



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

Level 4 225 Macquarie Street SYDNEY NSW 2000
Level 4 GPO Box 3565 SYDNEY NSW 2001
DX 264, Sydney

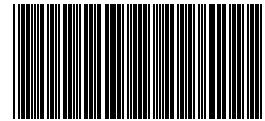
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Your Ref:



D0001CT07U

4 December 2020

NOTICE OF ORDERS MADE

| | |
|-------------|--|
| Case number | 2019/00224408 |
| 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 706/2018 for the subdivision of land into residential allotments, residue lots, community association lot, public roads, associated utility provisions and landscaping and associated works and infrastructure at Stirling Drive, Greenbridge Drive and Fairway Drive, Wilton NSW 2571 on land described as Lot 31 in DP 270536 (Part Lot 33 in DP 270536), Lot 26 in DP 270536 (Lot 205 in DP 1104390) and Lot 5 in DP 270536 (Lot 36 in DP 270536) 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. | Bushfire management plan (Golf North) prepared by Travers Bushfire and Ecology. | 4 November 2020 |
| 2. | Bushfire management plan (Fairways North) prepared by Travers Bushfire and Ecology. | 4 November 2020 |
| 3. | Plan of subdivision (Fairways North Stage 9) prepared by RPS Australia: <ul style="list-style-type: none"> i. Cover sheet, P356, rev E; ii. Subdivision of lot 70, drawing P537, sheet 1, rev I, dated 21 October 2020; iii. Subdivision of lot 70, drawing P537, sheet 2 rev I, dated 21 October 2020; iv. Subdivision of lot 292, drawing P358, rev I, dated 21 October 2020; v. Subdivision of lot 293, drawing P359, rev G, dated 21 September 2020. | - |
| 4. | Civil drawings (Fairways North Stage 2) prepared by J Wyndham Prince: <ul style="list-style-type: none"> i. Cover sheet, DA01, rev E; ii. Legend, index and general notes, DA02, rev N, dated 23 October 2020; iii. Overall site plan, DA03, rev J, dated 23 October 2020; iv. Anticipated construction staging plan, DA04, rev K, dated 23 October 2020; v. Road hierarchy plan, DA05, rev K, dated 23 October 2020; vi. Road typical sections, DA06, rev G, dated 23 October 2020; vii. Cut and fill plan, DA07, rev K, dated 23 October 2020; | - |

| | | |
|----|--|---|
| | <ul style="list-style-type: none"> viii. Engineering plan sheet 1, DA08, rev J, dated 23 October 2020; ix. Engineering plan sheet 2, DA09, rev H, dated 23 October 2020; x. Engineering plan sheet 3, DA10, rev J, dated 23 October 2020; xi. Engineering plan sheet 4, DA11, rev K, dated 23 October 2020; xii. Tree removal plan, DA12, rev J, dated 23 October 2020; xiii. Site sections sheet 1, DA13, rev J, dated 23 October 2020; xiv. Site sections sheet 2, DA14, rev J, dated 23 October 2020; xv. Site sections sheet 3, DA15, rev G, dated 23 October 2020; xvi. Road longitudinal sections sheet 2, DA17, rev G, 23 October 2020; xvii. Road longitudinal sections sheet 3, DA18, rev G, 23 October 2020; xviii. Road longitudinal sections sheet 5, DA20, rev E, 23 October 2020; xix. Overall catchment plan, DA21, rev K, 23 October 2020; xx. Soil and water management plan, DA22, rev J, 23 October 2020; xxi. Acoustic barrier landscape plan, DA531, rev A, dated 6 November 2020; xxii. Acoustic barrier landscape plan, DA401, rev A, dated 6 November 2020. | |
| 5. | <p>Civil drawings (Fairways North Stage 2) prepared by J Wyndham Prince:</p> <ul style="list-style-type: none"> i. Cover sheet, DA01, rev F; ii. Legend, index and general notes, DA02, rev R, dated 4 November 2020; iii. Anticipated construction staging plan, DA04, rev L, dated 3 November 2020; iv. Road hierarchy plan, DA05, rev L, dated 2 November 2020; v. Typical road sections, DA06, rev K, dated 4 November 2020; vi. Cut and fill plan, DA07, rev L, dated 2 November 2020; | - |

| | | |
|----|--|-----------------|
| | <ul style="list-style-type: none"> vii. Engineering plan sheet 1, DA08, rev L, dated 3 November 2020; viii. Engineering plan sheet 2, DA09, rev K, dated 3 November 2020; ix. Engineering plan sheet 3, DA10, rev L, dated 3 November 2020; x. Engineering plan sheet 4, DA11, rev M, dated 3 November 2020; xi. Tree removal plan, DA12, rev K, dated 2 November 2020. | |
| 6. | <p>Civil drawings (Fairways West Stage 1) prepared by J Wyndham Prince:</p> <ul style="list-style-type: none"> i. Cover sheet, DA01, rev F; ii. Legend, index and notes, DA102, rev H, dated 4 November 2020; iii. Anticipated construction staging plan, DA104, rev F, dated 4 November 2020; iv. Road hierarchy plan and typical sections, DA105, rev F, dated 4 November 2020; v. Cut and fill plan, DA106, rev F, dated 4 November 2020; vi. Engineering plan sheet 1, DA107, rev E, 4 November 2020; vii. Engineering plan sheet 2, DA108, rev E, dated 4 November 2020; viii. Engineering plan sheet 3, DA109, rev F, dated 4 November 2020; ix. Tree removal plan, DA110, rev F, dated 4 November 2020; x. Site sections sheet 1, DA111, rev D, dated 4 November 2020; xi. Site sections sheet 2, DA112, rev E, dated 4 November 2020; xii. Overall catchment plan, DA118, rev E, dated 4 November 2020; xiii. Acoustic and barrier section plan, DA120, rev A, dated 4 November 2020. | |
| 7. | Letter from Eco Logical Australia regarding bushfire compliance. | 3 November 2020 |
| 8. | Letter from the Applicant regarding landscaping. | 3 November 2020 |

Annexure B

Lendlease Communities (Wilton) Pty Ltd

v

Wollondilly Shire Council

Conditions of Consent

DA 706/2018

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) Staged community title subdivision creating a total of 288 residential lots, six residue lots, one precinct association lot and one open space lot
- (b) Provision of utility infrastructure including stormwater and drainage works, sewerage, telecommunications and water
- (c) Site grading and earthworks and boundary treatment with the Environmental Protection and Recreational Lands (EP&R Lands) and additional Conservation Land
- (d) Remediation
- (e) Associated street tree planting, landscaping 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 Lots 31, 26 and 5 of DP 270536, 35 Stirling Drive, Fairway Drive, Greenbridge Drive, Wilton.

NOTE: This consent is to be read in conjunction with:

- (a) Concept development application (ID993-05) approved by Council on 15 May 2006; and
 - (b) Second concept approval approved by the NSW Land and Environment Court on 30 August 2016.
- (2) Development staging shall take place for Fairways North, Fairways West and Golf North as generally shown on approved plans and as detailed below:
- (i) The subdivision of part lot 31 DP270536 (currently known as Lot 40 DP 270536) to be known as Fairways West Stages 10A and 10B to create:
 - 106 residential lots
 - 2 residue lots (on the basis that one residue lot [#65] is the subject of further residential subdivision)
 - 1 association property lot (forming part lot 1); and
 - Public road dedication

| Stage | Community Association Lots | Residential Lots | Residue Lots |
|------------------------------|----------------------------|------------------|--------------|
| 10A (Fairways West Precinct) | 1 | 62 | 3 |

| | | | |
|--|----------|------------|----------|
| 10B (Subdivision of Residue Lot 65) | | 44 | |
| Total | 1 | 106 | 3 |

(ii) The subdivision of lot 31 DP270536 (currently known as Lot 40 DP 270536) to be known as Fairways North Stage 9A, 9B and 9C, to create:

- 135 residential lots
- 3 residue lots (on the basis that one residue lot [292 and 293] is the subject of further residential subdivision)
- Public road dedication

| Stage | Community Association Lots | Residential Lots | Residue Lots |
|--|----------------------------|------------------|--------------|
| 9A (Fairways North Precinct) | | 38 | 2 |
| 9B (Subdivision of residue lot 292) | | 64 | 1 |
| 9C (Subdivision of residue lot 293) | | 33 | 2 |
| Total | | 135 | 5 |

(iii) The subdivision of lot 5 DP270536 (currently known as lot 36 DP 270536) to be known as Golf North to create:

- 47 residential lots
- 1 open space lot
- 1 residue lot
- Public road dedication

| Stage | Community Association Lots | Residential Lots | Residue Lots | Open Space Lot |
|-------------------|----------------------------|------------------|--------------|----------------|
| Golf North | | 47 | 1 | 1 |

(3) Development shall take place in accordance with the submitted plans and reports listed below with respect to Development Application No. DA/2018/706/1 except where varied by the following conditions.

| Bingara Gorge – Fairways West Stages 10A and 10B | | | |
|--|--------|-------------------------------------|------------|
| Drawing Title | Author | Drawing No. | Dated |
| Fairways West Stage 10 Development Application Survey Plans | RPS | D367SW_P_STG 10AB-001b.dwg, Issue B | - |
| Bingara Gorge Fairways West Stage 10A – Subdivision of Future Lot 41 in D.P.270536 | RPS | D367SW_P_STG 10AB-001b.dwg, Issue B | 28/07/2020 |

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| (Currently Lot 33 in D.P.270536), Sheet 2 to Sheet 3 | | | |
| Bingara Gorge Fairways West Stage 10B – Subdivision of Lot 65 in Future Fairways West Precinct Scheme (Currently Lot 31 in D.P.270536) | RPS | D367SW_P_STG 10AB-001b.dwg, Issue B | 28/07/2020 |
| Fairways West Stages 10(A,B) – Completed Subdivision Pattern | RPS | D367SW_P_STG 10AB-001b.dwg, Issue B | 28/07/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Development Application Proposed Lot, Road and Drainage Works Lot 31 DP 270536 | J. Wyndham Prince | 978519/DA101, Issue E | - |
| Bingara Gorge Wilton Fairways West Stage 1 Legend, Index and Notes | J. Wyndham Prince | 978519/DA102, Issue G | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Overall Site Plan | J. Wyndham Prince | 978519/DA103, Issue F | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Anticipated Construction Staging Plan | J. Wyndham Prince | 978519/DA104, Issue E | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Road Hierarchy Plan and Typical Sections | J. Wyndham Prince | 978519/DA105, Issue E | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Cut and Fill Plan | J. Wyndham Prince | 978519/DA106, Issue E | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Engineering Plan Sheet 1 to Sheet 2 | J. Wyndham Prince | 978519/DA107, Issue D to 978519/DA108, Issue D | 24/07/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Engineering Plan Sheet 3 | J. Wyndham Prince | 978519/DA109, Issue E | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Tree Removal Plan | J. Wyndham Prince | 978519/DA110, Issue E | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Site Sections Sheet 1 | J. Wyndham Prince | 978519/DA111, Issue C | 16/03/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Site Sections Sheet 2 to Sheet 3 | J. Wyndham Prince | 978519/DA112, Issue D to 978519/DA113 Issue D | 24/07/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Road Longitudinal Sections Sheet 1 to Sheet 2 | J. Wyndham Prince | 978519/DA114, Issue D to 978519/DA115, Issue D | 24/07/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Road Longitudinal Sections Sheet 3 | J. Wyndham Prince | 978519/DA116, Issue C | 24/07/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Road Longitudinal Sections Sheet 3 | J. Wyndham Prince | 978519/DA117, Issue C | 16/03/2020 |

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| Bingara Gorge Wilton Fairways West Stage 1 Overall Catchment Plan | J. Wyndham Prince | 978519/DA118, Issue F | 21/09/2020 |
| Bingara Gorge Wilton Fairways West Stage 1 Soil and Water Management Plan | J. Wyndham Prince | 978519/DA119, Issue E | 21/09/2020 |

| Bingara Gorge – Fairways North Stage 9A, 9B and 9C | | | |
|---|-------------------|----------------------------|------------|
| Drawing Title | Author | Drawing No. | Dated |
| Bingara Gorge Wilton Fairways North Stage 9 Development Application Survey Plans | RPS | D367SW_P35 6e.dwg, Issue E | - |
| Bingara Gorge Fairways North Stage 9A – Subdivision of Lot 70 om Future Fairways North Precinct Scheme (Currently Lot 33 in D.P.270536), Sheet 1 of 2 to 2 of 2 | RPS | D367SW_P35 7i.dwg, Issue I | 21/10/2020 |
| Fairways North Stage 9B – Subdivision of Lot 292 in Future Fairways North Precinct Scheme (Currently Lot 33 in D.P. 270536) | RPS | D367SW_P35 8i.dwg, Issue I | 21/10/2020 |
| Bingara Gorge Fairways North Stage 9C – Subdivision of Lot 293 in Future Fairways North Precinct Scheme (Currently Lot 33 in D.P. 270536) | RPS | D367SW_P35 9g.dwg, Issue G | 21/09/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Development Application, proposed lot, road and drainage works | J. Wyndham Prince | 978519/DA01, Revision E | - |
| Bingara Gorge Wilton Fairways North Stage 2 Legend, Index & General Notes | J. Wyndham Prince | 978519/DA02, Revision N | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Overall Site Plan | J. Wyndham Prince | 978519/DA03, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Anticipated Construction Staging Plan | J. Wyndham Prince | 978519/DA04, Revision K | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Hierarchy Plan | J. Wyndham Prince | 978519/DA05, Revision K | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Typical Sections | J. Wyndham Prince | 978519/DA06, Revision G | 23/10/2020 |

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| Bingara Gorge Wilton Fairways North Stage 2 Cut and Fill Plan | J. Wyndham Prince | 978519/DA07, Revision K | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Engineering Plan Sheet 1 | J. Wyndham Prince | 978519/DA08, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Engineering Plan Sheet 2 | J. Wyndham Prince | 978519/DA09, Revision H | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Engineering Plan Sheet 3 | J. Wyndham Prince | 978519/DA10, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Engineering Plan Sheet 4 | J. Wyndham Prince | 978519/DA11, Revision K | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Tree Removal Plan | J. Wyndham Prince | 978519/DA12, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Site Sections Sheet 1 to Sheet 2 | J. Wyndham Prince | 978519/DA13, Revision J to 978519/DA14, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Site Sections Sheet 3 | J. Wyndham Prince | 978519/DA15, Revision G | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Longitudinal Sections Sheet 1 | J. Wyndham Prince | 978519/DA16, Revision B | 26/10/2018 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Longitudinal Sections Sheet 2 to Sheet 3 | J. Wyndham Prince | 978519/DA17, Revision G to 978519/DA18, Revision G | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Longitudinal Sections Sheet 4 | J. Wyndham Prince | 978519/DA19, Revision C | 27/07/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Longitudinal Sections Sheet 5 | J. Wyndham Prince | 978519/DA20, Revision E | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Road Overall Catchment Plan | J. Wyndham Prince | 978519/DA21, Revision K | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Soil and Water Management Plan | J. Wyndham Prince | 978519/DA22, Revision J | 23/10/2020 |
| Bingara Gorge Wilton Fairways North Stage 2 Fire Trail Plan and Detail | J. Wyndham Prince | 978519/DA23, Revision H | 21/09/2020 |

| Bingara Gorge - Golf North | | | |
|---|--------|-----------------|-------|
| Drawing Title | Author | Drawing No. | Dated |
| Bingara Gorge Wilton Greenbridge East, Golf North | RPS | D367SW_375b.dwh | - |

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| Precinct Development Application and Survey Plans | | | |
| Bingara Gorge Golf North – Proposed Subdivision of Future Lot 41 in DP 270536 Golf North Precinct Scheme (Current Lot 36 in D.P.270536) Sheet 2 of 3 to 3 of 3 | RPS | D367SW_P375b,dwg Issue B | 04/09/2020 |
| Bingara Gorge Golf North Development Approval Cover Sheet | Cardno | NA82013043-065-C2000, Revision C | 11/09/2020 |
| Layout Plan and Drawing Schedule | Cardno | NA82013043-065-C2001, Revision C | 11/09/2020 |
| Lot Layout Plan | Cardno | NA82013043-065-C2002, Revision C | 11/09/2020 |
| Notes and General Arrangement Key Plan | Cardno | NA82013043-065-C20010, Revision C | 11/09/2020 |
| General Arrangement Layout Plan Sheet 1 of 4 to 4 of 4 | Cardno | NA82013043-065-C20011, Revision C to NA82013043-065-C20014, Revision C | 11/09/2020 |
| Typical Road Cross Sections | Cardno | NA82013043-065-C20020, Revision C | 11/09/2020 |
| Bulk Earthworks Layout Plan | Cardno | NA82013043-065-C20030, Revision C | 11/09/2020 |
| Road Long Section Sheet 1 of 6 to 6 of 6 | Cardno | NA82013043-065-C20040, Revision C to NA82013043-065-C20045, Revision C | 11/09/2020 |
| Stormwater Concept Layout Plan Sheet 1 of 4 to 4 of 4 | Cardno | NA82013043-065-C20050, Revision C to NA82013043-065-C20053, Revision C | 11/09/2020 |
| Services Layout Plan Sheet 1 of 4 to 4 of 4 | Cardno | NA82013043-065-C20060, Revision C to NA82013043-065-C20063, Revision C | 11/09/2020 |
| Soil and Water Management Plan | Cardno | NA82013043-065-C20070, Revision C | 11/09/2020 |
| Tree Removal Plan | Cardno | NA82013043-065-C20080, Revision C | 11/09/2020 |

| All 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 |
|---|------------------|--------------------------|-------------------|
| Statement of Environmental Effect – Bingara Gorge – Subdivision and associated works precincts 1, 2 & 7 | Elton Consulting | Re – submitted Version 1 | 22 September 2020 |

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| Hume Highway Traffic Noise Assessment Precinct 2. The Fairways West. Bingara Gorge Wilton | Atkins Acoustics and Associates Pty Ltd | 49.7157.L4: GA/DT/2019 | 30 May 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 |
| Aboriginal Cultural Heritage Management Plan | Delfin | BINMONPLN | July 2007 |
| Heritage Compliance Letter: Bingara Gorge – Golf North Stage 2 – Subdivision of Lot 5 DP270536 to Create 101 Residential Lots and 6 Residue Lots | Kayandel Archaeological Services | - | 16 November 2018 |
| Heritage Compliance Letter: Bingara Gorge – Fairways North Stage 1 – Subdivision of Lot 31 DP270536 to Create 232 Residential Lots, 7 Residue Lots and 1 Precinct Lot | Kayandel Archaeological Services | - | 16 November 2018 |
| Heritage Compliance Letter: Bingara Gorge – Fairways West Stage 10a and 10b – Subdivision of Lot 31 DP270536 to Create 112 Residential Lots and 1 Precinct Association Lots | Kayandel Archaeological Services | - | 16 November 2018 |
| Bingara Gorge Koala Plan of Management | Eco Logical Australia | 15WOL 2086 | 2 June 2017 |
| Bingara Gorge Bushland Management Plan | Eco Logical Australia | 17HAR-6617 | 29 May 2017 |
| Bingara Gorge Vegetation Management Plan | Eco Logical Australia | 16HAR-6135 | 14 July 2017 |
| Bingara Gorge Staged DA – Amended, Ecological Assessment – Addendum 1 | Eco Logical Australia | 13WOLPLA_0011 | November 2015 |
| Bingara Gorge Environmental Management Plan (EPBC/7400) except where amended by | Eco Logical Australia | 19 WOL 12305 | 1 April 2019 |
| Bingara Gorge Development Area, Wilton Weed Eradication Management Plan | Eco Logical Australia | 15WOL 2363 | 24 August 2015 |
| Bingara Gorge; Fairways West (Stage 1) Development Application | J. Wyndham Prince | 109785-19-Bingara Gorge FW Stg1 SW | 18 September 2020 |

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| Stormwater Compliance Letter | | compliance Letter.docx | |
| 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 + North Development Application Stormwater Compliance Letter | J. Wyndham Prince | 109785-19 – Bingara Gorge FT + GN SW Compliance Letter.docx | 18 September 2018 |
| Report on Targeted Site Investigation, Proposed Future Development Areas Fairways North, Fairways West and Golf North Precincts, Bingara Gorge Estate, Wilton prepared for Lend Lease Communities (Wilton) Pty Ltd | Douglas Partners | 43677.48 | July 2019 |
| Detailed Contamination Assessment and Remedial Action Plan, proposed subdivision development, Bingara Gorge Estate, Fairways Drive, Wilton | Douglas Partners | 14564/1-AA | 12 November 2019 |
| Unexploded Ordnance Field Validation Survey, Bingara Gorge, Wilton NSW | G--tek Australia Pty Limited | 18102ELCO | 16 November 2018 |
| Compliance Letter: Bingara Gorge 1800 DA's Flora and Fauna Assessment Report – Compliance for proposed subdivision of Fairways West (stage), Fairways North (stage 2) and Golf North (stage 2): proposed Subdivision of Fairways North and Golf Town – Confirmation of agreed Community Facilities and Open Space provision | Eco Logical Australia | 18WOL-11173 | 16 November 2018 |
| Compliance Letter: Bingara Gorge: proposed Subdivision of Fairways North and Golf Town – Confirmation of agreed Community Facilities and Open Space provision | Elton Consulting | - | 20 November 2018 |

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| Bingara Gorge- Fairways North and Golf Town Subdivision Traffic Impact Statement | Cardno | NA82013043 | 2 October 2020 |
| Utilities Compliance Letter: Bingara Gorge- Fairways North Stage 1 Subdivision of Lot 31 DP270536 to Create 232 Residential Lots, 7 Residue Lots and 1 Precinct Association Lot | J. Wyndham Prince | Bingara Gorge Fairways North Utilities Compliance 181026 | 30 October 2018 |
| Utilities Compliance Letter: Bingara Gorge Fairways West Stage 10a and 10b Subdivision of Lot 31 in DP270536 to Create 112 Residential Lots and 1 Precinct Association Lot | J. Wyndham Prince | Bingara Gorge Fairways North Utilities Compliance 181026 | 30 October 2018 |
| Utilities Compliance Letter: Bingara Golf North Stage 2 Subdivision of Lot 5 DP270536 to Create 101 Residential Lots and 6 Residue | J. Wyndham Prince | Bingara Gorge Fairways North Utilities Compliance 181026 | 30 October 2018 |
| 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 2020 |

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

- (4) 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.
- (5) No Subdivision Certificate shall be issued for any residential lot in Golf North, as shown on the approved plans of subdivision unless:
 - a. the vegetation clearing approved by D2015/283 and DA/2018/641/1 in Golf Precinct has occurred, and grassland has been and is slashed on a weekly basis to between 50mm – 100mm.
- (6) 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.
- (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, nor for vehicle or pedestrian movements.

Fairways North and West Stages:

- (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 dwellings 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:

All Stages:

Subsidence Advisory

- (1) Golf North 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 TSUB18-00452, dated 15 November 2018.
- (2) Fairways North Stage 9A, 9B and 9C development shall take place in accordance with Subsidence Advisory (SA) NSW Stamped Plans dated 21 September 2020 and conditions as referenced in Notice of Determination FN14-15410P2 TSUB18-00450, dated 15 November 2018.
- (3) Fairways West Stages 10A and 10B 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 FN14-15410P2 TSUB18-00451, dated 15 November 2018.

Fairways North Stages:

Natural Resource Access Regulator

- (4) No works classified as controlled activities under the Water Management Act 2000 shall commence without prior approval from the Minister under section 95 of the Water Management Act 2000. Should no works be identified as controlled activities, a letter stating such shall be obtained from the Natural Resources Access Regulator prior to the issue of a Subdivision Works Certificate for the relevant stage.

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 Fairways North Stage 9A, 9B and 9C are identified as **Bushfire Attack Level 19:**

Lot Nos. 254 – 291

Lot Nos. 305 – 353

Lot Nos. 359 – 361

Referred to as ‘**BAL 19 Lots**’

- (B) For the purposes of the bushfire protection conditions in this section, the following Lots in Fairways North Stage 9A, 9B and 9C are identified as **Bushfire Attack Level 29:**

Lot Nos. 354 – 357

Lot Nos. 362 – 391

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

Lot Nos. 2 – 48

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 Golf North and Fairways North Stages, development 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 evacuation plan is to be included in the community management statement registered with the community plan and provided to all purchasers (including those of Fairways West) at no cost. A copy of the plan is to be submitted to the NSW Rural Fire Service Wollondilly District and Wollondilly Bush Fire Management Committee.

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 Lend Lease 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 created and registered on the title of all residential lots in Fairways North and Golf North 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.
- (4) A restriction to be placed on the title of all residential lots in Fairways North and Golf North requiring boundary and allotment fencing to be metal and non-combustible. Where lots exceed 1,000 square metres or adjoin the Environmental Protection and Recreation Lands, they 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.
- (5) **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.

- (6) **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
- (7) 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.
- (8) 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.
- (9) 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.

Golf North

- (10) **Prior to the issue of a Subdivision Works Certificate** Civil Engineering Plans are required to be amended 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 roads 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.
 - b. The main access road to provide roll-top kerbs.
- (11) Confirmation is to be provided prior to the release of a Subdivision Certificate confirming provision has been made for adequate services 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.

Fairways North Stages:

- (12) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of Lot 391 that 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,
- (13) **Prior to the issue of a Subdivision Works Certificate** Civil Engineering Plans are required to be amended to show road carriageway widths widened to 8m, measured from inner kerb to inner kerb, for the section of Road 01 in front of lots 384, 385 and 386.

Hydrants are to be located at either end of the road fronting these lots.

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) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (2) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (3) All demolition material shall be disposed of in accordance with the waste management plan submitted with the Development Application, approved by Council.
- (4) 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.
- (5) Fire fighting services onsite shall be maintained at all times during demolition works.
- (6) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Subdivision Works Certificate for the relevant stage.

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.

Fairways North and West Stages:

- (2) All remediation works on the site shall be undertaken in accordance with the endorsed Remediation Action Plan (RAP) prepared by Geotechnique Pty Ltd (Report 14564/1-AA), dated 12 November 2019. Any revisions to the approved RAP shall be forwarded to Council for its approval.
- (3) A validation report prepared by a certified Contaminated Lands Consultant shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates;
 - Compliance with the approved RAP;
 - That the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - That all remediation works undertaken comply with the contaminated lands planning guidelines, Contaminated Lands Management Act 1997 and State Environmental Planning Policy No. 55 (**SEPP 55**); And includes:
 - a. A 'Notice of Completion of Remediation Work' as required under Clause 18 of SEPP 55; and a statement confirming that the site following remediation of contamination is suitable for the intended use.
- (4) In accordance with Clauses 17(2) and 17(3) of SEPP 55, a Notice of Completion of Remediation Work shall be provided to Council within 30 days after the completion of all remediation works or prior to the release of any Subdivision Certificate (whichever occurs first). This notice shall satisfactorily address the requirements prescribed by Clause 18 of SEPP 55 – Remediation of Land and shall be prepared by a suitably qualified contaminated land consultant.
- (5) Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- (6) A qualified environmental consultant or scientist must frequently inspect the remediation works to confirm compliance with the RAP including all health and safety requirements.
- (7) Provision shall be made for stormwater runoff management to prevent the escape of contaminated runoff from the property.
- (8) The developer shall ensure that suitable fencing is provided to prevent public access to the site for the duration of demolition and remediation works to the satisfaction of Council.

- (9) The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council Officers on request and be provided to the Council at the completion of the development.
- (10) If soil is removed from the site a formal Waste Classification Assessment is required in accordance with NSW EPA Waste Classification Guidelines 2014

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) 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.
- (2) 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.
- (3) 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.
- (4) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.
- (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 DA 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 setout 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 **Subdivision Certificate**, 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 **Subdivision Certificate**, 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 **Subdivision Certificate**, 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 **Subdivision Certificate**, 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.

Golf North:

- (1) Perimeter roads for Golf Precinct are to be redesigned to accommodate a carriageway width of 8m with sufficient verge. Plans are to be submitted to Wollondilly Shire Council for endorsement prior to the issue of a Subdivision Works Certificate for this stage.
- (2) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on title requiring that principal vehicular access driveways to lots 3-4, shall be provided from Road 03 that are 4m wide and constructed from pavement. Secondary vehicular access to the perimeter road will only be permissible for bushfire evacuation purposes. A restriction to this effect to be placed on the title of these lots.

Fairways North Stages:

- (3) **Prior to the issue of a Subdivision Works Certificate for the Fairways North stages**, the road formation for Type 4A - Local Street shall be widened from 1m to a 1.5m verge. This increased verge is to impact the community lot only (i.e. no changes to carriageway width or opposite residential verge).

Note: This is required to accommodate vegetation on road verge.

- (4) **Prior to the issue of a Subdivision Works Certificate** for the Fairways North stages, the applicant is to provide a landscape plan showing adequate vegetation screening between Road 02 and Fairways drive and obtain Council's endorsement to the landscape plan. This plan will be subject to the bushfire protection conditions of this consent
- (5) Vegetation is to be installed in accordance with the endorsed landscape plan referred to in condition 9(4) prior to the release of a Subdivision Certificate for this stage.

All Stages

- (6) 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.
- (7) Public roads shall be designed and constructed in accordance with Council's 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.
- (8) 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.

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 in 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 roundabout 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 setout 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.

- (9) 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.
- (10) Creation of public roads shall be carried out generally in accordance with the concept civil plans prepared by J. Wyndham Prince and Cardno 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.
- (11) In relation to the future road connections to adjoining stages:
 - (a) If at the time of the application for the Subdivision Works 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.
- (12) 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. Details to be shown on the Engineering Plans for approval with the Subdivision Works Certificate.

- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) The applicant shall provide footpaths in roads generally as shown with the concept civil plans prepared by J. Wyndham Prince and Cardno listed in condition 1(2). Details shall be shown on the Engineering Plans for approval with the Subdivision Works Certificate, alongside, with the inclusion of following amendments to Golf North:
 - (a) The portion of Road 01, from the earlier development of Golf Precinct to the proposed round-bout, is to contain a footpath on each side of the road.
- (18) 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 West Stages:

- Access to lot 105 shall be located close to the adjacent lot 106 boundary.
- Access to lot 102 shall be located close to the adjacent lot 101 boundary.
- Access to lot 89 shall be located close to the adjacent lot 90 boundary.
- Access to lot 86 shall be located close to the adjacent lot 85 boundary.
- Access to lot 69 shall be located close to the adjacent lot 70 boundary.
- Access to lot 63 shall be located close to the adjacent lot 62 boundary.
- Access to lot 15 shall be located close to the adjacent lot 16 boundary.

Fairways North Stages:

- Access to lot 261 shall be located close to the adjacent lot 260 boundary.
- Access to lot 267 shall be located close to the adjacent lot 280 boundary.
- Access to lot 266 shall be located close to the adjacent lot 289 boundary.
- Access to lot 284 shall be located close to the adjacent lot 283 boundary.
- Access to lot 384 shall be located close to the adjacent lot 383 boundary.

Golf North

- Access to lot 2 shall be located close to adjacent lot 3.
- Access to lot 29 shall be located close to adjacent lot 30.
- Access to lot 28 shall be located close to adjacent lot 27.
- Access to lot 48 shall be located close to adjacent lot 35.

Details of this shall be shown on the engineering plans prior to the issue of the **Subdivision Works Certificate**. A Restriction to this effect shall be placed on the title of the burdened lots.

- (19) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (20) 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.
- (21) 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.
- (22) The applicant shall provide maintenance of the street trees for a minimum period of 5 years.
- (23) All kerb pram ramp shall be coloured with Zircon yellow.
- (24) 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 **Subdivision Works Certificate** (Construction Certificate), a report shall be prepared that demonstrates how these objectives will be delivered.

- (25) All round-about intersection treatments shall be designed to cater for a minimum 12.5m Single Unit Truck/bus. Turn path simulations shall be provided for all round-about designs for review by Council as required in this consent.
- (26) Landscaping of any round-about 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.

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.

Details are to be shown on Engineering Plans for approval **prior to the issue of a Subdivision Works Certificate.**

- (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 is to be carried out in accordance with the Stormwater Compliance Letters by J Wyndham Prince dated 18 September 2020 & concept stormwater plans by J. Wyndham Prince and Cardno listed under condition 1(2) of this consent. Details shall be shown on the Engineering Plans. 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 approve 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 works for a sub stage, details shall be provided to the Council. This shall be noted on the engineering plans that are approved for any construction 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) 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 Subdivision Works Certificate**, 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 or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (7) 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.
- (8) Where Council cannot be satisfied that the fill is suitable for use proposed 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 construction 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 material 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 completed 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 reason 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.

- (1) Electricity supply is to be made available to all proposed lots in the relevant 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 Subdivision Certificate for the stage**
- (2) **Prior to the issue of the Subdivision Certificate** for the relevant stage, 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 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 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** for the relevant stage, a Section 73 Compliance Certificate for those lots under the Sydney Water Act 1994 must be obtained. 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) Each residential allotment for the relevant 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.
- (5) All power and services provided to the development within the site shall be underground.

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.

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Subdivision Works Certificate. 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 the 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 application for any Aboriginal Heritage Impact Permits (AHIP), a detailed archaeological investigation on the following sites (as identified in "Balance of Site" Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW – Cultural Heritage Assessment Report prepared on behalf of Lend Lease Wilton Pty Ltd dated April 2015) is to be carried out :

- BG-IF-01 (Fairways West Development)
 - BG-PAD-04 BG-PAD-05 and BG-PAD-06 (Golf North)
- (3) **Prior to commencement of works for each stage**, an AHIP from the Office of Environment and Heritage is to be acquired for any items located in that stage. Alternatively confirmation from a suitably qualified consultant that an AHIP is unnecessary be submitted. A copy for each of the abovementioned sites to be submitted to Council.
 - (4) The applicant shall comply with all the conditions and requirements of any Aboriginal Heritage Impact Permits (AHIP).
 - (5) 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.
 - (6) At all-time all contractors and other visitors onto the Wilton Parklands 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.
 - (7) All works shall cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and the following authorities/personnel to be notified
 - a. The Office of Environment and Heritage (OEH)
 - b. A qualified archaeologist
 - c. Aboriginal stakeholders
 - (8) Should human skeletal remains is discovered, the following process will be undertaken:
 - a. The remains shall be reported to the police and the state coroner.
 - b. Wollondilly Shire Council and the land owner shall be notified of the find.
 - c. Aboriginal stakeholders shall be notified of the find.
 - d. OEH NSW shall be notified.
 - (9) If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy is to be developed in consultation with the Aboriginal stakeholders and:
 - a. The findings will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit,
 - b. The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.

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. Populus 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 landscaping plans.
- (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.

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 is to 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 Commonwealth Department of Environment and Energy approval dated 3rd December 2018 under the Environment Protection and Biodiversity Conservation Act 1999.
- (3) Vegetation clearance within the EP&R Lands (Lot 1 DP 270536) is prohibited.

Fairways West Stages:

- (4) The collection of native species seeds from the site by a suitably qualified ecological person is to occur within Fairways West site prior to any works commencing and delivery of collected seeds to Council's Community Nursery. Demonstration of the collection in terms of species, names and numbers is to be provided to Council prior to the issue of any Subdivision Works Certificate. All seed is to be batched with like species and include species name, date of collection and location where collected.

Fairways West and North Stages:

- (5) **Prior to the issue of any Subdivision Works Certificates**, for these precincts, the Vegetation Management Plan must be amended to contain detailed measures designed to minimise impacts to threatened flora and fauna species from impacts associated with vegetation clearance, based on the following:
- Expansion of the proposed pre-clearance surveys to any threatened fauna species identified as potentially occurring on the site.
 - Strategies for the relocation of any identified Cumberland Land Snails during clearance associated with the establishment and maintenance of Asset Protection Zones. Relocation must occur not more than 7 days prior to the commencement of any vegetation clearance. Any identified species must be relocated to the nearest suitable habitat for the species under the supervision of an ecological qualified personnel.

Golf North:

- (6) **Prior to the issue of any Subdivision Works Certificate** for Golf North, the Vegetation Management Plan is to be amended:
- a. to contain detailed measures designed to minimise impacts to threatened flora and fauna species from impacts associated with vegetation clearance as part of the proposed development based 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 works will cease for a period until fauna species have preferably moved under their own accord rather than relocated (as currently proposed).
 - b. To include strategies to retain threatened flora species (previously identified as present) in situ where possible, (and avoid translocation) during clearance associated with the establishment and maintenance of Asset Protection Zones.
 - c. To contain 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 the 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 the LEC Court Order.

All Stages:

- (7) **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. 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).

- c. 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 the Court Order.
 - d. 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).
 - e. Include an overview of the conservation value of the in-stream and riparian environments potentially impacted by all components of the development.
- (8) **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.
- (9) The Implementation Action Plan included in Appendix A of the Bushland Management Plan 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 prior to the issue of a Subdivision Works Certificate for the proposed development:
- a. A column is to be inserted providing the timeframes for the implementation of each action
 - b. A column titled Actions be inserted 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. Measures to be implemented 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.
- (10) **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.

- (11) 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. 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. This is to be submitted to Council prior to the issue of a Subdivision Works Certificate.
- (12) Documented evidence to the satisfaction of Council must be prepared by a suitably ecologically qualified person confirming the implementation of the Vegetation Management Plan (as amended in accordance with Condition 18(5), 18(6) and 18(7)) and submitted to Council, **prior to the issue of any Subdivision Certificate for the development.**
- (13) Documented evidence to the satisfaction of Council must be prepared by a suitably ecologically qualified person confirming the implementation of the Bushland Management Plan (as amended in accordance with Condition 18(7)) and is to be based on the amended action plan in accordance with condition 18(9). 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. DEVELOPMENT CONTRIBUTIONS

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

- (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 calculated 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 |

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

- (3) **Prior to the release of any 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.

20. 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.

- (1) Prior to the submission of a Subdivision Certificate, 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.
- (2) Prior to the submission of the Subdivision Certificate for the development, 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.**
- (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 '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 dwellings achieve State Environmental Planning Policy (Infrastructure) 2007 requirements of:
 - a. In any bedroom in the residential accommodation – 35dB(A) at any time between 10pm and 7am, and

- b. Anywhere else in the residential accommodation (other than a garage, Kitchen, bathroom or hallway) – 40dB(A) at any time.
- b) Building Envelopes are to be nominated and indicated on the linen plan for each corner lot in accordance with the Wollondilly Council Development Control Plan 2016 requirements.
- c) Restriction on access on lots within the Fairways West, Fairways North and Golf North developments, as outlined in condition 9(2) and 9(18) of this consent.
- d) Asset Protection Zones as shown on the Bushfire Management Plans approved by this consent and associated requirements are to be shown on the plan of subdivision for registration.
- e) An appropriate instrument shall be created and registered on the title of all residential lots in Fairways North and Golf North 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.
- f) A restriction to be placed on the title of all residential lots in Fairways North and Golf North requiring boundary and allotment fencing to be metal and non-combustible. Where lots exceed 1,000 square metres or adjoin the Environmental Protection and Recreation Lands, they 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.
- g) 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:
 - 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
- h) 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:
 - 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, 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) 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.
 - j) A restriction shall be placed on the title of any residue lots created by Golf North and Fairways North Stages 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.
 - k) An appropriate instrument shall be submitted with the application for a Subdivision Certificate and registered on the title of Lot 391 in Fairways North that 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,

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 prior to the release of the Subdivision Certificate for that stage.
- (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 NSW Land Registry Services.
- (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 application, 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
- (10) Prior to the release of any Subdivision Certificate associated with this consent, all physical works required by relevant Department Planning Agreement (DPA) executed 3 November 2007 shall be completed.

The onus is on the person having benefit of this consent to ensure compliance with this condition of consent.

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).

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
- (4) 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.