



**Land and Environment
Court**
of New South Wales

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Level 4 GPO Box 3565 SYDNEY NSW 2001
DX 264, Sydney

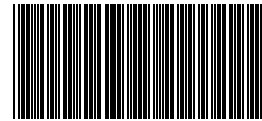
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Your Ref:



D0001CTO1W

4 December 2020

NOTICE OF ORDERS MADE

Case number	2019/00200833
Case title	Lendlease Communities (Wilton) Pty Ltd v Wollondilly Shire Council

On 4 December 2020 the following orders (and/or directions) were made:

The Court orders that:

(1) Leave is granted to the Applicant to rely on the amended plans and documents as set out at Annexure "A".

(2) The Applicant is ordered to pay the Respondent's costs thrown away as a result of the amendment to the development application pursuant to section 8.15(3) of the Environmental Planning and Assessment Act 1979, as agreed or assessed.

(3) The appeal is upheld.

(4) Development application 641/2018 for the subdivision of land into residential allotments and associated works and infrastructure at Bingara Gorge, Wilton, NSW 2571 on land described as Lot 5 in DP 270536 (Lot 36 in DP270536 and Lot 81 in DP280044), Lot 31 in DP 270536 (Part Lot 33 in DP 270536), Lot 208 in DP 1104390, Lot 207 in DP 1104390 and Lot 206 in DP 1104390 is approved subject to the conditions set out in Annexure "B".

For the Registrar

Annexure A

Lendlease Communities (Wilton) Pty Ltd

v

Wollondilly Shire Council

Amended Plans and Documents

	Document	Date
1.	Revised lot layout plan prepared by Cardno, drawing C1002, rev G. 641	30 September 2020
2.	Bushfire management plan (Golf North) prepared by Travers Bushfire and Ecology.	4 November 2020
3.	Bushfire management plan (Fairways North) prepared by Travers Bushfire and Ecology. 641	4 November 2020
4.	Remediation action plan prepared by Geotechnique. 641	12 November 2019
5.	Civil drawings (Fairways North Stage 1) prepared by Cardno: 641 <ul style="list-style-type: none"> i. Cover sheet, C1000, rev H, dated 2 November 2020; ii. Locality plan and drawing schedule, C1001, rev H, dated 2 November 2020; iii. Lot layout plan, C1002, rev I, dated 2 November 2020; iv. Key plan and notes, C1003, rev H, dated 2 November 2020; v. Layout plan sheet 1, C1004, rev H, dated 2 November 2020; vi. Layout plan sheet 2, C1005, rev H, dated 2 November 2020; vii. Layout plan sheet 3, C1006, rev H, dated 2 November 2020; viii. Layout plan sheet 4, C1007, rev H, dated 2 November 2020; ix. Layout plan sheet 5, C1008, rev H, dated 2 November 2020; x. Layout plan sheet 6, C1009, rev J, dated 2 November 2020; 	-

	<ul style="list-style-type: none"> xi. Layout plan sheet 7, C1010, rev J, dated 2 November 2020; xii. Layout plan sheet 8, C1011, rev J, dated 2 November 2020; xiii. Layout plan sheet 9, C1012, rev K, dated 2 November 2020; xiv. Typical road sections sheet 1, C1013, rev I, dated 2 November 2020; xv. Typical road sections sheet 2, C1014, rev H, dated 2 November 2020; xvi. Bulk earthworks layout plan, C1015, rev I, dated 2 November 2020; xvii. Road long sections sheet 1, C1016, rev H, dated 2 November 2020; xviii. Road long sections sheet 2, C1017, rev H, dated 2 November 2020; xix. Road long sections sheet 3, C1018, rev H, dated 2 November 2020; xx. Road long sections sheet 4, C1019, rev H, dated 2 November 2020; xxi. Road long sections sheet 5, C1020, rev H, dated 2 November 2020; xxii. Road long sections sheet 6, C1021, rev H, dated 2 November 2020; xxiii. Road long sections sheet 7, C1022, rev H, dated 2 November 2020; xxiv. Road long sections sheet 8, C1023, rev H, dated 2 November 2020; xxv. Road long sections sheet 9, C1024, rev H, dated 2 November 2020; xxvi. Road long sections sheet 10, C1025, rev H, dated 2 November 2020; xxvii. Stormwater concept layout sheet 1, C1032, rev I, dated 2 November 2020; xxviii. Stormwater concept layout sheet 2, C1033, rev J, dated 2 November 2020; xxix. Stormwater concept layout sheet 3, C1034, rev I, dated 2 November 2020; xxx. Services layout plan sheet 1, C1035, rev I, dated 2 November 2020; xxxi. Services layout plan sheet 2, C1036, rev I, dated 2 November 2020; xxxii. Services layout plan sheet 3, C1037, rev I, dated 2 November 2020; 	
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	xxxiii. Soil and water management layout plan, C1044, rev I, dated 2 November 2020.	
6.	<p>Plan of subdivision (Fairways North Stage 8) prepared by RPS Australia: 641</p> <ul style="list-style-type: none"> i. Cover sheet, drawing P347, rev E; ii. Fairways North, drawing P348, rev E, dated 2 November 2020; iii. Fairways North Stage 8A, P349 sheet 1, rev K, dated 2 November 2020; iv. Fairways North Stage 8A, P349 sheet 2, rev K, dated 2 November 2020. 	-
7.	Letter from Eco Logical Australia regarding bushfire compliance.	3 November 2020

Annexure B

Lendlease Communities (Wilton) Pty Ltd

v

Wollondilly Shire Council

Conditions of Consent

DA 641/2018

0. MODIFICATION OF DEVELOPMENT CONSENT 010.2015.00000283.001

Condition 1(1)(b) and 1(4)(b) of D2015/283 approved on 28 September 2016 are to be modified by deleting them pursuant to section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*.

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

(1) Development Consent is granted for:

- (a) A staged community title subdivision creating a total of 384 residential lots, 16 residue lots, 2 association property lots
- (b) Provision of utility infrastructure including stormwater and drainage works, sewerage, telecommunications and water
- (c) Site grading and earthworks for residential lots, landscape shaping, boundary interfaces and roadway levels
- (d) Construction of 350m² bio-retention rain garden on Lot 206 DP 1104390
- (e) Associated vegetation removal, street tree planting, landscaping, lighting and embellishments
- (f) Design and construction of internal road network, including:
 - (i) Internal local roadways
 - (ii) On-street parking
 - (iii) Construction of pedestrian and cycle ways
 - (iv) Road reserve landscaping, and
 - (v) Services and water drainage infrastructure.

at Lot: 5 DP: 270536, Lot: 31 DP: 270536, Lot: 207 DP: 1104390, Lot: 206 DP: 1104390, Greenbridge Drive WILTON, 35 Stirling Drive WILTON, Condell Park Road WILTON, 90 Fairway Drive WILTON, Fairway Drive WILTON.

NOTE: This consent has been issued for development which is a stage of a staged development consent under:

- (a) Concept development application (ID993-05) approved by Council on 15 May 2006; and
- (b) Concept approval approved by the NSW Land and Environment Court on 28 September 2016 (**D2015/283**).

(2) Development staging to take place for Fairways North Stage 1 and Golf Precinct as generally shown on approved plans and as detailed below:

- (i) The subdivision of Lot 5 DP270536 (currently lot 81 DP280044) within Greenbridge East Precinct and part Lot 5 DP270536 (currently known as lot 36 DP 270536) in 5 stages, to be known as Golf Precinct to create:
 - o 143 residential lots
 - o 10 residue lots (on the basis that residue lots 49, 50 and 51 are the subject of further residential subdivision)
 - o 1 association property lot (forming part lot 1); and
 - o Public road dedication

Stage	Community Association Lots	Residential Lots	Residue Lots
6A (Greenbridge East Precinct)		1	
6A (Golf Precinct)	1	47	5 lots (Lots 49, 50, 51, 52 and 53)
6B (subdivision of Residue Lot 49)		45	4 lots (Lots 50, 51, 52 and 53)
6C (subdivision of Residue Lot 50)		19	3 lots (Lots 51, 52 and 53) plus new Residue Lots 118 and 119
6D (subdivision of Residue Lot 51)		31	4 lots (Lots 52, 53, 118 and 119) plus new Residue Lots 151, 152, 153, 154, 155 and 156
Total	1 community association lot	143 residential lots	10 residue lots

(ii) The subdivision of part lot 31 DP 270536 (currently known as lot 40 DP 270536), to be known as Fairways North Stage 1 in 6 stages, to create:

- 245 residential lots;
- 2 residue lots (on the basis that lots 65 to 69 are the subject of further residential subdivision)
- 1 association property lot (forming part Lot 1); and
- Public road dedications

Stage	Community Association Lots	Residential Lots	Residue Lots
8A	1	62	7 lots (Lots 64, 65, 66, 67, 68, 69 and 70)
8B (subdivision of Residue Lot 65)		63	6 lots (Lots 64, 66, 67, 68, 69 and 70)
8C (subdivision of Residue Lot 66)		21	5 lots (Lots 64, 67, 68, 69 and 70)
8D (subdivision of Residue Lot 67)		44	4 lots (Lots 64, 68, 69 and 70) plus new residue lots 192, 193, 194 and 195.
8E (subdivision of Residue Lot 68)		21	7 lots (Lots 64, 69, 70, 192, 193, 194 and 195)

8F (subdivision of Residue Lot 69)		30	6 lots (Lots 64, 70, 192, 193, 194 and 195)
Total	1 community association lot	241 residential lots	6 residue lots

- (2) Development shall take place in accordance with the submitted plans and reports listed below and submitted in respect to Development Application No. DA/2018/641/1 except where varied by these conditions of consent:

Bingara Gorge – Golf Precinct			
Drawing Title	Author	Drawing No.	Dated
Bingara Gorge Wilton Greenbridge East, Golf Precinct Stages 6(A,B,C,D) Development Application Survey Plans	RPS Group	D367SW_P33 9f.dwg, Issue F	-
Bingara Gorge Golf and Golf North - Proposed Subdivision of Part Future Lot 37 in D.P 270536 (Currently Lot 5 in D.P.270536)	RPS Group	D367SW_P34 0f.dwg, Issue E	27/07/2020
Bingara Gorge Greenbridge East Stage 6A – Proposed Subdivision of Future Lot 81 in Unregistered D.P 280044 (Currently Lot 5 in D.P.270536)	RPS Group	D367SW_P34 1b.dwg, Issue B	19/02/2020
Bingara Gorge Bingara Gorge Golf Stage 6A – Proposed Subdivision of Future Lot 41 in D.P.270536 (Currently Lot 36 in D.P. 270536)	RPS Group	D367SW_P34 2h.dwg, Issue G	7/29/2020 [29/7/2020]
Bingara Gorge Golf Stage 6B – Proposed Subdivision of Future Lot 49 in Future Golf Precinct Scheme (Currently Lot 26 in D.P.270536)	RPS Group	D367SW_P34 3d.dwg, Issue D	27/07/2020
Gold Stage 6C – Proposed Subdivision of Future Lot 50 in Future Golf Precinct Scheme (Currently Lot 36 in D.P. 270536)	RPS Group	D367SW_P34 4e.dwg, Issue E	27/07/2020
Golf North Stage 6D – Proposed Subdivision of Future Lot 51 in D.P 270536 (Currently Lot 36 in D.P 270536)	RPS Group	D367SW_P34 5k-6D-1.dwg Issue K	22/09/2020
Locality Plan and Drawing Schedule	Cardno	NA82013043-065-C1001, Revision F	03/08/2020
Lot Layout Plan	Cardno	NA82013043-065-C1002, Revision F	03/08/2020
General Arrangement Key Plan and Notes	Cardno	NA82013043-065-C1003, Revision F	03/08/2020
General Arrangement Layout Plan Sheet 1 of 6 to 2 of 6	Cardno	NA82013043-065-C1004	03/08/2020

		Revision F to NA82013043- 065-C1005, Revision F	
General Arrangement Layout Plan Sheet 3 of 6	Cardno	NA82013043- 065-C1006, Revision G	21/09/2020
General Arrangement Layout Plan Sheet 4 of 6	Cardno	NA82013043- 065-C1007, Revision F	3/08/2020
General Arrangement Layout Plan Sheet 5 of 6	Cardno	NA82013043- 065-C1008, Revision H	21/09/2020
General Arrangement Layout Plan Sheet 6 of 6	Cardno	NA82013043- 065-C1009, Revision F	3/08/2020
Typical Road Cross Sections	Cardno	NA82013043- 065-C1010, Revision F	03/08/2020
Bulk Earthworks Layout Plan	Cardno	NA82013043- 065-C1011, Revision F	03/08/2020
Road Long Sections Sheet 1 of 8 to 6 of 8	Cardno	NA82013043- 065-C1012, Revision F to NA82013043- 065-C1017, Revision F	03/08/2020
Road Long Sections Sheet 7 of 8 to 8 of 8	Cardno	NA82013043- 065-C1018, Revision D - NA82013043- 065-C1019, Revision D	03/08/2020
Stormwater Concept Plan Sheet 1 of 3	Cardno	NA82013043- 065-C1020 Revision F	03/08/2020
Stormwater Concept Plan Sheet 2 of 3 to 3 of 3	Cardno	NA82013043- 065-C1021, Revision G, to NA82013043- 065-C1022, Revision G	21/09/2020
Services Layout Plan sheet 1 of 3	Cardno	NA82013043- 065-C1025, Revision F	03/08/2020
Services Layout Plan sheet 2 of 3 to 3 of 3	Cardno	NA82013043- 065-C1026, Revision G, to NA82013043- 065-C1027, Revision G	21/09/2020

Soil Water Management Layout	Cardno	NA82013043-065-C1028, Revision F	03/08/2020
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Bingara Gorge – Fairways North Stage 1			
Drawing Title	Author	Drawing No.	Dated
Bingara Gorge Wilton Fairways North Stages 8 (A, B, C, D, E, F)	RPS Group	D367SW_P347e.dwg, Issue E	-
Bingara Gorge Fairways North – Subdivision of Proposed Lot 40 DP 270536 (Currently Lot 33 in DP 270536)	RPS Group	D367SW_P348e.dwg, Issue E	2/11/2020
Bingara Gorge Fairways North Stage 8A – Subdivision of Future Lot 42 in D.P. 270536 (Current Lot 33 in D.P. 270536)	RPS Group	D367SW_P349k.dwg, Sheet 1 of 2, Issue K	2/11/2020
Bingara Gorge Fairways North Stage 8A – Subdivision of Future Lot 42 in D.P. 270536 (Current Lot 33 in D.P. 270536)	RPS Group	D367SW_P349k.dwg, Sheet 2 of 2, Issue K	2/11/2020
Bingara Gorge Fairways North Stage 8B – Subdivision of Future Lot 65 in Fairways North Precinct Scheme (Current Lot 33 in D.P.270536)	RPS Group	D367SW_P350f.dwg, Issue F	11/09/2020
Bingara Gorge Fairways North Stage 8C – Subdivision of Future Lot 66 in Fairways North Precinct Scheme (Currently Lot 33 in D.P.270536)	RPS Group	D367SW_P351f.dwg, Issue F	11/09/2020
Bingara Gorge Fairways North Stage 8D – Subdivision of Future Lot 67 in Fairways North Precinct Scheme (Currently Lot 33 in D.P.270536)	RPS Group	D367SW_P352g.dwg, Issue G	11/21/2020 [2/11/2020]
Bingara Gorge Fairways North Stage 8E – Subdivision of Future Lot 68 in Fairways North Precinct Scheme (Currently Lot 33 in D.P.270536)	RPS Group	D367SW_P353e.dwg, Issue E	4/09/2020
Bingara Gorge Fairways North Stage 8F – Subdivision of Future Lot 69 in Fairways North Precinct Scheme (Currently Lot 33 in D.P.270536)	RPS Group	D367SW_P353f.dwg, Issue F	4/09/2020
Locality Plan and drawing Schedule	Cardno	NA82013043-64-C1001 Revision H	2/11/2020
Lot Layout Plan	Cardno	NA82013043-64-C1002 Revision I	2/11/2020
General Arrangement Key Plan and Notes	Cardno	NA82013043-64-C1003 Revision H	2/11/2020

General Arrangement Layout Plan Sheet 1 of 9 to 5 of 9	Cardno	NA82013043-64-C1004 Revision H to NA82013043-64-C1008 Revision H	2/11/2020
General Arrangement Layout Plan Sheet 6 of 9 to 8 of 9	Cardno	NA82013043-64-C1009 Revision J to NA82013043-64-C1011, Revision J	2/11/2020
General Arrangement Layout Plan Sheet 9 of 9	Cardno	NA82013043-64-C1012, Revision K	2/11/2020
Typical Road Sections Sheet 1 of 2	Cardno	NA82013043-64-C1013, Revision I	2/11/2020
Typical Road Sections Sheet 2 of 2	Cardno	NA82013043-64-C1014, Revision H	2/11/2020
Bulk Earthworks Layout Plan	Cardno	NA82013043-64-C1015, Revision I	2/11/2020
Road long Sections sheet 1 of 10 to 10 of 10	Cardno	NA82013043-64-C1016, Revision H, to NA82013043-64-C1025, Revision H	2/11/2020
Stormwater Concept Layout Plan Sheet 1 of 3	Cardno	NA82013043-64-C1032, Revision I	2/11/2020
Stormwater Concept Layout Plan Sheet 2 of 3	Cardno	NA82013043-64-C1033, Revision J	2/11/2020
Stormwater Concept Layout Plan Sheet 3 of 3	Cardno	NA82013043-64-C1034, Revision I	2/11/2020
Services Layout Plan Sheet 1 of 3 to 3 of 3	Cardno	NA82013043-64-C1035, Revision I to NA82013043-64-C1037, Revision I	2/11/2020
Soil and Water Management Layout Plans and Details	Cardno	NA82013043-64-C1044, Revision I	2/11/2020

Both Stages			
Plans	Prepared by	Reference	Date
Master Plan (Bus Stops)	Cardno	G21004_MasterPlan.mxd 03	2014/06/02 [02/06/2014]
2.0 Conceptual Bus Stop Plan	Cardno	NA82013043 Sk02	29/04/2016

Reports	Prepared by	Reference	Date
Re: DA641/2018 – Bingara Gorge Golf and Fairways North Precincts Amended Plans and Statement of Environmental Effects (Letter)	Ethos Urban	16681	15 September 2020
Summary of Compliance with Original Consent – Bingara Gorge	Ethos Urban	-	22 October 2020
Summary of Compliance with Court Orders – Bingara Gorge	Ethos Urban	-	22 October 2020
Compliance Summary – Bingara Gorge	Ethos Urban	-	22 October 2020
Response to RFI Hume Highway Traffic Noise Assessment Fairways North (Stage 1). Bingara Gorge, Wilton prepared for Lend Lease Communities (Wilton)	Atkins Acoustics and Associates Pty Ltd	49.7157.L1.R2 :GA/DT/2019	15 April 2019
Response to RFI Hume Highway Traffic Noise Assessment Precinct 1. The Fairways North. Bingara Gorge Wilton (Letter)	Atkins Acoustics and Associates Pty Ltd	50.7157.GA/DT/2020	21 September 2020
Bingara Gorge Bushland Management Plan	Eco Logical Australia	17HAR-6617	29 May 2017
Bingara Gorge Vegetation Management Plan	Eco Logical Australia	16HAR-135	14 July 2017
Bingara Gorge Staged DA – Amended, Ecological Assessment – Addendum 1	Eco Logical Australia	13WOLPLA_0011	25 November 2015
Bingara Gorge Environmental Management Plan (EPBC/7400) except where amended by	Eco Logical Australia	19 WOL 12305	1 April 2019
Bingara Gorge Koala Plan of Management	Eco Logical Australia	15WOL 2086	2 June 2017
Bingara Gorge Weed and Pest Eradication Management Plan – Western Precinct	Cardno	NA82013043-11	4 May 2016

Bingara Gorge Weed Eradication Management Plan	Eco Logical Australia	15WOL 2363	24 August 2015
Bingara Gorge- Fairways North and Golf Town Subdivision Traffic Impact Statement	Cardno	NA82013043	2 October 2020
Bingara Gorge; Fairways North (Stage 1 + Stage 2) Development Application Stormwater Compliance Letter	J. Wyndham Prince	109785-19 – Bingara Gorge FN Stg1 +Stg2 SW Compliance Letter.docx	18 September 2020
Bingara Gorge; Golf Town and Golf North Development Application Stormwater Compliance Letter	J. Wyndham Prince	109785-19- Bingara Gorge GT + GN SW compliance Letter.docx	18 September 2020
Fairways North and Golf Town Precincts Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW, Cultural Heritage Assessment and Test Excavation Report	Kayandel Archaeological Services	-	February 2018
Arboriculture Development Assessment Report, Fairways North Bingara Gorge	Moore Trees Arboriculture Services	BG-ST-01	October 2018
Arboriculture Development Assessment Report	Moore Trees Arboriculture Services	-	March 2017, updated September 2018
Community Facilities and Open Space Report Bingara Gorge Staged Development Application	Elton Consulting	12/3144	April 2015
Report on Preliminary Site Investigation for Contamination Future Development Areas and Associated Trails Bingara Gorge Estate, Wilton	Douglas Partners	43677.40.R.00 1 Rev 1	March 2016
Report on Targeted Site Investigation for Contamination Part of Fairways North, Bingara Gorge Estate Fairways Drive, Wilton	Douglas Partners	43677.47	December 2017
Contamination Email regarding outgoing use of diesel tank	-	-	6 December 2017
Report on Phase 2 Salinity Assessment,	Douglas Partners	43677.47,	December 2017

Report on Phase 2 Salinity Assessment,	Douglas Partners	43677.46	December 2017
Bingara Gorge, Fairways North and Golf Town (DA 2018.641.001)- Staging Statement	Cardno	NA82013043-064-Letter 001 Rev0	10 May 2019
Bushfire Management Plan for Fairways North Bingara Gorge Wilton	Travers Bushfire and Ecology	20ADD02	4 November 2020
Bushfire Management Plan for Golf North Bingara Gorge Wilton	Travers Bushfire and Ecology	20ADD01	4 November

NOTE: Lots and Roads referenced throughout this consent are in reference to those Lots and Roads as shown and numbered in the approved Engineering Plans provided for the relevant stage prepared by Cardno and referenced above.

- (3) In the event of an inconsistency between the documents listed above in condition 1(3), the following documents shall prevail to the extent of any inconsistency, subject to these conditions of consent:
 - a. Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020, and
 - b. Bushfire Management Plan for Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020.
- (4) No Subdivision Certificate shall be issued for any residential lot in Fairways North Stage 8 (Precincts A, B, C, D, E and F), as shown on the approved plans of subdivision unless:
 - a. the vegetation clearing approved by D2015/283 and DA/2018/706/1 in Fairways North Stage 9 has occurred, and clearing of the grassland is maintained by undertaking slashing so as to maintain the grassland at all times at between 50mm – 100mm.
- (5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - a. Within the footprint of an approved building, access driveway or other structure; or
 - b. Within three (3) metres of the footprint of an approved building; or
 - c. Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.
- (6) Vegetation clearance within the EP&R Lands (Lot 1 DP 270536) is prohibited.
- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (8) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works

(with the exception of site survey work), prior to the issue of a Subdivision Works Certificate by Council or a nominated Accredited Certifier.

- (9) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained for the duration of the works. The area within the fencing must not be used for stockpiling of any material, car parking nor for vehicle or pedestrian movements.

Fairways North:

- (10) The Applicant is to lodge a development application for an acoustic barrier between the subdivision areas and the Hume Highway, as required by the following conditions of consent.
- (11) The barrier and associated landscaping and earthworks are to be completed before any Subdivision Certificate is registered for any residential allotment situated within 200m of the Hume Highway or any off-ramp from the Hume Highway.
- (12) The barrier is to be substantially to the effect of *Bingara Gorge Wilton Fairways North Stage 2 Acoustic Barrier Landscape Plan* (Plan No 978519/DA351, Revision A dated 6/11/20) prepared by J Wyndham Prince and *Bingara Gorge Wilton Fairways North Stage 1 Acoustic Barrier Landscape Plan* (Plan No 978519/DA401, Revision A dated 6/11/20 prepared by J Wyndham Prince, except where amended as a result of applying the standards referred to below.
- (13) The barrier is to be designed so that it is not readily visible in the landscape as viewed from any public place within the development site.
- (14) The barrier is to be erected or constructed on the development site.
- (15) The barrier and associated landscaping and earthworks are to be maintained by the Bingara Gorge Community Association, for which purpose access to its sinking fund should be assured. The Rule changes necessary to implement this requirement should not be capable of amendment without the consent of Council.
- (16) A maintenance plan should be lodged with the DA, demonstrating how the landscaping will be sustained and replaced where necessary to provide screening required by this condition, and an obligation to maintain should be imposed.
- (17) The DA should demonstrate that the barrier can be 80% screened by landscaping within two years of construction.
- (18) So that any wall can be better integrated into the landscape, it should be backfilled to the maximum depth possible with earth or other long term growth medium.
- (19) The portion of any wall above the backfilling, or if it is not backfilled, the wall shall feature a change of articulation, materials, textures and finishes for at least every 15m length, and be of materials which are non-reflective and varied in colour and texture with external finishes reflecting the features of the natural environment.
- (20) The acoustic barrier and associated landscaping and earthworks should be designed to comply with applicable parts of the current version of the Road Noise Policy, the Noise Wall Design Guideline, the Noise Mitigation Guideline, QA

specification R271 Design and Construction of Noise Walls and Beyond the Pavement RTA Urban Design Policy, Procedures and Design Principles. The development application shall be accompanied by an acoustic report certifying that the barrier meets the requirements of the documents specified in this condition.

- (21) A restriction shall be placed on the title of any residential lot identified as having potential to be impacted in 'Response to RFI Hume Highway Traffic Noise Assessment Precinct 1. The Fairways North Bingara Gorge, Wilton' by Atkins Acoustics, dated 21 September 2020, stating that any dwellings on the land must incorporate appropriate building design and construction methods to minimise the acoustic impact from the highway and ensure future homes achieve State Environmental Planning Policy (Infrastructure) 2007 requirements of:
- (i) In any bedroom in the residential accommodation – 35dB(A) at any time between 10pm and 7am, and
 - (ii) Anywhere else in the residential accommodation (other than a garage, Kitchen, bathroom or hallway) – 40dB(A) at any time.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

Subsidence Advisory NSW

- (1) Golf Precinct development shall take place in accordance with Subsidence Advisory (SA) NSW Stamped Plans dated 19 August 2020 and conditions as referenced in Notice of Determination FN08-02984 TSUB18-00402, dated 6 November 2018.
- (2) Fairways North Stage 1 development shall take place in accordance with Subsidence Advisory (SA) NSW Stamped Plans dated 14 September 2020 and conditions as referenced in Notice of Determination FN14-15410P2 TSUB18-00404, dated 6 November 2018.

Natural Resources Access Regulator

- (3) The development consent holder must apply to Natural Resources Access Regulator for relevant approval under the Water Management Act 2000 after development consent has been issued and before the commencement of any works or activities.
- (4) The General Terms of Approval and the conditions (ref IDAS1110943) dated 18 July 2019 issued by the Natural Resources Access Regulator, shall be complied with. The conditions are as follows:

Design of works and structures

- (a) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity(s) approval under the Water Management Act 2000.

- (b) A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person
- B. A Copy of this approval must be:
 - i. Kept at the site where the controlled activity is taking place, and,
 - ii. Provided to all personnel working on the controlled activity

Erosion and sediment controls

- (c) Erosion and sediment plan must be:
 - A. Prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and
 - B. Submitted with an application for a controlled activity approval.
- (d) A. The consent holder must ensure that any proposed materials or cleared vegetation, which may:
 - i. obstruct water flow, or
 - ii. wash into the water body, or
 - iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval.
- B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
- (e) The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

Plans, standards and guidelines

- (f) A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 010.2018.00000641.001 provided by Council to Natural Resources Access Regulator.
- (g) B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- (h) A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be:
 - i. A bank guarantee, cash deposit or equivalent, and
 - ii. Equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- (i) A. The application for a controlled activity approval must include the following plan(s):
 - 1. Subdivision plan,
 - 2. Vegetation management plan (VMP),

3. Riparian Corridor,
4. Earthworks plan,
5. Erosion and sediment control plan,
6. Soil and water management plan.

B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/__data/assets/pdf_file/0004/156865/NR-AR-Guidelines-for-controlled-activities-on-waterfront-land-Riparian-corridors.pdf.

- (j) All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

Rehabilitation and maintenance

- (k) When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.
- (l) Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

- (m) The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.
- (n) When required:
 - A. a suitably qualified person must provide a certificate of completion for any controlled activity carried out under a controlled activity approval, and
 - B. the certificate must be sent to Natural Resources Access Regulator.

3. BUSHFIRE PROTECTION

These conditions have been imposed to minimise the risk of Bushfire in accordance with the Guideline "Planning for Bushfire Protection, 2019" as published by the NSW Rural Fire Service and Planning NSW.

- (A) For the purposes of the bushfire protection conditions in this section, the following Lots in Golf Stage 6D are identified as **Bushfire Attack Level 12.5**:
 - Lot Nos. 120 – 129
 - Lot Nos. 139 – 150
- (B) For the purposes of the bushfire protection conditions in this section, the following Lots in Fairways North Stage 1 are identified as **Bushfire Attack Level 19**:
 - Lot Nos. 2 – 33

Lot Nos. 50 – 63
Lot Nos. 224 – 253

Referred to as '**BAL 19 Lots**'

- (C) For the purposes of the bushfire protection conditions in this section, the following Lots in Fairways North Stage 1 are identified as **Bushfire Attack Level 29**:

Lot Nos. 34 – 49
Lot Nos. 71 – 191
Lot Nos. 196 - 223

And the following lots in Golf Precinct are identified as Bushfire Attack Level 29:

Lot Nos. 130 – 138.

Referred to as '**BAL 29 Lots**'

All Stages:

- (1) **Prior to the issue of a Subdivision Works Certificate**, a bushfire emergency and evacuation plan is to be prepared for both precinct developments by a suitably qualified bushfire practitioner. The bushfire emergency and evacuation plan is to be peer reviewed by another suitably qualified bushfire practitioner nominated by the Council at the cost of the Developer.

A copy of the bushfire emergency and evacuation plan is to be included in the community management statement registered with the community plan and submitted to the NSW Rural Fire Service Wollondilly District and Wollondilly Bush Fire Management Committee.

A copy of the bushfire emergency evacuation plan is to be provided to all purchasers of any lot within all stages at no cost.

The Bushfire Emergency Evacuation Plan is also to be made available at the Lend Lease Sales Centre and placed in a prominent place for any residents to obtain a copy at no cost for any residents of the Lend Lease Bingara Development. Once Lendlease have ceased to operate, the Community Management Committee is required to ensure that the bushfire emergency evacuation plan is placed in a prominent location for any residents to view or obtain a copy.

- (2) **Prior to the issue of a Subdivision Works Certificate** Engineering Plans are to be amended to show Asset Protection Zones (the boundary for both the inner and outer protection areas) in accordance with the approved Bushfire Management Plan for that precinct and submitted to Wollondilly Shire Council for approval.

These amendments and any associated requirements are also required to be shown on the plan of subdivision.

- (3) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of all residential lots within Fairways North and Stage 6D of Golf Precinct requiring boundary and allotment fencing to be non-combustible, but where lots exceed 1,000 square metres or

adjoin the Environmental Protection and Recreation Lands, may include open wire fencing with hardwood posts and intervening steel posts. Internal or boundary fencing shall not comprise of brushwood or any other combustible materials.

- (4) An appropriate instrument shall be created and registered on the title of all residential lots in Fairways North and Stage 6D of Golf Precinct requiring provisions for dedicated water of 5,000 litres minimum, non-combustible tanks (metal) and which can be incorporated with BASIX measures (diagram in Schedule to the Bushfire Management Plan). The tank shall have suitable Storz fittings and be able to be connected to a RFS tanker from the street.
- (5) **Prior to the issue of a Subdivision Works Certificate**, an appropriate instrument shall be created and registered on the title of all BAL 12.5 Lots to ensure that:
 - (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 19 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - a. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - b. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - c. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - d. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with those shown on the civil engineering plans approved for Stage 6D,
 - (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020.
- (6) **Prior to the issue of a Subdivision Works Certificate**, an appropriate instrument shall be created and registered on the title of all BAL 19 Lots to ensure that:
 - (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 19 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - a. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - b. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - c. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - d. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with the nominated Bushfire Management Plan,

- (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020.
- (7) **Prior to the issue of a Subdivision Works Certificate**, an appropriate instrument shall be created and registered on the title of all BAL 29 Lots to ensure that:
- (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 29 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - a. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - b. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - c. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - d. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with the nominated Bushfire Management Plan,
 - (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020.
- (8) Vegetation management in all Asset Protection Zones shall be provided in accordance with Schedule 2 of the relevant Bushfire Management Plan for the stage (being either Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020) approved by condition (3). A covenant requiring the implementation of the Specifications listed in Schedule 2 of that approved bushfire management plan, shall be placed on the title of all lots shown on the approved civil engineering plans as containing Asset Protection Zones prior to the issue of a Subdivision Works Certificate.
- (9) A restriction shall be placed on the title of any residue lots which prohibits:
- (a) further subdivision of those lots; and
 - (b) the erection of residential dwellings, child cares, schools, shops or health care buildings on those lots.
- (10) Confirmation is to be provided to Council from a suitably qualified Bushfire Consultant that all bushfire conditions relevant to the stage have been complied with prior to the issue of a Subdivision Certificate for that development stage.

Fairways North Stage 1:

- (11) **Prior to the issue of a Subdivision Works Certificate** Civil Engineering Plans are required to be amended and resubmitted to Council for endorsement to provide safe operational access for emergency services personnel while suppressing a bush fire and while residents are accessing or egressing the area. This requires:
- a. Perimeter road carriageways are to be widened to a minimum of 8 metres measuring from the inner kerb with roll over kerbs so as to satisfy the requirements of Planning for Bush Fire Protection, 2019.
- (12) Confirmation is to be provided prior to the release of a Subdivision Certificate confirming provision has been made for adequate services of water for the protection of buildings during and after the passage of a bush fire such that no dwelling is more than 60 metres from building edge to hydrant in order to comply with Table 5.3c of 'Planning for Bush Fire Protection 2019'.
- (13) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of Lots 134, 135, 136 and 137 which:
- e. Prohibits any future secondary dwellings or subdivision to ensure firefighting access and public egress for the development.
 - f. Requires all landscaping associated with these lots are to subject to the approval of the Council, on the recommendation of a qualified bushfire practitioner appointed by Council and paid by the landholder.
- (14) Confirmation is to be provided to Council prior to the issue of the Subdivision Certificate confirming an accessway (one-way) has been provided between Lots 134 and 135 with a minimum of 4 metres hard surface (and carry a load of 23 tonnes) and marked as one-way travelling north from Road 09 to Road 03 (i.e. no entry at Road 03).
- (15) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of residue lot 64 which prohibits further subdivision and/or use of the burdened lot for any secondary dwelling, child care, school or any class 9a or class 9c building.
- (16) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of residue lots 192, 193, 194 and 195 which prohibits any development of the burdened lots.

Golf Precinct Stage 6D

- (17) **Prior to the issue of a Subdivision Works Certificate** Civil Engineering Plans are required to be amended to show the perimeter road, being the extension of Road 01 around Lots 120-141 and 142 – 148, to provide a minimum carriageway width of 8m measured from the inner kerb and shall have roll over type construction on either side of the road. This shall be constructed in accordance with Planning for Bushfire Protection 2019 to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area.

- (18) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title requiring access to lots 122- 138 be supplied via the internal cul-de-sac with building lines from this access.

4. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

All stages:

- (1) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

Golf Precinct:

- (2) The fuel storage tank in Golf Precinct is to be decommissioned and disposed of in accordance with relevant SafeWork Australia and NSW EPA Guidelines.
- (3) The fuel storage tank is to be disposed of at a licensed waste facility with documentation retained and presented to Council or the Principal Certifier on request.

5. CONTAMINATION

All Stages:

- (1) 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 earth works, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Golf Precinct:

- (2) Following removal of structures for the storage of contractor's equipment or fuel, as a minimum, the site is to be inspected by a suitably experienced Contaminated Land Consultant for signs of contamination once the area is no longer used for that purpose. The details of the inspection are to be provided to Council.

Further assessment will be required if signs of contamination, such as staining of the soil surface, are observed during the inspection. Should soil sampling indicate contamination that requires remediation, a Remediation Action Plan is to be submitted to Council together with a Development Application for Remediation.

Fairways North Stage 1:

- (3) Prior to commencement of any works, part lot 64 created in Stage 8A is to be securely fenced for further analysis for contamination purposes AND no works being carried out within 2 metres of the cottage located on this lot.

Development of this pt lot (created in Stage 8A) is not permitted until such time a Remediation Action Plan is submitted to Council together with a separate Development Application for Remediation and the Development Application is approved. A restriction to this effect is to be placed on the title of the lot.

6. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All stages:

- (1) Works shall not commence on any land subject of this consent, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Subdivision Works Certificate by Council or a nominated Accredited Certifier.
- (2) All works shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works.
- (4) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (5) Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (6) There shall be no burning of builders' rubble, felled trees or other material on site.
- (7) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

- (8) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (9) A Construction Management Plan (CMP) and Site Management Plan (SMP) shall be submitted to Council or a nominated Accredited Certifier for approval with Engineering Construction Plans prior to the release of any Subdivision Works Certificate for the development.
 - (a) The CMP shall incorporate:
 - An emergency response plan in case of a pollution incident, complaints handling procedure and a 24-hour telephone contact number.
 - A Traffic Management Plan that details proposed construction traffic movements and suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve. The safety precautions are to be in accordance with the requirements of the "Traffic Control at Work Sites" manual (as published by the RMS). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification.
 - A Soil and Water Management Plan (SWMP). The SWMP to outlines the measures that will be taken to limit and contain sediment laden runoff during construction. The measures shall be in accordance with Council's Construction Specification, and the requirements of the guideline "Soils and Construction – Managing Urban Stormwater", 1st edition (the "Blue Book") published by Landcom March 2004".
 - (b) The SMP will be prepared to ensure the safety of the public during the works, and will include the methods for managing dust, noise and fencing. Noise control shall be in accordance with the NSW EPA Interim Construction Noise Guidelines.

7. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.

All stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.
- (2) Engineering Design plans and stormwater drainage calculations, for all civil works including roads, driveways, pathways, cut and fill, stormwater quality & quantity treatment measures and stormwater drainage, shall be submitted to Council or a nominated Accredited Certifier. The plans must be approved prior to the issue of a **Subdivision Works Certificate (Construction Certificate)** for the civil works associated with this development. All levels are to be reduced to Australian Height Datum.
- (3) **Prior to the issue of a Subdivision Works Certificate, the Development Application approved engineering plans shall be amended where applicable to comply with Council's Design Specifications.**

- (4) Prior to the commencement of any works, a **Subdivision Works Certificate** shall be issued by Council or nominated Accredited Certifier for the development.
- (5) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to the Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (6) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format in accordance with the ADAC requirement as set out in the Wollondilly Shire Council Design and Construction Specifications, including CCTV recording for all road stormwater lines to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (7) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (8) A Certificate of Practical Completion is to be obtained from Council on completion of subdivision works certifying that works associated with the Subdivision Works Certificate has been completed to Council satisfaction.
- (9) Prior to the application for a **Subdivision Certificate**, a Certificate of Practical Completion for all civil works (road, access, drainage etc.) to be vested in Council, is to be submitted to the Principal Certifying Authority.

8. BONDS

All Stages

- (1) Prior to issue of any **Subdivision Certificates**, a Defects Liability Period bond is to be lodged with Council, being no less than 10% of the estimated cost of public road infrastructure works, for a minimum 12 month period, from the date of registration of public roads, to cover the rectification of any defects.
- (2) Prior to issue of any **Subdivision Certificates**, a street tree maintenance and pruning bond is to be lodged with Council, being no less than 10% of the estimated cost of street tree planting works, for a minimum 5 year period, to cover the rectification of any street tree maintenance, replacement or pruning works.
- (3) Prior to issue of any **Subdivision Certificates**, a road verge establishment bond is to be lodged with Council, being no less than 10% of the estimated cost of verge turf costs, for a minimum 12 month period, to cover the rectification of any road verge establishment works.

- (4) Prior to issue of any **Subdivision Certificates**, a water quality infrastructure establishment bond is to be lodged with Council, being no less than 10% of the estimated cost of water quality infrastructure construction, for a minimum 3 year period, to cover the rectification of any establishment works.

9. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) Perimeter roads for both Stage 6D of Golf Precinct and Fairways North Stages are to be redesigned to accommodate a carriageway width of 8m from inner kerb to inner kerb with sufficient verge. Plans are to be submitted to Wollondilly Shire Council for endorsement prior to the issue of a Subdivision Works Certificate.
- (2) The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The roads shall be constructed to Wollondilly Shire Council's adopted Design and Construction Specifications.

Golf Precinct:

- (3) **Prior to the issue of a Subdivision Works Certificate** the perimeter road (Road 9 and Road 10) in Stage 6D shall be amended to:
 - a. Provide an 8m wide carriageway with a 1.5m verge abutting the Environmental Protection and Recreational Lands and 3.5m verge abutting the residential side. No services shall be installed within the 1.5m verge. The perimeter road shall be constructed to Wollondilly Shire Council's adopted Design and Construction Specifications. Details to be submitted with the Subdivision Works Certificate for approval.
 - b. Include roll kerbs are to be provided to the perimeter road in Stage 6D.

Prior to the issue of the **Subdivision Works Certificate**, the Council must be provided with documentary evidence which demonstrates that the stormwater can be managed to ensure it can be contained in the kerb and will not cause property damage.

- (4) **Prior to the issue of a Subdivision Works Certificate** perimeter Roads (Road 09 and 10) in Stage 6D cross section to be amended to accommodate a 1.5m pedestrian path in the amended 3.5m verge (as required by condition 9(3)). Details to be shown on Engineering plans for approval.
- (5) **Prior to the issue of a Subdivision works Certificate** Road 01 in Stage A, B, C and D cross section is to be amended to provide for shared footpath on both sides of the carriageway. Details to be shown on Engineering plans for approval.
- (6) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title of lots 132 -138 in Stage 6D requiring principal vehicular access driveways to be provided from Road 08.

Secondary vehicular access to the perimeter road will only be permissible for bushfire evacuation purposes.

- (7) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title of lots 142-148 in Stage 6D requiring principal vehicular access be provided from Road 01. Secondary vehicular access to the perimeter road will only be permissible for bushfire evacuation purposes.
- (8) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title for lots 105 & 106, 107 & 108, 109 & 110, 111 & 112, 113 & 114 and 115 & 116 creating a Right-of-Carriageway (ROC) on the shared portion of driveway to be located on residential lots
- (9) Future owners of lot 105 & 106, 107 & 108, 109 & 110, 111 & 112, 113 & 114 and 115 & 116 are to be made aware of their requirement for shared maintenance of the extended crossovers on Council verge within the contract of sales.

All Stages:

- (10) Public roads shall be designed and constructed in accordance with Councils Design and Construction Specification. Flexible pavement designs shall include asphaltic wearing surfaces, a minimum 40mm thick and 50mm thick in all cul-de-sacs and intersections.
- (11) Prior to issue of **Subdivision Works Certificate** a public infrastructure review must be undertaken by Wollondilly Shire Council, as the future Roads Authority and asset manager for all infrastructure to be vested in Council.
- (12) To facilitate the review process, the person or entity having the benefit of this consent shall submit the following plans and reports for all road, drainage, landscaping and other infrastructure to Wollondilly Shire Council. Comments and recommendations from the review will be issued by Wollondilly Shire Council and shall be incorporated into the final design plans for issue of the Subdivision Works Certificate
 - a. Engineering Design plans showing all public road and drainage infrastructure.
 - b. Engineering Design plans showing all public drainage infrastructure to be provided for the control and treatment of stormwater.
 - c. Traffic Plan showing all proposed signage and delineation for roads, shared pathways, intersection treatments and bus stops.
 - d. Traffic Plan showing turn path simulations for 9.4 metre waste recovery vehicles (bogie rear axle) for all intersections and horizontal road curves of less than 100 metre radius and 12.5 metre Single Unit Truck for roundabouts.
 - e. Landscape Plan showing the proposed location and species of street trees and landscape features at intersections and within Round-about central islands.

- f. Report on the proposed Smart Cities infrastructure to be provided in accordance with the requirements of this consent.

Notwithstanding the conditions requiring roadworks as set out in this consent, the extent of all roadworks and traffic management treatment measures is subject to the review and recommendation of Wollondilly Shire Council. Plan review fees will be payable in accordance with the current Wollondilly Shire Council Fees and Charges.

- (13) The person having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of all public roads and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (14) Creation of public roads shall be carried out generally in accordance with the concept civil plans prepared by Cardno and listed in condition 1(2) of this consent. Details shall be shown on the Engineering Plans for approval with the Subdivision Works Certificate, with the inclusion of following amendments:
- (a) The inside kerb return radius of all right angle bends on through roads shall be 15.0m for smooth turning in local roads.

Fairways North Stage 1:

- (b) Construction of Road 2 shall be extended to the full extent of the eastern boundary of lot 9 (Ref. approved plans no. NA82013043-64-C1000 to C1044).

Golf Precinct:

- (c) The driveway crossovers for lot 105 & 106, 107 & 108, 109 & 110, 111 & 112, 113 & 114 and 115 & 116 (Ref. approved plans no. NA82013043-65-C1000 to 1028) 4m sealed (concrete).

- (15) In relation to the future road connections to adjoining stages:
- (a) If at the time of the application for the Subdivision Works Certificate (Construction Certificate) there are no Subdivision Certificates issued in relation to adjoining stages, the Engineering Design plans shall include details of temporary vehicle turning areas suitably sized to allow a 9.4 metre Waste Recovery Vehicle to make a 180° turn with no reversing manoeuvring. Temporary vehicle turning areas shall be constructed of full depth pavement with a minimum 2 (two)-coat bitumen seal wearing course. Appropriate traffic restrictions shall be implemented to prevent parking within the turning areas.
- (b) If at the time of the application for the Subdivision Works Certificate, a Subdivision Certificate has been issued in relation to adjoining stages, the Engineering Design plans shall include details of proposed road connection with the road(s) constructed within the adjacent stages.
- (16) Bus shelters shall be constructed for the bus stop/bay on both road sides of the road as per Conceptual Bus Stop Plan by Cardno ref no. NA82013043-21 dated 02.06.2014 & typical bus stop indent by Cardno Ref. no. NA82013043 SK02 dated 29.04.2016 and Council's Design Specification. The shelter and bus stop design shall comply with the Disability Standards for Accessible Public Transport

and relevant Australian Standards and details to be shown on the Engineering Plans for approval with the Subdivision Works Certificate.

- (17) In accordance with Section 138 of the Roads Act, a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (18) All service including water mains and treated effluent mains shall not be located beneath the shared pedestrian/cycleway paths unless required to cross from one side of the road to another.
- (19) The applicant shall provide test report on asphaltic concrete works in public road including certificate of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and NSW Roads and Maritime Services (RMS) Specifications.
- (20) Street lighting shall be provided using **LED LIGHTING** within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (21) Prior to the issue of a Subdivision Certificate the applicant shall provide footpaths in roads generally as shown with the concept civil plans prepared by Cardno, and approved in this consent, see plan ref no. NA82013043-64-C1000 to C1044 and NA82013043-65-C1000 to 1028. Details shall be shown on the Engineering Plans for approval with the Subdivision Works Certificate, alongside any amendments and additional footpaths required by this consent.
- (22) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title restricting access to the following sites as follows:

Fairways North Stage 1:

- Access to Lot 9 shall be located on the eastern boundary.
- Access to Lot 10 shall be located close to the western boundary.
- Access to Lot 19 shall be located close to the northern boundary, adjacent to lot 20.
- Access to Lot 74 shall be located close to the adjacent lot 75 boundary.
- Access to Lot 75 shall be located close to the adjacent lot 76 boundary.
- Access to Lot 76 shall be located close to the adjacent lot 77 boundary.
- Access to Lot 50 shall be located close to the adjacent lot 51 boundary.
- Access to Lot 71 shall be located close to the adjacent lot 72 boundary.
- Access to Lot 21 shall be located close to the adjacent lot 224 boundary.
- Access to Lot 240 shall be located near to the adjacent lot 33 boundary.
- Access to Lot 34 shall be located near to the adjacent lot 127 boundary.

Golf Precinct:

- Access to lot 32 shall be located adjacent to the lot 31 boundary.
- Access to lot 71 shall be located adjacent to the lot 70 boundary.
- Access to lot 96 shall be located adjacent to the lot 97 boundary.
- Access to lot 122 shall be located adjacent to the lot 123 boundary.
- Access to Lot 139 shall be located adjacent to the lot 138 boundary

Details of this shall be shown on the engineering plans prior to the issue of the **Subdivision Works Certificate**.

- (23) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (24) For all shareways, the surface finish and grades shall comply with AS1428 for accessibility. Rest areas with seating and shade shall be constructed at convenient locations – such as parkland areas.
- (25) Shareways are to be provided with shade trees compatible with the spatial restrictions of the footpath reserve and pavement type with canopy structure that does not obscure the line of sight for pedestrians, cyclists and motorists.
- (26) Landscaping of any roundabouts to be limited to one tree and low growing vegetation surrounding it. Species to be approved by Wollondilly Shire Council **prior to the issue of Subdivision Works Certificate**.
- (27) The applicant shall provide maintenance of the street trees for a minimum period of 5 years.
- (28) All kerb prism shall be coloured with Zircon yellow.
- (29) To ensure public road system including lighting meets the Smart Cities infrastructure requirements of Wollondilly Shire Council, street lighting shall be provided that is capable of delivering:
 - A safe and connected community,
 - Energy efficient lighting,
 - Low light pollution and nuisance,
 - Low maintenance,
 - Lowest costs over the asset life cycle,
 - Provision for future management and control systems.

Prior to issue of any **Subdivision Works Certificate**, a report shall be prepared that demonstrates how these objectives will be delivered.

- (30) All Roundabout intersection treatments shall be designed to cater for a minimum 12.5m Single Unit Truck/bus. Turn path simulations shall be provided for all roundabout designs for review by Council as required in this consent.

10. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

All Stages

- (1) All works for basins shall be located within the proposed community land, no works for the basins or overflow shall be carried out within the Environmentally Sensitive Land (Lot1 DP 270536). All overflow water shall return to undisturbed natural ground levels before the boundary of the proposed community land.
- (2) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

- (3) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (4) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (5) Council drainage easements are to be a minimum 3.0 metres wide but may be wider depending on the size of the drainage structures. Interallotment drainage easements are to be a minimum 1.5 metres wide. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (6) Drainage for each precinct is to be carried out in accordance with Stormwater Compliance Letters as referenced in condition 1(2) dated 18 September 2020 and Concept Stormwater Plans by Cardno as referenced in condition 1(2). Details shall be shown on the Engineering Plans for approval **prior to the issue of a Subdivision Works Certificate.**

The proposed drainage system shall not use pit inserts for litter/sediment control, an alternate system using dry sump GPTs shall be used that is approved by Council prior to the issue of a **Subdivision Works Certificate.**
- (7) Details of the stormwater quality treatment system and computer modelling shall be submitted with the Engineering Design plans for approval by the nominated Accredited Certifier prior to issue of a **Subdivision Works Certificate.**
- (8) Staged stormwater drainage shall be constructed to provide appropriate connections, silts and water quality controls. Prior to the commencement of any work for a sub stage, details shall be provided to the Council. This shall be noted on the engineering plans that are approved for any Subdivision Works Certificate.
- (9) A Maintenance Management Plan for the operation, maintenance and inspection of any stormwater quality control infrastructure that are to be vested in Bingara Gorge Community Association, shall be submitted with the engineering plans. The plan shall include an inspection checklist for each particular system.

11. EARTHWORKS AND FILLING

These conditions have been imposed to ensure the safe disposal of fill:

All Stages

- (1) **Prior to the issue of a Subdivision Works Certificate** a cut and fill plan shall be submitted with the Engineering design plans for approval that details the exact extent and depth of proposed cut and fill.
- (2) **Prior to issue of any Subdivision Works Certificates**, a traffic management plan and road haulage route shall be submitted to Wollondilly Shire Council. The report shall be accompanied by a dilapidation report along the proposed haulage route to record the condition of the existing road network.

- (3) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (4) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (5) Only fill characterised as VENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill shall be provided to Council prior to use onsite.
- (6) There shall be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (7) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (8) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (9) Where Council cannot be satisfied that the fill is suitable for use proposed use with regard to potential contamination, the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

12. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

All Stages

- (1) The person or entity having the benefit of this consent shall ensure adjoining roads and properties are not impacted by the dust, mud, sediment, soil or any other material created from the works.
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) A stabilised vehicle access, wheel wash or other control measure shall be installed on the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network. Where sediments, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation shall be undertaken as soon as practicable.
- (4) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

- (5) Stockpiles of materials shall be covered, grassed or actively managed to limit the dispersal of materials from the site. Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (6) Erosion and sediment control devices are to be installed prior to any activities on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (7) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be installed/provided prior to any works taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (8) The person having the benefit of this Consent shall engage appropriately qualified persons, at no cost to Council, to undertake Audit(s) on the Soil and Water Management measures implemented on site during subdivision construction works. Audits shall be undertaken at times to be specified by the Principal Certifier.

13. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

- (1) The engineering works shall be inspected by the Council at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
 - After shaping and prior to topsoil/turf placement of overland flow paths.
 - When part of the pavement depth (as indicated by Council) has been placed.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - A completion of pavement shaping, prior to priming.
 - At sealing (minimum 24 hours required after priming).
 - At completion of the preparation of kerb and guttering subgrade.
 - At completion of the preparation of all concrete layback gutter crossing subgrade.
 - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place.

- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Council when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

- (2) If Council notifies the site manager or other contractor that a work or works are unsatisfactory for any reasons, all works on the site shall cease until the matter is resolved to the satisfaction of Council or a nominated Accredited Certifier.

14. SERVICES

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

All Stages

- (1) Electricity supply is to be made available to all proposed lots relevant to the stage in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority **prior to the release of the Subdivision Certificate**.
- (2) **Prior to the issue of the Subdivision Certificate** in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:
 - a. The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project (relevant to the stage) so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
 - b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate (relevant to the stage) development project demonstrated through an agreement with a carrier. (Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).
- (3) **Prior to the issue of the Subdivision Certificate**, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for lots relevant to the stage. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.
- (4) All power and services provided to the development within the site shall be underground.

- (5) Each residential allotment (relevant to the stage) must be connected to the Bingara Gorge sewage treatment plant and documentary evidence shall be provided to Council with each Subdivision Certificate application that this has occurred.

15. WASTE MANAGEMENT

These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.

All Stages:

- (1) **Prior to the issue of any Subdivision Works Certificate** a Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or Accredited Certifier in response to a condition of this consent.
- (3) For waste management in the post construction phase:
 - (a) Turning circles and manoeuvring areas on the road network must accommodate heavy rigid vehicles and comply with Wollondilly Shire Council engineering templates
 - (b) Waste collection vehicles must be able to provide all waste collection services in a forward motion from the left hand side of the vehicle.
 - (c) The swept paths for all roads need to be submitted as CAD files with the application for a Subdivision Works Certificate. All roads must allow all heavy rigid waste collection and emergency service vehicles to safely enter and exit all roads. All blind spots to be eliminated.
- (4) Prior to the release of any Subdivision Certificate, a servicing strategy is to be submitted for Council's approval. The strategy shall make provision for
 - (a) the transporting distance between the Shire and the waste processing facilities and;
 - (b) a maximum of 650 allotments can be serviced in one day.

16. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages:

- (1) At all times, all contractors and other visitors onto the development area, during the preliminary phases of development, shall be made aware of the general locations of the Aboriginal sites in conjunction with the legislative protection afforded to these sites.
- (2) **Prior to the commencement of any works** in the relevant stage the following actions as generally recommended in Fairways North and Golf Town Precincts Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW, Cultural Heritage Assessment and Test Excavation Report, Version 2 prepared by Kayandel Archaeological Services dated February 2018 shall be carried out:
 - (a) Seek an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the National Parks and Wildlife Act 1974 for BG-IF-02, BG-IF-03, BG-IF-04, and BG-IF-004. This AHIP should be sought for all known and unknown Aboriginal objects within the mapped extent of BG-IF- 02 (AHIMS #52-2-4027), BG-IF-03 (AHIMS #52-2-4434), BG-IF-04 (AHIMS #52-2-4432), BG-AS-004 (AHIMS #52-2-4433) (refer to Figure 49), as a strategy to minimise the risk of delays during works that may results from unexpected finds.
 - (b) No further archaeological investigation is required at BG-IF-02 (AHIMS #52-2-4027), BG-IF-03 (AHIMS #52-2-4434), BG-IF-04 (AHIMS #52-2-4432), BG-AS-004 (AHIMS #52-2-4433) prior to the lodgement of an Aboriginal Heritage Impact Permit (AHIP);
 - (c) Prepare site cards for BG-IF-03, BG-IF-04 and BG-AS-004, and provided to AHIMS;
 - (d) Prepare an updated site card for BG-PAD-01 and provided to AHIMS;
 - (e) Prepare an Aboriginal Site Impact Recording Forms (ASIRs) for BG-PAD-02 and BG PAD- 03 with the updated status of the site and provided to AHIMS;
 - (f) Item BG-ST-01 is to be retained, all construction works in proximity of BG-ST-01 must be limited to the land outside of the tree canopy in order to prevent any impact(s) and/or harm to the identified Aboriginal site;
 - (a) Establish an internal management system in regards to the protection of all known Aboriginal sites within the Bingara Gorge development, in order to prevent any future impact(s) and/or harm to identified Aboriginal sites;
 - (b) Erect temporary fencing around the extents of all Aboriginal sites within the development precincts in order to prevent inadvertent damage to the sites occurring prior to the approval of an AHIP (refer to Figure 49);
 - (c) Maintain the aforementioned temporary fencing in good repair and inspect every 4 weeks by a qualified Archaeologist experienced in Aboriginal Cultural Heritage, until such time as an AHIP has been determined;
 - (d) Promote community collection of BG-IF-02 as a mitigation strategy for the AHIP, with consultation and approval of the Registered Aboriginal Parties (RAPs);
 - (e) Reconsider previous analysis of lithics from earlier excavations in the Bingara Gorge as works progress in this region, to ensure that a consistent

typological framework is established and maintained for investigations in this region; and,

- (f) Further investigation should be made into sites within the Nepean Ramp Utilisation Zones (as outlined in Section 6.7 of this report), with the following research objectives in mind:
 - To determine the extent of Utilisation Zones 1-4, and how they relate to one another;
 - To determine the site types expected in each utilisation zone.
 - (g) Submit a copy of the final report to the Registered Aboriginal Parties (RAPs).
- (3) The applicant shall comply with all the conditions and requirements of any Aboriginal Heritage Impact Permits (AHIP).
 - (4) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

17. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

All Stages:

- (1) **Prior to the issue of a Subdivision Works** an amended Streetscape Plan is to be provided to Council or Private Certifying Authority for approval to accommodate amendments to the subdivision layout. The amended Streetscape Plan should be endorsed by a qualified bushfire consultant prior to submission to the relevant certifier or Council.
- (2) The amended StreetScape Plan is to avoid the following species:
 - a. Fraxinus griffithii (highly invasive)
 - b. Betula pendula (due to difficulty with growth without irrigation)
 - c. London plane (infrastructure damage, mess, allergies)
 - d. Ulmus parvifolia (invasive, traffic interference, branch failures)
 - e. Populous simonii (invasive roots)
 - f. Fraxinus raywoodii (surface root issues, disease and poor performance including vascular wilt and sooty mould)
 - g. Cupressaceae (bushfire susceptible)
- (3) Root guards are to be installed where street trees may affect infrastructure. Details shall be shown on the Streetscape Plans for approval.
- (4) Street trees are not to be planted on top of kerb drainage pits or under street lights
- (5) Landscaping for each stage is to be installed as per the approved Streetscape Plan as a result of condition 17(1) prior to the issue of a Subdivision Certificate for each stage.

Golf Precinct:

- (6) Advice is to be provided with the contract of sales to purchasers of lots adjacent to windrows which identifies that these are significant trees that are required to be retained and that removal of trees will only be considered where an immediate safety issue exists that cannot be remedied by other means.

18. VEGETATION MANAGEMENT

These conditions have been imposed to protect significant vegetation that has been identified on the subject land.

All stages:

- (1) The development must comply with all conditions contained in the Proposed Activity Approval (EPBC 2014/7400) issued by the Commonwealth Department of Environment and Energy (dated 3RD December 2018).
- (2) Prior to the issuing of the Subdivision Works Certificate, the Vegetation Management Plan, Bushland Management Plan and Koala Management Plan are to be amended to incorporate all applicable and available information within the Allens Creek Corridor Koala Conservation Plan South East Wilton Koala Plan of Management (Version 7, 29 April 2020) and Environmental Management Plan required by the approval dated 3rd December 2018 under the Environment Protection and Biodiversity Conservation Act 1999.
- (3) **Prior to the issue of any Subdivision Works Certificates**, the Vegetation Management Plan must be amended to contain:
- a. Detailed measures to minimise impacts arising from vegetation clearance associated with the proposed development to threatened flora and fauna species. The measures shall base on the following:
 - Expansion of the proposed pre-clearance surveys to any threatened fauna species identified as potentially occurring on the site.
 - Adjustment of the Fauna Management Plan (Appendix A of the VMP) to include a requirement that work will cease for a period until fauna species have preferably moved under their own accord rather than re-located (as currently proposed).
 - b. Strategies to protect threatened flora species (and avoid translocation) during clearance associated with the establishment and maintenance of Asset Protection Zones.
 - c. An enhanced overview of the conservation values of the site and detailed measures of impacts associated with the proposed development based on the following:
 - The updating of the description of koala habitat and movement of this species through the site to that contained in the Koala Management Plan based on most available information.
 - Description and quantification of the area of identified koala habitat based on primary and secondary koala habitat that is permitted to be removed by D2015/283.

- (4) **Prior to the issue of a Subdivision Works Certificate**, the Vegetation Management Plan for all precincts must be amended to reflect the below updated Action:
- a. Actions to ensure that prior to the removal of any trees during the bat breeding season (October to **April**), each tree will be inspected by a suitably qualified expert before it is removed under inspection by an ecologist with qualifications relating to micro bats and arboreal fauna.
- (5) **Prior to the issue of a Subdivision Works Certificate**, the Weed and Pest Eradication Management Plans are to be updated to include a commitment that actions will be consistent with and be developed in consultation with the Local Land Services prior to the issuing of the Subdivision Works Certificate.
- (6) **Prior to the issue of a Subdivision Works Certificate**, the Bushland Management Plan is to be amended to
- a. include in tabular format, its consistency with the Acts listed in Section 2.1.2 of the document
 - b. to include a (not more than one page), description of all Plans relevant to the subject site prior to the issuing of any Subdivision Works Certificate for the proposed development.
 - c. incorporate all applicable and available information within the Allens Creek Corridor Koala Conservation Plan South East Wilton Koala Plan of Management (Version 7, 29 April 2020) as well as Environmental Management Plan required by the approval dated 3rd December 2018 under the Environment Protection and Biodiversity Conservation Act 1999 prior to the issuing of the Construction Certificate.
 - d. Include the short-term and long-term ecological viability of the local populations of threatened flora species listed in Section 3.1.1 of the Bushland Management Plan (BMP) as a consequence of the vegetation clearance permitted for the development by D2015/283.
 - e. Include the conservation value of the land within the Environmental Protection and Recreational (EP&R) Lands covered by the BMP in terms of habitat corridors within a localised and broader context (for example the Allens Creek koala habitat corridor).
 - f. Include an overview of the conservation value of the in-stream and riparian environments potentially impacted by all components of the development.
- (7) **Prior to the issue of a Subdivision Works Certificate**, the Implementation Action Plan included in Appendix A of the Bushland Management Plan is to be amended to include the following to enhance its usability and function as an ongoing Management Operation Plan for the Environmental Protection and Recreational Lands, ACL and Development Precinct :
- a. A column is to be inserted providing the timeframes for the implementation of each action
 - b. A column titled Actions be inserted on based on previous sections of the BMP that includes prescriptive actions regarding:
 - i. A Works Program for primary and secondary weeding as well as ongoing maintenance.
 - ii. Management of impacts of the development with related mitigated measures to the riparian and in-stream environment
 - iii. The protection of habitable corridors and their associated ecological function of threatened fauna species identified as potentially occurring on the site including the koala (based on the Koala Plan of Management).

- c. References to weeds and feral animals to reflect the revised framework under the Biosecurity Act 2016
 - d. Amend the Performance Criteria column to ensure all criteria are prescriptive and measurable e.g. Amend “monitor pest numbers to ensure the population is not increasing “and if warranted, implement controls, bait stations, shooting or biological control” to (suggested) “pest numbers monitored every 12 months and appropriate controls implemented in the event of identified increased numbers not more than 28 days after the monitoring event if determined warranted”
 - e. Include nominated reduction targets for those performance indicators of relevance to primary and secondary weeding.
- (8) **Prior to the issue of a Subdivision Works Certificate**, the Koala Plan of Management is to be amended to include:
- Reference to recent sightings of koalas in the vicinity of the site and recognition of Allens Creek as an important corridor by the Allens Creek Corridor Koala Conservation Plan South East Wilton Koala Plan of Management (Version 7, 29 April 2020) and South East Wilton Koala Plan of Management.
 - The description and mapping of koala habitat corridors based on current available information.
 - Intended measures to monitor the presence and movement of koalas as well as any impact to their habitat attributable to the development.
- Advice: The Koala Plan must be updated to comply with State Environmental Planning Policy 44 if monitoring on the site identifies this as being necessary.
- (9) **Prior to the issue of a Subdivision Works Certificate** details of intended procedures to monitor and report on any adverse impacts to water quality and associated ecology resulting from direct and indirect impacts associated with the Development to be provided. The report shall include information for the collection of macro invertebrates by a suitable qualified ecologist(s) as well as analysis by a laboratory with suitable National Association of Testing Authorities (NATA) accreditation.
- (10) Prior to the issue of a Subdivision Certificate, documented evidence must be prepared by a suitably ecologically qualified person confirming the implementation of the Vegetation Management Plan (as amended in accordance with Condition 18(2) and 18(3)) and submitted to Council.
- (11) Documented evidence must be prepared by a suitably ecologically qualified person confirming the ongoing implementation of the Bushland Management Plan (as amended in accordance with Condition 18(5)) and is to be based on the amended action plan in accordance with condition 18(6). This evidence is to be provided to Council:
- a. 12 months after commencement of its implementation.
 - b. 3 years after commencement of its implementation.

19. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

Golf Precinct:

- (1) Implement the following recommendations as stated in the Arboriculture Development Assessment Report for Bingara Gorge Broughton Street (wind rows), prepared by Moore Trees Arboriculture Services dated March 2017 and updated September 2018:
 - (a) Trees to be removed are numbered as 1077, 1081, 1082, 1083, 1085, 1086-1110, 1113, 1114, 1169-1187, 1201, 1232-1241, 1372, 1373-1376, 1510-1524, 1575-1590, 1680-1709, 1726-1759, 1805, 1825, 1826, 5041, 5042, 5048, 5049, 5052, 5053-5057. The remaining wind row trees are recommended to be protected prior to removal works and bulk earth works occurring.
 - (b) List all the trees to be removed in the Tree Protection Plans (Appendix 1, Plans 1 and 2). All civil demolition drawings shall incorporate the tree numbering from the original survey to ensure the correct trees are removed. All trees have been tagged to match this original survey numbering.
 - (c) Prior to any cut and fill works occurring, tree protection fencing must be installed around all trees to be retained. This fencing is to be located as per the Tree Protection Plans (Appendix 1). The fencing shall be capable of stopping traffic movements over the root zones, restrict canopy damage and stop spoil from being spread over the basal area of trees to be retained. The specifications for a TPZ area shall be in accordance with Section 5.2 of the Arboriculture Development Assessment Report.
 - (d) Tree Protection Zone for wind row trees to be retained shall consist of chain mesh fencing with a minimum height of 1.8 metres erected around the groups of trees to be retained. Specifications for this fencing are shown in Tree Protection Fencing Specifications (Appendix 5) of the Arboriculture Development Assessment Report.
 - (e) The Tree Protection Zone (TPZ) is to be implemented to ensure the protection of the trunk and branches of the subject tree. The TPZ is based on the Diameter at Breast Height (DBH) of the tree. Structural Root Zone (SRZ), a radial measurement from the trunk, shall be used to protect and restrict damages to the roots of the tree.
 - (f) The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be measured from the centre of the trunk. The following activities shall be avoided within the TPZ of any tree to be retained;
 - Erecting site sheds or portable toilets.
 - Trenching, ripping or cultivation of soil (with the exception of approved foundations and underground services).
 - Soil level changes or fill material (pier and beam or suspended slab construction are acceptable).
 - Storage of building materials.
 - Disposal of waste materials, solid or liquid.

- (g) If the retained trees are damaged a qualified Arborist should be contacted as soon as possible. The Arborist will recommend remedial action so as to reduce any long term adverse effect on the tree's health.
- (h) Signage for tree protection shall be attached to the TPZ tree protection fencing. A sample sign has been attached in Appendix 6 of the Arboriculture Development Assessment Report. This sign may be copied and laminated then attached to any TPZ fencing.
- (i) Arborist Certification shall be submitted to Council or the Principal Certifying Authority three (3) times during the construction phase of the development in order to verify that retained trees have been correctly retained and protected as per the conditions of consent and Arborist's recommendations.

The certification is to be conducted by a Qualified Consulting Arborist with AQF level 5 qualifications that has current membership with either Arboriculture Australia (AA) or Institute Of Australian Consulting (IACA). Arborist Certification shall be submitted:

- i. Before commencement of works to confirm tree numbering/removals and retentions;
 - ii. To confirm fencing is in correct locations;
 - iii. At completion of the cut and fill phase.
- (2) Hollow sections of removed trees are to be used as ground habitat the EP&R lands or Additional Conservation Lands
 - (3) Prior to the release of any subdivision certificate relating to lots in the vicinity of the existing windrows, a report from a qualified arborist shall be submitted to Council demonstrating that all trees within the adjacent road reserve are in a suitable condition having regard to public safety.

20. DEVELOPMENT CONTRIBUTIONS

These conditions have been imposed to ensure that adequate provision of public facilities required as a result of the development.

All Stages:

- (1) Bingara Gorge (Wilton Parklands) Voluntary Planning Agreement executed 3 November 2007 applies to the development up to the 1,165th residential allotment registered under the Community Title Scheme.
- (2) For each Subdivision Certificate issued after the 1,165th residential allotment within Bingara Gorge, section 7.11 contributions shall be paid in accordance with the Wollondilly Section 7.11 Contributions Plan 2020, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The amount payable for **EACH additional residential lot over 1,165** at the date of this consent is:

Road and Transport	\$3,879
Open Space	\$17,634
Community Facilities	\$5,804
Car Parking	\$0
Plan Management	\$425

TOTAL	\$27,742
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These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure for payment must be obtained from Council at the time of payment.

- (3) **Prior to the release of the Subdivision Certificate** for any residential allotment approved by this development consent, documentary evidence shall be forwarded to Wollondilly Shire Council demonstrating that the requirements of the VPA have been satisfied.
- (4) Prior to the release of any Subdivision Certificate associated with this consent, evidence that all obligations required by State Voluntary Planning Agreement (SVPA) executed 2 October 2012 shall be submitted to Council.

21 STREET ADDRESSING

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

All Stages:

- (1) **Prior to the submission of any Subdivision Certificates**, an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.
- (5) **Prior to the submission of any Subdivision Certificates**, an application for an additional street address shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

21. SUBDIVISION PLANS

These conditions have been imposed:

- (a) **To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.**
- (b) **To submit the required documentation for the creation of property restrictions and easements as specified.**

All Stages:

- (1) Submission to Council of the Linen Plan of Subdivision together with five (5) copies suitable for certification by the Chief Executive Officer and lodgement at the NSW Land Registry Services. A fee for the release of the Subdivision Certificate applies.
- (2) Submission of the appropriate instruments under the Conveyancing Act (e.g. Section 88B) with the linen plan to create the following restrictions as to User on the lots and responsibilities on future owners:
 - a) A restriction shall be placed on the title of any residential lot identified as having potential to be impacted in acoustic report 'Response to RFI Hume Highway Traffic Noise Assessment Precinct 1. The Fairways North Bingara Gorge, Wilton' by Atkins Acoustics, dated 21 September 2020, stating that appropriate building design and construction methods be implemented to minimise the

acoustic impact and ensure future homes achieve State Environmental Planning Policy (Infrastructure) 2007 requirements of:

- (i) In any bedroom in the residential accommodation – 35 dB(A) at any time between 10pm and 7am, and
 - (ii) Anywhere else in the residential accommodation (other than a garage, Kitchen, bathroom or hallway) – 40dB(A) at any time.
- b) Residue pt lot 64 (Stage 8A) of the Fairways Development is to be clearly identified as being contaminated land and that development of this lot is not permitted until such time as a Remediation Action Plan is submitted to Council together with a separate Development Application for Remediation.
- c) Access shall be restricted on certain lots in both the Golf Precinct and Fairways North Stage 1 developments as outlined in conditions 3(15), 9(6), 9(7) and 9(19) of this consent
- d) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title for lots 105 & 106, 107 & 108, 109 & 110, 111 & 112, 113 & 114 and 115 & 116 in Golf Precinct creating a Right-of-Carriageway (ROC) for the portion of the site burdened by the right of carriageway. The ROC should provide that the registered proprietor(s) of the lots hereby burdened will in respect of the constructed driveway within the right of carriageway on the plan, shall contribute equally to any financial outlay incurred from the maintenance and repair of any damage due to fair wear and tear on the driveway. Equal contributions from all proprietors will not apply to accidental or deliberate damage caused by one or more of the owners.
- e) Building Envelopes are to be nominated and indicated on the Survey Plan for registration for each corner lot in accordance with the Wollondilly Council Development Control Plan 2016 requirements.
- f) Asset Protection Zones as shown on the Bushfire Management Plans approved by this consent and requirements associated are also required to be shown on the plan of subdivision for registration. Asset Protection Zones for Stage 6D of Golf Precinct as shown on the approved civil engineering plans shall be shown on the plan of subdivision for registration.
- g) An appropriate instrument shall be created and registered on the title of all BAL 12.5 Lots (within the meaning of condition 3(A)) to ensure that:
 - (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 19 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - g. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - h. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - i. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - j. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with those shown on the civil engineering plans approved for Stage 6D,

- (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being: Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020
- h) An appropriate instrument shall be created and registered on the title of all BAL 19 Lots (within the meaning of condition 3(A)) to ensure that:
 - (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 19 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - k. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - l. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - m. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - n. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with the nominated Bushfire Management Plan,
 - (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being: Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020
- i) An appropriate instrument shall be created and registered on the title of all BAL 29 Lots (within the meaning of condition 3(B)) to ensure that:
 - (1) all future residential dwellings and associated class 10a buildings and decks comply with BAL 29 construction requirements of AS3959-2018 and are also to be constructed in addition to the BAL rating as follows:
 - o. installation of gutter guards and valley guards to be architecturally integrated and with roof slopes of >15 degrees,
 - p. use of non-combustible sarking rather than sarking with a flammability index of less than 5,
 - q. comply with the requirements of section 7.7 of Planning for Bush Fire Protection 2019,
 - r. all buildings are to be masonry (brick) with slab on-ground,
 - (2) all Asset Protection Zones shall comply with the nominated Bushfire Management Plan,
 - (3) all landscaping is to be provided in accordance with Table 3.2 of the relevant Bushfire Management Plan for the Stage, being: Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020

- j) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title of lots 120 – 129 and 139 -150 in Stage 6D of Golf Precinct to ensure future dwelling construction to BAL 12.5 requirements of AS3959-2018 at a minimum.
- k) A restriction shall be placed on the title of any residue lots which prohibits:
 - a. further subdivision of those lots; and
 - b. the erection of residential dwellings, child cares, schools, shops or health care buildings on those lots.
- l) An appropriate instrument shall be created and registered on the title of all residential lots in Fairways North and Stage 6D of Golf Precinct requiring boundary and allotment fencing to be metal and non-combustible, but where lots exceed 1,000 square metres or adjoin the Environmental Protection and Recreation Lands, may include open wire fencing with hardwood posts and intervening steel posts. Internal or boundary fencing shall not comprise of brushwood or any other combustible materials.
- m) An appropriate instrument shall be created and registered on the title of all residential lots in Fairways North and Stage 6D of Golf Precinct requiring provisions for dedicated water of 5,000 litres minimum, non-combustible tanks (metal) and which can be incorporated with BASIX measures (diagram in Schedule to the Bushfire Management Plan). The tank shall have suitable Storz fittings and be able to be connected to a RFS tanker from the street.
- n) Vegetation management in all Asset Protection Zones shall be provided in accordance with Schedule 2 of the relevant Bushfire Management Plan for the stage (being either Golf North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020 or Bushfire Management Plan for Fairways North Bingara Gorge Wilton prepared by Travers Bushfire and Ecology dated 4 November 2020) approved by condition (3). A covenant requiring the implementation of the Specifications listed in Schedule 2 of that approved bushfire management plan, shall be placed on the title of all lots shown on the approved civil engineering plans as containing Asset Protection Zones prior to the issue of a Subdivision Works Certificate.
- o) An appropriate instrument shall be created and registered on the title of Lots 134, 135, 136 and 137 in Stage 6D of Golf Precinct which:
 - a. Prohibits any future secondary dwellings or subdivision to ensure firefighting access and public egress for the development.
 - b. Requires all landscaping associated with these lots are to subject to the approval of the Council, on the recommendation of a qualified bushfire practitioner appointed by Council and paid by the landholder.
- p) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of residue lot 64 which prohibits further subdivision and/or use of the burdened lot for any secondary dwelling, child care, school or any class 9a or class 9c building.
- q) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of residue lots 192, 193, 194 and 195 in Fairways North Stages which prohibits any development of the burdened lots.

The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (3) Residential lots within 200m of the Hume Highway cannot be registered prior to the construction of a sound barrier, consistent with requirements imposed by the Concept approvals and state VPA requirements.
- (4) Existing easements are to be marked on the Linen Plan of Subdivision.
- (5) A Letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal straddle proposed boundaries after subdivision.
- (6) The development shall be completed in accordance with the relevant plans and conditions of consent for that stage prior to the release of the Subdivision Certificate.
- (7) Submission to Council of a Precinct Management Statement and associated documentation under the Community Land Development Act, 1989, and Community Land Management Act, 1989 for lodgement at the Land Titles Office.
- (8) Subdivision to affect individual Title to each allotment shall be undertaken in accordance with the Community Land Development Act, 1989 and Community Land Management Act, 1989.
- (9) Upon submission of any Subdivision Certificate applications, Council shall be provided with a register detailing the following:
 - Detailing a total of how many residential allotments are in progress for the whole of Bingara Gorge estate, and
 - Detailing a total of how many lots have been registered at the NSW Land Registry Services

22. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) ERECTION OF SIGNS

- (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note: Principal Certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

24. ADVICES

All Stages

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (4) Should any physical work within the pipeline easement be necessary, APA must approve them through their Third Party Works Authorisation process. This process will ensure all works are undertaken in a safe manner and do not physically impact on the pipeline. If you are seeking to undertake works on property containing a pipeline, or are seeking details on the physical location of the pipeline, please contact Dial Before You Dig on 1100 or APA directly at APAprotection@apa.com.au

- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.