
Ordinary Meeting of Council



Notice of Meeting & Agenda

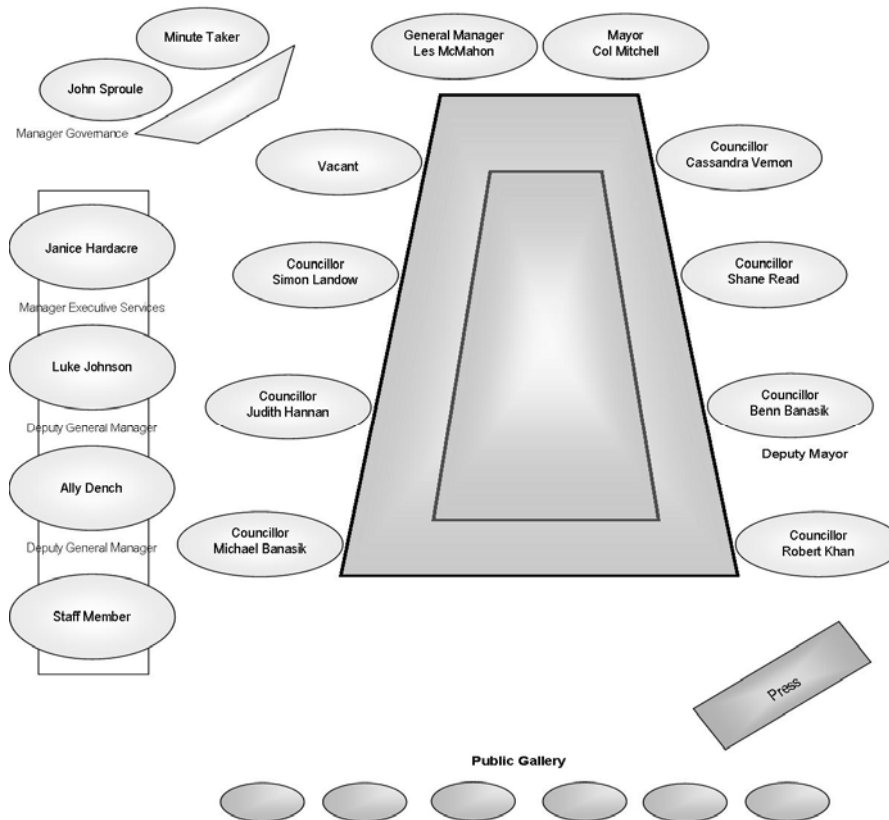
Monday 20 February 2012

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, 62-64 Menangle Street, Picton on Monday 20 February 2012, commencing at 6.30pm.

The business to be considered is as listed over and your attendance is welcomed.

62-64 Menangle Street Picton NSW 2571
PO Box 21 Picton NSW 2571
Phone: 02 4677 1100 Fax: 02 4677 2339
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Web: www.wollondilly.nsw.gov.au

Seating in Council Chambers



NORTH WARD

Cr Judith Hannan
Cr Simon Landow

0414 557 799
0415 406 719

Email: judith.hannan@wollondilly.nsw.gov.au
Email: simon.landow@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Michael Banasik
Cr Robert Khan
Cr Colin Mitchell (Mayor)

0425 798 068
0409 994 295
0447 619 004

Email: michael.banasik@wollondilly.nsw.gov.au
Email: robert.khan@wollondilly.nsw.gov.au
Email: col.mitchell@wollondilly.nsw.gov.au

EAST WARD

Cr Benn Banasik (Deputy Mayor)
Cr Cassandra Vernon
Cr Shane Read

0434 832 636
0431 215 707
0407 489 145

Email: benn.banasik@wollondilly.nsw.gov.au
Email: cassandra.vernon@wollondilly.nsw.gov.au
Email: shane.read@wollondilly.nsw.gov.au

Business Papers will be available from Council's Foyer or alternatively on Council's website on the Friday before the Ordinary Council meeting.

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Wollondilly Community Strategic Plan 2030

There are five separate Shire Strategies, each describing an aspect of how the community wants the Shire to be in 2030, including everything from development to the Shire's social fabric. The Strategies apply to all areas of the Shire whether in towns or in rural areas. Each of these Strategies has major outcomes that we have to reach to make the Outcomes a reality.

Council's format for reporting in our Ordinary Meeting of Council will follow the Wollondilly Community Strategic Plan 2030 under the headings of:

Wollondilly Shire and its Community

For Wollondilly to become a healthier, more successful and more sustainable community, council and the community need to:

- Embrace diversity
- Connect people and resources by:
 - Building on the strengths of local individuals, associations and institutions,
 - Promoting participation by people of all races, genders, cultures and age groups;
 - Drawing upon the resources of the whole community,
 - Bridging all sectors to develop healthy children, families and communities,
 - Sharing experiences and knowledge to promote continuous learning, and
- Create a sense of community by focusing on specific actions and measurable results to improve community life.

Community Outcomes

An engaged, connected and supported community that values and celebrates diversity.

A resilient community that has access to a range of activities, services and facilities.

Wollondilly Shire and its Environment

For Wollondilly to become a healthier, more successful and more sustainable community, Council and the community need to:

- Reduce the Shire's ecological footprint,
- Build community capacity to appreciate, care for and sustain a rich and diverse environment, and
- Continually improve the built environments.

Environment Outcomes

A community that is surrounded by a built and natural environment that is valued and preserved.

A community that has opportunities to engage with and actively care about their natural environment.

Wollondilly Community Strategic Plan 2030

Wollondilly Shire and its Economy

For Wollondilly to become a healthier, more successful and more sustainable community, council and the community need to continually expand, diversify and improve the Shire's economic life, while minimising its ecological footprint.

Economy Outcomes

A community that has access to employment and is supported through strong and diverse economic activity.

A community that is supported through appropriate, sustainable land use.

Wollondilly Shire and its Infrastructure

For Wollondilly to become a healthier, more successful and more sustainable community, council and the community need to implement integrated strategies to address the supply of land, stock, transport, communications, water and energy as well as the management of water and resource recovery.

Infrastructure Outcomes

A community that has access to a range of viable transport options.

Communities that are supported by safe, maintained and effective infrastructure.

Wollondilly Shire and its Governance

For Wollondilly to become a healthier, more successful and more sustainable community, Council and the community need to shape the Shire's future by:

- Generating leadership and leading by example,
- Ensuring local decision making and ownership,
- Practicing ongoing dialogue, and
- Cultivating a culture of sustainability.

Governance Outcomes

A community that is supported through engagement, collaboration and partnerships across government agencies and private business.

A transparent, effective and sustainable Council.

Committee/Advisory Group Membership List – 2011-2012

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building
AUDIT COMMITTEE	Cr Mitchell Cr B Banasik	Manager Governance	Meetings held in office hours at the Council Chambers
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Landow	Manager Executive Services	Meetings held at 6.00pm, January, March, June, July, October, November and December in the Council Boardroom
COMPANION ANIMALS ADVISORY GROUP	Cr B Banasik	Manager Development Services	Meetings held at 7.00pm, 2nd Tuesday, February, April, June, August, October & December in the Council Boardroom
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	Cr M Banasik Cr B Banasik	Manager Community Services	Meetings held at 5.00pm, 2nd Wednesday of month, September & November 2010 in the Council Chambers
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	Mayor Cr Read	Manager Executive Services	Meetings held monthly in Council's Boardroom
HEALTHY CATCHMENTS ADVISORY GROUP	Cr Landow	Manager Environmental Services	Meetings held at 6.00pm, 1st Wednesday, February, April, June, August, October and December in the Council Chambers
LOCAL TRAFFIC COMMITTEE	Cr Mitchell Cr Khan	Manager Infrastructure Planning	Meetings held at 10.00am, 2nd Thursday each month in the Council Boardroom
PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE	Cr Khan	Manager Infrastructure Planning	To be advised.

Committee/Advisory Group Membership List – 2011-2012

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
RURAL INDUSTRY LIAISON ADVISORY COMMITTEE	Mayor Cr Khan	Manager Strategic Planning	Meetings held at 7.00pm, 2nd Tuesday of March, June, September and December in the Council Chambers
TRAFFIC DEVELOPMENT COMMITTEE	Cr Mitchell as Chairman of Traffic Committee Cr Read Cr Khan	Manager Infrastructure Planning	As required Council Chambers
TRANSPORT ADVISORY COMMITTEE	Cr Vernon	Manager Infrastructure Planning	2 nd Thursday every second month.
WOLLONDILLY ABORIGINAL ADVISORY COMMITTEE	Cr M Banasik Cr B Banasik Cr Read	Manager Community Services	Meetings held at 7.00pm, 2nd Wednesday of each month in the Council Chambers
WOLLONDILLY COMMUNITY SAFETY FORUM	Mayor All Councillors invited	Manager Community Services	Meetings held at 7.00pm, on the last Tuesday of February, May, August and November in the Council Chambers
WOLLONDILLY COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Hannan	Manager Facilities & Recreation	Meetings held at 6.00pm, March, June, August & November in the Council Chambers
WOLLONDILLY ROAD SAFETY GROUP	Cr Vernon	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers
WOLLONDILLY YOUTH ADVISORY COMMITTEE	Cr B Banasik Cr Read Cr Landow	Manager Community Services	Meetings held at 6.30pm, 3rd Tuesday of the month in the Council Chambers April, July & October meetings are held in school holidays from 9.00am to 3.00pm

Committee/Advisory Group Membership List – 2011-2012

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
AGL COMMUNITY CONSULTATIVE COMMITTEE	Cr M Banasik	Manager Environmental Services	As required
APPIN AREA COMMUNITY WORKING GROUP (ILLAWARRA COAL)	Cr B Banasik Cr Read	Manager Environmental Services	Meetings held 6.00pm, 3rd Tuesday April, June, August and October
ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE	Cr Hannan Cr Mitchell	Deputy General Manager	Meetings held February, May, August and November at various venues
BUSH FIRE RISK MANAGEMENT COMMITTEE	Cr Khan	Manager Environmental Services	Meetings held at 12.30pm, 3rd Thursday February, May, August and November Venue Bridge Street, Picton
CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held at 6.00pm, February, May, August and November at Campbelltown Arts Centre
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	Cr Hannan	Manager Community Services	Meetings held quarterly at rotating host Council locations
GEORGES RIVER COMBINED COUNCIL COMMITTEE INC	Cr M Banasik	Manager Environmental Services	Meetings held at 7.00pm, 4th Thursday of each month
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Development Services	As decided by the Panel Chair
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan	Deputy General Manager	Meetings held quarterly

Committee/Advisory Group Membership List – 2011-2012

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
LOCAL GOVERNMENT ADVISORY GROUP HAWKESBURY NEPEAN CATCHMENT MANAGEMENT AUTHORITY	Cr M Banasik	Manager Environmental Services	Meetings held at 3.00pm, 3rd Thursday of February, May, August and November Various venues usually Penrith
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr B Banasik Cr Khan Cr Hannan	General Manager	Meetings held 7.00pm, Wednesdays March, April, June, September and November at Campbelltown, Camden & Wollondilly Councils
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Deputy General Manager	As required
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central
QUEEN VICTORIA MEMORIAL HOSPITAL ADVISORY GROUP	Mayor Cr Read	Manager Community Services	As required
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Services	Meetings held quarterly at Goulburn Council offices
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Facilities & Recreation	Board Meetings held at 2.30pm, February, June and October at Wollondilly, Campbelltown, Camden & Liverpool Finance Meetings - Bi-monthly UWS
SOUTH WEST REGIONAL WEEDS COMMITTEE	No Councillor Member	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December Various locations South West Sydney
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday bi-monthly, January, March, May, July, September and November

Committee/Advisory Group Membership List – 2011-2012

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr B Banasik Cr Mitchell	Manager Environmental Services	Meets bi-monthly, when required
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Facilities & Recreation	Quarterly
YERRANDERIE MANAGEMENT COMMITTEE	No Councillor representation	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks 1st Saturday of alternate months - all day Yerranderie

Wollondilly Shire and its Planning and Economy

Matters for Consideration - General Under Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A)

"In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

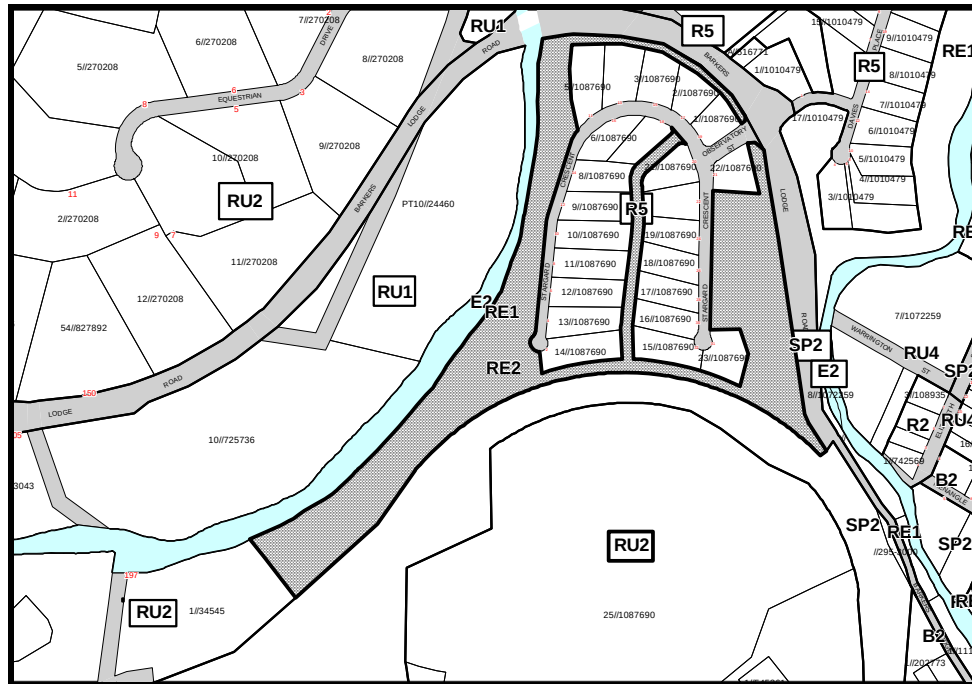
that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

WOLLONDILLY SHIRE AND ITS PLANNING & ECONOMY

PE1

Development Application No. 10.2010.944.1 – Six (6) Lot Subdivision and the Construction of Five (5) Dwellings at Stargard Crescent, Picton
211GROK DA10\11174P2



APPLICANT:
OWNER:

Corbett Construction Pty Ltd
J & R Corbett

REPORT

EXECUTIVE SUMMARY

- This application was reported to Council at its ordinary meeting of 19 December 2011. At that meeting Council resolved to defer the application. It is understood that the two matters for which further information was sought relate to:
 - The existing dam on the property; and
 - The potential impact of proposed Lot 24 on views from 31 Stargard Crescent.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions of consent.

**Planning &
Economy**

BACKGROUND

Nil

CONSULTATION

Further consultation with the owners of 31 Stargard Crescent was undertaken at a meeting with Council staff held 18 January 2012.

At this meeting these residents advised:

1. That they consider the negative impact of the dwelling on Proposed Lot 24 on views from their property unsatisfactory as it would take away their "primary view";
2. That they consider it more appropriate to have the land that is shown as Lot 24 in the application instead of being used for a dwelling being dedicated to Council as a public park with play equipment for children; and
3. That, if the house is not deleted from the proposal it should be redesigned to decrease its width and should be moved further forward.

Council staff have assessed the impacts of the proposal on views from this property as detailed in this report.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

ENVIRONMENT

EO-1 The Shire's natural environment is protected and conserved

Comment: The proposal will result in a satisfactory conservation outcome.

EO-2 The impact of existing and new development on the environment is reduced

Comment: The application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It has been concluded that the proposal will be satisfactory with regard to environmental impacts.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act, 1979
- Protection of the Environment Operations Act, 1997
- Land and Environment Court Act, 1979
- Roads Act, 1993
- Environmental Planning and Assessment Regulation, 2000
- Protection of the Environment Operations (General) Regulation, 2007
- Protection of the Environment Operations (Noise Control) Regulation, 2008
- State Environmental Planning Policy No. 55 – Remediation of Land
- Roads Regulation, 1998
- Sydney Regional Environmental Plan No 20 – Hawkesbury– Nepean River (No 2-1997)
- Wollondilly Local Environmental Plan 1991
- Wollondilly Development Control Plan No. 36
- Draft Wollondilly Local Environmental Plan, 2009
- Wollondilly Development Contributions Plan, 2010

RELEVANT CONSIDERATIONS

The existing dam

Concerns have been raised regarding the impacts from retention of the existing dam, particularly if it is not adequately maintained. It is considered that the dam will not prevent or hinder the subject development nor is its retention inconsistent with any objective of the subject zone. If Council were otherwise prepared to support the application it could impose a condition to require maintenance of the dam or to have the dam decommissioned.

Views from 31 Stargard Crescent

The NSW Land and Environment Court has published a planning principle for the assessment of view loss (or view sharing). This principal, published in *Tenacity Consulting v Warringah (2004) NSWLEC* outlines four questions that must be considered. An assessment of the subject view loss under this principle is provided below:

How valuable is the view?

The view is of the rural lands to the west of Picton and partially of the western side of the town itself. There are no iconic landmarks within the view. The view is obstructed to the east by the topography of the site as the land rises in this direction.

From what part of the property are the views obtained?

The view is from the rear and the side of the property and can be seen from both sitting and standing positions. The view impact was considered from the corner of the rear outdoor entertaining area that is likely to be most impacted and from the master bedroom ensuite. The better view is over the side boundary.

What is the extent of the impact on the view?

The impact on the side view will be devastating and there will be no impact on the rear views.

What is the reasonableness of the proposal causing the impact?

The reasonableness of the proposed dwellings is assessed in detail elsewhere in this report and it has been concluded that the proposal is a reasonable development of the land.

Conclusion

The proposed dwelling will have a severe impact on the side view from the property. The principle in *Tenacity Consulting v Warringah* (2004) NSWLEC provides, at paragraph 27, that "the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.

The proposal will not impact on the rear views from the subject property and is an otherwise reasonable development. Accordingly, there is no loss of view issue that would warrant refusal of the application nor is there sufficient grounds to warrant a redesign of that part of the development.

FINANCIAL IMPLICATIONS

The Section 94 contributions that would be payable if the application were approved would be required to be spent on the development of facilities as identified in the Section 94 Contributions Plan 2005. This would add to Council's asset base and require Council to make provisions from its revenue for maintenance and depreciation of these assets when they are provided and/or built.

CONCLUSION

The existing dam

Conditions have been recommended to require the maintenance of the dam, unless the dam is removed.

Views from 31 Stargard Crescent

There is no loss of view issue that would warrant refusal of the application or a redesign of that part of the development.

ATTACHMENTS

1. Previous report to Council

RECOMMENDATION

That Development Application No. 010.2010.00000944.001 for the six (6) Lot subdivision and the construction of five (5) dwellings at Lot 24 DP 1087690, Stargard Crescent Picton, be determined by the granting of development consent subject to the following conditions:

1. COMPLIANCE

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

These conditions apply to all stages

- (1) Development Consent is granted for six (6) lot subdivision and the construction and use of five (5) dwelling houses at Lot: 24 DP: 1087690, Stargard Crescent PICTON.
- (2) Development shall take place in accordance with the endorsed amended plans prepared by Total Surveying Solutions and Macarthur Architectural Drafting Services and submitted in respect of Development Application No. 010.2010.00000944.001, except where varied by the following conditions:
- (3) Development shall take place in accordance with the recommendations of the endorsed Geotechnical Instability Assessment prepared by Harvest Scientific Services.
- (4) The development shall be staged as follows:

Stage	Development
1	Subdivision of the land to create the 6 allotments proposed.
2 (a)	Construction of the approved dwelling on Proposed Lot 24
2 (b)	Construction of the approved dwelling on Proposed Lot 25
2 (c)	Construction of the approved dwelling on Proposed Lot 26
2 (d)	Construction of the approved dwelling on Proposed Lot 27
2 (e)	Construction of the approved dwelling on Proposed Lot 28

The works associated with Stage 2 may not be commenced (nor any Construction Certificate issued in respect of those works) until after the completion of Stage 1 including registration of the subdivision plan. Stages 2(a)-(e) may be undertaken in any order or concurrently with each other.

- (5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

These conditions apply to Stages 2(a) to 2(e) inclusive only

- (6) The proposal shall be redesigned to achieve the following outcomes:

- 18m setback from Stargard Crescent for dwellings on Lots 24 – 27 (inclusive). Where this requires a reconfiguration of the effluent management area a further wastewater assessment shall be provided to the Principal Certifying Authority for approval prior to any Construction Certificate.

Amended plans demonstrating compliance with this condition shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.

- (7) Approval is subject to the condition that the building or person who does the residential building work complies with the applicable requirements of Part 6 of the *Home Building Act 1989* whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the application requirements of Part 6.

This condition applies to Stage 2(e) only

- (8) The plans and BASIX Certificate for the dwelling proposed to be constructed on Proposed Lot 28 incorrectly identify the land as Lot 29. Prior to the release of any Construction Certificate for this dwelling amended plans and BASIX certificate shall be submitted to the Principal Certifying Authority correctly identifying the subject land.

2. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

These conditions apply to Stage 2 only

- (1) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (2) Due to the close proximity of the Railway Corridor to the proposed development the subject buildings are to be acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - In any bedroom in the building: 35dB(A) at any time 10pm-7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at anytime.
- (3) Confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to any occupation of the development or the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed.

3. CONSTRUCTION GENERAL

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

These conditions apply to Stage 2 only

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (4) 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 and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (5) The floor level of the dwelling shall be at least 200mm above finished ground level.

4. 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:-

These conditions apply to all stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans and stormwater drainage calculations, for the access road and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council 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.
- (4) Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.
- (5) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (6) The applicant shall provide a Geotechnical Engineers report supporting the location of the proposed building envelopes of the proposed lots, 24, 25, 26 and 27 including the detail of stability measures prior to the issue of a Construction Certificate.

- (7) Prior to the issue of any Construction Certificate, a Flood Study Report shall be prepared by a suitably qualified engineer and approved by the Principal Certifying Authority. The Report shall assess the extent of the 1% AEP Flood associated with Stonequarry Creek upstream of Barkers Lodge Road and nominate a minimum Floor Level for habitable rooms of the dwelling on proposed lot 28 at 500mm above the relevant 1% AEP Flood Level. This condition may be satisfied by providing certification from a suitably qualified engineer that states that the proposed building envelope, has sufficient clearance above an estimated 1% AEP flood level. For this purpose, the 1% AEP flood level may be estimated using an approximate method, provided that the difference between the flood level and level of the building envelope is shown to be large enough to account for any inaccuracies in the method.

5. DRAINAGE/STORMWATER

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

These conditions apply to all stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An interallotment drainage system shall be provided for the 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. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (4) Suitable stormwater drainage shall be provided in the existing watercourses shown on lots 26, 29 and 28. This system shall be located within a drainage easement not less than 3.0 metres wide which confers appropriate drainage rights. Details of this shall be shown on the engineering plans. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (5) The existing open drain located within lots 26 & 29 shall be piped to discharge to the existing drainage adjacent to Barkers Lodge Road. All works required by this condition must be completed prior to the release of any Subdivision Certificate.

- (6) A maintenance plan for the existing dam on the subject land shall be prepared to the satisfaction of Council prior to the release of any Subdivision Certificate for Stage 1. Compliance with this plan shall be registered as a public positive covenant on the land with Council being the responsible authority to release, vary or modify the restriction. The dam shall be maintained in accordance with this approved plan at all times. This Condition shall be satisfied where the dam is removed (note removal of the dam involves works within 40 metres of a watercourse and approval of the NSW Office of Water shall first be obtained and a copy submitted to Council).

These conditions apply to Stage 2 only

- (7) Roof water from the proposed dwellings shall be discharged to the water tank(s). The overflow for these tanks shall be connected to the drainage system required to be provided by the conditions of this consent.

6. ACCESS

These conditions have been imposed to ensure adequate vehicular access is provided to the development.

These conditions apply to all stages

- (1) A suitable access road shall be provided that will facilitate vehicular access from Starguard Crescent to the building envelope on proposed Lot 28 prior to the issue of any subdivision certificate for the development. The access road shall be generally in accordance with Council's standard Category G1 with the following variations:
 - Generally the pavement is to be a minimum of 4.0 metres wide and constructed of a minimum 200mm of crushed sandstone.
 - Table drains are to be formed where required to provide adequate drainage.
 - Pipe culvert / dish crossing are to be constructed where required to provide adequate drainage.
 - Passing bays shall be provided at intervals not exceeding 200m sight distance and the road shall be two coat bitumen sealed (First coat with 14mm aggregate and second coat with 10mm aggregate) for a minimum 3.0m width.
 - Widening the access road shall be provided at the steep crest to a minimum 6.0 metres pavement and 5.0 metres seal.
 - Access road surface on grade more than 16% shall be asphaltic concrete seal with 30mm AC10 on single coat seal of 10mm aggregate.
- (2) Provision of Vehicular Access to the site through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. These accesses shall be provided to each dwelling prior to the release of the relevant Occupation Certificate.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Traffic and Design Section.

7. PUBLIC ROADS

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

These conditions apply to all stages

- (1) Provision of Vehicular Access to the lot 28 through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) The person having the benefit of this consent, shall at no cost to Council, dedicate land as public road to widen Stargard Crescent by 2.0 metres along the frontage of proposed lots 24, 25, 26 & 27. Details of this shall be shown on the engineering plans and the plan of subdivision.

8. EROSION AND SEDIMENT CONTROL

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

These conditions apply to all stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) 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.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

9. EARTH WORKS

These conditions have been imposed to ensure earthworks do not cause harm to the environment or to human health.

These conditions apply to all stages

- (1) 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 Water & Energy.
- (2) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (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 Construction Specification 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.

10. INSPECTIONS

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

- (1) The engineering works shall be inspected by the Principal Certifying Authority 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.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - At sealing

- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority 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 where Council is the Principal Certifying Authority.

These conditions apply to Stage 2 only

- (2) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Internal drainage before backfilling.
 - External drainage before backfilling.
 - Septic tank and/or holding well before backfilling and when joints are sealed.
 - Septic system disposal area before backfilling trenches.
 - Septic system disposal area after turfing.
 - Wet area damp proofing and flashing before lining.
 - Stormwater drainage before backfilling.
 - Bearers and joist inspection before flooring is fixed.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

These conditions apply to Stage 1 only

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

- (3) A Section 73 Compliance Certificate 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

This condition applies to all stages

- (4) All power and services within the site shall be underground.

These conditions apply to Stage 2 only

- (5) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (6) Prior to commencement of drainage works, a sewerage management facility application comprising plans and manufacturers specifications shall be submitted to Wollondilly Shire Council for approval.
- (7) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.

12. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

These conditions apply to Stage 2 only

- (1) The buildings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

13. LANDSCAPING

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

These conditions apply to Stage 1 only

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) Landscaping shall be installed in accordance with the following table prior to the release of any Subdivision Certificate.

Location	Requirements
A ten metre wide strip along the boundary between Proposed Lot 29 and Barkers Lodge Road behind Proposed Lots 24-26 extending southward to the boundary of the Propose Lot 29 with Lot 1 DP 1031333.	Planting with native trees with a minimum density of 1 tree per 2m ² .

- (4) The vegetation on Proposed Lot 29 shall be managed for the purposes of passive recreation. Accordingly, the grass shall be mown and/or grazed to ensure the length of the grass is suitable for such purposes. The dam on this lot shall also be maintained to ensure there is no harm to the natural environment or human health. A plan of management detailing compliance with this condition shall be provided to the Council prior to the release of the Subdivision Certificate.

14. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

These conditions apply to all stages

- (1) Any fencing that crosses or is located on the boundary of a drainage easement or easement to drain water shall comply with Council's *"Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses Policy"*.
- (2) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.

15. WASTE MANAGEMENT

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

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
 - a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and

- iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;
- d) Details of any methods of disposal of weed material;

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate.

16. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for five (5) lots in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1 280
(ii)	Open Space, Sport & Recreation (Precinct)	\$	52 365
(iii)	Library & Community Facilities (Shire)	\$	6 050
(iv)	Library & Community Facilities (Precinct)	\$	7 795
(v)	Transport & Traffic (Roads & Intersections)	\$	21 700
(vi)	Transport & Traffic (Cycleways)	\$	315
(vii)	Bushfire Protection	\$	155
(viii)	Plan Administration	\$	4 483
TOTAL		\$	94 143

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.

17. SUBDIVISION PLANS

These conditions have been imposed to ensure the subdivision plan(s) is/are prepared in accordance with the requirements of this consent and the Act.

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.

- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) Stage 1 of the development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) Building envelopes shall be nominated and indicated on the Linen Plan for each lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as the waste water irrigation area, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. 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.
- (5) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.
- (6) Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.

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

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

- (1) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to any occupation of the development or the issue of any Occupation Certificate.
- (2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
 - (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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:
 - (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and

- (b) 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
 - (c) Stating that unauthorised entry to the work site is prohibited.
 - (2) 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.
 - (3) 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.
- (3) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
- (a) For the purpose of Section 80A (11) of the Act, the following conditions are prescribed in relation to a Development Consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent comments.
 - (b) This condition does not apply:
 - (i) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4); or
 - (ii) to the erection of a temporary building.

19. ADVICES

- (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., that 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:

- Telstra (telephone) 1 800 768 396
- Integral Energy (electricity) 131 002
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

- (3) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000)
- (ii) Payment of a Road Opening Fee.

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (4) The applicant is advised that Council reserves the right to restrict the days and hours of works if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

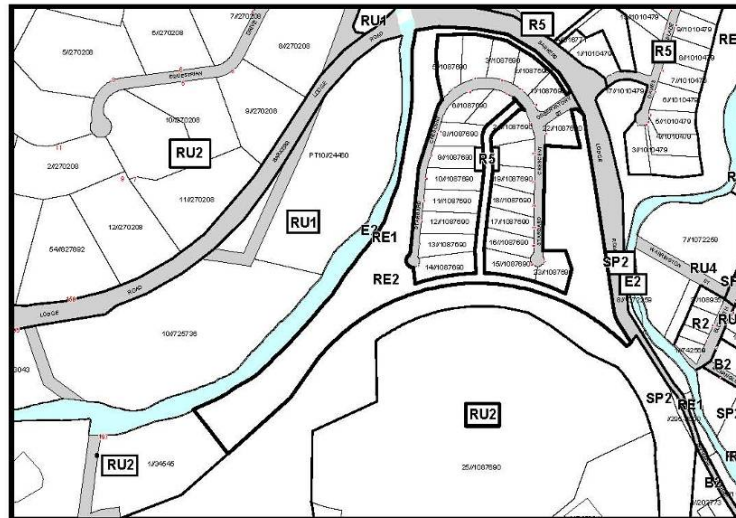
This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 12 December 2011

PE3

Development Application No. 10.2010.944.1 – Six (6) Lot Subdivision and the Construction of Five (5) Dwellings at Stargard Crescent Picton
211GROK DA10/11174P2



LOCATION MAP N
(Showing zoning of subject property and zoning of adjoining lands/area)

DEVELOPMENT INFORMATION

Development Application No. 010.2010.00000944.001
Property Address: Stargard Crescent, Picton
Applicant: Corbett Constructions Pty Ltd
Owner: J & R Corbett
Proposal Details: Six (6) lot subdivision and the construction of five (5) dwellings
Zone: WLEP 1991: Rural 1(c2) and Open Space Reservation 9(d)

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 20 February 2012

ATTACHMENT 1 – 010.2010.944.001 – 20 February 2012

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 12 December 2011

REPORT

EXECUTIVE SUMMARY

- Council is in receipt of Development Application No. 10.2010.944.1 for a six (6) lot subdivision of and the construction of five (5) dwellings at Lot 24 DP 1087690, Stargard Crescent Picton.
- The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan. Seven (7) submissions were received raising concerns with the proposal.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions.

KEY ISSUES:

1. Visual impact
2. Wastewater disposal
3. Planning intent and weight given to Draft LEP 2009
4. Geotechnical stability

BACKGROUND

Nil

CONSULTATION

The subject Development Application has been referred to the following external and internal parties for comment/approval:

Referral	Outcome
Development Engineer	No concerns, subject to conditions of consent
Health Officer	No concerns, subject to conditions of consent
Environment Officer	No concerns, subject to conditions of consent
Weeds Officer	No concerns, subject to conditions of consent
Australian Rail Track Corporation	Conditions recommended
RFS (Head Office)	Issued a bushfire safety Authority with no conditions

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

ENVIRONMENT

EO-1 The Shire's natural environment is protected and conserved

Comment: The proposal will result in a satisfactory conservation outcome.

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EO-2 The impact of existing and new development on the environment is reduced

Comment: The application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It has been concluded that the proposal will be satisfactory with regard to environmental impacts.

POLICIES & LEGISLATION

- Environmental Planning and Assessment Act, 1979
- Protection of the Environment Operations Act, 1997
- Land and Environment Court Act, 1979
- Roads Act, 1993
- Environmental Planning and Assessment Regulation, 2000
- Protection of the Environment Operations (General) Regulation, 2007
- Protection of the Environment Operations (Noise Control) Regulation, 2008
- State Environmental Planning Policy No. 55 – Remediation of Land
- Roads Regulation, 1998
- Sydney Regional Environmental Plan No 20 – Hawkesbury– Nepean River (No 2-1997)
- Wollondilly Local Environmental Plan 2011
- Wollondilly Development Control Plan
- Wollondilly Development Contributions Plan, 2010

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is an existing allotment located within the Stargard development to the south west of the Picton commercial area. It is an irregular shaped allotment created as a residual lot in the earlier development of the Stargard estate.

It has frontages to Stargard Crescent and Barkers Lodge Road (though it will not secure access from the latter) and to Stonequarry Creek and the Main Southern Rail Line.

The land is generally steeply sloping with some pockets of flatter land.

1.2 DESCRIPTION OF DEVELOPMENT

The application proposes to subdivide the land into 6 allotments as described below:

Proposed Lot Number	Area (sqm)	Purpose
24	3009	Rural Residential
25	3304	Rural Residential
26	3764	Rural Residential
27	3582	Rural Residential
28	18700	Rural Residential
29	56000	Private Recreation

WOLLONDILLY SHIRE COUNCIL

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The application also includes the construction of a dwelling on Proposed Lots 24 – 28.

1.3 SECTION 79C ASSESSMENT**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS****State Environmental Planning Policy (BASIX)**

The proponent has provided valid BASIX Certificates in accordance with the provisions of this planning policy.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject land has only been used for light intensity grazing and there is no evidence of any land contaminating activities. The proposal is satisfactory with regard to the planning policy.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is unlikely to result in any regional impacts on the Hawkesbury Nepean River System.
6. Planning Policies and Recommended Strategies	
(3) Water quality <i>Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.</i>	The proposal, subject to conditions of consent, is unlikely to result in any adverse impacts on the natural environment. It is considered that stormwater and effluent from the development can be appropriately managed.

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Relevant Provisions	Comment
(4) Water quantity <i>Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.</i>	
(9) Rural residential Development <i>Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).</i>	The proposal would not reduce agricultural sustainability, particularly as the site is not zoned for agricultural purposes. The proposal would not contribute to urban sprawl as its character is non-urban. The proposal is unlikely to result in adverse environmental impacts.
11. Development controls	No development controls are applicable to this proposal.

Wollondilly Local Environmental Plan, 1991

Characterisation: Subdivision, Dwellings
Zone of land: Rural 1(c2) Zone
Permissibility: Consent required
Zone objectives:

Objective	Comment
(a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings,	The site is located within a small precinct zoned Rural 1(c2) to the west of Picton. It is considered that the development of this precinct will tend to sterilise the rural land below in so far as urban residential development is concerned. It achieves this by creating a rural residential area that is unlikely to be readily subdividable into urban residential lots in the future. The further development of this land for rural residential purposes is consistent with this outcome.
(b) to prevent inappropriate, premature and sporadic subdivisions and to ensure consolidation of urban areas so as to enhance the prospect of economic provision of services.	

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council
held on Monday 20 February 2012

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Model Provisions Clauses

Clause	Comment
<u>Clause 5 – Various Considerations</u> <i>“(1) The consent authority shall, in respect of an application under the Act for its consent or approval to the development of land within view of any waterway or adjacent to any main or arterial road, railway, public reserve or land zoned as open space, take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land zoned for open space.”</i>	The site is within view of both Barkers Lodge Road and Stonequarry Creek (and its associated public open space). The proposal is consistent with the established landscape character of the 1(c2) zone and is satisfactory in so far as it contributes to the overall landscape character. Proposed Lots 24-26 are in an area of some visual prominence from Barkers Lodge Road. It is considered that the character of this road is dense vegetation to the south and sparse vegetation to the north with glimpses of Picton beyond. The proposed dwellings are located to the south and it is considered appropriate to require further vegetation towards the road to further build on the character of the vegetation to the east.
<u>Clause 30 – Services</u> <i>“The consent authority shall not grant its consent to the carrying out of any development on any land unless:</i> <i>(a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or</i> <i>(b) arrangements satisfactory to it have been made for the provision of that supply and those facilities.”</i>	Town water is available to the site. The applicant has satisfactorily demonstrated that wastewater management can be undertaken on the proposed lots. It should be noted that the proposal originally included an additional allotment that was deleted as no suitable wastewater management area could be provided.
<u>Clause 34 – Flood prone land</u> The subject land has been identified as flood prone land. Consequently, the following provisions apply to the development:	The proposal has been assessed by Council Engineers and suitable floor levels have been agreed.

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Clause	Comment
(1) A person shall not erect a building or carry out a work on land within a flood prone area without the consent of the consent authority.	
(2) The consent authority may, as condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.	

LEP Clauses

Clause	Comment
Clause 11 – Subdivision of Land Generally	This clause establishes that subdivision within Wollondilly Shire may only be undertaken with Council's Development Consent.
Clause 12 – Subdivision of Land Zone ... 1(c2)	The parcel has an area ~ 9 hectares and complies with this control.
(3) The council may consent to the subdivision of land within Zone No 1 (c2) into allotments of less than 40 hectares if: (a) the parcel of land to be subdivided has an area of not less than 6 hectares and is land to which a reticulated water supply is available, and	
(b) 1 allotment created by the subdivision will have an area of not less than 50 per cent of the total area of the land which is the subject of an application for consent under this subclause, and	The proposed residual allotment has an area of 5.6 hectares and complies with this control.
(c) each additional allotment created by the subdivision will have an area of not less than 3,000 square metres, and	The proposed lots all have areas exceeding 3000m ² .

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Clause	Comment
(d) <i>the minimum length of any boundary of an allotment will be 30 metres, and</i>	The proposal does not comply with this control (the original subdivision also did not comply). The applicant has submitted an objection under State Environmental Planning Policy No. 1 – Development Standards. It is considered that the underlying intention of the control is to ensure rural allotments have a suitable shape to contribute to rural landscape character, provide for a wastewater disposal area and for a dwelling with a rural character. The proposed lots all achieve this objective and it is considered that the requested variation should be supported.
(e) <i>each allotment referred to in paragraph (c) will have at least 1 boundary in common with the allotment referred to in paragraph (b), and</i>	The proposed lots comply in this regard.
(f) <i>the allotment referred to in paragraph (b) will, if the owner and the council agree, be dedicated to the council as a public reserve, or, if not so dedicated, is intended to be used for the purpose of private recreation.</i>	Council has indicated that it does not wish to receive this land as a public reserve. The applicant has indicated their intent to use the land for private recreation. It is considered that Council can satisfy itself that the land will only be used for recreation purposes on the basis that LEP 2011 has since commenced and has placed the land within recreation zones.
<u>Clause 29 - Development along arterial roads</u> This clause provides that “(1) <i>The council shall not consent to an application for consent to carry out development on land which has frontage to an arterial road unless:</i> <i>(a) access to that land is provided by a road other than the arterial road, wherever practicable, and</i> <i>(b) in the opinion of the council, the safety and efficiency of the arterial road will not be adversely affected by:</i>	No access is proposed from Barkers Lodge Road. The applicant has instead nominated all accesses to come from Stargard Crescent as required by this control.

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Clause	Comment
(i) the design of the access to the proposed development, (ii) the emission of smoke or dust from the proposed development, or (iii) the nature, volume or frequency of vehicles using the arterial road to gain access to the proposed development."	
<u>Clause 36 - Land subject to bushfire hazards</u> This clause requires Council to make an assessment of: "(a) whether adequate provision has been made for access to the land for fire fighting vehicles, fire breaks, reserves and fire radiation zones," "(b) in the case of a subdivision of land, whether the depth of any allotments to be created by the subdivision which would adjoin a perimeter road is adequate," "(c) the design of any proposed dwelling-house in relation to bushfire hazard."	The proposal is subject to a Bushfire Safety Authority from NSW Rural Fire Service. Council can be satisfied of compliance with this control.
<u>Clause 45 - Development of unsewered land</u> This clause provides that "The council must not consent to the carrying out of development on unsewered land unless the applicant demonstrates that the land is capable of supporting the development having regard to the capability of the soil for effluent disposal and buffer distances to watercourses and drainage depressions."	The applicant has satisfactorily demonstrated that wastewater management can be undertaken on the proposed lots. It should be noted that the proposal originally included an additional allotment that was deleted as no suitable wastewater management area could be provided.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Wollondilly Local Environmental Plan, 2009 (which later became Wollondilly LEP 2011)

The subject site is proposed to be zoned partly RE1 Public Recreation and partly RE2 Private Recreation. The proposed subdivision would be permissible under this plan, the proposed dwellings would be prohibited.

It is considered that, in the light of an otherwise satisfactory proposal, determinative weight should be given to the LEP as in force at the time the application was lodged.

1.3.3 DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan No. 36 – Development in Rural Areas

Relevant Provisions	Comment
2. Environmental Protection	It is considered that the proposal will be satisfactory with regard to these provisions, subject to conditions of consent.
3. Roads	No new roads are proposed as a part of this development. The existing road has been assessed by Council engineers and found satisfactory.
5. Subdivision	The proposal is consistent with these provisions. The only hatchet shaped allotment is unable to otherwise obtain access to a public street.
6. Residential Development	
Bushfire Mitigation	The proposal is subject to a Bushfire Safety Authority from NSW Rural Fire Service. Council can be satisfied of compliance with these provisions.
Flood Prone Areas	The proposal has been assessed by Council Engineers and suitable floor levels have been agreed.
Watercourses and drainage lines	The proposal is satisfactory in this regard subject to conditions of consent.
Geotechnical requirements	The applicant has provided a geotechnical assessment which has been found satisfactory.

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Relevant Provisions	Comment
Effluent disposal	The applicant has satisfactorily demonstrated that wastewater management can be undertaken on the proposed lots. It should be noted that the proposal originally included an additional allotment that was deleted as no suitable wastewater management area could be provided.
Building setbacks	The proposal does not comply with the 18 metres setback required by this clause as the dwelling are proposed to be set back only 15 metres. It is considered appropriate to impose conditions to require the setback to be increased to 16 metres which is in conjunction with 2 metres of road widening required by Council engineers, will achieve the required 18 metre setback.
Siting and orientation of dwelling houses	The proposal is satisfactory in this regard as the dwellings are consistent with the character of the estate.
Driveways	The driveways generally following existing topography and are consistent with the requirements of these provisions.
Landscaping and tree clearing	Conditions are recommended to ensure compliance with these provisions.
Height	The proposal complies with the 2 storey restriction in this clause.
Colour	Conditions are recommended to ensure compliance with this clause.
7. Services	Adequate services can be provided to support this development.

1.3.4 VOLUNTARY PLANNING AGREEMENTS

None apply.

1.3.5 THE REGULATIONS

The proposal is local development as specified by the regulations. It is unclear at this stage whether the construction of the access road to Proposed Lot 28 will require works on "water front land" requiring a controlled activity approval (CAA) from the NSW Office of Water. Conditions are recommended to ensure that, if works are required on such land, the CAA is first obtained.

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1.4 IMPACT OF THE DEVELOPMENT**Natural Environment**

No adverse impacts anticipated subject to conditions of consent.

Built Environment

The impacts of the development are considered reasonable and acceptable having regard to the landscape character of the locality.

Social and Economic Impacts

No adverse impacts anticipated.

1.5 SUITABILITY OF THE SITE

The site is considered suitable for the proposal.

1.6 SUBMISSIONS

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan. Seven (7) submissions were received raising concerns with the proposal. These concerns are summarised in the table below:

Concern	Consideration
Land is zoned or intended for recreation only and no dwellings are permitted.	The land was originally created as a residual allotment of a subdivision under Clause 12(3) of Wollondilly Local Environmental Plan, 1991. At the time it was created Council was satisfied that it was "intended to be used for recreation". There is nothing in the 1991 LEP, however, that prevents the land from being used for another purpose or that prevents further subdivision of the land for rural dwelling opportunities. The subject land is zoned part RE1 and part RE2 under Wollondilly Local Environmental Plan, 2011. As discussed earlier in this regard it is considered that determinative weight should be given to the 1991 LEP and not the 2009 draft. It is noted that, as the application was lodged before the commencement of 2011 LEP that it must be considered as though it was never made.
Increased traffic can not be accommodated on Stargard Crescent.	The adequacy of the road network was considered by Council Engineers and found satisfactory.
Impacts on views and vistas.	The proposal is satisfactory in this regard as the dwellings are consistent with the character of the estate.

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Concern	Consideration
Purchasers in the estate were assured no further development of this land would occur.	This is not a valid planning consideration for a development application.
Proposal inconsistent with new LEP zoning and growth management strategy.	The subject land is zoned part RE1 and part RE2 under Wollondilly Local Environmental Plan, 2011. As discussed earlier in this regard it is considered that determinative weight should be given to the 1991 LEP and not the 2009 draft. It is noted that, as the application was lodged before the commencement of 2011 LEP that it must be considered as though it was never made. The proposal is not inconsistent with the Growth Management Strategy (GMS) and it will enhance the existing effect of the 1(c2) zone in directing Picton's growth away from the Barkers Lodge Road direction.
The proposal is inconsistent with the original consent for subdivision which created the Stargard Estate.	The proposal is for additional subdivision beyond that proposed by the previous development consent. Accordingly, it does not accord with that earlier consent. Council is, however, empowered to grant development consent in such circumstances.
Homes have been designed to be orientated towards the land on the understanding that it would be retained as open space.	It is considered that adequate privacy and retention of visual character will be provided with this development.
Wastewater impacts on the environment and health.	The applicant has satisfactorily demonstrated that wastewater management can be undertaken on the proposed lots. It should be noted that the proposal originally included an additional allotment that was deleted as no suitable wastewater management area could be provided.
The existing dam is a health/environmental hazard.	Conditions are recommended to ensure the management of the subject dam.
The land is not currently being maintained to an acceptable standard.	Conditions are recommended to ensure the management of the subject land.

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Concern	Consideration
Privacy and overlooking from proposed Lot 26	It is considered that adequate separation is provided to ensure privacy consistent with the character of rural residential developments.
15 metre setbacks are inconsistent with the rest of the street	This is agreed and conditions are recommended to ensure that the setback complies with the 18 metre control.
Impacts on natural watercourses	No adverse impacts on the natural environment are anticipated subject to conditions of consent.
The dwellings would detract from the "ambience" of the estate.	The proposal is satisfactory in this regard as the dwellings are consistent with the character of the estate.
Building in the original subdivision is yet to be completed.	This is not a valid planning consideration for a development application.
The potential for rolling future development of the land.	Given the land is now zoned RE1 and RE2 it is not possible for further residential subdivision to occur.
Inadequate access to Lot 28.	It is considered that the access arrangements to Lot 28 are satisfactory.
Visual impact of Lots 24-26 on Barkers Lodge Road	The proposal is satisfactory in this regard as the dwellings are consistent with the character of the estate. Conditions are recommended to require planting of trees to enhance the character of Barkers Lodge Road.
Water tanks proposed are less than 10,000L as required by Council for the original subdivision.	The current control for water tank provision is State Environmental Planning Policy (BASIX). The applicant has provided valid BASIX certificates for the proposed dwellings.
Inadequate road width for Lots 24-26.	The adequacy of the road network was considered by Council Engineers and found satisfactory.
Impacts of additional vehicles access the rear of the estate via the access driveway	The proposal will not increase traffic on the subject land as no proposed lots rely on this access handle.
The maintenance of the garden in the road reserve of Observation Street and the verges of Barkers Lodge Road.	This is not a valid planning consideration for a development application.

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1.7 THE PUBLIC INTEREST

The proposal is considered satisfactory with regard to the public interest.

1.8 ASSESSMENT OF S94 CONTRIBUTION REQUIREMENTS

If approved, developer contributions would be payable in accordance with the 2005 contributions plan for 5 additional allotments, the current amount payable is \$94,143.00

FINANCIAL IMPLICATIONS

The Section 94 contributions that would be payable if the application were approved would be required to be spent on the development of facilities as identified in the Section 94 Contributions Plan 2005. This would add to Council's asset base and require Council to make provisions from its revenue for maintenance and depreciation of these assets when they are provided and/or built.

CONCLUSION

It has been concluded that the proposal, subject to conditions of consent, is satisfactory and should be granted development consent.

ATTACHMENTS:

1. Subdivision Plan
2. House Plans
3. Bushfire Safety Authority issued by NSW Rural Fire Service

RECOMMENDATION:

That Development Application No. 010.2010.00000944.001 for the six (6) subdivision and the construction of five (5) dwellings at Lot 24 DP 1087690, Stargard Crescent Picton, be determined by the granting of development consent subject to the following conditions:

1. COMPLIANCE

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

These conditions apply to all stages

- (1) Development Consent is granted for six (6) lot subdivision and the construction and use of five (5) dwelling houses at Lot: 24 DP: 1087690, Stargard Crescent PICTON
- (2) Development shall take place in accordance with the endorsed amended plans prepared by Total Surveying Solutions and Macarthur Architectural Drafting Services and submitted in respect of Development Application No. 010.2010.00000944.001, except where varied by the following conditions:

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- (3) Development shall take place in accordance with the recommendations of the endorsed Geotechnical Instability Assessment prepared by Harvest Scientific Services.
- (4) The development shall be staged as follows:

Stage	Development
1	Subdivision of the land to create the 6 allotments proposed.
2 (a)	Construction of the approved dwelling on Proposed Lot 24
2 (b)	Construction of the approved dwelling on Proposed Lot 25
2 (c)	Construction of the approved dwelling on Proposed Lot 26
2 (d)	Construction of the approved dwelling on Proposed Lot 27
2 (e)	Construction of the approved dwelling on Proposed Lot 28

The works associated with Stage 2 may not be commenced (nor any Construction Certificate issued in respect of those works) until after the completion of Stage 1 including registration of the subdivision plan. Stages 2(a)-(e) may be undertaken in any order.

- (5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

These conditions apply to Stages 2(a) to 2(e) inclusive only

- (6) The proposal shall be redesigned to achieve the following outcomes:
- 18m setback from Stargard Crescent for dwellings on Lots 24 – 27 (inclusive). Where this requires a reconfiguration of the effluent management area a further wastewater assessment shall be provided to the Principal Certifying Authority for approval prior to any Construction Certificate.

Amended plans demonstrating compliance with this condition shall be submitted to Principal Certifying Authority prior to the issue of a Construction Certificate.

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- (7) Approval is subject to the condition that the building or person who does the residential building work complies with the applicable requirements of Part 6 of the *Home Building Act 1989* whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the application requirements of Part 6.
- (8) Due to the close proximity of the Railway Corridor to the proposed development the subject buildings are to acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - In any bedroom in the building: 35dB(A) at any time 10pm-7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at anytime.
- (9) Confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to any occupation of the development or the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed.

This condition applies to Stage 2(e) only

- (10) The plans and BASIX for the dwelling proposed to be constructed on Proposed Lot 28 incorrectly identify the land as Lot 29. Prior to the release of any Construction Certificate for this dwelling amended plans and BASIX certificate shall be submitted to the Principal Certifying Authority correctly identifying the subject land.

2. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

These conditions apply to Stage 2 only

- (1) The dwellings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.

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- (2) Due to the close proximity of the Railway Corridor to the proposed development the subject buildings are to acoustically treated in order to achieve acceptable interior noise levels as recommended by "Development near Rail Corridors and Busy Roads – Interim Guideline" or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - In any bedroom in the building: 35dB(A) at any time 10pm-7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at anytime.
- (3) Confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to any occupation of the development or the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed.

3. CONSTRUCTION GENERAL

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

These conditions apply to Stage 2 only

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

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- (4) 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 and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (5) The floor level of the dwelling shall be at least 200mm above finished ground level.

4. 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:-

These conditions apply to all stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

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- (2) Engineering design plans and stormwater drainage calculations, for the access road and drainage construction, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council 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.
- (4) Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.
- (5) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (6) The applicant shall provide a Geotechnical Engineers report supporting the location of the proposed building envelopes of the proposed lots, 24, 25, 26 and 27 including the detail of stability measures prior to the issue of a Construction Certificate.
- (7) Prior to the issue of any Construction Certificate, a Flood Study Report shall be prepared by a suitably qualified engineer and approved by the Principal Certifying Authority. The Report shall assess the extent of the 1% AEP Flood associated with Stonequarry Creek upstream of Barkers Lodge Road and nominate a minimum Floor Level for habitable rooms of the dwelling on proposed lot 28 at 500mm above the relevant 1% AEP Flood Level. This condition may be satisfied by providing certification from a suitably qualified engineer that states that the proposed building envelope, has sufficient clearance above an estimated 1% AEP flood level. For this purpose, the 1% AEP flood level may be estimated using an approximate method, provided that the difference between the flood level and level of the building envelope is shown to be large enough to account for any inaccuracies in the method.

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5. DRAINAGE/STORMWATER

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

These conditions apply to all stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP
- (3) An interallotment drainage system shall be provided for the 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. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (4) Suitable stormwater drainage shall be provided in the existing watercourses shown on lots 26, 29 and 28. This system shall be located within a drainage easement not less than 3.0 metres wide which confers appropriate drainage rights. Details of this shall be shown on the engineering plans. All works required by this condition must be completed prior to the release of any Subdivision Certificate.
- (5) The existing open drain located within lots 26 & 29 shall be piped to discharge to the existing drainage adjacent to Barkers Lodge Road. All works required by this condition must be completed prior to the release of any Subdivision Certificate.

These conditions apply to Stage 2 only

- (6) Roof water from the proposed dwellings shall be discharged to the water tank(s). The overflow for these tanks shall be connected to the drainage system required to be provided by the conditions of this consent.

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6. ACCESS

These conditions have been imposed to ensure adequate vehicular access is provided to the development.

These conditions apply to all stages

- (1) A suitable access road shall be provided that will facilitate vehicular access from Starguard Crescent to the proposed building envelope prior to the issue of any subdivision certificate for the development. The access road shall be generally in accordance with Council's standard Category G1 with the following variations:
 - Generally the pavement is to be a minimum of 4.0 metres wide and constructed of a minimum 200mm of crushed sandstone.
 - Table drains are to be formed where required to provide adequate drainage.
 - Pipe culvert / dish crossing are to be constructed where required to provide adequate drainage.
 - Passing bays shall be provided at intervals not exceeding 200m sight distance and the road shall be two coat bitumen sealed (First coat with 14mm aggregate and second coat with 10mm aggregate) for a minimum 3.0m width.
 - Widening the access road shall be provided at the steep crest to a minimum 6.0 metres pavement and 5.0 metres seal.
 - Access road surface on grade more than 16% shall be asphaltic concrete seal with 30mm AC10 on single coat seal of 10mm aggregate.
- (2) Provision of Vehicular Access to the site through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. These accesses shall be provided to each dwelling prior to the release of the relevant Occupation Certificate.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Traffic and Design Section.

7. PUBLIC ROADS

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

These conditions apply to all stages

- (1) Provision of Vehicular Access to the lot 28 through the construction of concrete footpath crossings in accordance with Council's Construction Specifications. All obsolete vehicular crossings must be reconstructed as kerb.

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Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (2) The person having the benefit of this consent, shall at no cost to Council, dedicate land as public road to widen Stargard Crescent by 2.0 metres along the frontage of proposed lots 24, 25, 26 & 27. Details of this shall be shown on the engineering plans and the plan of subdivision.

8. EROSION AND SEDIMENT CONTROL

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

These conditions apply to all stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) 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.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

9. EARTH WORKS

These conditions have been imposed to ensure earthworks do not cause harm to the environment or to human health.

These conditions apply to all stages

- (1) 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 Water & Energy.
- (2) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

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- (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 Construction Specification 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.

10. INSPECTIONS

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

- (1) The engineering works shall be inspected by the Principal Certifying Authority 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.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - At sealing
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
 - At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority 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 where Council is the Principal Certifying Authority.

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These conditions apply to Stage 2 only

- (2) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Internal drainage before backfilling.
 - External drainage before backfilling.
 - Septic tank and/or holding well before backfilling and when joints are sealed.
 - Septic system disposal area before backfilling trenches.
 - Septic system disposal area after turfing.
 - Wet area damp proofing and flashing before lining.
 - Stormwater drainage before backfilling.
 - Bearers and joist inspection before flooring is fixed.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

These conditions apply to Stage 1 only

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Integral Energy. In this regard, written confirmation from Integral Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate 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.sydneypwater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

This condition applies to all stages

- (4) All power and services within the site shall be underground.

These conditions apply to Stage 2 only

- (5) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (6) Prior to commencement of drainage works, a sewerage management facility application comprising plans and manufacturers specifications shall be submitted to Wollondilly Shire Council for approval.
- (7) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.

12. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

These conditions apply to Stage 2 only

- (1) The buildings shall not be occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.

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13. LANDSCAPING

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

These conditions apply to Stage 1 only

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems
 - (g) Provision of only native species that are endemic to the region.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) Landscaping shall be installed in accordance with the following table prior to the release of any Subdivision Certificate.

Location	Requirements
A ten metre wide strip along the boundary between Proposed Lot 29 and Barkers Lodge Road behind Proposed Lots 24-26 extending southward to the boundary of the Propose Lot 29 with Lot 1 DP 1031333.	Planting with native trees with a minimum density of 1 tree per 2m ² .

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- (4) The vegetation on Proposed Lot 29 shall be managed for the purposes of passive recreation. Accordingly, the grass shall be mown and/or grazed to ensure the length of the grass is suitable for such purposes. The dam on this lot shall also be maintained to ensure there is no harm to the natural environment or human health. A plan of management detailing compliance with this condition shall be provided to the Council prior to the release of the Subdivision Certificate.

14. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

These conditions apply to all stages

- (1) Any fencing that crosses or is located on the boundary of a drainage easement or easement to drain water shall comply with Council's "Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses Policy".
- (2) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.

15. WASTE MANAGEMENT

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

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
 - a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and

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- iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;
- d) Details of any methods of disposal of weed material;

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate.

16. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for 5 lots in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	1 280
(ii)	Open Space, Sport & Recreation (Precinct)	\$	52 365
(iii)	Library & Community Facilities (Shire)	\$	6 050
(iv)	Library & Community Facilities (Precinct)	\$	7 795
(v)	Transport & Traffic (Roads & Intersections)	\$	21 700
(vi)	Transport & Traffic (Cycleways)	\$	315
(vii)	Bushfire Protection	\$	155
(viii)	Plan Administration	\$	4 483

TOTAL \$ 94 143

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.

17. SUBDIVISION PLANS

These conditions have been imposed to ensure the subdivision plan(s) is/are prepared in accordance with the requirements of this consent and the Act.

- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.

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- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) Stage 1 of the development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) Building envelopes shall be nominated and indicated on the Linen Plan for each lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as the waste water irrigation area, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. 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.
- (5) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

- (6) Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.

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

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

- (1) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to any occupation of the development or the issue of any Occupation Certificate.
- (2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
- (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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:
 - (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and

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- (b) 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
- (c) Stating that unauthorised entry to the work site is prohibited.
- (2) 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.
- (3) 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.
- (3) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
 - (a) For the purpose of Section 80A (11) of the Act, the following conditions are prescribed in relation to a Development Consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent comments.
 - (b) This condition does not apply:
 - (i) to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4); or
 - (ii) to the erection of a temporary building.

19. ADVICES

- (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., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.



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- (2) The following service providers should be contacted before commencement of construction to establish their requirements:

- Telstra (telephone) 1 800 768 396
- Integral Energy (electricity) 131 002
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

- (3) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000)
- (ii) Payment of a Road Opening Fee

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (4) The applicant is advised that Council reserves the right to restrict the days and hours of works if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.

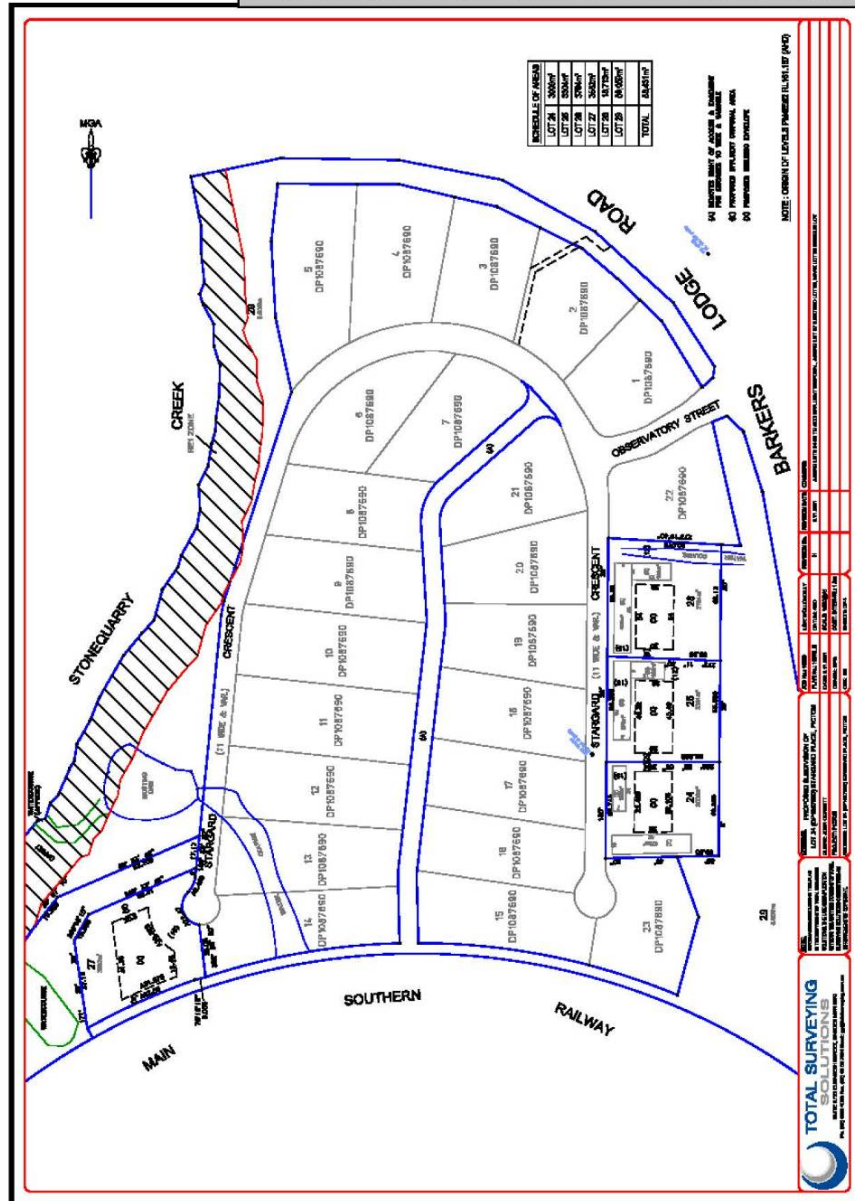
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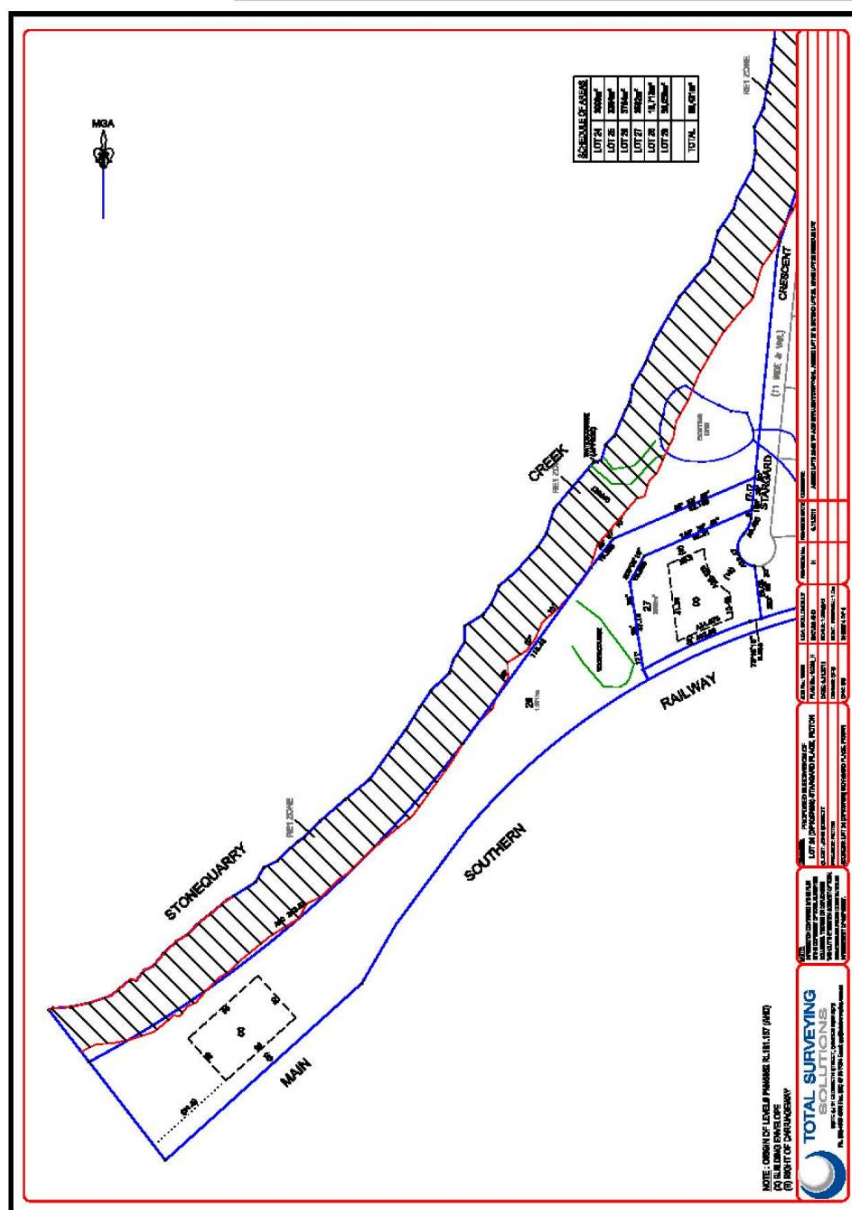
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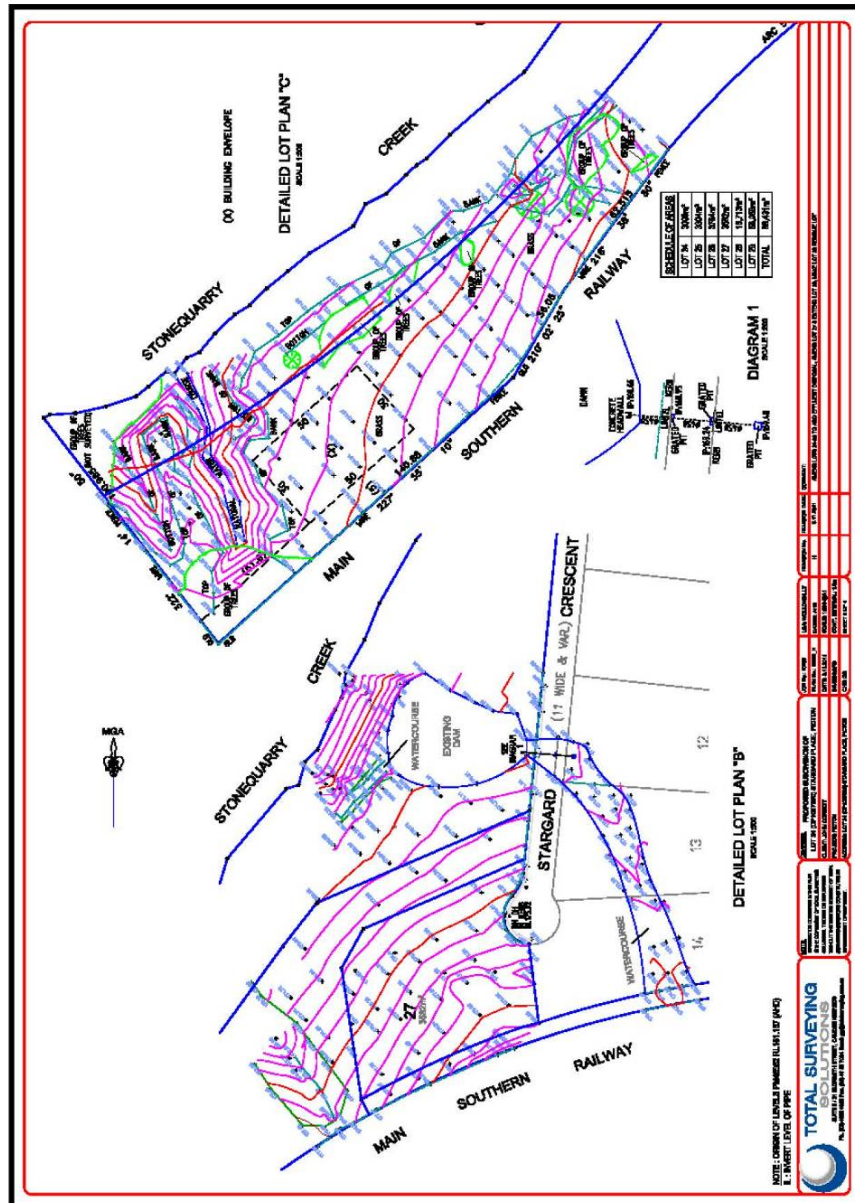
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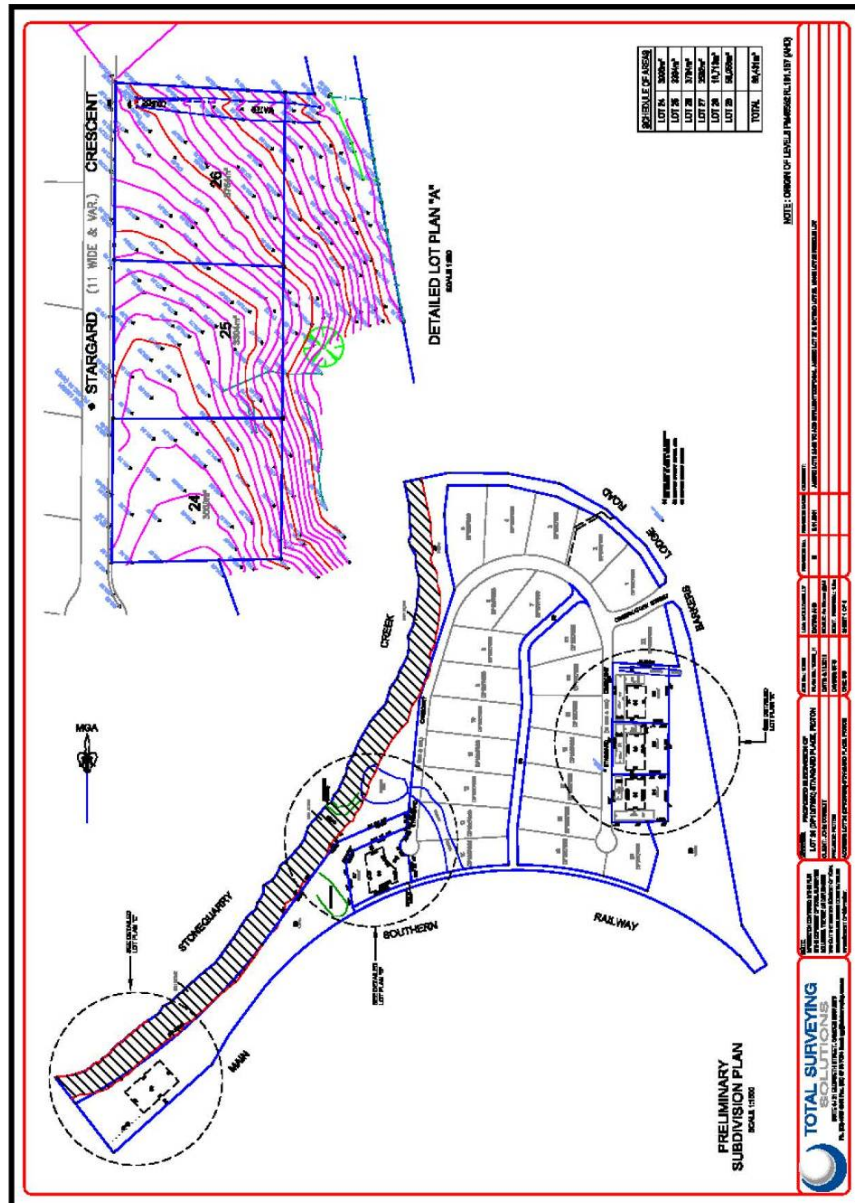
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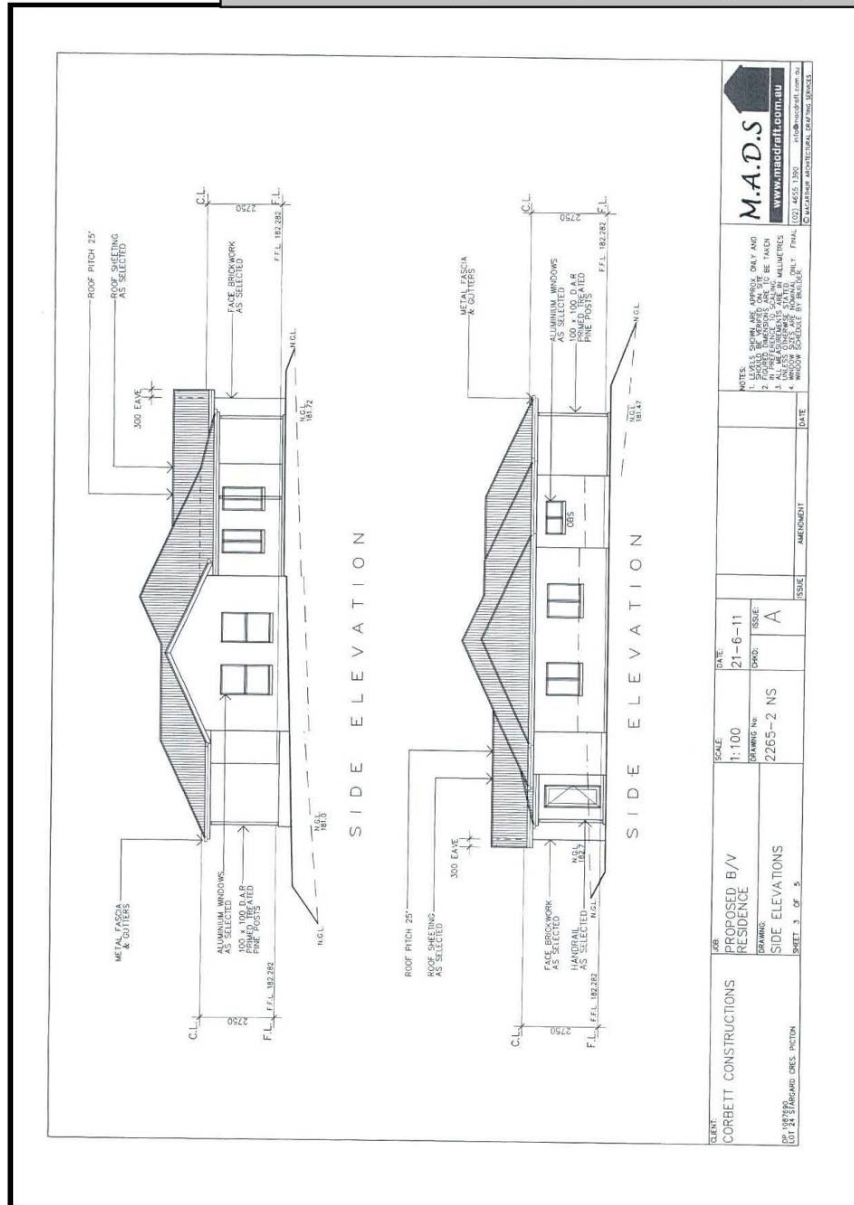
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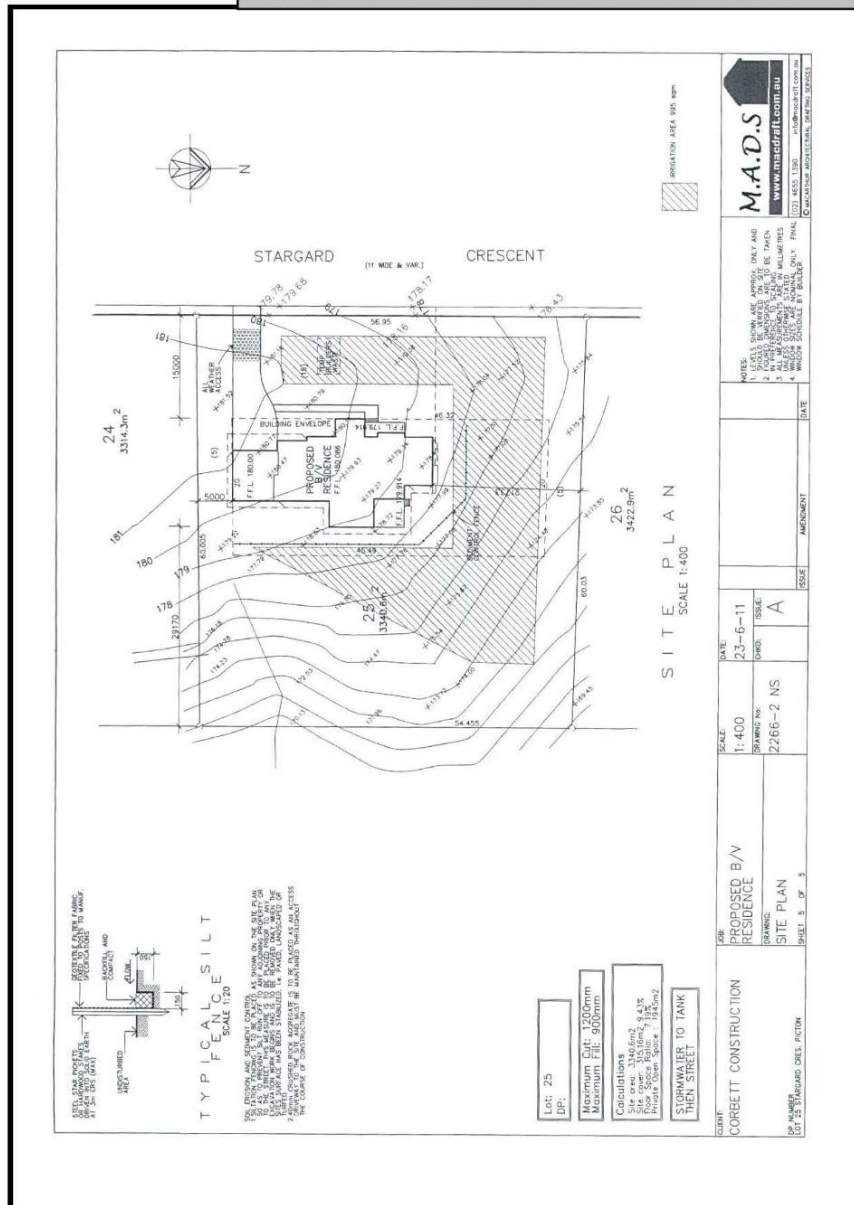
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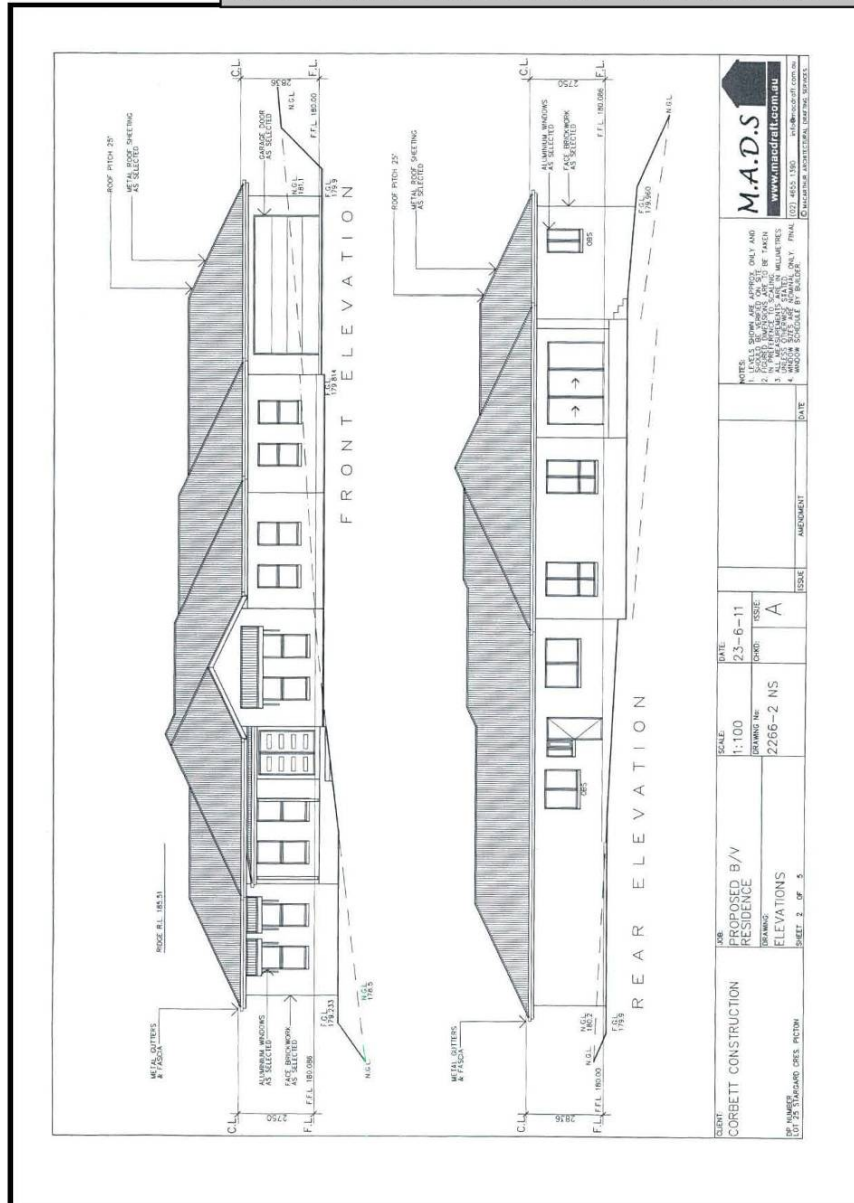
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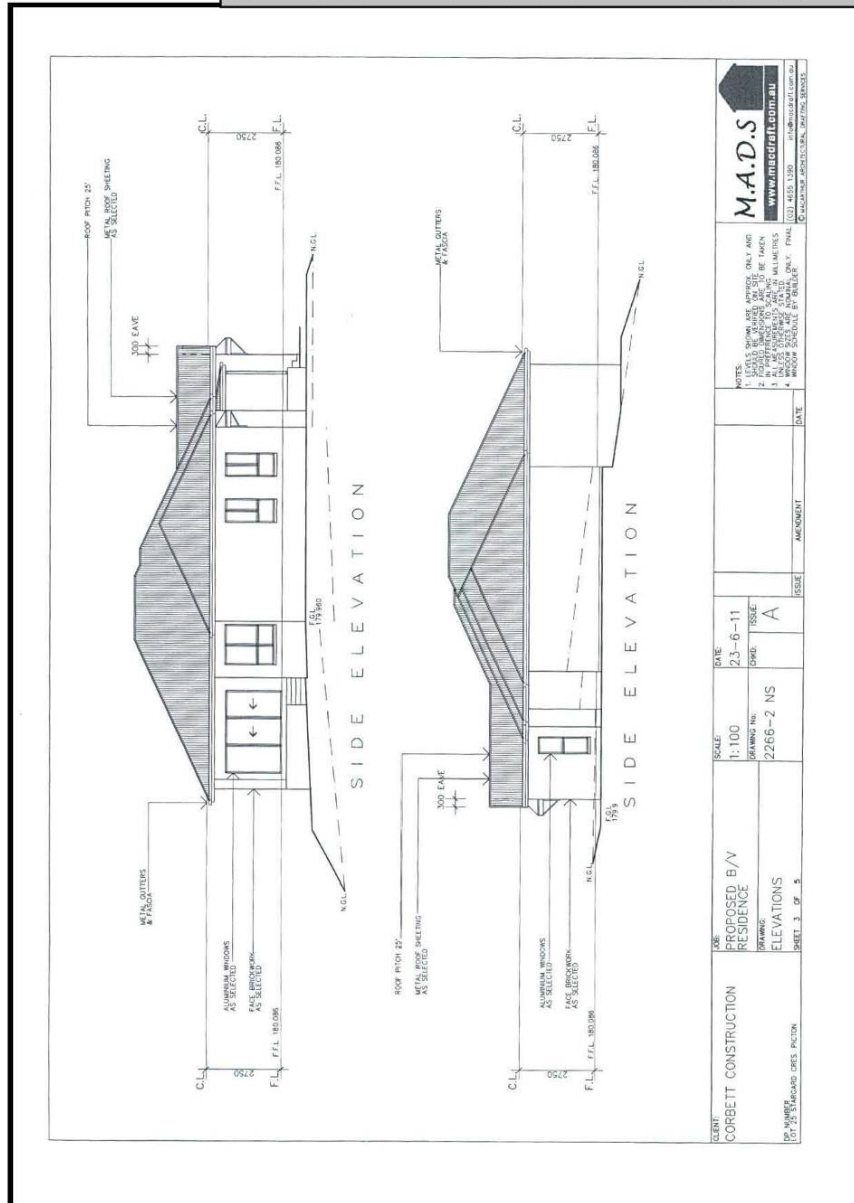
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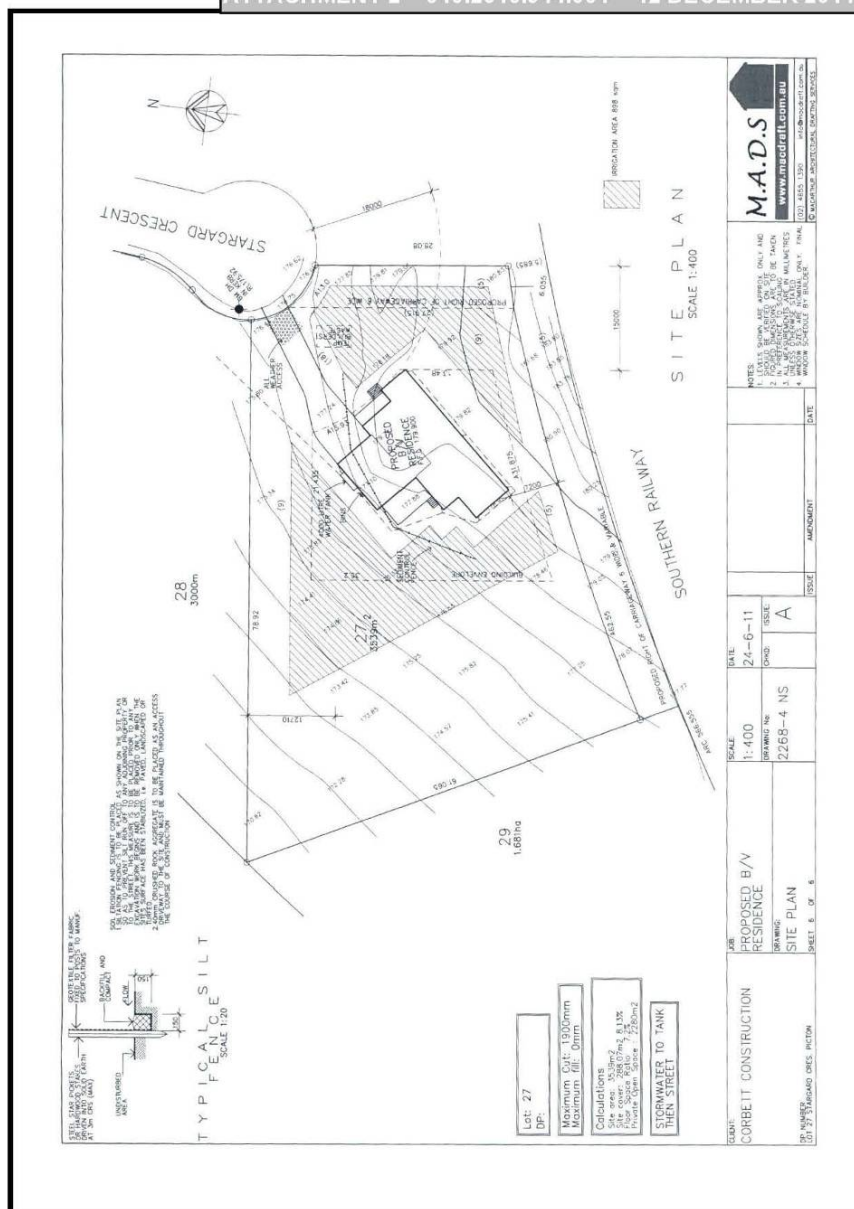
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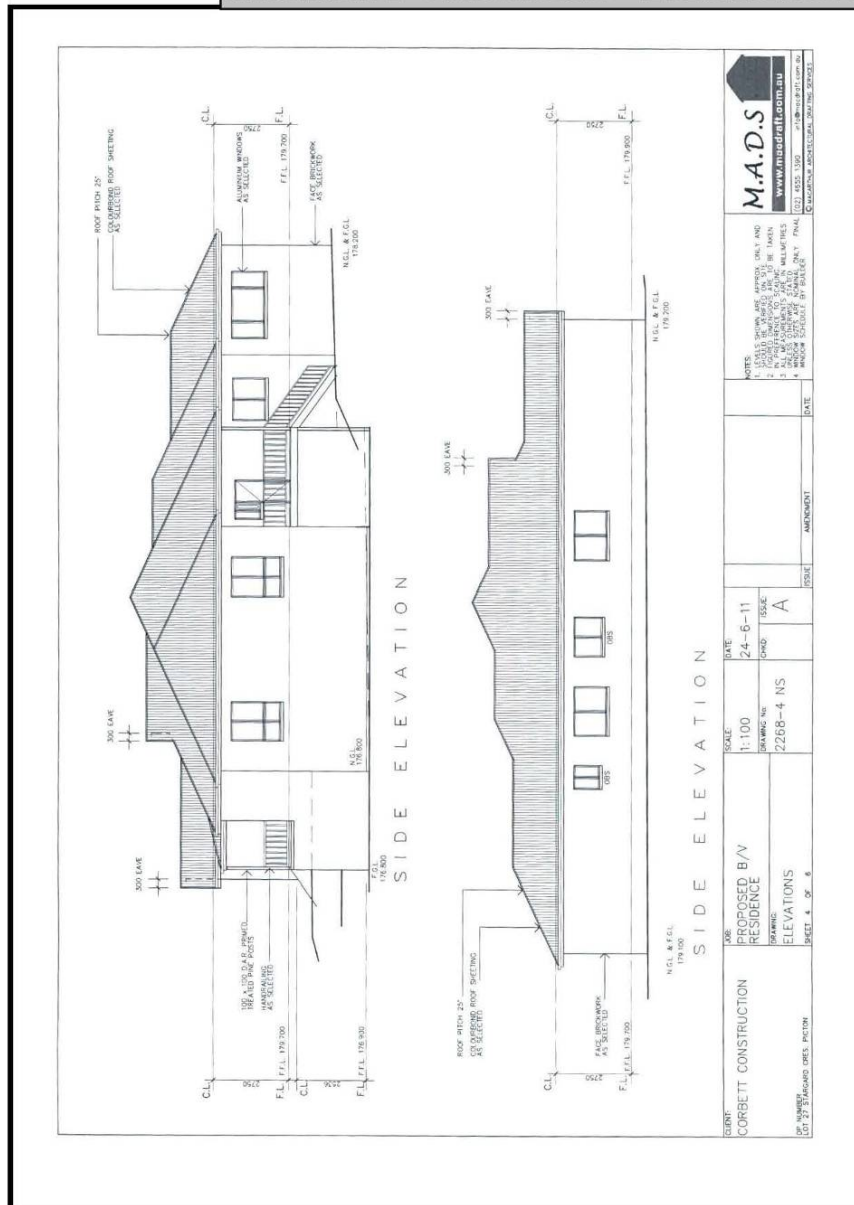
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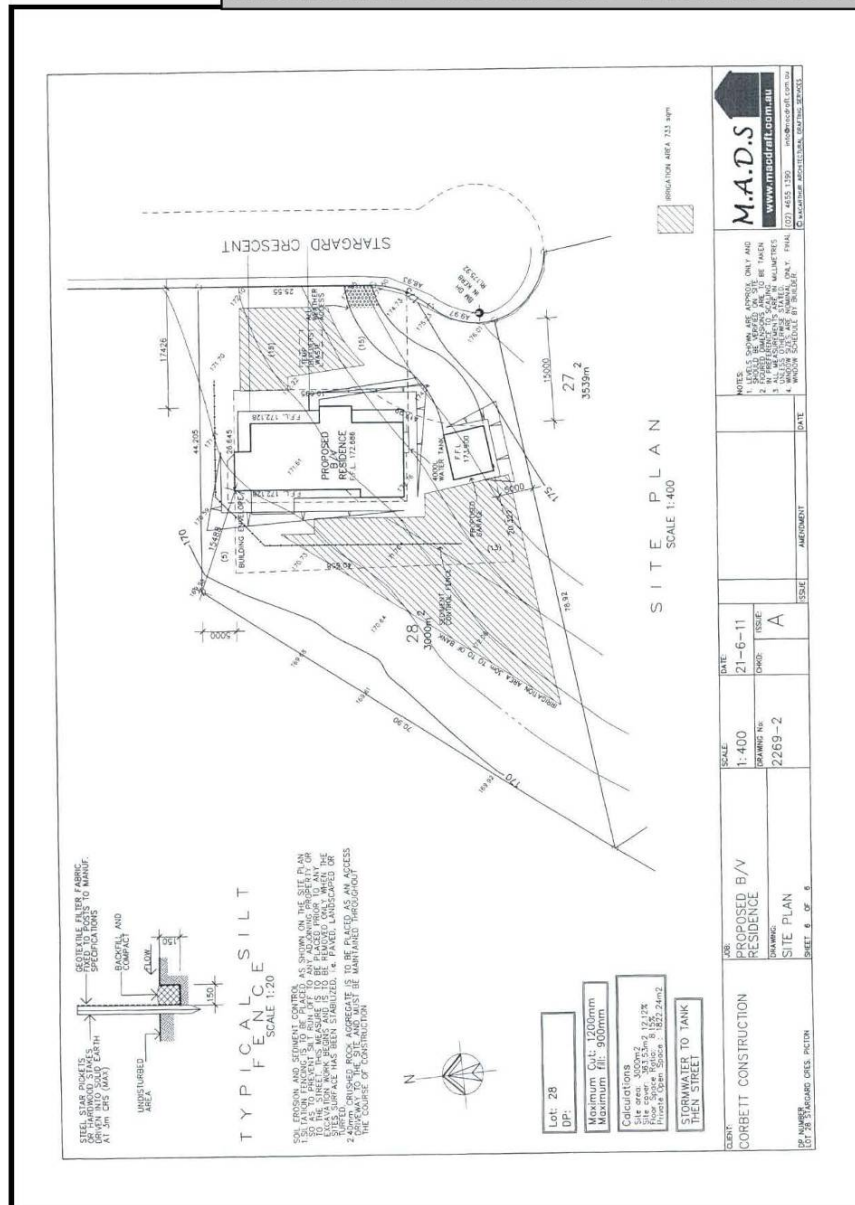
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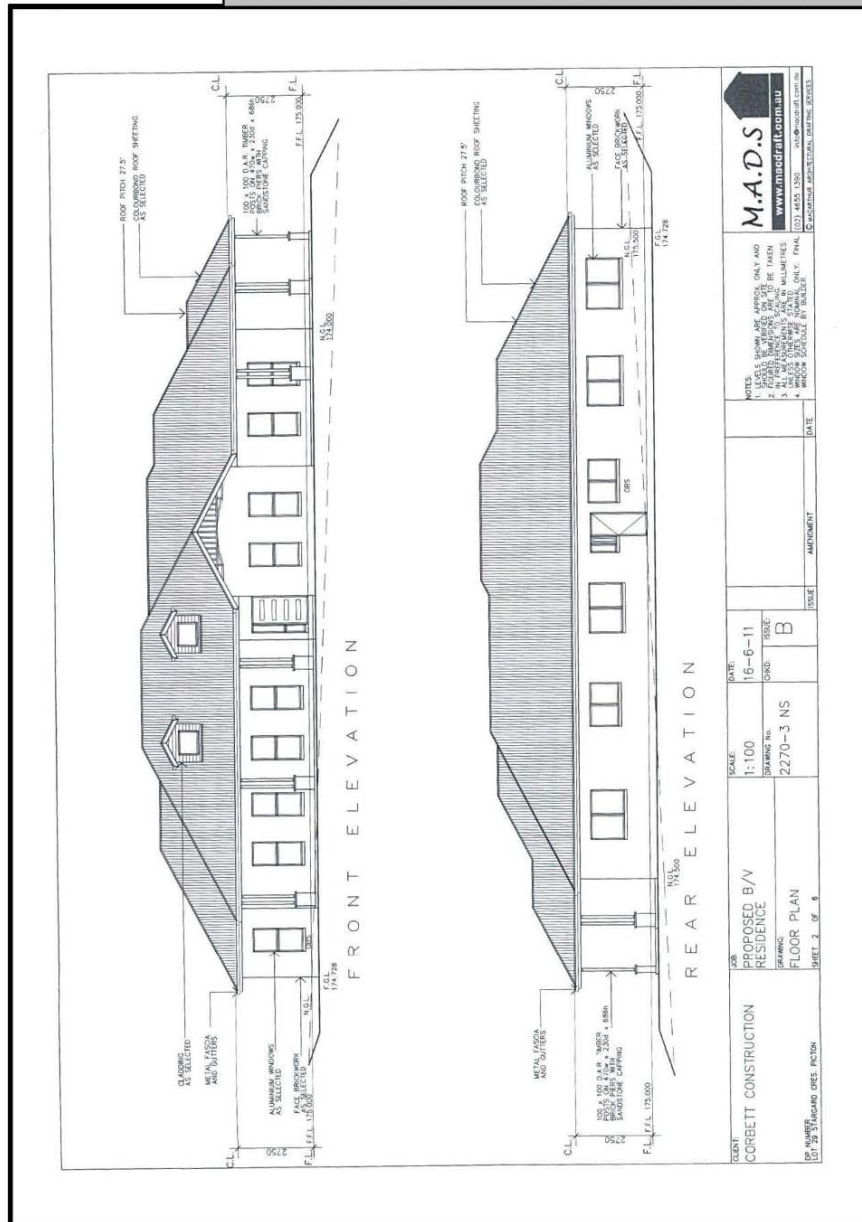
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ATTACHMENT 3 – 010.2010.944.001 – 12 DECEMBER 2011

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 8741 5175
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Your Ref: 010.2011.00000944.00
Our Ref: D11/1324
DA11081679285 MA

ATTENTION: Mr G S Rokobauer

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	D11011174
PROP No.	6 September 2011
- 9 SEP 2011	
AUTH No.	
ASSIGNED TO:	Grant

Dear Sir/Madam

Integrated Development for 24/1087690 Stargard Crescent Picton 2571

I refer to your letter dated 2 August 2011 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions.

For any queries regarding this correspondence please contact Matthew Apps on 8741 5175.

Yours sincerely

Michael Murrell
Acting Team Leader Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

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