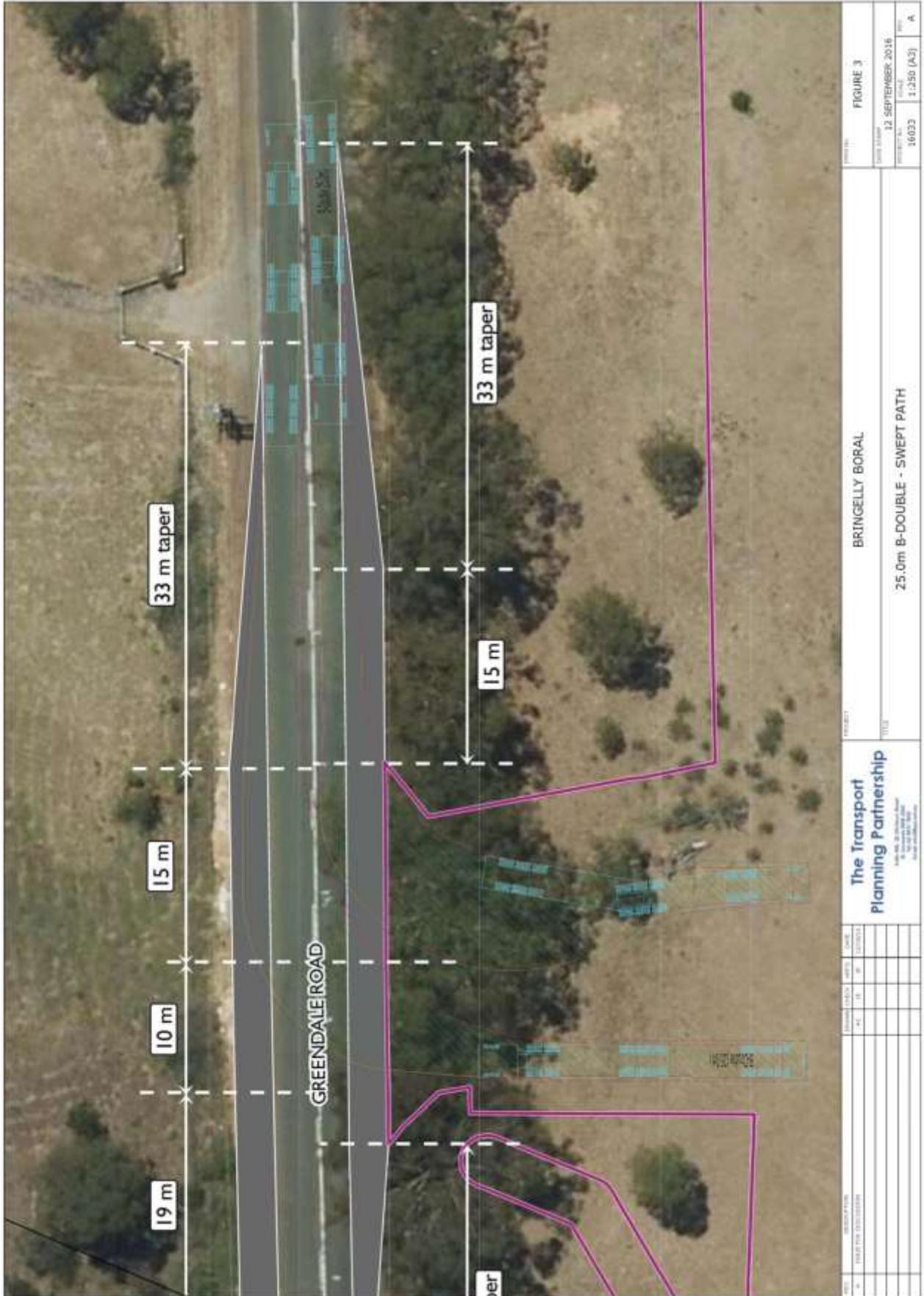


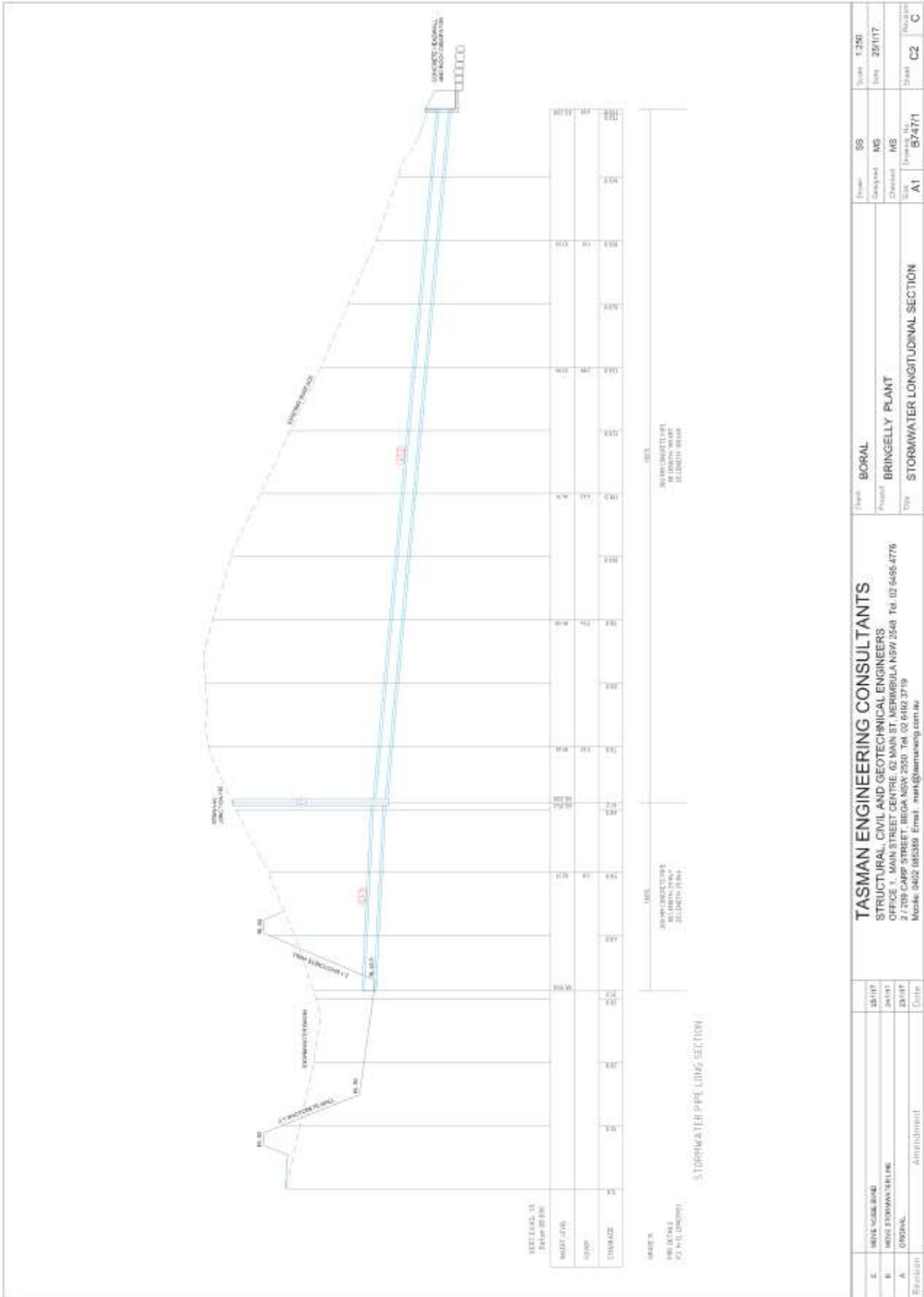
Proposed intersection - horizontal sight lines

Bringelly Concrete Batching Plant

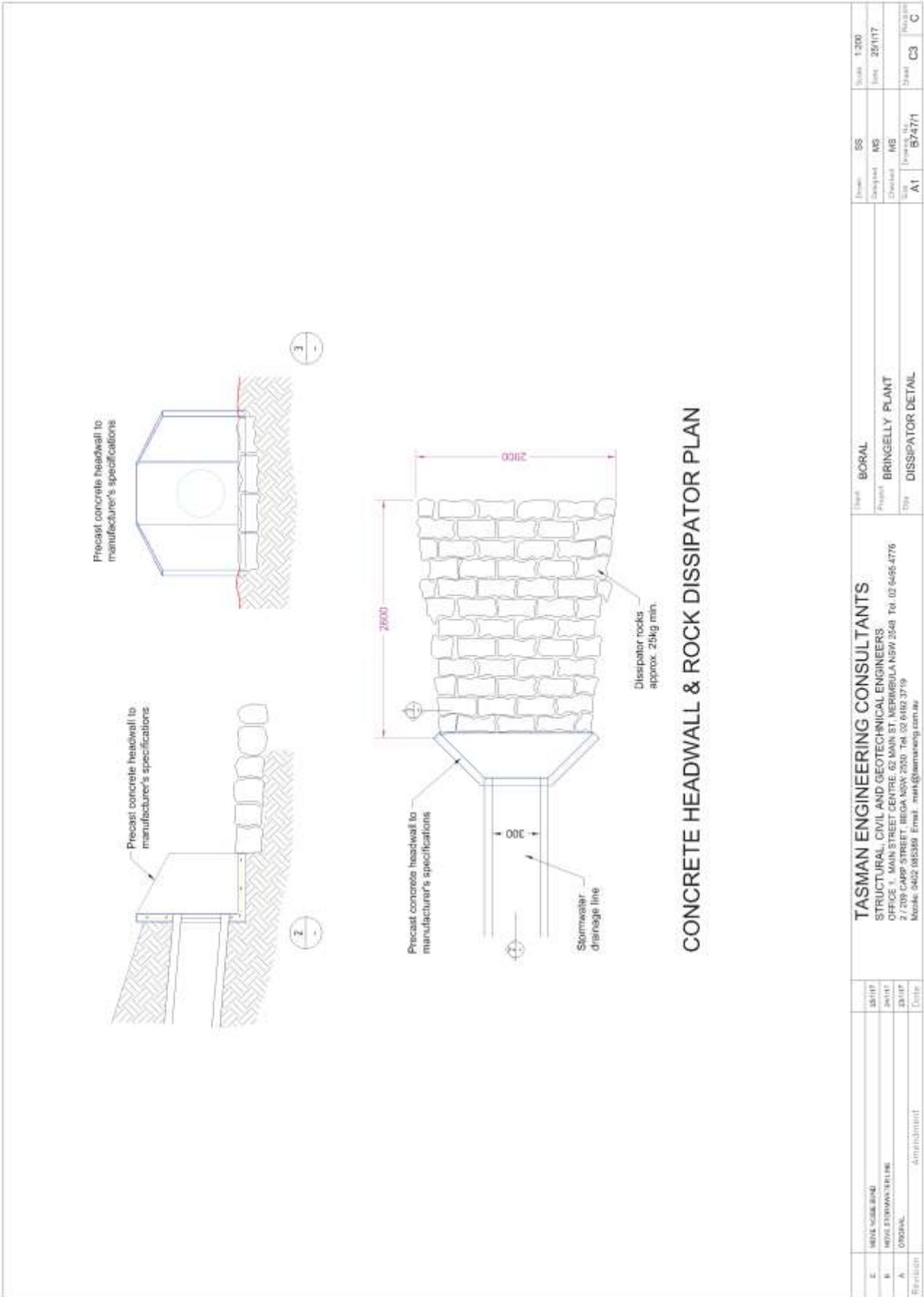


Attachment 3
ORD01





<p>TASMAN ENGINEERING CONSULTANTS STRUCTURAL, CIVIL AND GEOTECHNICAL ENGINEERS OFFICE 1, MAIN STREET CENTRE, 62 MAIN ST, MERRIBULA NSW 2348 TEL: 02 5455 4776 2 / 209 CAPP STREET, BEGA NSW 2550 TEL: 02 6402 3719 Mobile: 0402 083360 Email: mark@tasmaneng.com.au</p>	<p>Client: BORAL Project: BRINGSELLY PLANT Title: STORMWATER LONGITUDINAL SECTION</p>	<p>Drawn: SS Checked: MS Scale: A1 Date: 25/11/17</p>	<p>Sheet: 1 of 2 Date: 25/11/17</p>
<p>REVISE</p> <p>NO. DATE BY DESCRIPTION</p>	<p>DATE</p>	<p>BY</p>	<p>DESCRIPTION</p>
<p>1</p>	<p>25/11/17</p>	<p>SS</p>	<p>ISSUE FOR PERMIT</p>
<p>2</p>	<p>25/11/17</p>	<p>SS</p>	<p>AMENDMENT</p>

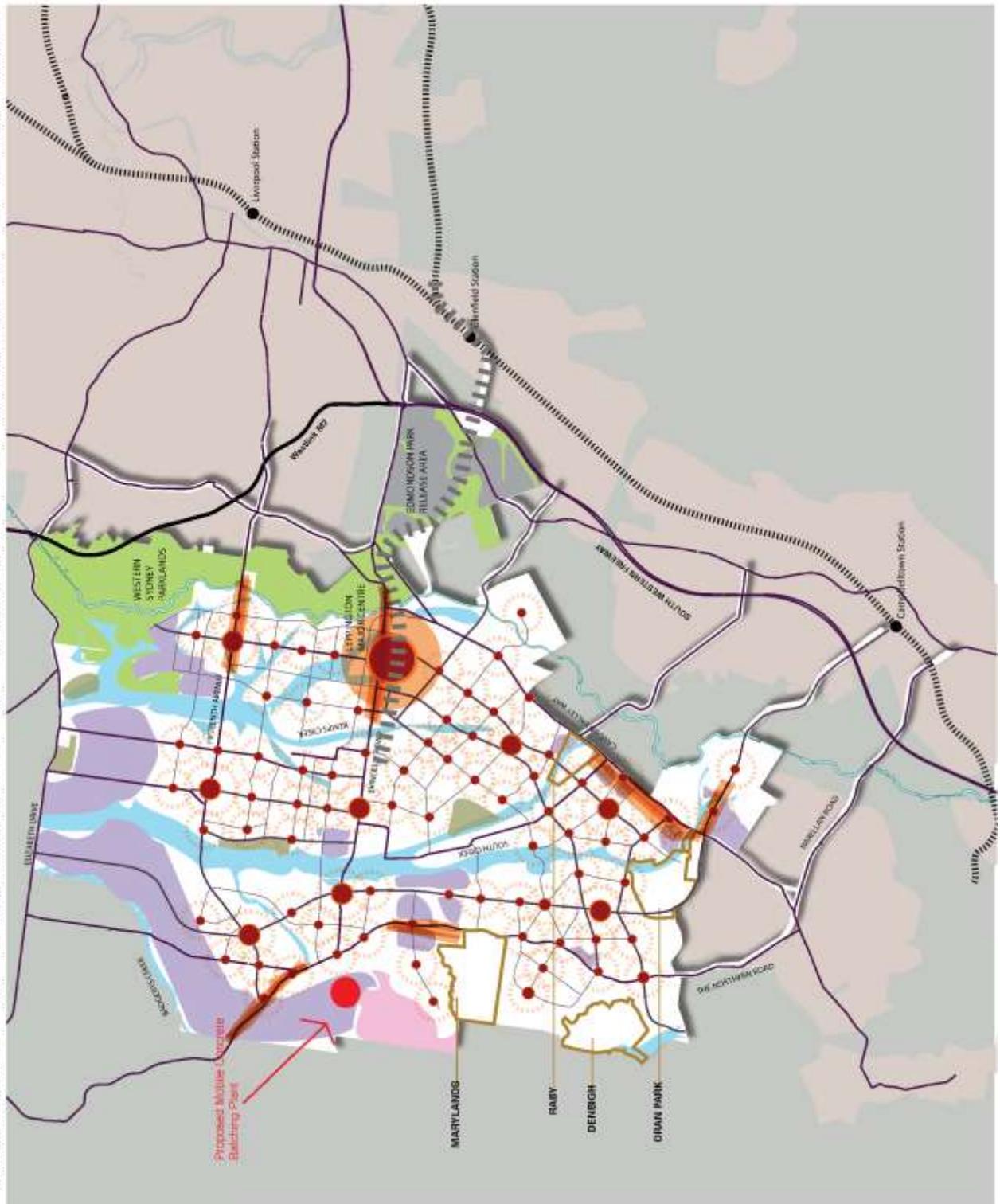


<table border="1"> <tr> <td>NO. 1000</td> <td>DATE</td> <td>BY</td> <td>CHKD</td> </tr> <tr> <td>1000</td> <td>25/11/17</td> <td>MS</td> <td>MS</td> </tr> </table>	NO. 1000	DATE	BY	CHKD	1000	25/11/17	MS	MS	<table border="1"> <tr> <td>NO. 1000</td> <td>DATE</td> <td>BY</td> <td>CHKD</td> </tr> <tr> <td>1000</td> <td>25/11/17</td> <td>MS</td> <td>MS</td> </tr> </table>	NO. 1000	DATE	BY	CHKD	1000	25/11/17	MS	MS	<table border="1"> <tr> <td>NO. 1000</td> <td>DATE</td> <td>BY</td> <td>CHKD</td> </tr> <tr> <td>1000</td> <td>25/11/17</td> <td>MS</td> <td>MS</td> </tr> </table>	NO. 1000	DATE	BY	CHKD	1000	25/11/17	MS	MS
NO. 1000	DATE	BY	CHKD																							
1000	25/11/17	MS	MS																							
NO. 1000	DATE	BY	CHKD																							
1000	25/11/17	MS	MS																							
NO. 1000	DATE	BY	CHKD																							
1000	25/11/17	MS	MS																							
TASMEN ENGINEERING CONSULTANTS STRUCTURAL, CIVIL AND GEOTECHNICAL ENGINEERS OFFICE 1, MAIN STREET CENTRE, 62 MAIN ST, MERIBULA NSW 2549 Tel: 02 5495 4776 2 / 209 CAMP STREET, BEGA NSW 2550 Tel: 02 6492 3719 Mobile: 0402 083369 Email: meh@tasmeneng.com.au		Drawn: BORAL Project: BRINGELLY PLANT Title: DISSIPATOR DETAIL	Scale: 1:200 Date: 25/11/17 Drawn: MS Checked: MS Title: DISSIPATOR DETAIL Scale: A1 Date: 25/11/17 Checked: MS Title: DISSIPATOR DETAIL Scale: C3 Date: 25/11/17																							

Attachment 3

ORD01

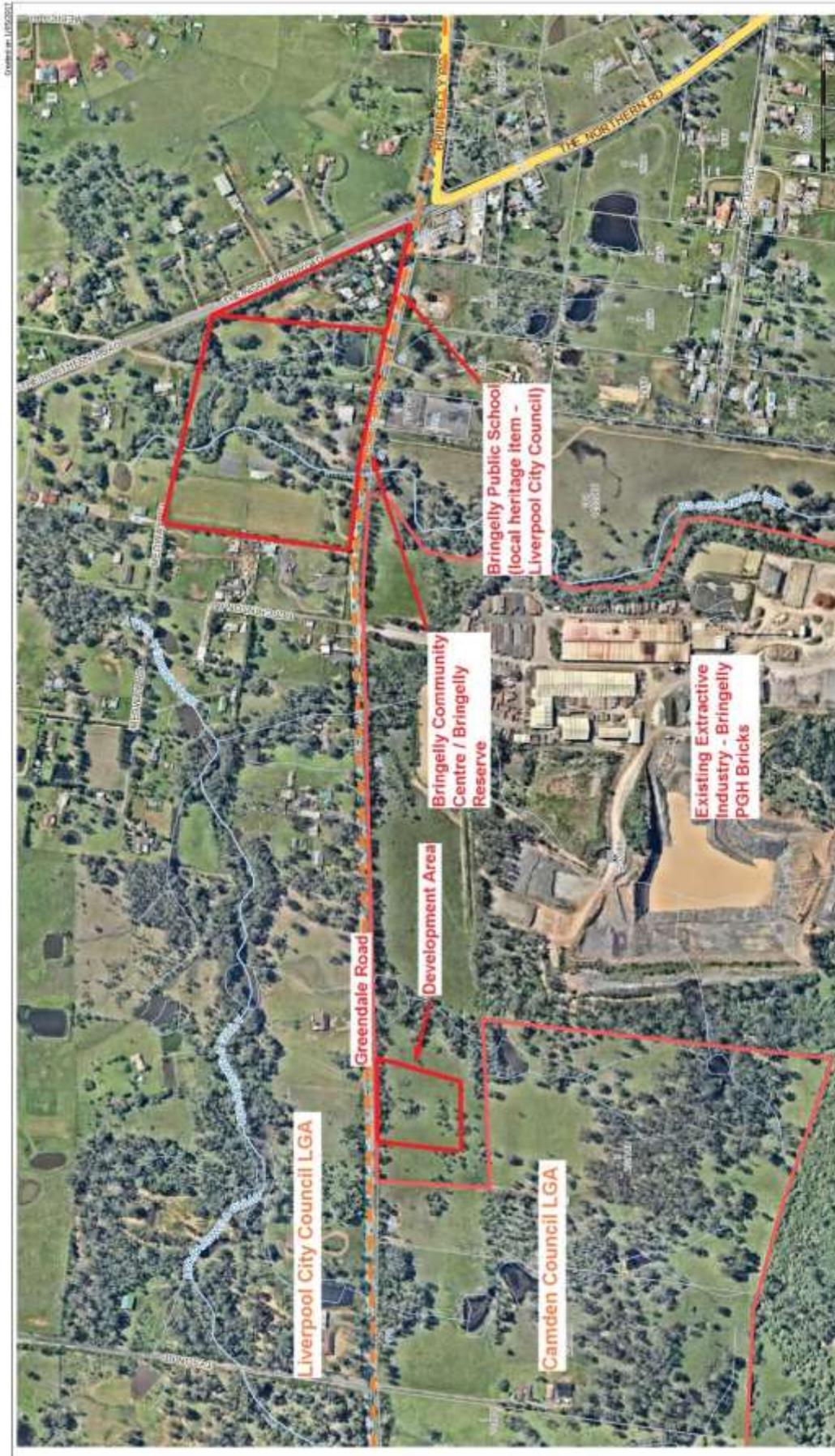
SOUTH WEST GROWTH CENTRE STRUCTURE PLAN (EDITION 3)



LEGEND

- MAJOR CENTRES**
- TOWN & VILLAGE CENTRES**
- WATERLEIGH NEIGHBOURHOODS**
A key element of the plan is to create a vibrant, walkable neighbourhood where the area within a 1000 metre radius is serviced by a mix of local and global retail, community, education, recreation, and other services. This will be achieved through a mix of land uses and building heights, creating a vibrant, walkable neighbourhood.
- SOUTH WEST RAIL LINK**
As part of the Government's commitment to reduce traffic, and provide more sustainable transport options, the Government is investing in the South West Rail Link.
- HOODS, LOCAL LANDS & WATER CORRIDORS**
- EMPLOYMENT / OFFICE SPACE**
- RECREATION / PARKS**
- TRANSITIONAL LANDS**
- INDUSTRIAL / EMPLOYMENT LANDS**
- MIXED USE EMPLOYMENT CORRIDORS**





Camden Council
 21 LIVERPOOL AVE
 CAMDEN NSW 2570
 Telephone: 02 8444 1111
 Email: mail@camden.nsw.gov.au

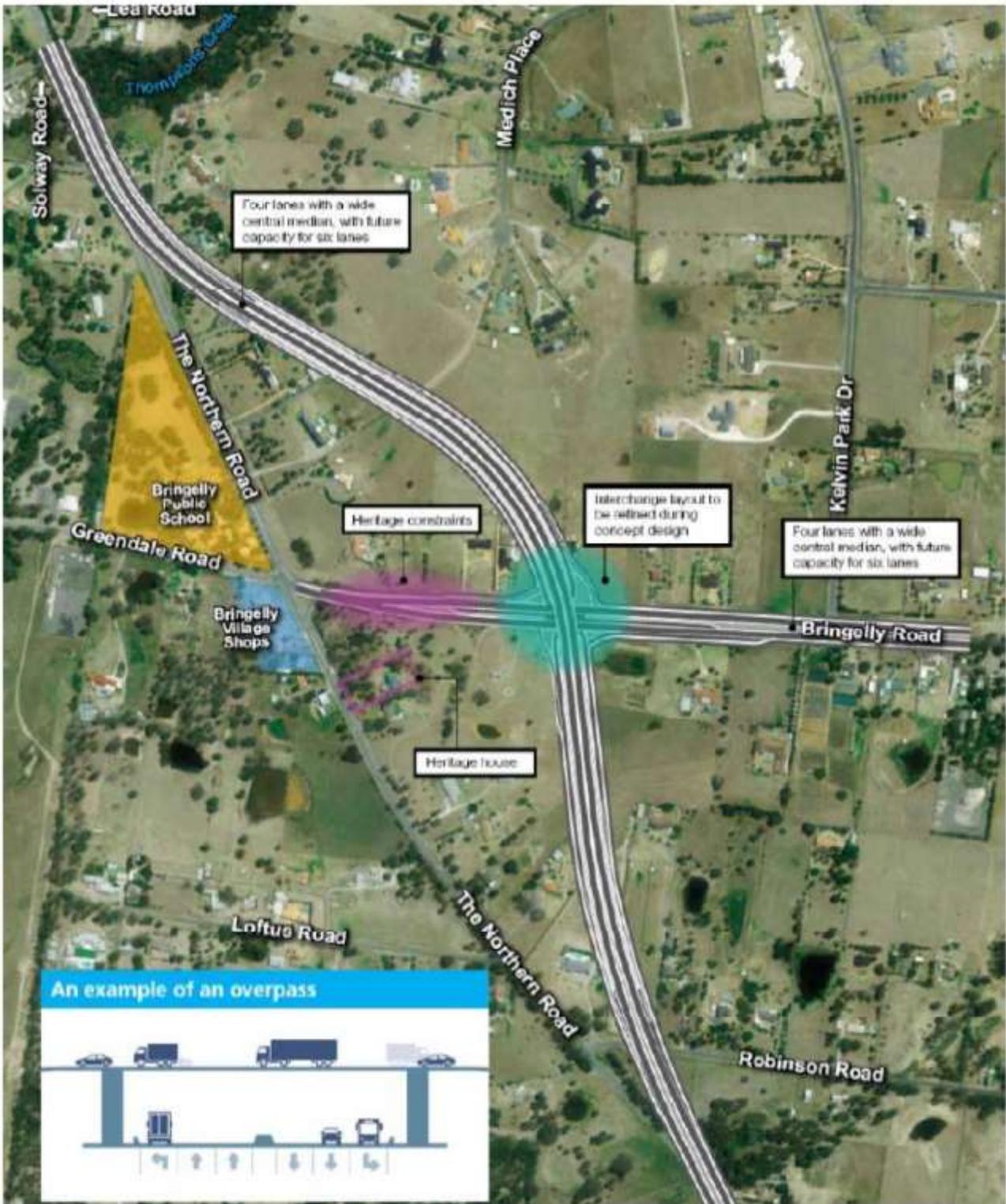
Project: GCMA / NGA zone 56
 Date: 1/05/2017
 Drawn By: William Jones

Map Scale: 1:5302 at A3

Important Advice!
 This map is not a precise survey instrument. Accurate locations can only be determined by a survey on the ground. The information has been supplied by Camden Council's internal systems and for all other purposes, we disclaim any liability. The accuracy of the information for use for any purpose (other than for which it was intended) is not guaranteed. Camden Council does not accept any liability for any loss or damage, including consequential, arising from the use of this information, whether in negligence or otherwise. Camden Council is not responsible for any loss or damage, including consequential, arising from the use of this information, whether in negligence or otherwise. © The State of New South Wales Land and Property Information, © Camden Council.

ORD01

Attachment 3

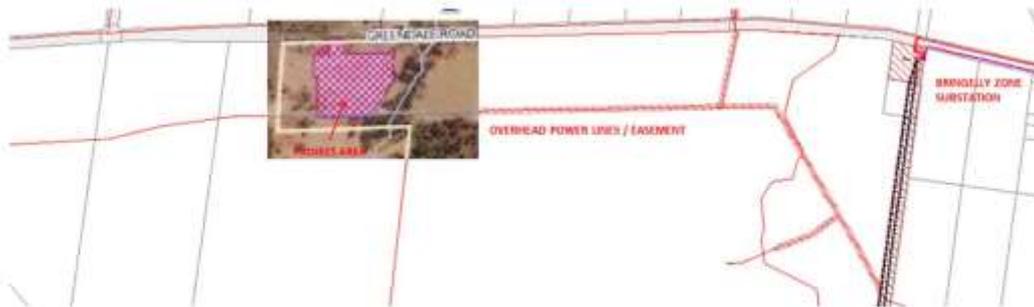


Dear Sir or Madam

I refer to Council's letters of 22 and 23 June 2016 regarding Development Application No. 578/2016/1 at 60 Greendale Road BRINGELLY (LOT: 100 DP: 1203966) for 'Construction and operation of a mobile concrete batching plant with an intended production capacity of 125,000 tonnes of concrete per annum within the Boral/CSR Bringelly Brickworks site, including construction of an amenities building, tree removal, 11 advertising signs, a new access from Greendale Road and associated site works'. Submissions need to be made to Council by 28 July 2016.

As shown in the below site plan from Endeavour Energy's G/Net master facility model, there are various easements over the site benefitting Endeavour Energy (indicated by red hatching) associated with Endeavour Energy's nearby Bringelly Zone Substation at 30 Greendale Road Bringelly (Lot 1 DP 733115; Lot 10 DP 1125892). Please note the location of any electricity infrastructure, boundaries etc. shown on the plan is indicative only and this plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

The following is the site plan showing the 'Project Area' overlaid onto Endeavour Energy's G/Net master facility model which shows that the 'Project Area may encroach the easement?



Please find attached for the applicant's reference a copy of Endeavour Energy's 'General Restrictions for Overhead Power Lines'. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

If any proposed works will encroach/affect Endeavour Energy's easements on the adjoining site, contact must first be made with the Endeavour Energy's Easements Officer, Easement Officer, Philip Wilson, on 9853 7110 alternately Philip.Wilson@endeavourenergy.com.au.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

Subject to the foregoing Endeavour Energy has no objections to the development application. Its further comments and recommendations are:

Whilst Endeavour Energy has no objections to the development proposal, its recommendations and comments are as follows:

- Network Capacity / Connection

Although there is an existing customer connection service to the site, in due course the applicant for the future proposed development of the site will need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

- Safety Clearances

Any future proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 'Overhead line design - Detailed procedures' and the 'Service and Installation Rules of NSW'. Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times a eg. for the erection of scaffolding etc., and regardless of the Council's allowable building setbacks etc. under its development controls, allowance must be made for the retention of appropriate / safe clearances. Any work in proximity of the overhead power lines must be undertaken in accordance with the requirements of SafeWork NSW / Work Cover 'Work Near Overhead Power Lines Code of Practice 2006' a copy of which is attached.

- Earthing

The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs with non-invasive root systems are the best plants to use. Ideally larger trees should be planted well away from electricity infrastructure, including underground cables (or installed with a root barrier around the root ball of the plant), as they can restrict safe access by maintenance workers and may damage the electricity network eg. falling branches. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's

Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Dial before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical infrastructure across the sites, but also to identify them as a hazard and to properly assess the risk.

- Public Safety

As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

Could you please pass on the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me. As I am working on different projects across the company's franchise area, to ensure a response contact by email is preferred.

Yours faithfully

Cornelis Duba

Acting Public Safety Advisor

T: 9853 7896

E: cornelis.duba@endeavourenergy.com.au

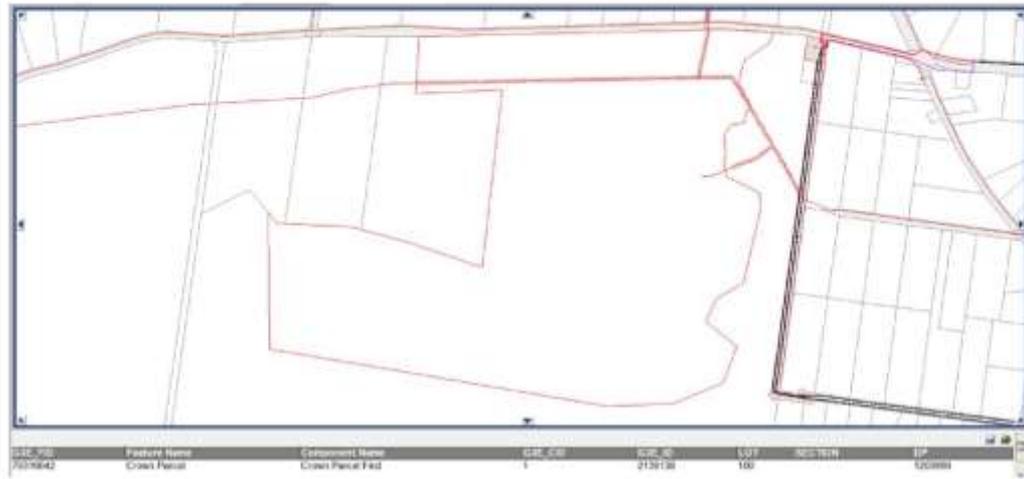
51 Huntingwood Drive, Huntingwood NSW 2148

www.endeavourenergy.com.au



ORD01

Attachment 3





DOC16/392471-20

Mr William Jones
Town Planner
Camden Council
PO Box 186
CAMDEN NSW 2570

Dear Mr Jones

**DA/2016/578/1 Boral Resources (NSW) Pty Ltd
Proposed Mobile Concrete Batching Plant**

The Environment Protection Authority (EPA) makes reference to Development Application DA/2016/578/1 lodged by Boral Resources Pty Ltd (Boral) with Camden Council for a proposed mobile concrete batching plant at Lot 100 DP 1203966, Greendale Road, Bringelly. The proposed mobile concrete batch plant will have a maximum production capacity of 125,000 tonnes per annum (a daily output of up to 1,250 tonnes per day).

The EPA advises that under Clause 92 of the *Protection of the Environment Operations (General) Regulation*, the EPA is declared to be the appropriate regulatory authority (ARA) for the following non-scheduled activities:

The production of pre-mixed concrete or concrete products (for example, concrete batching plants) having a capacity to produce more than 30,000 tonnes per year of concrete or concrete products.

The EPA wrote to Boral on 23 August 2016 seeking further information regarding the proposal. Boral has subsequently advised EPA:

- it is not the intention of the Company to have the proposed concrete batch plant regulated as part of the Bringelly Brickworks Environment Protection Licence (EPL) 1808.
- management of the brickworks and proposed batching plant rests with two separate Companies.

While the activity will not require an EPL, the EPA will be the ARA under the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA provides the attached recommended Conditions of Approval (**Attachment A**) to assist Council in the assessment and determination of this development application. In providing this advice the EPA has not considered any public submissions as these have not been provided.

PO Box 513, Wollongong NSW 2520
Level 3, 84 Crown Street Wollongong NSW 2500
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 43 692 285 758
www.epa.nsw.gov.au

ORD01

Given our ARA role under the POEO Act, the EPA requests the opportunity to review draft consent conditions to ensure the attached requirements have been considered (if approved).

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely



11/10/16

PETER BLOEM
Manager Illawarra
Environment Protection Authority

Contact officer: CHRIS KELLY
(02) 4224 4100

Attachment A

Attachment 3

ATTACHMENT A**General**

1. The proponent must install and operate equipment in line with best practice to ensure that the Development does not impact on the environment or community amenity.
2. The proponent must ensure all activities are undertaken in compliance with the *POEO Act* and any associated Regulations. This includes but is not limited to:
 - a. Section 120 - *Prohibition of pollution of waters*
 - b. Part 5.4 - *Air pollution*
 - c. Part 5.5 - *Noise pollution*
 - d. Part 5.6 - *Land Pollution of the POEO Act 1997*
 - e. Part 5.7 - *Duty to notify pollution incidents.*
3. All plant and equipment installed at the premises or used in connection with the activity:
 - a. must be maintained in a proper and efficient condition
 - b. must be operated in a proper and efficient manner.

Air

4. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
5. All conveyors belts and transfer points must be fully enclosed and designed and operated to minimise or prevent dust emissions.
6. Belt scrapers must be installed to effectively remove material from the underside of each belt.
7. All material stockpile and storage shall be shrouded on three sides to minimise or prevent dust emissions.
8. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
9. The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises and comply with Section 129 of the *POEO Act*.
10. Three months after the commissioning of the premises the proponent must submit an Air Quality Verification Report to Council to confirm the findings of the Air Quality Impact Assessment included in the Environmental Impact Statement (EIS). A copy of the report should also be provided to EPA.

The assessment must:

- a. be prepared by a suitably qualified consultant
- b. be undertaken in accordance with the EPA Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.

The methodology must consider the relevant sections of the *POEO (Clean Air) Regulation 2010*.

If the Air Quality Verification Program identifies any emissions in excess of those reported in the EIS the Proponent must detail what additional measures could be implemented to achieve the EIS levels, clearly indicate who could implement these measures, when these measures could be implemented, and how the effectiveness of these measures could be measured and reported.

Water

11. The premises and activities carried out therein must not pollute waters and comply with Section 120 of the *POEO Act*.
12. Paved and sealed areas classified as 'dirty areas' must be provided with a first flush stormwater management system designed to capture the first 20mm of stormwater for each square meter of catchment area for subsequent reuse.
13. Facilities must be provided to enable the contents of the first flush system to be extracted in a manner for reuse, which does not pollute waters, and maintains the first flush system capacity.

Noise

14. The *Interim Construction Noise Guideline* (DECC, 2009) should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses.
15. The EIS states the use of broadband reverse alarms during construction but has not made any commitment during on-going operation. The EPA recommends that Council secure the use of broadband reverse alarms during both construction and operational activities as a condition of approval.
16. Three months after the commissioning of the premises the proponent must submit a noise Verification Report to Council confirm the findings of the Noise Impact Assessment included in the EIS. A copy of the report should also be provided to EPA.

The assessment must:

- a. incorporate intermediate assessment locations as necessary
- b. be prepared by a suitably qualified acoustical consultant
- c. be undertaken in accordance with the EPA Industrial Noise Policy.

If the noise monitoring identifies any non-compliance with predicted noise levels, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported.

Waste

17. The proponent must not cause, permit or allow any waste to be received at the premises.
18. The proponent must ensure that any waste generated and/or stored at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

Independent Environmental Audit

19. Within two years from the date of commissioning, the proponent must commission and pay the cost for an Independent Environmental Audit of the premises. The scope and methodology must be agreed to in writing by Council and the EPA prior to undertaking the Audit.

This audit:

- i. must be conducted by a suitably qualified, experienced, and independent person, agreed to in writing
- ii. must assess the project's environmental performance and its effects on the surrounding environment
- iii. must assess compliance with all relevant Development Consent requirements
- iv. review the adequacy of dust controls and management for the project against relevant standards and performance measures

- v. recommend measures or actions to improve the environmental performance of the project, and/or its environmental management and monitoring systems.

A copy of the audit report must be submitted in writing to Council and the EPA.

ORD01

Attachment 3



**Office of
Environment
& Heritage**

Your reference: IDA 578/2016/1
Our reference: DOC16/346718
Contact: Sam Higgs (02) 9995 6824

Mr W. H. K. Jones
Town Planner
Camden Council
PO Box 183
CAMDEN, NSW, 2570

Dear Mr Jones,

I refer to the Integrated Development Notice dated 23 June 2016, sent to the Office of Environment and Heritage (OEH) for the proposed construction and operation of a mobile concrete batching plant and associated works at 60 Greendale Road Bringelly (Lot 100 DP 1203966). This letter contains OEH's general terms of approval for those known Aboriginal sites which would require an Aboriginal Heritage Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974 (the Act)*.

OEH has the following requirements in relation to Aboriginal Cultural Heritage associated with the above development:

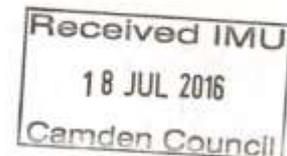
- If Aboriginal objects will be harmed as a result of this development a s90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted for these objects prior to the commencement of works.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants* (OEH 2011).
- Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the OEH *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010*.
- Any AHIP application must clearly articulate what area it applies to and should consider the management and appropriate mitigation measures for all Aboriginal objects within the application area, including long term management and protection of any objects that may not be impacted by the proposed development.

If you have any further questions in relation to this matter, please contact Sam Higgs, Archaeologist, on (02) 9995 6824.

Yours sincerely,

S. Harrison 13/07/16

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region
Office of Environment and Heritage



PO Box 644 Parramatta NSW 2124
Level 6, 10 Valentine Avenue, Parramatta NSW 2150
ABN 30 841 387 271
www.environment.nsw.gov.au



NSW RURAL FIRE SERVICE



The General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Your reference: No Ref.
Our reference: D16/1943

1 July 2016

Attention: William Jones

Dear Sir/Madam,

Construction and operation of a concrete batching plant – 60 Greendale Road Bringelly

Reference is made to Council's correspondence dated 17 June 2016 seeking comments in relation to the above development which seeks to construct and operate a concrete batching plant.

The New South Wales Rural Fire Service has reviewed the proposal and raises no objections, subject to the application of the following conditions to the proposed development:

Asset Protection Zones (APZs)

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property shall be managed as an inner protection area (IPA) for a width of 10 meters within the project area, shown in Figure 1.1 of the architectural plans referred within the development application. The IPA shall be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's (RFS) document *Standards for asset protection zones*.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with the following requirements of section 4.2.7 of *Planning for Bush Fire Protection (PBP) 2006*.
 - In recognition that an no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes at each occupied building.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.

Postal address
NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address
NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

ORD01

- Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
- Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply

If you have any queries regarding this advice, please contact <<name>>, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Fomin
Manager, Planning and Environment Services (East)

Attachment 3



DOC16/392471-36

Mr William Jones
Town Planner
Camden Council
PO Box 186
CAMDEN NSW 2570

Dear Mr Jones

**DA/2016/578/1 Boral Resources (NSW) Pty Ltd
Proposed Mobile Concrete Batching Plant**

I am writing in response to an email from Camden Council dated 24 May 2017 inviting comments from the Environment Protection Authority (EPA) on any revised recommended conditions of approval in relation to the above development application.

The EPA provides the attached revised recommended conditions (Attachment A) for Council to consider in its assessment and determination of this development. In providing these recommended conditions the EPA has taken into consideration the following:

- The recommended conditions of approval provided by EPA to Council dated 11 October 2016 (EPA Reference DOC16/392471-20).
- Public submissions on the exhibited development application provided to EPA by Council on 24 May 2017.
- The opportunity for EPA to reconsider the Noise and Vibration Assessment (NVA) and Air Quality Impact Assessment (AQIA) in light of these public submissions.
- Advice that EPA has recently provided to Council and Boral in letter dated 23 June 2017 (EPA Reference DOC16/392471-32) on regulatory requirements for the proposed development following consideration of these public submissions.

In developing the attached recommended conditions, the EPA provides the following comments:

- The *Protection of the Environment Operations Act 1997* defines mobile plant as "operated temporarily for a total of not more than 6 months in any 12 month period".
- The AQIA has potentially underpredicted peak impacts for PM₁₀ and PM_{2.5} over a 24-hour averaging period, as emission estimates are based on annualised throughputs and not peak daily throughputs. Underestimations could be in the order of a factor of 3, based on the ratio of maximum proposed daily throughput of 1,250 tonnes and a daily throughput calculated from 125,000 tonnes per annum and 300 operational days per year. The EPA recommends that if project approval is granted an Air Quality Verification Report should be required which includes assessment of peak production rates.

PO Box 513, Wollongong NSW 2520
Level 3, 84 Crown Street Wollongong NSW 2500
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 43 692 285 758
www.epa.nsw.gov.au

ORD01

Attachment 4

Page 2

- An operational Air Quality Management Plan (AQMP) should be included as a condition of consent. Any mitigation or management measures identified as an outcome of the Verification assessment should be included within the AQMP.
- The information in Boral's letter (8 June 2017) addresses the operation of the diesel generator from a noise emission perspective. The EPA has recommended a condition requiring mains power until a more detailed air assessment has been provided to the EPA.
- The NVA predicts that operational noise levels under peak production, following the implementation of feasible and reasonable mitigation measures, will still exceed the project-specific noise levels at 31 Greendale Road (R1) by 5dB (evening) and 4dB (day). If any non-compliances are identified during the preparation of the Noise Verification Report, the Proponent must detail what additional measures will be implemented to ensure compliance.
- Construction activities should only be undertaken during the recommended standard construction hours in Section 2.2 of the NSW Interim Construction Noise Guideline (DECC, 2009).
- The Interim Construction Noise Guideline should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses. The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road (R1).

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely



30/06/17

PETER BLOEM
Regional Manager Operations Illawarra
Environment Protection Authority

Contact officer: CHRIS KELLY
(02) 4224 4100

Attachment A

ATTACHMENT A**GENERAL**

1. The proponent must install and operate equipment in line with best practice to ensure that the Development does not impact on the environment or community amenity.
2. The proponent must ensure all activities are undertaken in compliance with the *POEO Act* and any associated Regulations. This includes but is not limited to:
 - a. Section 120 – *Prohibition of pollution of waters*
 - b. Part 5.4 – *Air pollution*
 - c. Part 5.5 – *Noise pollution*
 - d. Part 5.6 – *Land Pollution of the POEO Act 1997*
 - e. Part 5.7 – *Duty to notify pollution incidents*
3. All plant and equipment installed at the premises or used in connection with the activity:
 - a. Must be maintained in a proper and efficient condition
 - b. Must be operated in a proper and efficient manner.

AIR

4. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises;
5. All conveyors belts and transfer point must be fully enclosed and designed and operated to minimise or prevent dust emissions;
6. Belt scrapers must be installed to effectively remove material from the underside of each belt;
7. All material stockpile and storage shall be shrouded on three side to minimise or prevent dust emissions;
8. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading
9. The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises. Offensive odour is defined as an odour:
 - (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.
10. Three months after the commissioning of the premises the proponent must submit an Air Quality Verification Report to Council to confirm the findings of the Air Quality Impact Assessment included in the Environmental Impact Statement (EIS). A copy of the report should also be provided to EPA.

The assessment must be:

 - a. Be prepared by suitably qualified consultant
 - b. Be undertaken in accordance with the EPA Approved Methods for the Modelling and Assessment of Air Pollutants in NSW
 - c. Consider actual peak daily production rates

If the Air Quality Verification Program identifies any emissions in excess of those reported in the EIS the Proponent must detail additional measures to be implemented to achieve the EIS levels, clearly indicate who will implement these measures, when these measures will be implemented, and how the effectiveness of these measures could be measured and reported.

11. Prior to commencement of project operations, the proponent must prepare and implement an Air Quality Management Plan (the Plan). The Plan must incorporate:
 - a. Proactive and reactive management strategies for minimising particulate emissions.
 - b. Key performance indicator(s) for emission controls;
 - c. Monitoring method(s) including location, frequency and duration;
 - d. Response mechanisms;
 - e. Responsibilities for demonstrating and reporting achievement of key performance indicator(s)
 - f. Record keeping;
 - g. Compliance reporting.
12. No diesel generator is permitted, unless approval in writing is obtained from the EPA. In obtaining written approval, the proponent must:
 - a. Evaluate compliance with prescribed discharge concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*; and
 - b. Adequately assess the potential impacts from any diesel generator.

WATER

13. The premises and activities carried out therein must not pollute waters and comply with Section 120 of the *POEO Act*.
14. Paved and sealed areas classified as 'dirty areas' must be provided with a first flush stormwater management system designed to capture the first 20mm of stormwater for each square meter of catchment area for subsequent reuse.
15. Facilities must be provided to enable the contents of the first flush system to be extracted in a manner for reuse, which does not pollute waters, and maintains the first flush system capacity.

WASTE

16. The proponent must not cause, permit or allow any waste to be received at the premises.
17. The proponent must ensure that any waste generated and/or stored at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

NOISE

18. In accordance with Section 2.2 of the NSW Interim Construction Noise Guideline construction should only take place within the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No construction may take place on Sundays or Public Holidays.

Note 1: The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road (R1).

Note 2: The *Interim Construction Noise Guideline* (DECC, 2009) should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses.

Note 3: The EIS states the use of broadband reverse alarms during construction but has not made any commitment during on-going operation. The EPA recommends that Council secure the use of broadband reverse alarms during both construction and operational activities as a condition of approval.

19. Noise generated at the premises must not exceed the noise limits in the Table 1 below.

TABLE 1

Location (Bringelly)	NOISE LIMITS dB(A)	
	Day L _{Aeq} (15 minute)	Evening L _{Aeq} (15 minute)
31 Greendale Road	45	45
162 Greendale Road, 170 Greendale Road	40	40
33 Greendale Road, 5 Tyson Road	39	39
37 Greendale Road	38	38
29 Greendale Road	37	37
39 Greendale Road, 196 Greendale Road, 196A Greendale Road	36	36
All other residential receivers	35	35

Note 1: The proponent should confirm the locations of all assessed receivers.

20. For the purposes of the above noise limits in Table 1,
- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
 - Evening is defined as the period 6pm to 10pm.
21. The above noise limits in Table 1 apply under all meteorological conditions except for the following:
- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.

For the purposes of this condition

- a) Data recorded via an onsite meteorological station (if installed) or the closest Bureau of Meteorology station is to be used to determine meteorological conditions; and
 - b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.
22. To determine compliance:
- a) with the above L_{Aeq}(15 minute) noise limits the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the above noise limits, the noise measurement equipment must be located:
- at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by this condition 22(a).
23. Three months after the commissioning of the premises the proponent must submit a Noise Verification Report to Council confirm the findings of the Noise Impact Assessment included in the EIS. A copy of the report should also be provided to EPA.

The assessment must:

- a. incorporate intermediate assessment locations as necessary
- b. assess compliance with Noise Limits in Table 1
- c. be attended noise monitoring undertaken in accordance with Condition 22.
- d. occur during each day and evening period as defined in the NSW Industrial Noise Policy for a minimum of 1.5 hours
- e. occur for three consecutive days
- f. be prepared by a suitably qualified acoustical consultant
- g. be undertaken in accordance with the EPA Industrial Noise Policy.
- h. provide a proposal for ongoing noise compliance monitoring by the proponent.

If the noise monitoring identifies any non-compliance with predicted noise levels, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported.

Telephone Complaints Line

24. The proponent must maintain and advertise a phone number and email address for the purpose of receiving and responding to any complaints from members of the public in relation to activities conducted at the premises. The proponent must notify the public of the complaints line details and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

The proponent must also keep a legible record of all complaints made in relation to pollution arising from any activity at the premises. The record must include details of the following:

- the date and time of the complaint
- the method by which the complaint was made
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
- the nature of the complaint
- the action taken by the proponent in relation to the complaint, including any follow-up contact with the complainant
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least four years after the complaint was made. The record must be produced to any authorised officer of the EPA or Council who asks to see them.

Independent Environmental Audit

25. Within two years from the date of commissioning, the proponent must commission and pay the cost for an Independent Environmental Audit of the premises. The scope and methodology must be agreed to in writing by Council and the EPA prior to undertaking the Audit.

This audit:

- i. must be conducted by a suitably qualified, experienced, and independent person, agreed to in writing
- ii. must assess the project's environmental performance and its effects on the surrounding environment
- iii. must assess compliance with all relevant Development Consent requirements
- iv. review the adequacy of dust controls and management for the project against relevant standards and performance measures
- v. recommend measures or actions to improve the environmental performance of the project, and/or its environmental management and monitoring systems.

A copy of the audit report must be submitted in writing to Council and the EPA.

Build something great™



9 June 2017

Will Jones
Town Planner, Camden Council
PO Box 183
CAMDEN NSW 2570

Boral Property Group
Triniti T2
39 Delhi Road
NORTH RYDE NSW 2113
PO Box 6041
NORTH RYDE NSW 2113
T: +61 (02) 9033 5300
F: +61 (02) 9033 5305
www.boral.com.au

Dear Will,

**PROPOSED CONCRETE BATCHING PLANT
60 GREENDALE ROAD, BRINGELLY**

Boral Resources (NSW) Pty Limited (Boral) proposes to develop and operate a concrete batching plant in Bringelly. The proposed plant will have a maximum capacity of 125,000 tonnes (50,000 m³) per annum (tpa).

Concrete is a mixture of cement, water, coarse and fine aggregates, and additives. When mixed with water, cement powder forms a paste which holds the aggregates together. Water and cement powder constitute roughly 15% of the mix volume, while aggregates are between 65–80%.

A concrete batching plant combines cement, sand, aggregate, and additives into a large enclosed bin. Concrete agitator trucks park beneath this bin (known as an alley or load bay) and the required amount of product is gravity fed into the truck's barrel. The truck then drives to the slumping stand, where the driver manually adds additional water to the mix to make concrete.

Boral operates 18 concrete batching plants in the greater Sydney metropolitan area. These plants range in size from the largest which is approved to produce 700,000 tpa down to the smallest plant which produces 52,500 tpa. Production volumes at any concrete batching plant are constrained by the number of load bays. The Bringelly concrete batching plant is proposing only one load bay and hence the proposed peak daily production rates are constrained by this, as this limits the number of trucks that can be filled with raw materials at any one time.

The proposed plant will be located adjacent the Bringelly Brickworks, on Lot 100 DP 1203966. While Lot 100 DP 1203966 is zoned RU1 within the Camden Local Environment Plan (LEP), clause 7(4) of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (the Mining SEPP), permits concrete batching plant operations where they are co-located with an extractive industry (the Brickworks). There are many examples of concrete batching plants located on RU1 and RU2 zoned land, including Boral plants located at Maldon, Dunmore, Hall, Seaham, Beryl, Macksville and Maryvale.

The perishable nature of concrete means there is a limited amount of time to deliver and pour the product (between 35 to 90 minutes, depending on the design specification for the concrete's

Build something great™



use). Due to this relatively small delivery timeframe, concrete batching plants are therefore required to be located within short distances of their markets.

Bringelly has been selected as an ideal location for a concrete batching plant for a number of reasons as follows:

1. Size and layout of Lot 100 DP 1203966
The site location was chosen based on three key factors; proximity to residences, topography, and sufficient area for setback from Greendale Road and noise/visual bund. The proposed location allows:
 - location near the least number of residences. The number of residences with houses within 40m of Greendale Road increases east of the proposed location;
 - minimal requirement for cut and fill earthworks due to favourable topography. Allows sufficient space for a 40m setback from the unnamed tributary to Bardwell Gully;
 - noisiest equipment (loading bays and slumping stands) to be positioned to maximise the attenuation afforded by the bund, while also allowing a one way traffic flow around the site. This limits the need for reversing, which compromises site safety and creates a noise nuisance from reversing beepers; and
 - sufficient room for a 20m setback from Greendale Rd and noise bund base area.

The proposed location for the plant within Lot 100 is considered the best option based on the above factors.

2. The volume and nature of future projects within the region.
The project area is located in the South West Growth Centre (SWGC) and forms part of the Lowes Creek precinct, though parts of Lot 100 are within the Bringelly precinct. The project area and land to the east along Greendale Road is designated for future industrial and employment lands under the South West Growth Centre Structure Plan (Edition 3). It is anticipated that significant urban growth will occur in the SWGC and in the local area over the next 30 years. All of this development will require concrete.

There are also a number of existing, new and potential local and regional infrastructure projects, including upgrade works for The Northern Road, Bringelly Road and Elizabeth Drive. The provision of housing and infrastructure will require an increase in the supply of heavy construction materials such as concrete and its constituents. The project area is ideally situated to provide concrete to housing within SWGC, and local and regional infrastructure projects.

3. Future Western Sydney Aerotropolis and associated infrastructure.
Following the announcement by the Federal Government to build the Western Sydney Airport at Badgery's Creek, the Greater Sydney Commission has developed plans for the future employment areas surrounding the airport, known collectively as the Western Sydney Aerotropolis. It is estimated that by the early 2030's, there are expected to be over 9,000 direct jobs at the Western Sydney Airport, with many more service and support businesses expected to be located within close proximity to the airport. Significant volumes of concrete will be required to construct these developments and the

Build something great™



proposed Bringelly concrete plant will be within 15 minutes driving time to service these builds.

4. Relatively small number of existing concrete plants capable of servicing the future market.

There are no concrete plants in the northern portion of the Camden LGA. The closest concrete plants to Bringelly are located at Smeaton Grange, Prestons and Narellan. There are no concrete plants located within 12.5 km of Bringelly or within 11.5 km of the future Western Sydney Aerotropolis (approximately 20-30mins from the proposed plant). The proposed Boral plant at Bringelly will be within 500m of the future upgrade works at the intersection with The Northern Road and Bringelly Road, and 6 km of the Western Sydney Aerotropolis. It will be able to service future developments within the Lowes Creek and Bringelly Precincts, and serve as a back-up plant for Boral's plants at Prestons and Narellan.

Due to the scale of future plans and the relatively un-developed nature of the Bringelly area, it is anticipated that the proposed concrete plant will service both larger public infrastructure works, such as roads and railways, through to subdivision works and smaller residential contracts. Future customers will range from the Roads and Maritime Services (RMS), through to developers and individual residential contractors.

In summary, the benefits of the proposed batch plant on Greendale Road are as follows:

- A co-location of industry, with the proposed batch plant located in close proximity (200m) to PGH brickworks.
- Employment opportunities for plant operators, local truck drivers, and ancillary contactors (plumbers, electricians etc).
- Close proximity of the batch plant to future projects, thereby reducing truck numbers across the wider road network.
- Within a designated future corridor of industrial/employment lands under the South West Growth Centre Structure Plan (Edition 3).
- Close to areas that will experience significant growth within the next 30 years, including the Western Sydney Aerotropolis and the North West Growth Centre precincts.

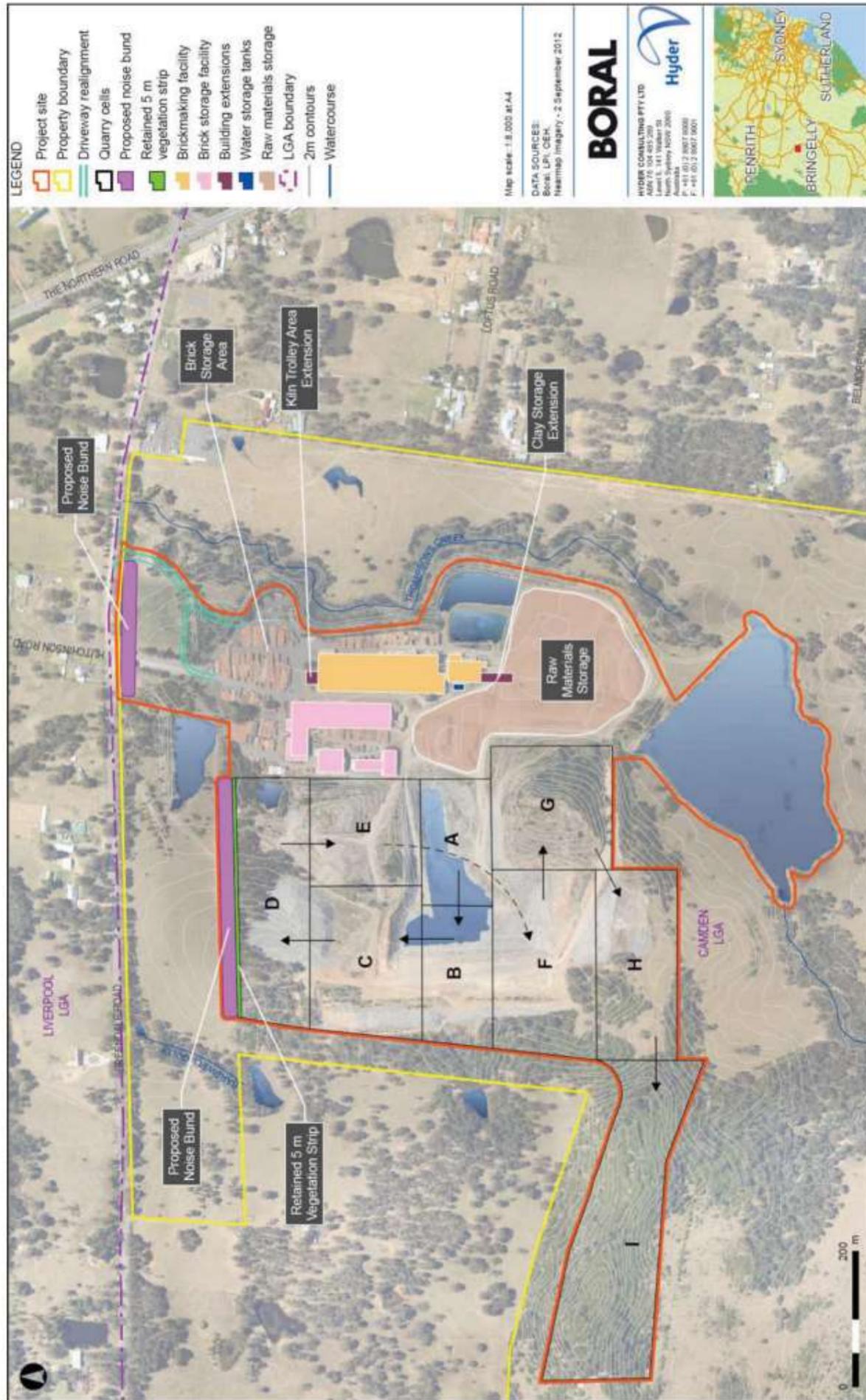
Based on the above, it is considered that the proposed batch plant is well situated to enable concrete to be produced efficiently and cost effectively for the future developments proposed in the area.

Should you wish to discuss the above further, please do not hesitate to contact me directly on 02 9033 5546.

Yours faithfully

Kate Jackson
Senior Planning and Development Manager (NSW/ACT)

APPENDIX 2
DEVELOPMENT LAYOUT





ENVIRONMENT
& HEALTH

Phil Towler
EMM Consulting Pty Ltd
Via email: ptowler@emmconsulting.com.au

**BORAL RESOURCES (NSW) PTY LTD PROPOSED CONCRETE
BATCHING PLANT, BRINGELLY**

Date 03/07/2017

Ramboll Environ
Level 3, 100 Pacific Highway
PO Box 560 North Sydney
NSW 2060 Australia

T +61 2 9954 8100
F +61 2 9954 8150
www.ramboll-environ.com

Dear Phil,

This letter has been prepared in response to comments received from the NSW Environment Protection Authority (EPA) dated 30 June 2017 regarding the air quality impact assessment (AQIA) completed for the proposed Boral Resources (NSW) Pty Ltd proposed concrete batching plant (CBP) at Bringelly. The NSW EPA raised concerns that the AQIA conducted has underestimated peak particulate matter impacts by up to a factor of 3 for a 24-hour period because emissions were based on average daily production rather than peak daily production.

To investigate the potential implications for predicted air quality impacts from the proposed CPB, a scaling analysis has been undertaken by Ramboll Environ.

24-hour average PM₁₀ concentrations

As per Table 8-1 of the AQIA, the predicted maximum 24-hour average PM₁₀ incremental (CPB-only) concentration is less than 1µg/m³ at all assessment locations, with the exception of receptor R1. The maximum 24-hour average PM₁₀ incremental concentration at R1 is 3.7µg/m³.

To derive cumulative 24-hour average PM₁₀ concentrations in the AQIA, the NSW EPA 100th Percentile cumulative approach as specified in the NSW EPA *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016)*, conservatively combining the maximum recorded 24-hour average PM₁₀ concentration during 2014 at the NSW OEH Bringelly monitoring station (42.6µg/m³) with the maximum predicted 24-hour PM₁₀ concentration at each sensitive receptor.

Assuming that the daily emissions in the AQIA are underestimated by a factor of 3, as indicated by NSW EPA, and that there is a linear relationship between emissions and concentrations at R1, the maximum incremental 24-hour PM₁₀ concentration would be 11.1µg/m³ and the maximum 24-hour PM₁₀ cumulative concentration would be 53.7µg/m³. This is above the maximum 24-hour average PM₁₀ criterion (50µg/m³).

To investigate this result further, a more refined cumulative analysis was undertaken for R1, whereby daily-varying 24-hour average PM₁₀ concentrations recorded at the NSW OEH Bringelly monitoring station were paired in time with the corresponding 24-hour average PM₁₀ model prediction at receptor R1. The results of this paired analysis returned a maximum 24-hour average PM₁₀ concentration of

Ramboll Environ Australia Pty Ltd
ACN 095 437 442
ABN 49 095 437 442

1



44.2µg/m³ at receptor R1. Consequently, there would be no exceedance of the 24-hour average PM₁₀ criterion.

24-hour average PM_{2.5} concentrations

As per Table 8-1 of the AQIA, the predicted maximum 24-hour average PM_{2.5} incremental (CPB-only) concentration is less than 0.1µg/m³ at all assessment locations, with the exception of receptors R1, R10 and R11. The maximum 24-hour average PM_{2.5} incremental concentration is 1.0µg/m³ at R1.

Similar to the assessment of PM₁₀, cumulative 24-hour average PM_{2.5} concentrations were derived by applying the NSW EPA 100th Percentile cumulative approach, conservatively combining the maximum recorded concentration during 2014 at the NSW OEH Camden (PM_{2.5} was not recorded at Bringelly in 2014) monitoring station (18.5µg/m³) with the maximum predicted 24-hour average PM_{2.5} concentration at each sensitive receptor.

Assuming that the daily emissions in the AQIA are underestimated by a factor of 3, as indicated by NSW EPA, and that there is a linear relationship between emissions and concentrations at R1, the maximum incremental 24-hour PM_{2.5} concentration would be 3.0µg/m³ and the maximum 24-hour PM_{2.5} cumulative concentration would be 21.5µg/m³. This maximum cumulative 24-hour average PM_{2.5} concentration remains below the maximum 24-hour average PM_{2.5} criterion (25µg/m³). As compliance was predicted under the conservative 100th percentile cumulative approach, further paired cumulative analysis to demonstrate criteria compliance for PM_{2.5} was not required.

Please do not hesitate to contact the undersigned directly if you would like to discuss the above response further or require additional information.

Kind Regards,

Signed:	
Contact:	Scott Fishwick Manager - Air Quality D +61 2 9954 8126 sfishwick@ramboll.com

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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
1856 – Depot Issue A	Site Plan	Reggie's Residential Design and Drafting	18 July 2016
1856 – Depot Issue B	Floor Plan	Reggie's Residential Design and Drafting	18 July 2016

Document Title	Prepared by	Date
Statement of Environmental Effects	Hawes and Swan Town Planning Consultants	26 July 2016

- (2) **Time Limited Approval** - Pursuant to Section 80A(1)(d) of the *EP&A Act 1979*, the approved use is limited to a period of 18 (eighteen) months from the date of commencement of the use. Written notice of the commencement shall be provided to Council prior to the use commencing.

A further development application shall be provided to, and determined by, the Consent Authority prior to the expiration of this time period if the applicant intends to continue the use. If a development application is not determined prior to the expiry of this consent, then the approved use shall cease.

It is recommended that the further development application be lodged with the Consent Authority at least 3 months prior to the expiry of this consent.

- (3) **Outdoor Lighting** - Any lighting shall comply with AS 1158 and AS 4282.
- (4) **Separate Approval for Signs** - A separate development application for any proposed signage shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs.

-
- (5) **Noxious Weeds Management** – The applicant must fully and continuously suppress and destroy by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after works. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, 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.

- (6) **Containment of Depot to be within the Building** - The depot must be solely contained within the eastern shed as depicted on the drawings approved by this development consent. The depot is not permitted within the existing western shed approved via Development Consent 1096/2011.

- (7) **Upgrade with the BCA** - Pursuant to Clause 93 of the EP & A Regulations 2000, within 12 weeks from the date of this consent being approved the existing building is to be upgraded in the following manner to bring the building to an acceptable level of compliance with the National Construction Code – Building Code of Australia 2016:

- a) Provide personnel exit doors throughout both sheds in accordance with D1 & D2 of the Building Code of Australia. These exit doors shall swing in the direction of egress and include the following:-

- Door latches that comply with D2.21 Operation of Latch of the BCA, which states:

"A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from that faces a person seeking egress, by –

- (i) A single hand downward action on a single device which is located between 900mm & 1.1m from the floor and if serving an area required to be accessible by Part D3 –

- (A) Be such that the hand of a person who cannot grip will not slip from the handle during the operation of the latch; and

- (B) Have a clearance between the handle and the back plate or door face at the centre grip section of the handle of not less than 35mm and not more than 45mm; or

- (ii) A single hand pushing action on a single device which is located between 900mm & 1.2m from the floor."

- Bollards to proposed exit doors in accordance with D1.10 of the Building Code of Australia.

-
- b) Emergency Lighting and Illuminated Exit Signs shall be provided to both sheds in accordance with AS 2293.1-2005 and clauses E4.2 and E4.5 of the National Construction Code – Building Code of Australia 2016.
 - c) Provide Portable Fire Extinguishers throughout both sheds in accordance with AS 2444-2001 and E1.6 of the National Construction Code – Building Code of Australia 2016.

2.0 - During Works

The following conditions of consent shall be complied with during works associated with the upgrade of the existing shed to comply with the Building Code of Australia.

- (1) **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 (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlms/index.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.

- (2) **Site Management Plan** - The following practices are to be implemented during upgrade works:
 - a) builder's operations shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - b) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal facility;
 - c) a waste control container shall be located on the site;
 - d) 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.);
 - e) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or

-
- iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (3) **Construction Hours** - All work (including delivery of materials) associated with the fitout of the shed as a depot shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (4) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (5) **Noise During Work** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority's Environmental Noise Manual.

3.0 – Ongoing Use

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

- (1) **Storage of goods** - The storage of goods, materials plant and machinery approved to be stored by this development consent must be confined within the depot building. At no time shall goods, materials, plant or machinery be displayed or placed outside of the depot building.
- (2) **Retailing Prohibited** – The use of the depot for retail activities including the commercial sale or hire of goods, materials plant and machinery is prohibited.
- (3) **Manufacturing Prohibited** – The use of the depot for the manufacturing of goods, materials plant and machinery is prohibited.
- (4) **Dismantling Prohibited** – The dismantling of goods, materials plant and machinery for waste disposal is prohibited.
- (5) **Containment of Depot Building** - The depot must be solely contained within the eastern shed as depicted on the drawings approved by this development consent. The depot is not permitted to occur within the existing western shed approved via Development Consent 1096/2011.
- (6) **Amenity** - The depot shall be managed strictly in accordance with the conditions outlined in this consent to reduce impacts on residential amenity and the agricultural nature of land.
- (7) **Loading to Occur within Building** - All loading and unloading operations are to be carried out wholly within the depot building with the building doors to be closed.

-
- (8) **Number of Vehicle Movements** – A maximum number of 4 vehicle movements per week (include waste removal) is permitted associated with the depot, via a vehicle no greater in size than a medium rigid vehicle.

If a vehicle enters and leaves the site, this is considered to be 2 (two) vehicle movements.

- (9) **Vehicle Log Book** – The owner is to maintain a vehicle log book of all vehicles associated with the depot, which is to include the vehicle licence plate number, vehicle type and weight, arrival and departure times and materials transported. The log book must be made available to Council staff upon request.
- (10) **Maximum Vehicle Size** – The maximum sized vehicle permitted to access the depot is Medium Rigid vehicle.
- (11) **Manoeuvring of Vehicles** - All vehicles must enter and exit the site in a forward direction.
- (12) **Driveways to be Maintained** - All access crossings, driveways and the internal road shall be maintained in good order for the life of the development.
- (13) **Hours of Operation** - The depot is only to operate and be accessed within the following hours:

Day	Hours of Operation
Monday	9:00am to 5:00pm
Tuesday	9:00am to 5:00pm
Wednesday	9:00am to 5:00pm
Thursday	9:00am to 5:00pm
Friday	9:00am to 5:00pm
Saturday	No operation permitted
Sunday and Public Holidays	No operation permitted

- (14) **Waste Disposal** – An ongoing use Waste Management Plan must be prepared, which details the type and amount of waste to be generated, the collection contractor and subsequent disposal facility. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves etc.) at any time.
- Any waste collection vehicles that services the depot will be considered as part of the counted vehicle movements being a maximum of 4 per week.
- (15) **Storage or Hazardous Goods** - Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

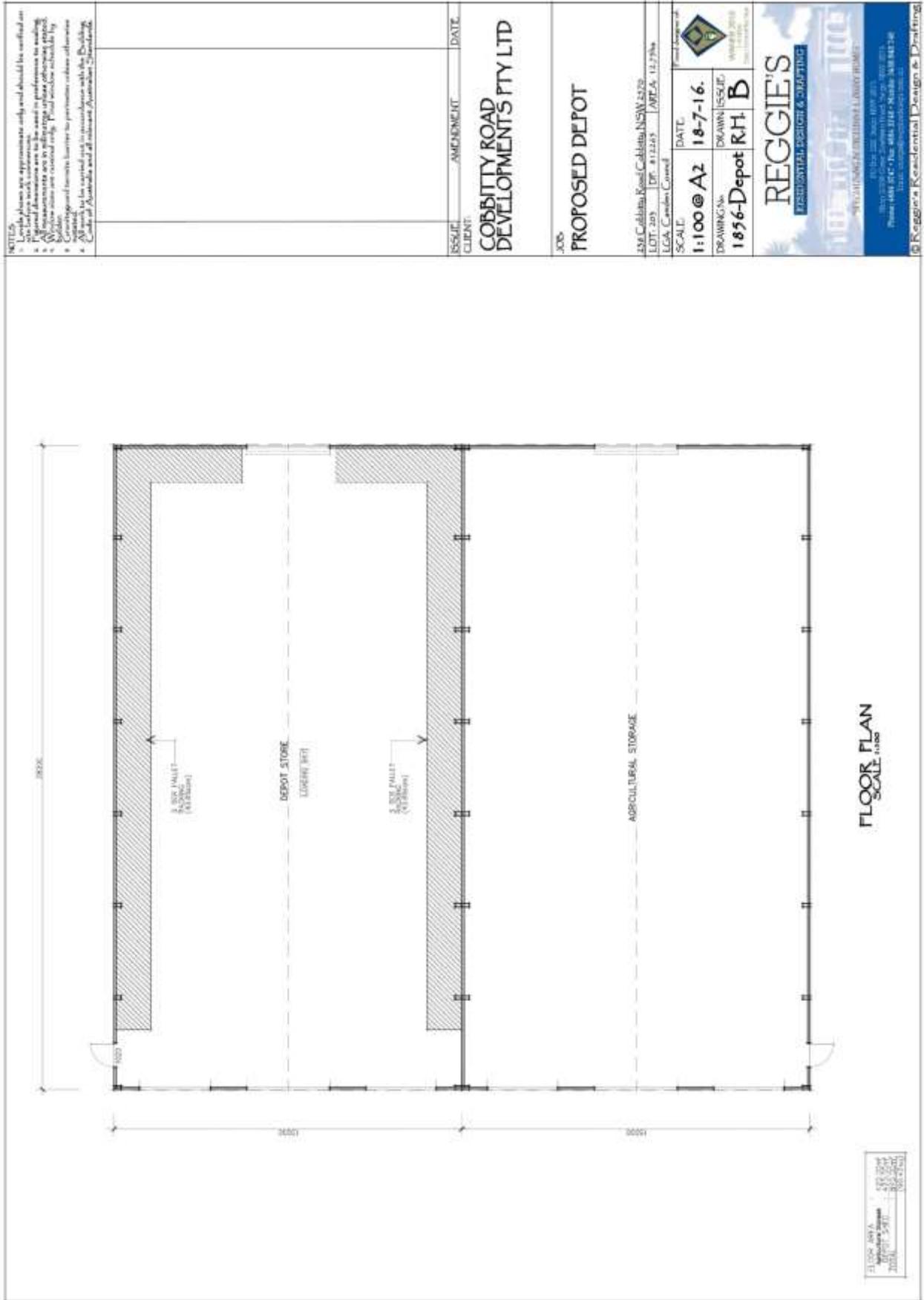
Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.

- (16) **Handling Hazardous Materials** - Material Safety Data Sheets shall be held at the premises for all hazardous materials to ensure their correct handling.
- (17) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials
- (18) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (19) **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.



ORD02

Attachment 2





Hawes & Swan

Town Planning Consultants

SECTION 82A REVIEW

Use of Existing Shed as Depot,
238 Cobbitty Road, Cobbitty

ORD02

Attachment 3



Hawes & Swan
Town Planning Consultants

Section 82A Review
238 Cobbitty Road, Cobbitty

CONTACT INFORMATION

Hawes & Swan Planning Pty Ltd
ABN 27 605 344 045

Suite 4, Level 4,
35 Buckingham Street,
Surry Hills New South Wales 2010

www.hawesandswan.com.au

Author(s):

Lachlan Rodgers
Town Planner

Approved by:

Jeremy Swan
Director

Prepared for _____ **Admark Constructions Pty Ltd**

Project Name _____ **238 Cobbitty Road, Cobbitty**

Job Reference _____ **17/092**

Date Approved _____ **3 May 2017**

© Hawes and Swan Planning. Reproduction of this document or any part thereof is not permitted without prior written permission of Hawes and Swan Planning Pty Ltd. Hawes and Swan Planning Pty Ltd operate under a quality management system. This report has been prepared and reviewed in accordance with that system. If the report is not signed, it is a preliminary draft.

Section 82A Review of Development Application 867/2016 – 238 Cobbitty Road, Cobbitty

Contents

1.0 Introduction	4
2.0 The Proposal	4
3.0 Legislative Framework	5
4.0 Reasons for Refusal	5
5.0 Conclusion	7



Section 82A Review of Development Application 867/2016 – 238 Cobbitty Road, Cobbitty

1.0 Introduction

This report sets out a Section 82A Review Request for Development Application No. 867/2016 which was refused by Camden Council on the 14th of February 2017. The Development Application proposed the use of an existing shed as a 'depot' associated with the operations of Admark Constructions Pty Ltd at 238 Cobbitty Road, Cobbitty.

Part of the existing shed was approved by Council under Development Consent 1096/2011 on 11 January 2012 with a Gross Floor Area of 420m². That consent noted a condition stating that the shed/building must not be adapted or used for non-agricultural purposes. A subsequent Complying Development Certificate was approved by a Private Certifier on 30/10/2015 which increased the size of the shed to a total of 840m².

The use as proposed under DA867/2016 (which was refused) sought consent for the utilisation of 420m² of the shed. The remaining 420m² was proposed to be used for farm/domestic storage associated with the remaining portion of the land.

At the time of the application, Admark Constructions had been using the shed as a place to store building materials, therefore the application was seeking consent to legitimise and continue this use of the shed.

2.0 The Proposal

Specifically, the proposed development involves:

- Use of an existing 420m² farm building as a depot for the storage of building materials, machinery and plant; and
- Installation of three-tier pallet racking along the inside edges of the building for the storage of building materials with the centre of the depot used for the loading and unloading of building materials and the storage of machinery and plant.

Building materials, plant and machinery are proposed to be stored within the depot when they are not being used off-site by the construction company. Items proposed to be stored include:

- Building materials including fittings and fixtures, mobile scaffolding, residential building stock and general building supplies (e.g. bricks, tiles, panels and tools); and
- Machinery and plant associated with construction including two bobcats, one digger, 1 forklift and 1 truck.

Proposed hours of operation are 9:00am to 5:00pm Monday to Friday, with a maximum of four vehicle movements (vehicle size not exceeding a medium rigid vehicle) per week associated with the depot.

No physical works are proposed outside of the existing farm building. The only works proposed relate to the installation of internal pallet racking for storage of building materials.

A maximum of four staff will be present on site to manage loading and unloading of building materials, plant and machinery; no full time onsite staff are proposed. The operator of the construction company resides in the dwelling on the site.

Section 82A Review of Development Application 867/2016 – 238 Cobbitty Road, Cobbitty

3.0 Legislative Framework

Under *Section 82A of the Environmental Planning and Assessment Act 1979*, an applicant may request a review of a decision made by Council, as outlined below:

(1) *If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:*

- (a) *a determination to issue or refuse to issue a complying development certificate, or*
- (b) *a determination in respect of designated development, or*
- (c) *a determination in respect of integrated development, or*
- (d) *a determination made by the council under Division 4 in respect of an application by the Crown.*

(2) *A council must, on a request made in accordance with this section, conduct a review.*

The 82A Review of Determination must be made within 6 months of the original determination made by Council.

4.0 Reasons for Refusal

The Notice of Determination received on the 22nd of February 2017 stated four reasons for refusal. The reasons for refusal are provided below with a response to each refusal listed.

Reason 1 – Non-compliance with existing conditions over a period of over a year.

Comment:

Reason 1 of refusal involves the conditions of consent that supported the original Development Application for the construction of the storage shed (DA 1096/2011). Particularly condition 6 of DA1096/2011 – Operational Conditions states the following:

***Use Limitations** – The building shall not be adapted, converted or used for non-agricultural commercial purposes, industrial or residential purposes or any use that is not permitted use of the land without the prior approval of Camden Council"*

The DA that this 82A review relates to, seeks to legitimise this non-compliance. The Environmental Planning & Assessment Act 1979 allows for a development application to be lodged and considered not withstanding previous unauthorised use.

In addition, the DA process allows for Council to impose conditions of consent to control potential impacts on adjoining land and surrounding development. It is noted that Council officers recommended approval of the original DA and recommended stringent conditions of consent which we consider appropriate and accept.

In *Jonah Pty Limited v Pittwater [2006] NSWLEC 99* the Chief Judge Preston said at para 38

"For instance, past conduct (regardless of whether it is unlawful) may have given rise to unacceptable impacts, such as unacceptable acoustic impacts on adjoining properties. The experience of impacts of the past use could be relevant in evaluating, first, the likely impacts of a prospective use for which consent is sought of the same or similar character, extent, intensity and

Section 82A Review of Development Application 867/2016 – 238 Cobbitty Road, Cobbitty

other features as the past use, secondly, the acceptability of the likely impacts and thirdly, if likely impacts are considered to be unacceptable, the appropriate measures that ought to be adopted to mitigate the likely impacts to an acceptable level. Past use would, therefore be of relevance, but it is for proper planning reasons, not because the past use happened to be unlawful. The unlawfulness of the past use is not relevant.”

In essence this case makes it clear that the unlawfulness of the past use is not relevant. To refuse the application for the above reason in our view is contrary to this judgement of the Chief Judge. In addition, Council officers have appropriately dealt with the planning reasons through the original draft conditions.

Reason 2 – Use of the existing shed as a depot for an offsite construction company.

Comment:

The application is seeking to use part of an existing farm building as a depot, which is a permissible land use within the RU1 zone. A ‘depot’ is defined by the Camden Local Environmental Plan (LEP) 2010 as:

“Depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”

The depot does therefore not require the construction company to be present or operational on site. As with most depots, they are used to store goods and materials when not required for use for works that occur offsite. The proposed development meets the definition of a depot and is therefore a legal permissible use within the site.

Reason 3 – Access road not being zoned for a depot.

Comment:

The existing shed is located on land that is zoned RU1 – Primary Production under the Camden LEP 2010. The proposed development is defined as being a ‘depot’ which is a permissible land use in the RU1 zone.

The access handle that provides access to the shed from Cobbitty Road is zoned R5 Large Lot Residential under the Camden LEP 2010. Use of land as a depot is prohibited in the R5 zone, however only the access handle is located within the R5 zone and no works are proposed within the access handle.

The access handle is characterised as a ‘road’ as defined by the Camden LEP 2010.

The Camden LEP defines a ‘road’ as follows:

“road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.”

A private road is defined within the Dictionary of the Roads Act 1993 as follows:

“private road means any road that is not a public road.”

Section 82A Review of Development Application 867/2016 – 238 Cobbitty Road, Cobbitty

A 'road' is a permissible use within the R5 zone. Therefore, it is considered that this reason for refusal is unreasonable as the proposed development is located within the RU1 zone where the development is permitted.

It is noted that Council officers in their report appropriately dealt with this issue, and we concur with their assessment.

Reason 4 – Vehicle movements next to residences disturbing the amenity of the area.

Comment:

Provided the use operates in accordance with the DA, it is considered that the development will have minimal impact on the amenity of surrounding land uses. The DA proposes that the hours of operation will be 9:00am to 5:00pm Monday to Friday, which is out of sensitive residential times, therefore reducing the impact of development.

It is also proposed that there will be a maximum of four vehicle movements a week which also minimises the potential impact on the amenity of the area.

Submissions made to Council in regard to the proposed development stated that currently vehicular movements have been taking place outside of these hours and in excess of four movements per week. The development can be suitably conditioned and controlled which would result in a better outcome for the locality as the impact on amenity will be reduced.

The draft conditions that were prepared for the determination of this application will ensure the development will have minimal impact on the amenity of the locality.

5.0 Conclusion

This 82A Review of Determination has been prepared for the proposed use of part of an existing shed as a depot for Admark Constructions. A total of 420m² of the existing shed is to be used for the storage of construction materials at 238 Cobbitty Road, Cobbitty.

The applicant requests a review of the original determination as it is considered unreasonable and the reasons for refusal have been addressed above.

The application was recommended for approval on an 18-month trial period by Council Officers prior to the Council Meeting that took place on the 14th of February 2017. The proposed development can be suitably conditioned and monitored to achieve a favourable outcome for the applicant and surrounding residents.

Having regard to the above the proposal is reasonable and appropriate and warrants favourable consideration.

ORD02

Attachment 3



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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DRN: TP Sheet 1/1	Site Plan	Master Drafting	Jan 17
-	Floor Plan	-	-

Document Title	Prepared by	Date
Statement Of Environmental Effects – Job Reference 170075	Urban City Planning	February 2017
Waste Management Plan	Urban City Planning	14/03/2017

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
- i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be carried out by an owner-builder:
- i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

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

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

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

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

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) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (2) **Smoke Alarms** - In accordance with Clause 186A of the EP&A Regulation 2000, where not existing, smoke detectors complying with AS 3786 shall be installed. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Detailed Landscape Plan** – A detailed landscape plan must be prepared in and include the following screen planting specifications;
 - a) Small trees/tall shrub species capable of reaching a mature height of 4 metres shall be planted along the rear boundary to compliment existing plantings excluding the clothes line area.
 - b) Matrix planting area preparation shall consist of sub grade rips 0.5m apart to a minimum depth of 0.4m followed by cultivation of the top soil at a depth of 100mm.
 - c) Individual planting holes shall be excavated to twice the depth and the width of the new tree root-ball and backfilled with quality garden mix.

- d) A 75mm layer of leaf mulch shall be applied evenly over the entire planting area after planting.
- e) The planting stock shall consist of minimum 25 litre container stock and must consist of at least one of the species with known performance in the Camden district. Suggested species; Callistemon, Grevillea, Hakea, Leptospermum, Melaleuca, Pittosporum, Viburnum or Syzygium.
- f) The small trees/tall shrub screen must be cared for and maintained until a continuous screen is established. Should any of the trees/tall shrubs die then they shall be replaced with another small tree/tall shrub.
- g) Small tree/shrub stock to be sourced in accordance with tests and measures contained within AS2303-2015 – Tree Stock for Landscape Use.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.

- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;

- e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.
- Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

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

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

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA/NCC.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.
- (11) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site, or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the Local Government Act 1993; or
 - iii) be a temporary chemical closet approved under the Local Government Act 1993.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (3) **Screen Planting** - The applicant shall make arrangements for a Council officer to inspect the planting/s referred to in condition 2.0 (3) of this consent to ensure that the screen planting is achieved.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (2) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (3) **Landscaping Maintenance Establishment Period** - Commencing from the date of the Occupation Certificate, 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 and lawn.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

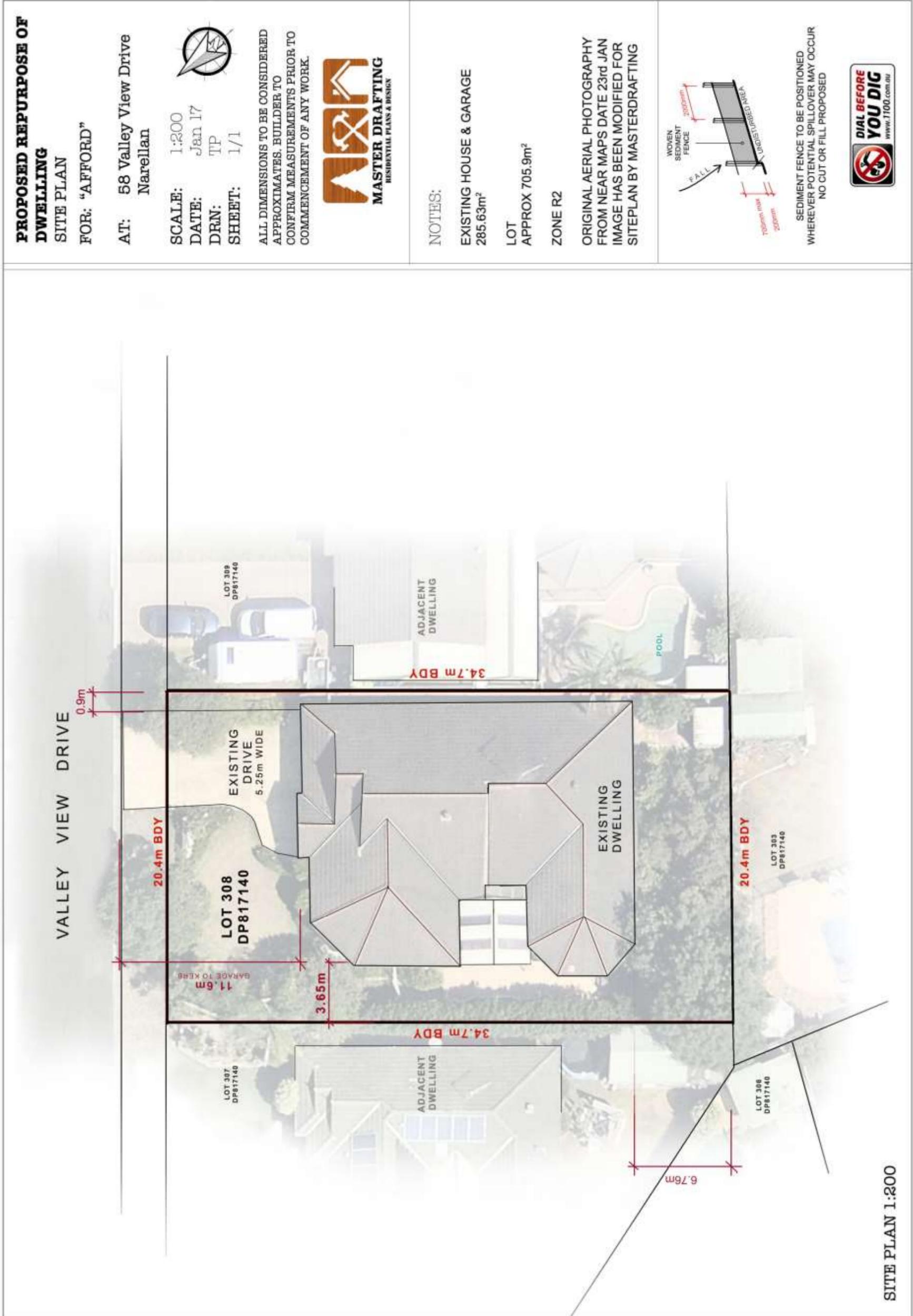
At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans and all improvements be in full working order.

- (4) **Group Home – Permanent** –The development shall be operated to be consistent with the definition of Group Home – Permanent as outlined in State Environmental planning Policy (Affordable Rental Housing) 2009. Any amendments to the use shall be subject to a future development application.

ORD03

- (5) **Carparking** – A minimum of 3 carparking spaces are to remain available on site, one within the single garage and the other within the driveway access to facilitate off street parking associated with this use.

Attachment 1





ATTACHMENT 1 - 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DWG No. A-001 Issue C	Site plan	Black Cow Studio	14/10/2013
DWG No. A-002 Issue B	Existing Ground floor plan	Black Cow Studio	14/10/2013
DWG No. A-002 Issue B	Ground floor plan (Proposed uses)	Black Cow Studio	14/10/2013
No Reference	Home business plan	Unsigned	Undated

Document Title	Prepared by	Date
Statement of Environmental Effects	Kirsty Jaensch	Undated
Waste Management Plan	Kirsty Jaensch	Undated

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

2.0 – Prior to Use

The following conditions of consent shall be complied with prior to any use of the development.

- (1) **Skin Penetration Premises** - The design, construction, fit-out, use and ongoing operation of the skin penetration premises shall comply with all applicable Acts, Regulations, codes and standards including:
- a) the *Public Health Act 2010*;
 - b) the *Public Health Regulation 2012*;
 - c) the *NSW Health Department – Guidelines for Skin Penetration*;
 - d) the *Local Government (General) Regulation 2005*; and
 - e) the *BCA*.

This is the report submitted to the held on

Page 1



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

- (2) **Skin Penetration Premises and Hair Dressing** – The operator of the premises where skin penetration procedures are to be carried out must notify Council, in writing, prior to commencement of the use.

A satisfactory inspection of the completed fit out and equipping of the premises must be undertaken by council prior to the use commencing.

- (3) **Provision of Hand Wash Facilities - Beauty Salons / Skin Penetration Premises**– Hand wash facilities shall be provided in the treatment room separate to the cleaning of equipment sink.

3.0 – Ongoing Use

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

- (1) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	8:30am – 5:30pm
Tuesday	8:30am – 5:30pm
Wednesday	8:30am – 5:30pm
Thursday	8:30am – 5:30pm
Friday	8:30am – 5:30pm
Saturday	8:30am – 12pm
Sunday and Public Holidays	Closed

- (2) **Amenity** - The approved development shall be conducted and clients controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (3) **Provision of Hospital Grade Disinfectant** – An adequate supply of Hospital Grade disinfectant suitable for therapeutic devices must be available for use at all times.
- (4) **Home Beauty Salon** - Beauty Procedures / Skin Penetration procedures shall be carried out only within the room identified as 'Beauty Room' marked on the approved floor plan.
- (5) **Separate Laundering Provision** - The use of the household laundry is permitted as ancillary to the provision of Beauty Services in this Home Business. All towels, garments and linen used in the provision of beauty/skin penetration procedures shall be washed separately to domestic / household washing and shall include a laundry chemical sanitiser in the rinse cycle.

This is the report submitted to the held on

Page 2



-
- (6) **Provision of Client Toilet Facilities** - Use of the household toilet (as shown on the approved floor plan) is permitted as ancillary to the provision of Beauty Services in this Home Business.
- (7) **Provision of Cleaners sink** - Use of the residential laundry tub is permitted for the purposes of providing a cleaner's sink for filling and emptying of mop and cleaning buckets servicing the Beauty Salon.
- (8) **Storage of Equipment** - All equipment, materials, linen, chemicals and items associated with the carrying out of Beauty or Skin Penetration procedures shall be stored within the rooms approved for this development with the exception that cleaning chemicals and associated laundry items is permitted within the household laundry or toilet room.
- (9) **Provision of Additional Beauty/Skin Penetration Services** - The provision of any additional skin penetration service/s than waxing shall be notified to Council and the premises appropriately equipped for all such services in accordance with the requirements of all applicable Acts, Regulations, codes and standards including:
- a) the Public Health Act 2010;
 - b) the Public Health Regulation 2012
 - c) the Local Government (General) Regulation 2005; and
 - d) Building Code of Australia
- prior to commencement of the new services.
- (10) **No Retailing** – The retailing of goods from the subject property is not permitted.
- (11) **Entrance to Premises** – The front entrance of the dwelling is to be used for clients entering and exiting the home business.
- (12) **Light Spill** – All outdoor lighting shall be managed in a way that avoids light spill beyond the boundaries of the subject property.
- (13) **Congregation of clients** – The home business is to be conducted in such a way as to avoid the congregation of clients outside the premises.
- (14) **Client Waiting Area** - No client/s are to congregate or smoke adjacent to the side boundaries of the dwelling whilst awaiting for an appointment.

BASIX REQUIREMENT SUMMARY
LOT 76 PEISLEY CT HARRINGTON PARK

WATER COMMITMENTS

LANDSCAPE REFER DWG A-006 - LANDSCAPE PLAN (50m² MIN.)
 EXTUBES ALL SHOWERHEADS TO HAVE MINIMUM RATING OF 3 STAR (>4.5 BUT <=6L/min)
 ALL WC'S HAVE FLUSHING SYSTEM WITH MIN. RATE OF 4 STAR
 ALL TAPS TO HAVE MINIMUM RATING OF 4 STAR
 ALL BATHROOM BASIN TAPS TO HAVE MIN. RATING OF 4 STAR
 ALTERNATIVE WATER RAINWATER TAPS TO HAVE CAPACITY OF AT LEAST 3000L
 INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ALL APPLICABLE REGULATORY AUTHORITIES.
 RWT CONFIGURED TO COLLECT RUNOFF FROM AT LEAST 180m² ROOF AREA. RWT CONNECTED TO - ALL WC'S AND AT LEAST ONE OUTDOOR TAP.

THERMAL COMFORT COMMITMENTS

CONSTRUCTION ADDITIONAL INSULATION REQUIRED (R-VALUE) SUSPENDED FLOOR ABOVE ENCLOSED SUBFLOOR, FRAMED - 1.00 (OR 1.7 INCLUDING CONSTRUCTION (DOWN) CEILING AND ROOF - FLAT CEILING/PITCHED ROOF - CEILING: 2.75 (UP), ROOF: FOIL/SARKING - ROOF (SOLAR ABSORPTANCE <0.475)
 WINDOWS & GLAZED DOORS REFER DRAWING A-007 FOR WINDOW SCHEDULE

ENERGY COMMITMENTS

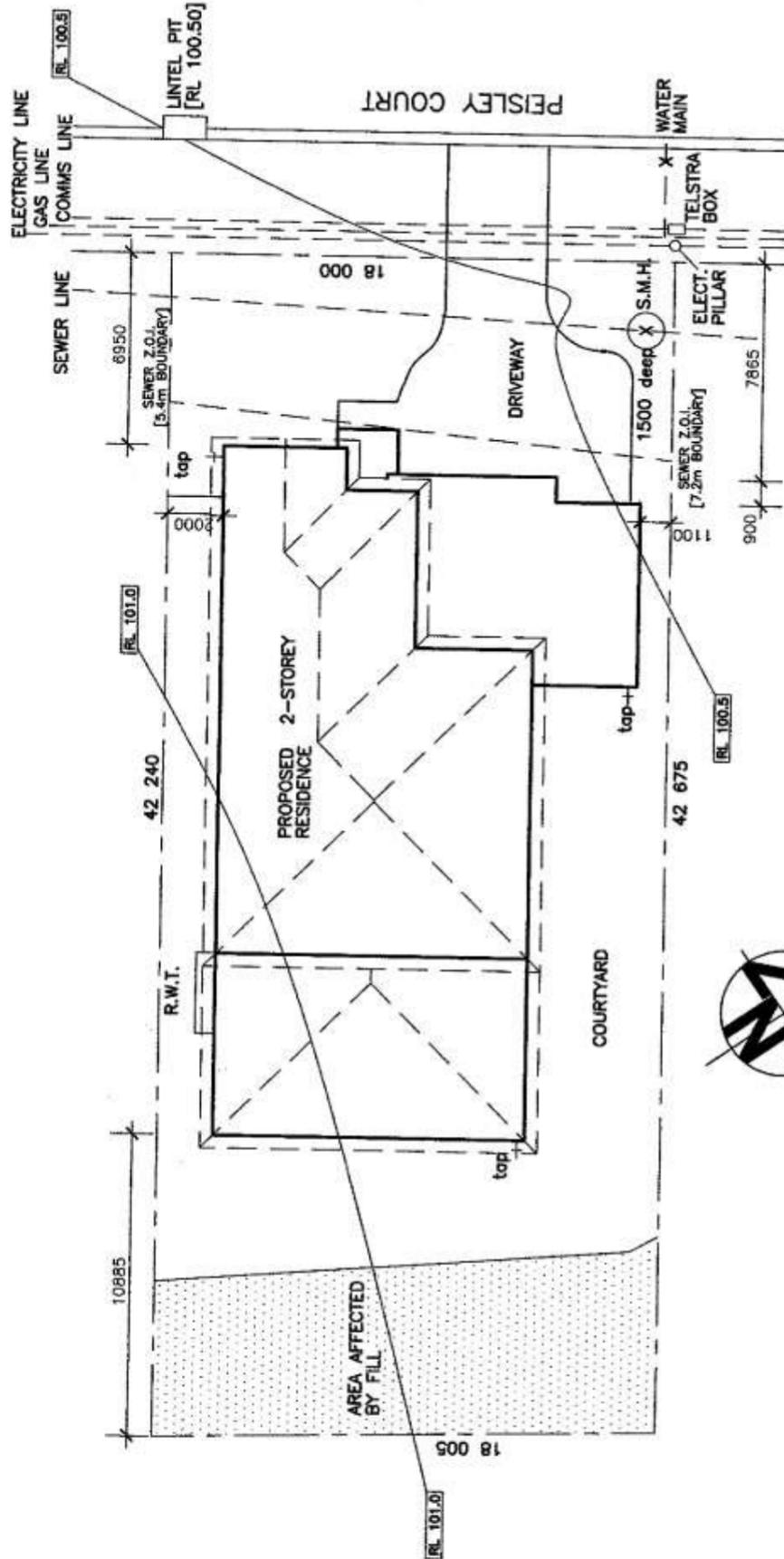
HOT WATER HOT WATER SYSTEM TO BE GAS INSTANTANEOUS WITH PERFORMANCE RATING OF 4 STARS
 CLIMATE SYSTEM PHASE AIRCONDITIONING TO AT LEAST 1 LIVING ROOM, MINIMUM 4-STAR RATING (NEW RATING)
 PHASE AIRCONDITIONING TO AT LEAST 1 BEDROOM, MINIMUM 4-STAR RATING
 HEATING SYSTEM 1-PHASE AIRCONDITIONING TO AT LEAST 1 LIVING ROOM, MINIMUM 4-STAR RATING (NEW RATING)
 PHASE AIRCONDITIONING TO AT LEAST 1 BEDROOM, MINIMUM 4-STAR RATING
 VENTILATION BATHROOM - FAN, DUCTED TO ATMOSPHERE, MANUAL SWITCH
 KITCHEN - FAN, DUCTED TO ATMOSPHERE, MANUAL SWITCH
 LAUNDRY - NATURAL VENTILATION ONLY
 ARTIFICIAL LIGHTING THE PRIMARY FORM OF ARTIFICIAL LIGHTING IS TO BE FLUORESCENT OR LIGHT EMITTING DIODE (LED) LIGHTING
 TO THE FOLLOWING ROOMS -
 • AT LEAST 5 BEDROOMS/STUDY
 • AT LEAST 4 OF THE LIVING/DINING ROOMS
 • KITCHEN, ALL BATHROOMS/WC, LAUNDRY AND HALLWAYS
 OTHER
 * KITCHEN TO HAVE INSTALLED GAS COOKTOP AND ELECTRIC OVEN
 * KITCHEN TO HAVE REFRIGERATOR SPACE WHICH IS 'WELL VENTILATED' BY BASIX DEFINITION
 * FIXED EXTERNAL CLOTHES DRYING LINE - REFER A-001

COLOUR SCHEDULE
LOT 67 PEISLEY CT HARRINGTON PARK

DULUX 'SHALE GREY'
 MAIN BODY COLOUR

DULUX 'WOODLAND GREY'
 ROOF COLOUR

DULUX 'WIND SPRAY'
 ACCENT COLOUR



SITE PLAN

FSR CALCULATIONS	
SITE AREA	764.2m ²
GROUND LEVEL MINUS GARAGE + STORE(GFA)	170.8
LEVEL 1 (GFA)	153.5
GROSS FLOOR AREA	324.3
FLOOR SPACE RATIO	0.42:1

PROPERTY DESCRIPTION LOT 76 DP 280038 AREA 764.2m²/sq	PROPOSED DEVELOPMENT AT 10 PEISLEY COURT HARRINGTON PARK FOR J + K JAENSCH		DRAWING TITLE SITE PLAN + BASIX	
	SCALE 1:100	DATE 05-13	DRAWN LA	CHECKED
JOB No. 105-22	DWG. No. A-001	ISSUE C	PROJECT	
14.10.13 C 28.09.13 B 10.09.13 A DATE ISSUE AMENDMENT PROJECT Changes of design shown here is restricted and authority is required for any subsequent issue without consent only. Do not scale plans, not keep separate drawings or sets.				

BLACK COW STUDIO
LENARD ANDERSON
 "THE CREAMERY"
 167 Cobbitty Road
 COBBITTY 2570
 04321 797 51
 blackcowstudio@bigpond.com

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-01 Sheet 1 of 10 Issue B	Site Plan	Sekisui House	9 March 2017
01-2 Sheet 2 of 10 Issue B	Site Works Plan	Sekisui House	9 March 2017
01-3 Sheet 3 of 10 Issue B	Stormwater Management Plan	Sekisui House	9 March 2017
01-4 Sheet 4 of 10 Issue B	Shadow Diagrams	Sekisui House	9 March 2017
02-1 Sheet 5 of 10 Issue B	Ground Floor Plan	Sekisui House	9 March 2017
02-2 Sheet 6 of 10 Issue B	First Floor Plan	Sekisui House	9 March 2017
03-1 Sheet 7 of 10 Issue B	External Elevations	Sekisui House	9 March 2017
03-2 Sheet 8 of 10 Issue B	External Elevations	Sekisui House	9 March 2017
03-3 Sheet 9 of 10 Issue B	Sections	Sekisui House	9 March 2017
03-4 Sheet 10 of 10 Issue B	Sections	Sekisui House	9 March 2017

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.

- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;

- d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.
- Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

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

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;

- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
- a) street gutter;
 - b) drainage easement;
 - c) existing drainage system;
 - d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and

- ii) fully traverse the site's stabilised access point.

- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and

- b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);

- h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
- i) All certificates relating to salinity, as required by conditions of the Development Consent; and
- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;

- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

ORD05

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Attachment 1

DRAFT

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-01 Sheet 1 of 9 Issue A	Site Plan	Sekisui House	20 September 2016
01-2 Sheet 2 of 9 Issue A	Site Works Plan	Sekisui House	20 September 2016
01-3 Sheet 3 of 9 Issue A	Stormwater Management Plan	Sekisui House	20 September 2016
01-4 Sheet 4 of 9 Issue A	Shadow Diagrams	Sekisui House	20 September 2016
02-1 Sheet 5 of 9 Issue A	Ground Floor Plan	Sekisui House	20 September 2016
02-2 Sheet 6 of 9 Issue A	First Floor Plan	Sekisui House	20 September 2016
03-1 Sheet 7 of 9 Issue B	External Elevations	Sekisui House	20 September 2016
03-2 Sheet 8 of 9 Issue A	External Elevations	Sekisui House	20 September 2016
03-3 Sheet 9 of 9 Issue B	External Sections	Sekisui House	20 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017

Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation
-----------------------	---------------------------------------	---------------------------------------

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- This clause does not apply:
- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and

- d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;

- b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

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

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
- a) street gutter;
 - b) drainage easement;
 - c) existing drainage system;
 - d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

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

- b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.
- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;

- f) All certificates or information relating to BASIX compliance for the development;
- g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
- h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
- i) All certificates relating to salinity, as required by conditions of the Development Consent; and
- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

DRAFT

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-01 Sheet 1 of 8 Issue B	Site Plan	Sekisui House	16 September 2016
01-2 Sheet 2 of 8 Issue B	Site Works Plan	Sekisui House	16 September 2016
01-3 Sheet 3 of 8 Issue B	Stormwater Management Plan	Sekisui House	16 September 2016
01-4 Sheet 4 of 10 Issue B	Shadow Diagrams	Sekisui House	16 September 2016
02-1 Sheet 5 of 8 Issue B	Ground Floor Plan	Sekisui House	16 September 2016
02-2 Sheet 6 of 8 Issue B	First Floor Plan	Sekisui House	16 September 2016
03-1 Sheet 7 of 8 Issue B	External Elevations	Sekisui House	16 September 2016
03-2 Sheet 8 of 8 Issue B	Sections	Sekisui House	16 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- This clause does not apply:
- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;

- c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.
- Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing

Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

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

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

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

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
- a) street gutter;
 - b) drainage easement;
 - c) existing drainage system;
 - d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.
- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;

- b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, the Building Code of Australia and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.
 It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.
- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;

- f) All certificates or information relating to BASIX compliance for the development;
- g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
- h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
- i) All certificates relating to salinity, as required by conditions of the Development Consent; and
- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

DRAFT

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 2 (inclusive) Sheets 1-8 Issue B	Architectural Plans	Sekisui House	9 August 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
- i) has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications: <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

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

including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):

- a) street gutter;
- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and

- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

ORD05

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Attachment 4

DRAFT

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	2 November 2011

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

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

including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):

- a) street gutter;
- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;

- i) All certificates relating to salinity, as required by conditions of the Development Consent; and
- j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and

- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

DRAFT

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	28 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):

- a) street gutter;
- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	27 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

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

This clause does not apply:

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

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

- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 2 (inclusive) Sheets 1-8 Issue B	Architectural Plans	Sekisui House	16 September 2017

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

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

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.
- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 2 (inclusive) Sheets 1-8 Issue B	Architectural Plans	Sekisui House	28 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

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

This clause does not apply:

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

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

- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	19 September 2016

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:
 - a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
 to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.
 This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.
- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.
- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	Submitted with DA Documentation

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	9 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
- b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

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

This clause does not apply:

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

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

- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.

- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** - A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** - Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** - The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Determination Review

If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

Legal Notices

Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

Approved Development:

This development consent approves the following development subject to and specifically referred to in the Development Consent Conditions set out below:

- Construction of a two storey dwelling and associated site works.

Details of 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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
01-1 to 4, 02-1 to 2 & 03-1 to 3 (inclusive) Sheets 1-9 Issue B	Architectural Plans	Sekisui House	Submitted with DA Documentation

Document Title	Prepared by	Date
BASIX Certificate	Sekisui House Services (NSW) Pty Limited	10 March 2017
Waste Management Plan	Submitted with DA Documentation	Submitted with DA Documentation

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(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 PCA for the development to which the work relates:
- in the case of work for which a principal contractor has been appointed:
 - has been informed in writing of the name and licence number of the principal contractor; and

- ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, has provided a copy of the owner builder permit.
- (5) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:
 - a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
 to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (6) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.
 This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

A copy of the written consent must be provided to the PCA prior to the excavation commencing.
- (7) **Site Restrictions** - Restrictions on the use of the land proposed to be imposed by Section 88B or other land covenants/restrictions were not registered at the time of this consent being granted. Compliance with all future land restrictions are the responsibility of the developer/applicant and the implications of intended restrictions on the proposed development should be checked and confirmed prior to works commencing.

The development shall in all respects fully comply with the 88B restrictions imposed by conditions of DA1438/2015.
- (8) **Boundary Fencing** - All boundary fencing (including front fencing) is to be in accordance with the Turner Road DCP Part 7.4.10 *Fencing*.

2.0 – Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.
- (6) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (7) **Acoustic Report** - The development shall be constructed in accordance with the approved acoustic report titled "Acoustic Report No. Rp001 2015541SY "The Hermitage Stage 24B Traffic Noise Assessment", dated 11 November 2015, prepared by Marshall Day Acoustic". Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (8) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <http://www.camden.nsw.gov.au/assets/pdf/Development/Residential-Vehicle-Crossing-Specification.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the commencement of any works.

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

- (9) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan Report on Salinity Assessment and Management Plan: "The Western Precinct, The Hermitage Estate Gledswood Hills, project 34295.37", Prepared by Douglas Partners, Dated March 2014.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

- (10) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
- c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** – A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the PCA.

Please refer to the website www.sydneywater.com.au – Plumbing, building & developing – Sydney Water in or telephone 13 20 92.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (7) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b, c or d):
 - a) street gutter;

- b) drainage easement;
- c) existing drainage system;
- d) 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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (6) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** – The construction supervisor must ensure that:
 - a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.

5.0 - Prior to Issue of an Occupation Certificate

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

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

- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Land Registration** – Prior to any use, occupation or issue of an Occupation Certificate for the development, proof of the registration of the subdivision of the land approved by Development Consent DA1438/2015 with the NSW LPI must be presented to the Principal Certifying Authority for this development. All plans for the approved dwelling must also be consistent with the registered allotment and any easements or restrictions as to the user created under the property title.
- (6) **Subdivision Retaining Walls** – The retaining walls associated with the subdivision approved under DA1438/2015 are to be completed prior to the issue of any Occupation Certificate.
- (7) **Street Tree** - Prior to the issue of any Occupation Certificate if a street tree has been damaged or removed it shall be replaced with a tree of the same size and species.

Where a street tree is required to be relocated due to installation of a driveway, drainage etc it is recommended that Council be contacted for advice regarding the new location.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute

Reasons for Conditions:

- (1) To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.

- (2) To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
- (3) To ensure that the development complies with the submitted plans and supporting documentation.
- (4) To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Land and/or Building Uses** - Unless consent for the use of a building is expressly stated in the conditions of consent, a separate Development Application for the use of each separate unit/occupant will be required to be approval by Council.

It is not permitted for garden sheds, carports, garages, outbuildings, rural sheds, etc. to be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council. Carports are not to be enclosed in any manner, including with the use of solid gates or door, without the prior consent from Council.

- (2) **Component Certificates (where Council is PCA)** - Where Council is appointed as the PCA for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a final Occupation Certificate:
 - a) Insulation installation certificates;
 - b) Termite management system installation certificates;
 - c) Smoke alarm installation certificate from installing licensed electrician;
 - d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment;
 - e) Certification attesting that retaining walls have been constructed in accordance with Engineers details or manufacturers specifications as applicable;
 - f) All certificates or information relating to BASIX compliance for the development;
 - g) An 'Approval to Operate a Sewage Management System' issued by Council (for areas that are not serviced by a Sydney Water sewer);
 - h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the Building Code of Australia;
 - i) All certificates relating to salinity, as required by conditions of the Development Consent; and
 - j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *EP&A Act 1979* with respect to any required critical stage inspections.

(3) **Works in the Public Road Reserve:**

Public Road Activity approval - A Public Road Activity application shall be made to Council for the carrying out of any work that will impact upon a Public Road in such a manner that impact the normal vehicle movement, peak hour and school zone traffic, or immediate residents enjoyment of local amenity or pedestrian thoroughfares. The following activities on a Public Road will require an approval:

- a) New footpath, gutter crossings or stormwater kerb adaptor;
- b) Roadworks;
- c) Hoarded Zones and Truck Zones;
- d) Surveying;
- e) Outdoor Cafés;
- f) Crane / Cherry Picker / Concrete Pump operation;
- g) Shoring / Ground Anchors / Formwork; and
- h) Landscaping.

Most public road activities will require a Traffic Control Plan drawn up by a suitably qualified person. Activities involving temporary traffic control measures (e.g. diversion of traffic to alternative routes; changes to traffic control devices and on-street parking restrictions; potential impact on traffic operation of Regional and State Roads) shall be referred to Council at least two (2) months in advance of works for consideration and concurrence by the Camden Local Traffic Committee.

Public Road Activity application forms are available from Council's Customer Service Counter or downloaded from Council's website.

The Public Road Activity application shall include:

- a) Supporting information that details all proposed activities;
- b) A Certificate of Currency for an appropriate Public Liability Policy;
- c) A Traffic Control Plan prepared by a Roads and Maritime Services accredited person or organisation; and
- d) Details of the notification process to be applied, for affected street residents.

Changes to Regulatory Signage, Line-Markings and Devices - Permanent changes to regulatory signage, line-marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

Costs for Adjustment or Relocation of Public Utility Service - The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- (4) **Securing Work Sites** - If the approved work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public property to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence will be required to be erected between the work site and the public property.

It is noted that separate approval is required to erect a hoarding or temporary fence on public property. Approvals for hoardings and/or scaffolding on public land shall be obtained and clearly displayed on site for the duration of the works.

- (5) **Responsibility for damage for tree removal/pruning** - The applicant is responsible for any damage caused to existing public utilities, footpaths or public roads during the cutting down, grinding, removal and disposal of the timber and roots. Care must also be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicants' agent may be liable to pay compensation to any adjoining owner if, due to tree works, damage is caused to such adjoining property.

Responsibility for Other Approvals / Agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application within 6 months after the date on which the applicant received this notice.

Appeals – Third Party

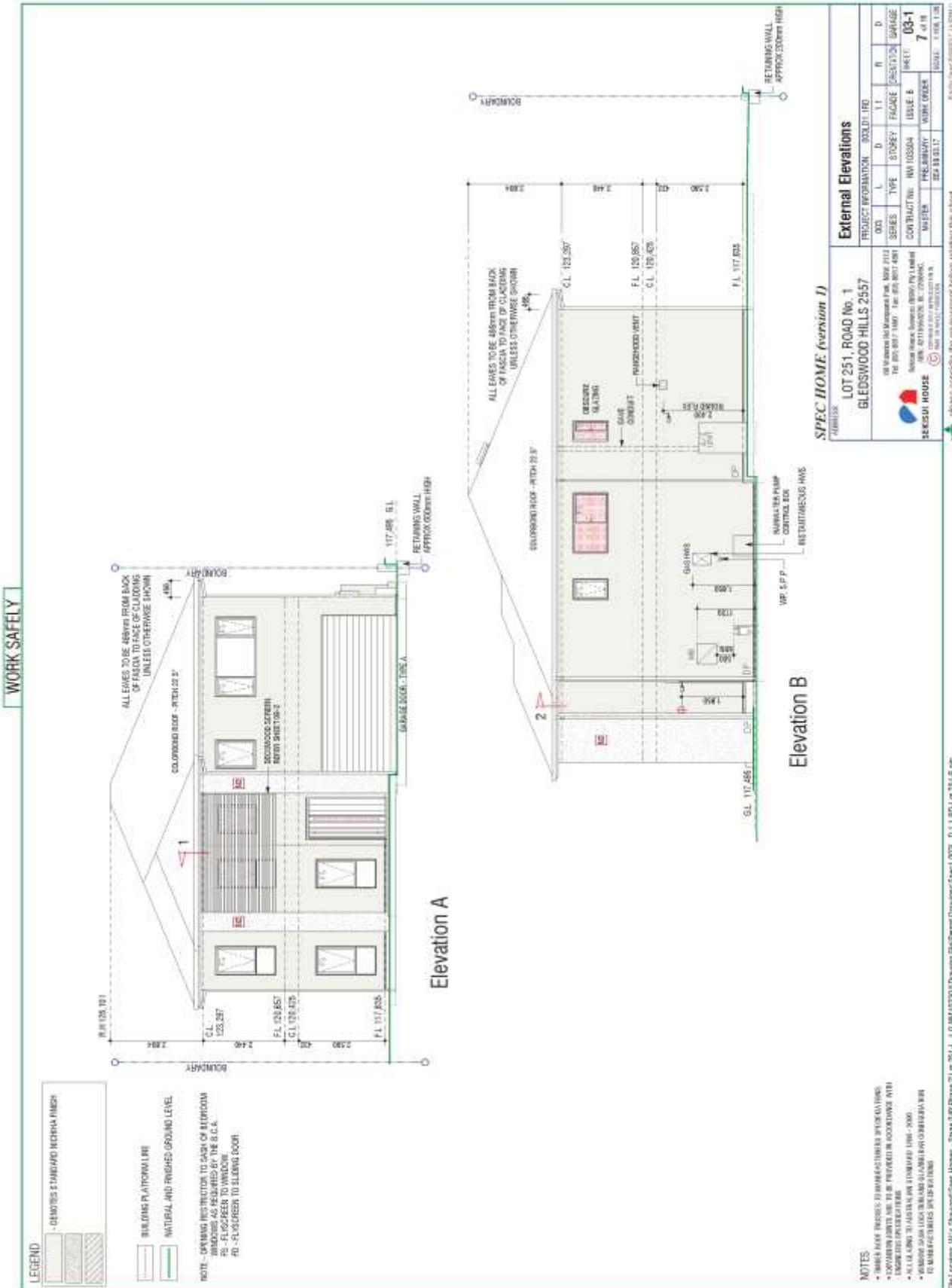
A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

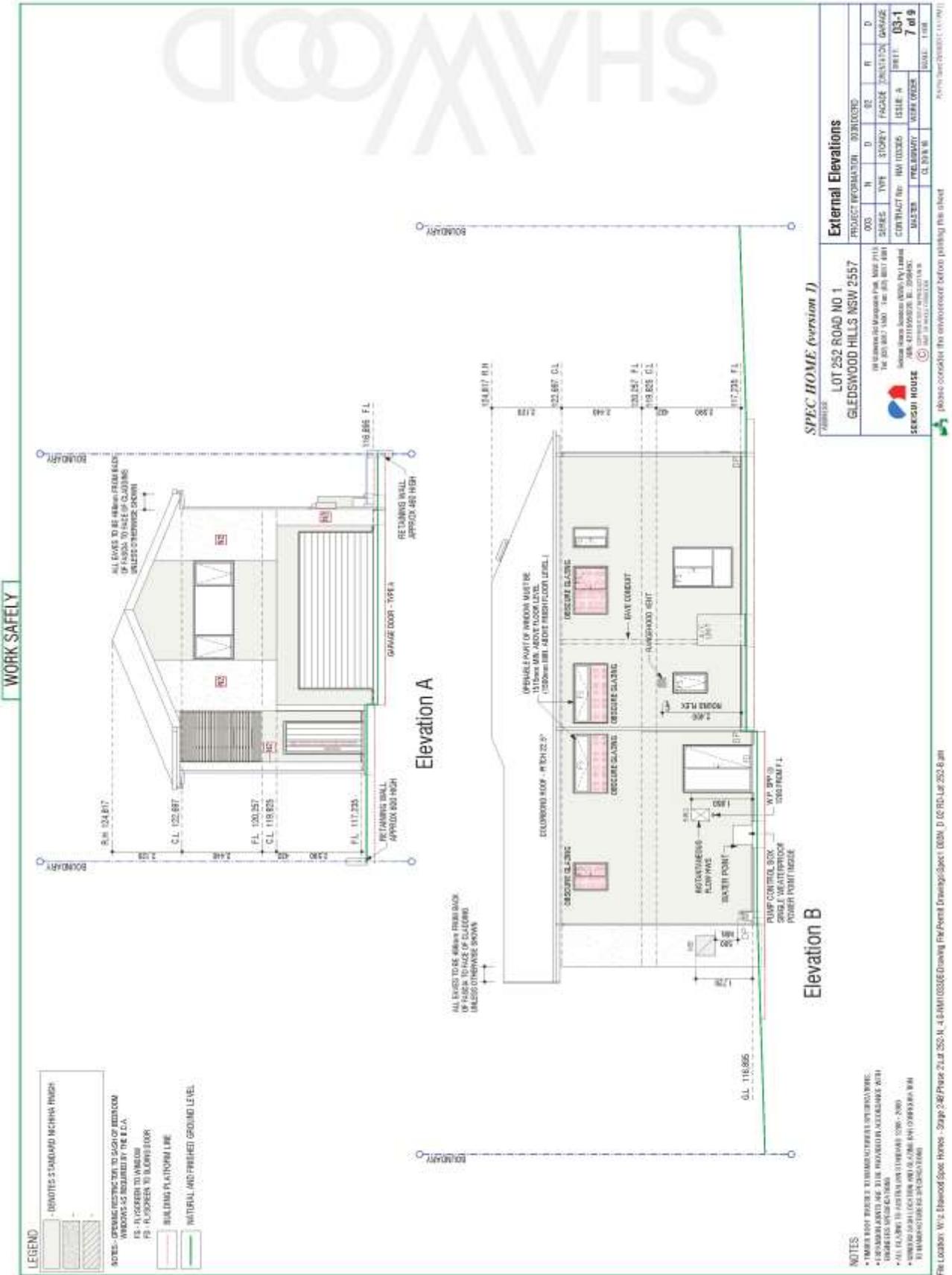
Determination Review

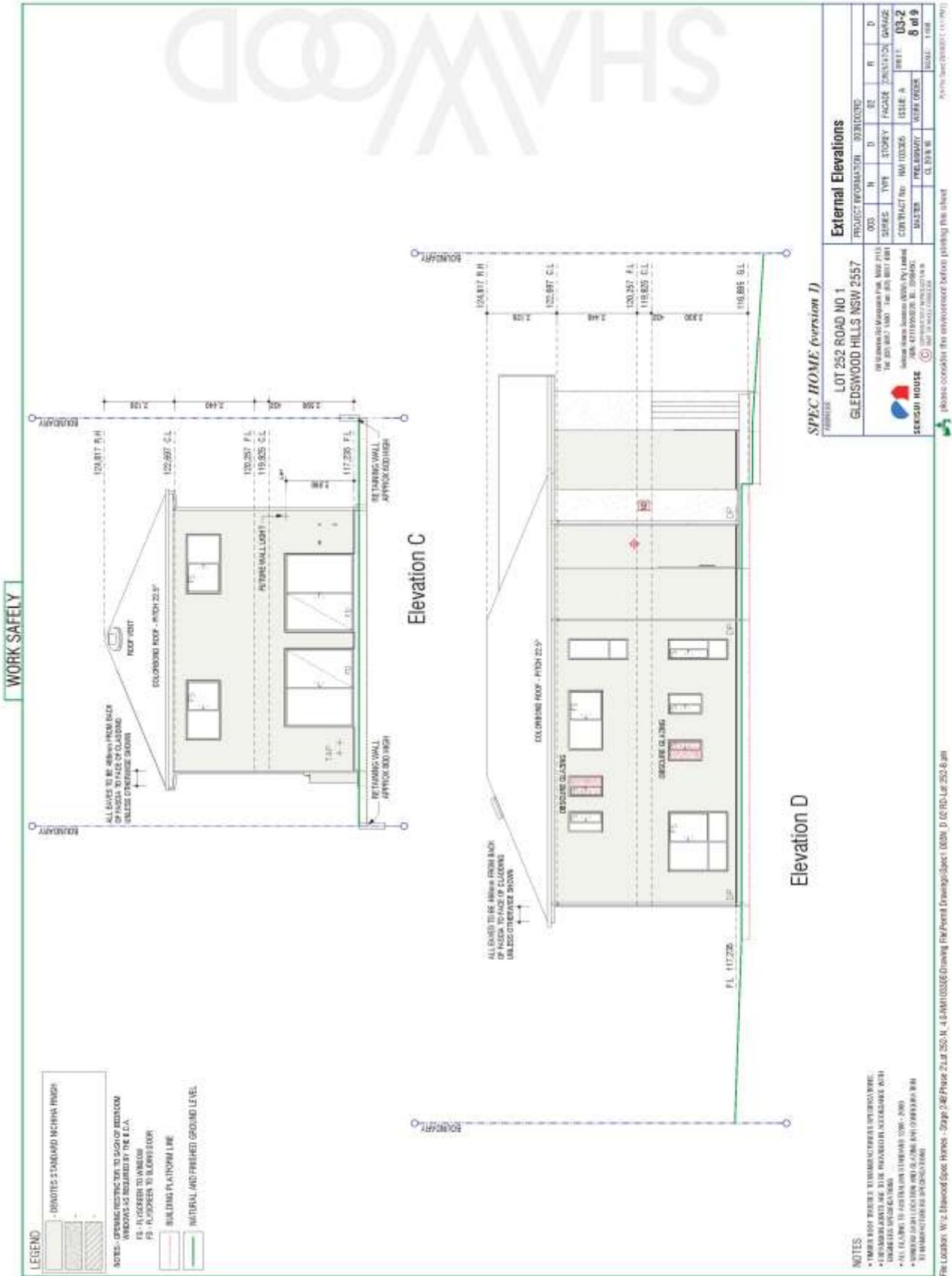
If you are an applicant and you are dissatisfied with the determination, you may within 6 months from the date of determination, request Council, in writing, to review the determination.

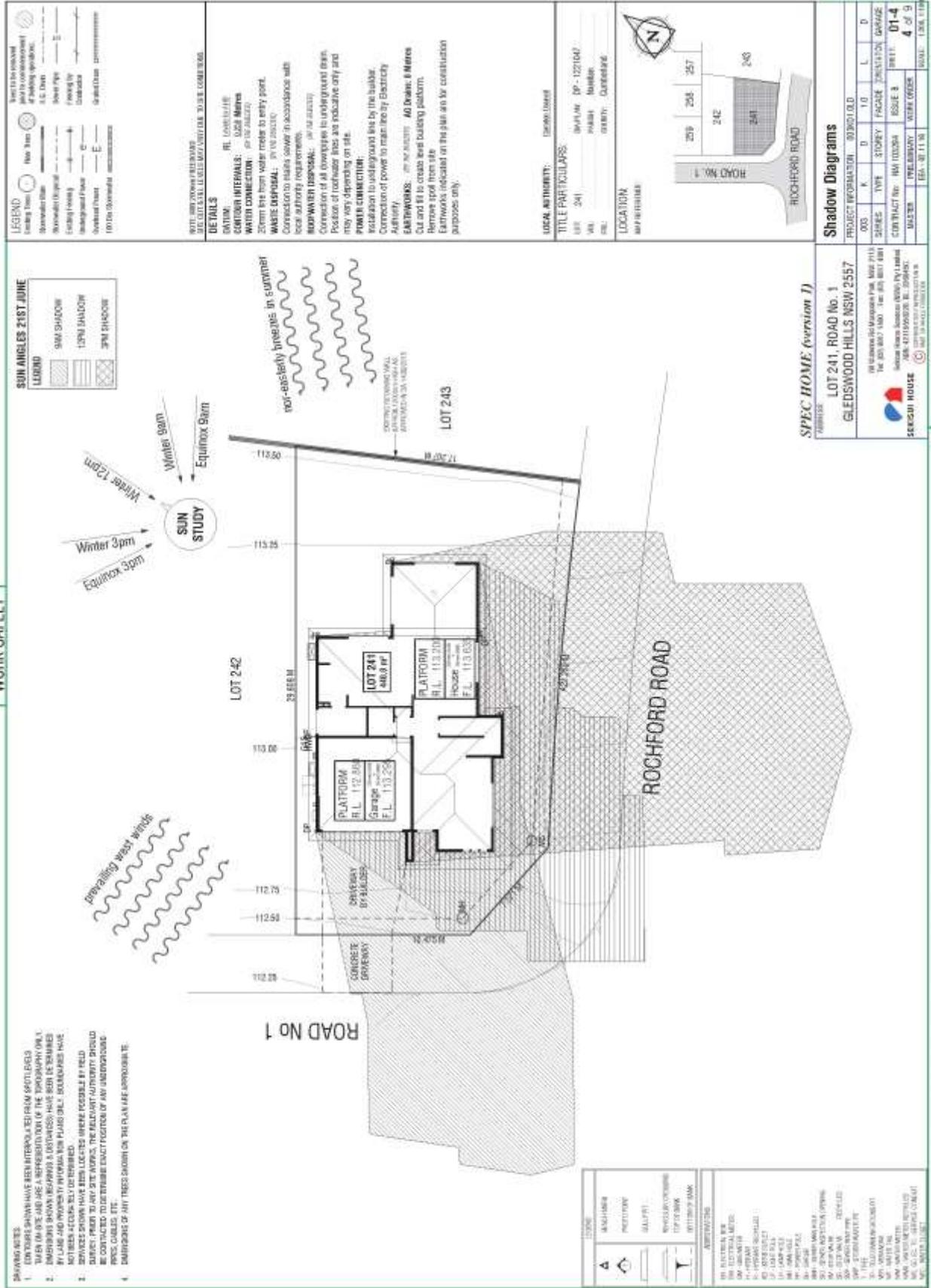
Legal Notices

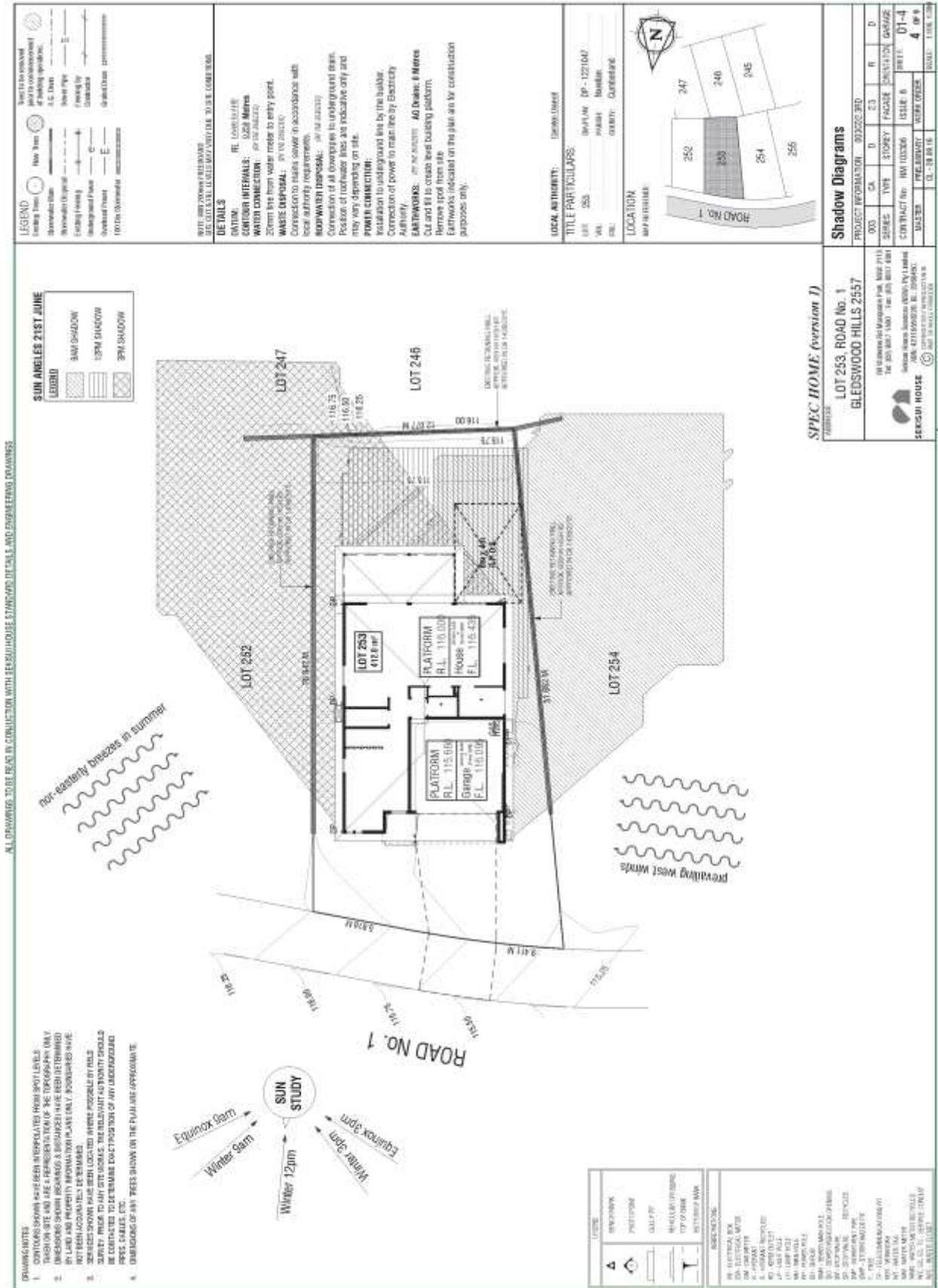
Any advice or notice to the consent authority shall be served on the General Manager of Camden Council.

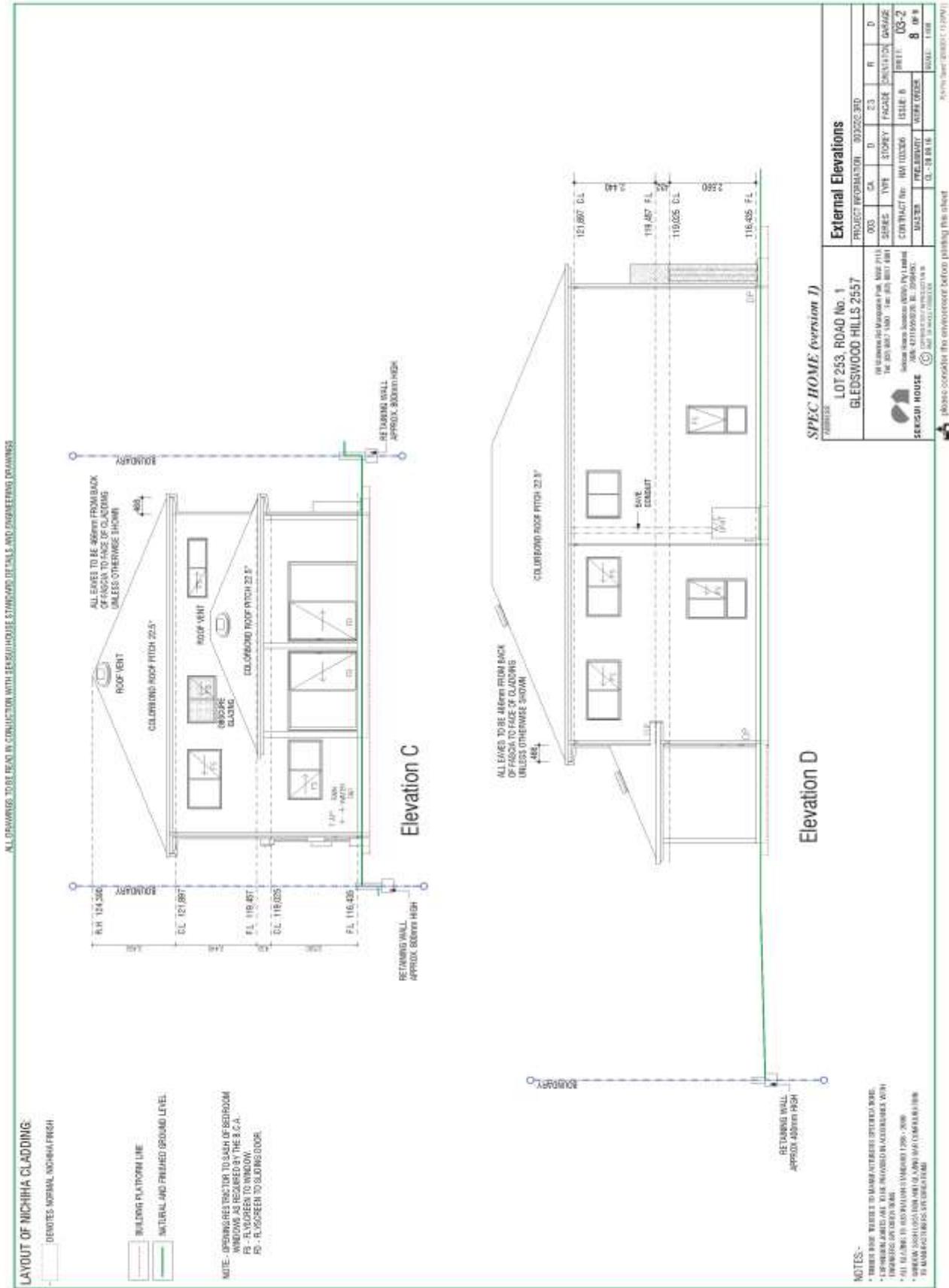


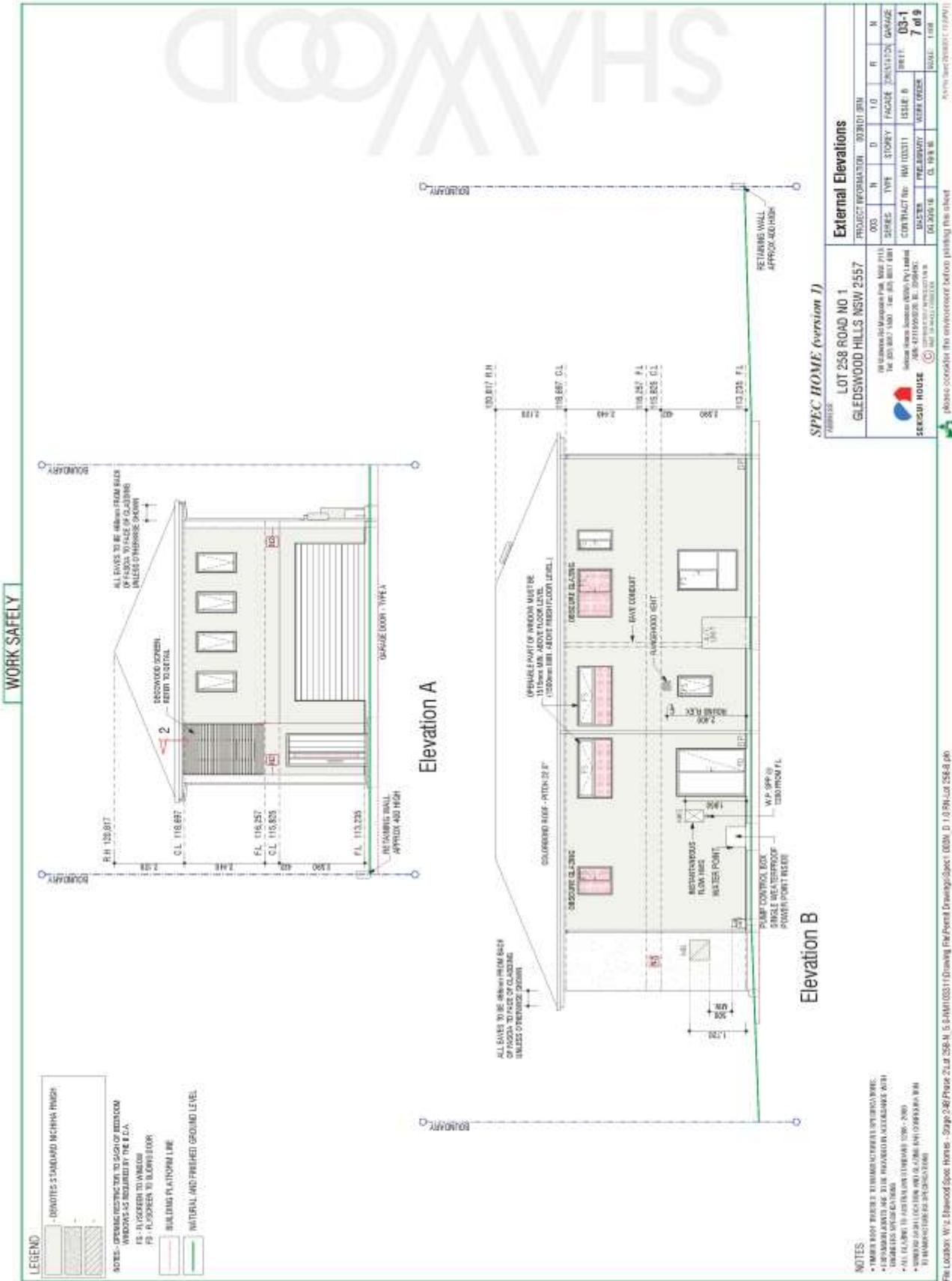




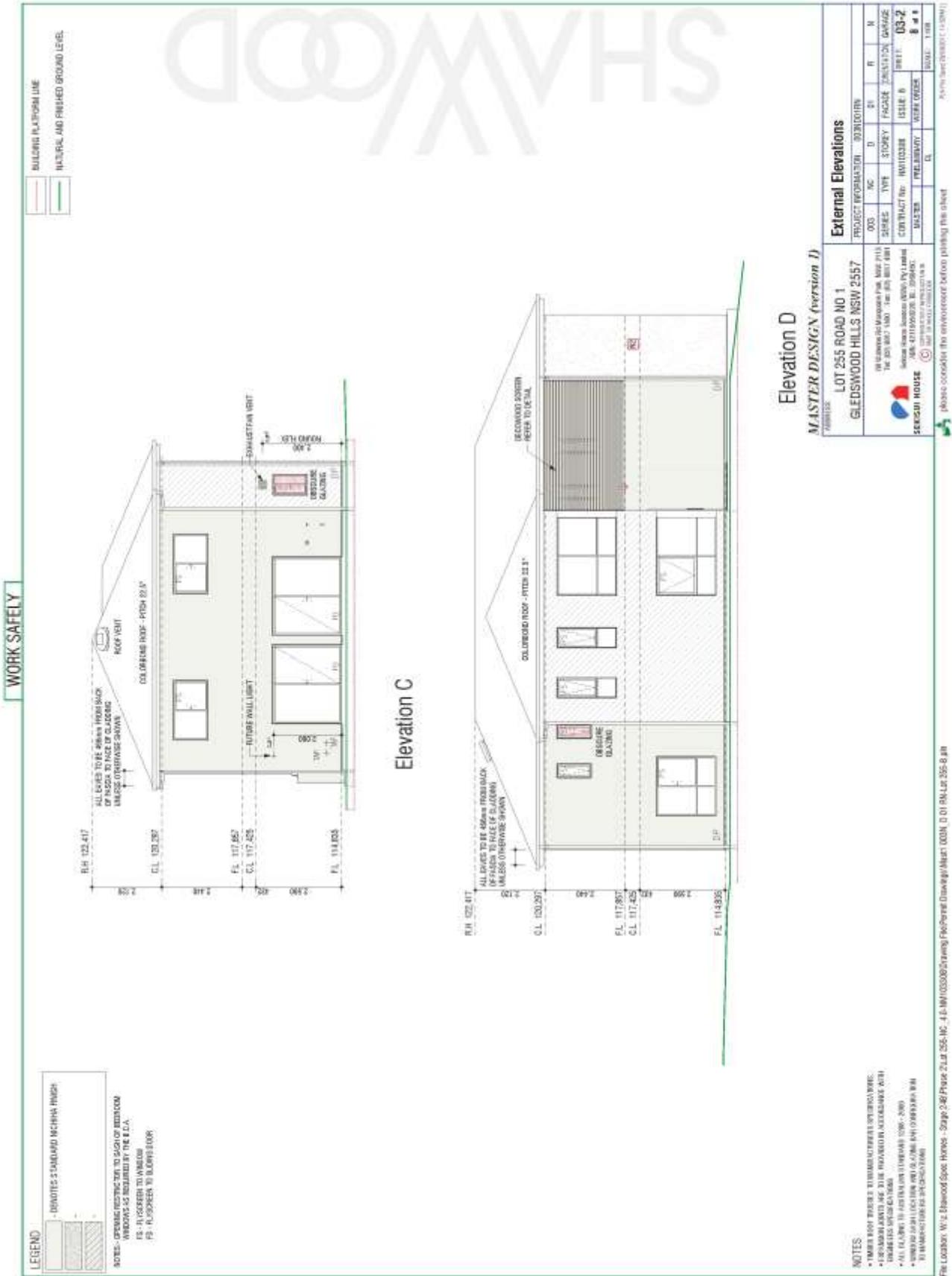












HOUSE CONSTRUCTION TO COMPLY WITH BUSH FIRE REQUIREMENTS BAL 12.5

LOT NUMBER : 259

SITE AREA : 310.00 m²

TOTAL COVERED FLOOR AREA : 148.7 m²

TOTAL FIRST FLOOR FFA (includes void space) : 131.7 m²

DRIVEWAY AREA : 15.9 m²

PORCH PATH AREA : -m²

REPT LANDSCAPE AREA : 30% of site area = 141.1 m²

SITE COVERAGE

Ground floor: 33.0% of site area = 102.3 m²

First floor: 54.1% of site area = 151.7 m²

LEGEND

Shading Area: (Symbol) Area to be removed prior to construction of building operations

Flow Lines: (Symbol) Flow Lines

Stormwater Runoff: (Symbol) Stormwater Runoff

Existing Footing: (Symbol) Existing Footing

Existing Retaining Wall: (Symbol) Existing Retaining Wall

Existing Footing: (Symbol) Existing Footing

Existing Retaining Wall: (Symbol) Existing Retaining Wall

Existing Footing: (Symbol) Existing Footing

Existing Retaining Wall: (Symbol) Existing Retaining Wall

Existing Footing: (Symbol) Existing Footing

Existing Retaining Wall: (Symbol) Existing Retaining Wall

Existing Footing: (Symbol) Existing Footing

Existing Retaining Wall: (Symbol) Existing Retaining Wall

DETAILS

FOUNDATION: RL Contour (see)

CONCRETE INTERIORS: 100% M30

WHICH CONNECTION: (see details)

20mm bitumen water repeller to entry point.

WATER DISPOSAL: BY TO DRAIN

Connection to main sewer in accordance with local authority requirements.

ROOF/WATER DISPOSAL: BY TO DRAIN

Connection of all overflows to underground drain. Position of overflow lines are indicative only and may vary depending on site.

POWER CONNECTION:

Installation to underground line by the builder. Connection of power to main line by Electricity Authority.

EARTHWORKS: BY GRADE

AD Drains: 40mm dia and 40 to create level building platform. Remove spoil from site.

Earthworks indicated on the plan are for construction purposes only.

LOCAL AUTHORITY: (see details)

TITLE PARTICULARS:

LOT 259

DP1221047

PLAN Number

CREATED: 2016/08/04

LOCATION: MAP REFERENCE

HOOFORD ROAD

ROAD No. 1

0. Site Plan

PROJECT INFORMATION: 30300000

DATE: 11/07/17

SERIES: TYPE: STOREY: FACADE: ZONING: GARAGE

CONTRACT NO: H4100010: ISSUE: 01-1

DATE: 11/07/17

PREPARED BY: WATER ORDER

SCALE: 1:200

WORK SAFELY

DRIVEWAY PLAN SCALE 1:200

DRIVEWAY PROFILE SCALE 1:200

DRIVEWAY COMPLEX WITH AS 2880

WORK SAFELY

DRIVEWAY COMPLEX WITH AS 2880

DRIVEWAY PROFILE SCALE 1:200

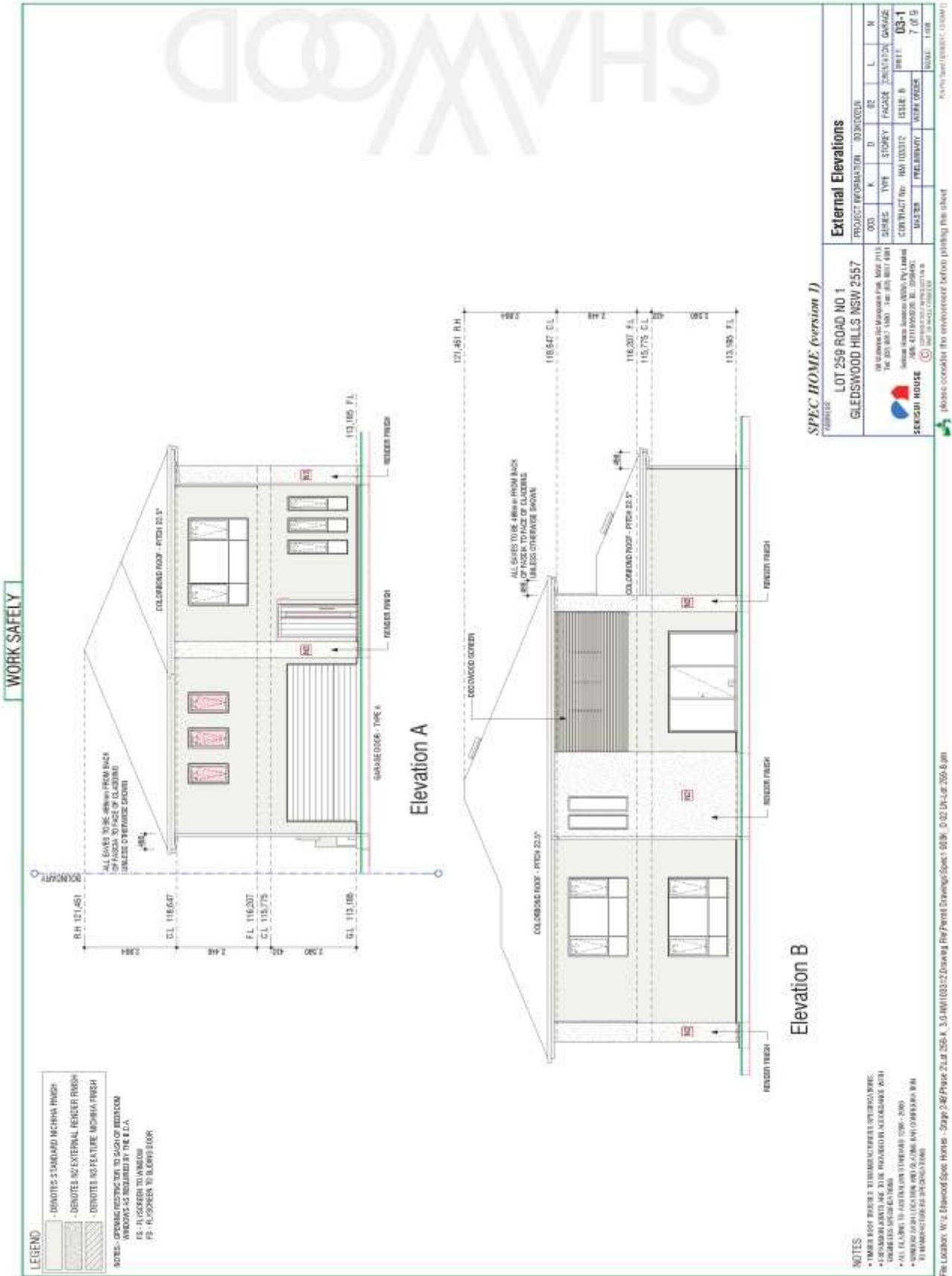
DRIVEWAY PLAN SCALE 1:200

WORK SAFELY

DRIVEWAY COMPLEX WITH AS 2880

DRIVEWAY PROFILE SCALE 1:200

DRIVEWAY PLAN SCALE 1:200





Camden Council Minutes

**Business Assurance and Risk Committee
Meeting**
17 May 2017

**Executive Boardroom
Camden Council
Administration Building
70 Central Park Avenue
Oran Park
5.30pm**



BUSINESS ASSURANCE AND RISK COMMITTEE

TABLE OF CONTENTS - BUSINESS ASSURANCE AND RISK COMMITTEE

Voting Members Present:	3
Attendees:	3
Invitees:	3
BUS01 Apologies	3
BUS02 Declaration of Interest	3
BUS04 Development Applications Internal Audit Report	4
BUS07 Audit Report Recommendations - implementation status update - March 2017	4
BUS03 Minutes to the 16 November 2016 Business Assurance and Risk Committee Meeting	5
BUS06 Payroll and Leave Management Internal Audit Report	5
BUS05 Review of processes for maintaining supplier master files and payments to suppliers	6
BUS08 Internal Audit Plan status update	6
BUS09 External Audit - Client Service Plan for Year Ended 30 June 2017	7
BUS10 Enterprise Risk Management update	8
BUS11 Fit For The Future progress update	8
BUS12 General Business	8

Voting Members Present:

John Gordon	Independent Member (Chair)
Bruce Hanrahan	Independent Member
Cr Peter Sidgreaves	Camden Council Councillor

Attendees:

General Manager
 Manager Finance and Corporate Planning
 Business Assurance Officer
 Business Assurance Support Officer
 Risk Management Officer
 Senior Governance Officer

Invitees:

Caroline Karakatsanis - Audit Office of NSW
 Alexio Chibika - PricewaterhouseCoopers
 Director Customer and Corporate Services
 Director Community Infrastructure
 Director Planning and Environmental Services
 Manager Governance and Corporate Services
 Manager Infrastructure Services
 Manager Infrastructure Planning
 Manager Development Certification
 Manager Statutory Planning
 Manager Employee Services (arrived 6.20pm)
 Dr Stephen James - Centium Director

Mr Gordon welcomed representatives from the Audit Office of NSW and PricewaterhouseCoopers to Camden Council's Business Assurance and Risk Committee.

Mr Gordon noted that the order of business would be re-structured to suit presenters who had other commitments to attend to following their presentation.

BUS01 Apologies**RECOMMENDED**

That leave of absence be granted to Councillor Fedeli from the Business Assurance and Risk Committee meeting.

DECISION

That Councillor Fedeli be granted leave of absence.

BUS02 Declaration of Interest**RECOMMENDED**

That the Business Assurance and Risk Committee declarations be noted.

DISCUSSION

Mr Gordon advised that he has been appointed as a member of the Sutherland Shire Council and Central Coast Council Audit Committees.

DECISION

That the declaration of interest be noted.

BUS04 Development Applications Internal Audit ReportRECOMMENDED

That the Business Assurance and Risk Committee note the Development Applications Internal Audit Report.

DISCUSSION

Dr Stephen James from the Centium Group attended to present the results of the development applications audit. Dr James provided an overview of the scope of audit work completed and presented the audit findings and recommendations. Dr James highlighted that the audit did not identify any major control weaknesses and was assessed as having only low exposure.

Dr James advised the Committee that the efficiency and effectiveness of controls had improved significantly over the past three years and addressed risks appropriately. The recommendations made were around continuous improvement rather than addressing control deficiencies.

The Manager Statutory Planning supported the recommendations made.

DECISION

The Business Assurance and Risk Committee note the Development Applications Internal Audit Report.

The Director Planning and Environmental Services, Manager Development Certification, Manager Statutory Planning and Centium Director, Dr Stephen James, left after this item.

BUS07 Audit Report Recommendations - implementation status update - March 2017RECOMMENDED

That the Business Assurance and Risk Committee note the Implementation Status Update for March 2017.

DISCUSSION

Council's Business Assurance Officer discussed the implementation status of recommendations from past audits.

The Director Community Infrastructure informed the Committee that the focus is on completing higher risk recommendations first.

Mr Hanrahan commented on the amount of recommendations that have been completed and that good progress has been made.

Mr Gordon advised that inclusion of the total number of audits completed to date, in addition to the total number of recommendations may assist in tracking overall progress.

Mr Gordon asked whether follow up reviews are conducted for audit recommendations that are marked as completed. The Business Assurance Officer advised that follow up audits will form part of the next internal audit plan.

Change Management at Council was also discussed and the General Manager advised that the Manager Corporate Performance and Customer Service could present to a future meeting on the Change Management Program at Council.

DECISION

The Business Assurance and Risk Committee

- i. note the Implementation Status Update for March 2017;
- ii. provide as part of future implementation status updates the total number of reports and recommendations since the Committee began; total implemented; outstanding on schedule; overdue; and verified as implemented.

The Director Community Infrastructure and Manager Infrastructure Services left after this item.

BUS03 Minutes to the 16 November 2016 Business Assurance and Risk Committee Meeting

RECOMMENDED

That the Business Assurance and Risk Committee approve the minutes to the 16 November 2016 Business Assurance and Risk Committee meeting.

DECISION

The Business Assurance and Risk Committee approve the minutes to the 16 November 2016 Business Assurance and Risk Committee meeting.

Moved: Mr Hanrahan
Seconded: Mr Gordon

BUS06 Payroll and Leave Management Internal Audit Report

RECOMMENDED

That the Business Assurance and Risk Committee note the Payroll and Leave Management Internal Audit Report.

DISCUSSION

Council's Business Assurance Officer provided a summary of the broad findings from the payroll and leave management audit which included a number of recommendations for improvement to address identified risks. The Business Assurance Officer also commended the Manager of Employee Services' cooperation with the audit and commitment to commencing implementation of the recommendations immediately.

Mr Gordon asked a number of questions around the content of the report and capacity to address the potential risks.

The Manager Employee Services commented that the audit recommendations were found to be helpful and appreciated the way in which the audit team conducted the audit.

DECISION

The Business Assurance and Risk Committee note the Payroll and Leave Management Internal Audit Report.

The Manager Employee services left after this item.

BUS05 Review of processes for maintaining supplier master files and payments to suppliers

RECOMMENDED

That the Business Assurance and Risk Committee note the report on the Review of Changes to Master Files and Payments to Suppliers.

DISCUSSION

Council's Business Assurance Officer discussed the findings from the review undertaken by O'Connor Marsden of the process for maintaining supplier master files and payments to suppliers and the purpose behind the audit. The Business Assurance Officer noted that Management had advised that all recommendations had been implemented.

The Manager of Finance and Corporate Planning discussed a software product being used by Council to review electronic payments. Mr Gordon requested a possible presentation to a future meeting on the product and what risks it addresses.

DECISION

The Business Assurance and Risk Committee

- i. note the report on the Review of Changes to Master Files and Payments to Suppliers;
- ii. requested a presentation at a future Committee meeting on the software introduced and the risks it addresses.

BUS08 Internal Audit Plan status update

RECOMMENDED

That the Business Assurance and Risk Committee:

- i. note the Internal Audit Plan Status Update;
- ii. approves moving the Section 355 Committees audit to June 2017 and postponing the Customer Service audit until early 2017-2018.

DISCUSSION

Council's Business Assurance Officer provided an update on the status of progress against the Internal Audit Plan. It was advised that a revised Internal Audit Plan for the next three years considering Council's draft risk registers is in progress and is intended to be reported to the next Committee meeting. The Business Assurance Officer requested approval for the change in timing of the section 355 Committee audit.

DECISION

The Business Assurance and Risk Committee:

- i. note the Internal Audit Plan Status Update;
- ii. approves moving the Section 355 Committees audit to June 2017 and postponing the Customer Service audit until early 2017-2018.

BUS09 External Audit - Client Service Plan for Year Ended 30 June 2017

RECOMMENDED

That the Business Assurance and Risk Committee note the Camden Council Client Service Plan for the year ended 30 June 2017.

DISCUSSION

Ms Caroline Karakatsanis from the Audit Office of NSW discussed the role of the Audit Office in the external audit of Camden Council and the work that will be performed in the coming year in coordination with their contracted external auditor, PWC.

Ms Karakatsanis also discussed the performance audits to be undertaken by the Audit Office of NSW over the coming 12 months across all NSW Councils. A letter from the Auditor-General outlining the performance audits was circulated to the Committee prior to the meeting and formally tabled at the meeting.

Mr Alexio Chibika of PWC addressed the Committee on areas of focus for the financial statement external audit as included in the Client Service Plan.

Mr Gordon requested that a letter of representation from those charged with governance be provided to the Committee outlining the key decisions made in preparation of the financial statements. Mr Gordon also clarified with the Manager of Finance and Corporate Planning that the new requirements for related parties could be met by Council and that there were no emerging issues the Committee should be made aware of at this time.

Ms Karakatsanis also outlined the process for preparation of the Auditor-General's report to Parliament on the Local Government Sector. Ms Karakatsanis advised that a draft parliamentary report would be provided to the General Manager of any Council for comment where that Council is specifically mentioned in the report.

DECISION

The Business Assurance and Risk Committee note the Camden Council Client Service Plan for the year ended 30 June 2017.

BUS10 Enterprise Risk Management updateRECOMMENDED

That the Business Assurance and Risk Committee note the status update on the establishment of Council's Enterprise Risk Management Framework.

DISCUSSION

Council's Risk Management Officer gave an overview of the Risk Workshops conducted at Council with each business unit and presented the draft top ten risks.

Ms Karakatsanis informed the Committee of the Audit Office's risk maturity tool that may assist Council in understanding its risk appetite.

DECISION

The Business Assurance and Risk Committee note the status update on the establishment of Council's Enterprise Risk Management Framework.

BUS11 Fit For The Future progress updateRECOMMENDED

That the Business Assurance and Risk Committee note the presentation provided to the Committee.

DISCUSSION

Council's Manager Finance and Corporate Planning presented to the Committee an update on how Council is tracking against its Fit for the Future submission. Council's Manager Finance and Corporate Reporting outlined a number of the long term financial plan projections for Fit for the Future ratios as part of the presentation.

DECISION

The Business Assurance and Risk Committee note the presentation provided to the Committee.

BUS12 General BusinessRECOMMENDED

That the Business Assurance and Risk Committee note any General Business items discussed.

DISCUSSION

The General Manager tabled Council's Bonds Policy at the meeting advising it was adopted at the previous Council meeting. The General Manager informed the Committee that after discussion with Councillor Sidgreaves it was agreed that certain policies would be put through the Business Assurance and Risk Committee prior to Council adoption in future where it was considered that there was a significant 'risk management' element within the Policy. The Manager Infrastructure Planning outlined the broad content of the Bonds Policy for the information of the Committee.

Council's Business Assurance Officer advised the expression of interest for an additional Business Assurance and Risk Committee Member had closed and applications were currently being assessed.

The General Manager thanked staff for their response to the Committee and audit function overall and spent some time briefly discussing the adaptive organisational framework and Council restructure that was endorsed at the previous Council meeting.

DECISION

The Business Assurance and Risk Committee note the General Business items discussed.

Next Meeting:

The next meeting of the Business Assurance and Risk Committee will be held on 30 August 2017 at the Oran Park Executive Boardroom, commencing at 5.30pm.

The meeting closed at 8.09pm.