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BY:



Your Ref: 2011SYW017

Joint Regional Planning Panels
GPO Box 3415
SYDNEY NSW 2001

25 July 2011

SUBJECT: DEVELOPMENT APPLICATION REFERRAL

PROPERTY: Lot: 1 DP: 608195, Lot: 1 DP: 748675, Lot: 3 DP: 748675, Lot: 1 DP: 231892, Lot: 2 DP: 231892, Lot: 2 DP: 216580, **Maldon Bridge Road MALDON, 1 Maldon Bridge Road MALDON, 115 Maldon Bridge Road MALDON.**

PROPOSED DEVELOPMENT: Rail Terminal Facility & Road Works.

Dear Sir/Madam,

As you are aware Council has previously referred the above application for your organisation's consideration and/or concurrence.

It is confirmed that the application has now been determined by Council.

For your information, please find attached a copy of Council's Notice of Determination under Section 81 of the Environmental Planning & Assessment Act, 1979 in respect to this application.

Should you wish to clarify or discuss any aspect of the determination please contact Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm on phone (02) 4677 1172 or Fax (02) 4677 1831 or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2010.00000921.001

Yours faithfully,

Administration Officer
Development Services Section



WOLLONDILLY
SHIRE COUNCIL

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DESIGNATED INTEGRATED DEVELOPMENT CONSENT 010.2010.00000921.001
Environmental Planning and Assessment Act, 1979**

TO:

Boral Resources (NSW) PTY LTD
PO Box 42
WENTWORTHVILLE NSW 2145

Being the applicant(s) for Development Application 010.2010.00000921.001 relating to:

Lot: 1 DP: 608195, Lot: 1 & 3 DP 748675, Lot: 1 & 2 DP: 231892, Lot: 2 DP: 216580, Maldon Bridge Road, Maldon

**APPROVED DEVELOPMENT:
Rail Terminal Facility & Road Works.**

**DETERMINATION DATE: 20 July 2011
LAPSE DATE: 20 July 2016**

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions attached.

Notes:

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
- (5) This application has not been considered by the Planning Assessment Commission.

Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Development Services Section on (02) 4677 1100.

Yours faithfully

**Grant Rokobauer
Senior Development Assessment Planner
DEVELOPMENT SERVICES**

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.

- (1) Development Consent is granted for a transport terminal to move freight (quarry products) from rail to road at Lot: 1 DP: 608195, Lot: 1 & 3 DP 748675, Lot: 1 & 2 DP: 231892 and Lot: 2 DP: 216580, located at Maldon Bridge Road, Maldon
- (2) 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 safe batters to proposed fill areas.

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

- (3) Development shall take place generally in accordance with the endorsed plans 270-5447-M, prepared by Boral Construction Materials Division and submitted in respect of Development Application No. 010.2010.00000921.001, except where varied by the following conditions:
- (4) Development shall take place in wholly accordance with the recommendations of Operation Environmental Management Plan approved in accordance with the deferred commencement condition of this consent.
- (5) Prior to the commencement of any construction activity on the site or the issue of any Construction Certificate for works within the site the applicant shall consult with the NSW EPA and shall provide evidence to the Principal Certifying Authority from the EPA that the works are satisfactory with regard to the existing Section 35 EHC Act Order No. 220 dated 16/08/1990.
- (6) Prior to commencement of any construction activity on the site or the issue of any Construction Certificate for works within the site the applicant shall prepare a detailed phase 2 site contamination report to the satisfaction of the Principal Certifying Authority. If this report recommends a remediation action plan (RAP) then the applicant shall provide a site audit statement under the Contaminated Land Management Act, 2008, to both the Council and the PCA following completion of the remediation and prior to the release of any Construction Certificate.
- (7) The development shall at all times comply with an Operation Environmental Management Plan approved by Council. This plan shall incorporate all recommendations from the reports annexed to the Environmental Impact Assessment prepared by AECOM and submitted in respect of Development Application No. 010.2010.00000921.001.
- (8) The Principal Certifying Authority shall not issue any Construction Certificate for this development unless it has received a copy of an Operation Environmental Management Plan endorsed by Council.

- (9) A compliance audit of the development shall be undertaken by an independent environmental scientist or town planner and a report submitted to Council. The compliance audit shall assess the development's compliance with the conditions of this consent and shall be prepared no less than 12 months after the issue of the first Occupation Certificate for the development and no more than 18 months after the issue of this Certificate. The audit report is to be provided to both the Principal Certifying Authority and Council's senior development assessment officer within one week of its completion.

2. INTEGRATED DEVELOPMENT

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

- (1) The attached General Terms of Approval issued by the Mine Subsidence Board are included as conditions of this Consent.

3. DEMOLITION

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

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to the Principal Certifying Authority prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *Code of Practice for the Safe Removal of Asbestos (2nd Edition – National Occupational Health and Safety Commission) [NOHSC:2002(2005)]*, WorkCover NSW and NSW Department of Environment and Climate Change (DECC) requirements.
- (3) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
- (4) During demolition the control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (5) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (6) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (7) Fire fighting services onsite shall be maintained at all times during demolition works.

- (8) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

4. 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.

- (1) The buildings shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.
- (2) The buildings shall comply with the Disability (Access to Premises - Buildings) Standards 2010 in respect of accessibility for people with a disability.
- (3) All plumbing and drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and Australian Standard AS3500 except where otherwise provided in the Local Government Act 1993 and the Local Government (General) Regulation, 2005.

5. CONSTRUCTION GENERAL

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

- (1) Construction, earthworks or placement of site sheds shall not commence, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works 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.

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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*.

- (3) Prior to the issue of any construction certificate, sufficient information must be forwarded to the Principal Certifying Authority illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (4) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (5) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (6) If the soil conditions require it:
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.
- (7) Council records indicate that the site has previously undergone land filling. The site soil type shall be classified by a suitably qualified engineer. The footing system shall be designed accordingly and full details of the soil classification and footing design shall be provided to the Principal Certifying Authority prior to the release of any Construction Certificate.

6. 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:-

- (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 all 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) Engineering Design Plans for the car parking area, loading area, accesses and stormwater drainage are to be submitted to and approved by the nominated principal certifying authority, prior to issue of a Construction Certificate for any works associated with this development.

Drainage calculations are to be carried out in accordance with "Australian Rainfall and Runoff" published by the Institution of Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

- (4) 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. 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 defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.
- (6) 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.
- (7) Council must be notified in writing, of the applicant's intention to commence construction at least seven (7) days prior to the commencement of said works.
- (8) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction of both civil and building works shall be submitted to Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. If the Building Construction Certificate is issued by a different Principal Certifying Authority than the Engineering Construction Certificate both Certifiers shall assess the plan as it relates to the works the subject of the Construction Certificate before them.
- (9) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

- (10) An Occupation Certificate shall not be issued until such time as all civil engineering works (such as public road works, stormwater drainage, on-site detention, private access road, etc), have reached practical completion and Certificate of Practical Completion of the civil works have been issued by the Principal Certifying Authority.
- (11) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.
- (12) Prior to any occupation of the development or the issue of any Occupation Certificate, a Certificate of Practical Completion for all civil works (road, access, drainage, on-site detention etc.) is to be submitted to the Principal Certifying Authority.

7. DRAINAGE/STORMWATER

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

- (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) A drainage system shall be provided that ensures appropriate management of stormwater from the development. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) The discharge of stormwater from the subdivision shall be carried to a point suitable for integration with either the natural or constructed stormwater drainage system. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.
- (4) If stormwater management works are required within 40 metres of the top of bank of any watercourse, the Principal Certifying Authority shall not issue any Construction Certificate for those works until it has been provided with a Controlled Activity Approval from the NSW Office of Water.

8. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) A concrete vehicular footway crossing shall be provided at all locations where vehicles cross the footway.

- (2) Provision shall be made for vehicles to access and leave the site in a forward direction.
- (3) Seventeen (17) sealed car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m and are to be designed and marked on the pavement in accordance with Development Control Plan No. 7 – Off Street Car Parking.
- (4) In addition to the car parking required by Condition 8(3) of this consent, one (1) car parking space shall be provided for people with mobility impairment in accordance Australian Standard AS2890.6 and the Disability (Access to Premises - Buildings) Standards 2010. These spaces shall have dimensions as required by AS2890.1 and shall be appropriately signposted and marked on the pavement.
- (5) Truck parking shall be provided in accordance with the approved plans.

9. PUBLIC ROADS

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

- (1) Any footpath or road that is required to be opened to provide any services to this development shall not be opened or disturbed until a Road Opening Approval has been granted by Council. Any damage to the footpath, kerb and guttering or roadway shall be repaired at the full cost of the developer.
- (2) The person having the benefit of this consent shall, at no cost to Council or the Roads and Traffic Authority of NSW, construct and dedicate a roundabout intersection and the intersection of Picton Road and Maldon Bridge Road in accordance with the requirements of Council and the RTA.

NOTE: The RTA have provided the following comments on the plans provided in respect of the development application:

(a) The proposed layout shall be designed in accordance with the RTA "Roundabouts – Geometric Design Method" and AUSTROADS Guide to Road Design Part 4B: Roundabouts.

(b) Splitter island entry arcs should direct vehicles into the correct circulating path of the roundabout.

(c) The width of the entry lanes, exit lanes and the circulating roadway should be based on the design vehicle. Maldon Bridge Road and Picton Road east of the junction are 25.0m B-double routes therefore the left turn from Picton Road into Maldon Bridge Road and the right turn from Maldon Bridge Road into Picton Road must cater for a 25.0 B-double with all other turns catering for a 19.0m articulated vehicle.

(d) The island between the left turn lane and the through lane for westbound traffic on Picton Road must be raised to physically separate the movements.

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- (e) The width of the left turn slip lane is inadequate for the tracking of a 25.0m B-double. Turning templates indicate providing the necessary width will encroach on the adjacent property. The RTA however considers that modifications can be made to the roundabout design to accommodate it within the road reserve such as reducing the radius of the inscribed circle and slightly realigning the roundabout.*
 - (f) Turning paths for the appropriate vehicles should be applied to all turning movements.*
 - (g) Cross sections are required to ensure verges, table drains and batters can be contained within the road reserve.*
 - (h) When available profiles of kerbs and islands should be provided to ensure drainage problems are not created.*
 - (i) Contours of the design surface should also be created to ensure the crossfall of the circulating roadway does not exceed 4.0%.*
 - (j) Sight distance should be checked for all approaches.*
 - (k) Approach sight distance required to linemarking on all approaches.*
 - (l) Sight triangles for approach speeds in accordance with Fig.3.1 of AUSTROADS Guide to Road Design par 4B: Roundabouts should be provided to all approaches.*
 - (m) Any vegetation of the central island must be limited in height to 0.6m above the circulating roadway.*
- (3) The existing road pavement and seal along Maldon Bridge Road from the intersection with Picton Road to the southern side of the southern most access point of the development shall be tested by a geotechnical engineer to ascertain the existing pavement strength and where shown to be substandard in relation to additional traffic loadings, pavement strengthening shall be carried out. Details for this shall be included with the engineering plans. With the pavement strengthening being approved by Council prior to the issue of a Construction Certificate.
- (4) Plans of the road and intersections are to be submitted to the Council and NSW Roads and Traffic Authority for approval prior issue a Section 138 permit under the NSW Roads Act 1993. Copies of such permits are to be submitted to Council prior to release of any Construction Certificate.
- (5) A road pavement design and pavement thickness report, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's Specification shall be forwarded to the Principal Certifying Authority a minimum of 7 working days prior to the inspection of exposed sub-grade for pavement thickness determination.
- (6) Prior to the Principal Certifying Authority issuing any Occupation Certificate, adjustments to public utilities and roads required as a result of the development shall be completed at the sole cost to the person having the benefit of this consent.

- (7) All road works in public roads must be sign posted in accordance with AS1742.3 and the Roads & Traffic Authority's "Traffic Control at Work Sites" Manual.
- (8) Street lighting shall be provided in accordance with relevant Australian Standards and in accordance with a plan prepared by an Endeavour Energy approved design consultant at the access points to the site associated with the development at the intersection of Maldon Bridge Road and Picton Road.
- (9) A road safety audit of the proposed roundabout at the intersection of Maldon Bridge Road and Picton Road shall be prepared to the satisfaction of the RTA and Council. Any deficiencies in the design shall be corrected at the full cost of the applicant.
- (10) A road safety audit of the intersection between Menangle Road and Picton Road shall be prepared to the satisfaction of the RTA and Council prior to the release of any Occupation Certificate for the development. This audit shall consider both the existing situation and the projected situation resulting from the development. Where the audit identifies that works are required to bring the intersection to an acceptable standard the applicant shall either undertake those works at their own cost or make a monetary contribution to the Council equal to the proportion of the agreed cost of undertaking those works that can be attributed to traffic from the development. The applicant shall undertake those works or make the relevant contribution prior to the release of an Occupation Certificate for this development.
- (11) Prior to the issuing of the construction certificate for any works with the Picton Road Reserve, the developer shall enter into a Works Authorisation Deed (WAD) with the RTA for those works.
- (12) The proposed access location shall have adequate Safe Intersection Sight Distance to the AUSTROADS standards in both directions, i.e. desirable 181m in both directions for a speed limit of 80km/h.
- (13) Landscaping and fencing should not restrict vehicular sight lines on Picton Road.
- (14) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the RTA. All works shall be completed prior to occupation.
- (15) The RTA will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Picton Road. Given this, Section 138 consent under the Roads Act, 1993 shall be obtained from the RTA prior to construction.
- (16) The developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

10. EROSION AND SEDIMENT CONTROL

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

- (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.

11. EARTH FILL

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

- (1) 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.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) 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.
- (5) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (6) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site. The certification shall be provided within three (3) months of the completion of the development. If the development is not completed within three (3) years of the date of this consent then a surveyors report detailing the extent and depth of fill shall be submitted within the first three (3) years of the consent and annually thereafter until the development is completed.

- (7) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of the Principal Certifying Authority. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Principal Certifying Authority.

12. TRAFFIC MANAGEMENT & ROAD SAFETY

These conditions have been imposed to ensure that development works within the Shire are carried out in a safe manner which is acceptable to Council and members of the public.

- (1) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council. The safety precautions are to be in accordance with the requirements of the RTA's *"Traffic Control at Work Sites"* manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before issue of Construction Certificate for development.
- (2) Prior to the Principal Certifying Authority issuing a Construction Certificate, the person having the benefit of this Consent shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

13. INSPECTIONS

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

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction and at any other stage determined necessary by the Principal Certifying Authority to ensure they comply with the Building Code of Australia and associated approvals.
- (2) 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.

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- After shaping and prior to topsoil/turf placement of overland flow paths.
- When part of the pavement depth (as indicated by Council) has been placed.
- During the roller test, which is to be carried out using a three point roller or approved equivalent.
- A completion of pavement shaping, prior to priming.
- At sealing (minimum 24 hours required after priming).
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade.
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the 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.

- (3) Prior to the issue of a Construction Certificate for this development the following is required to be paid to Wollondilly Shire Council:
- Road Damage Inspection Fee (if development cost greater than \$5,000 and not paid at the time of lodgement of Development Application).

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

- (4) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

14. SERVICES

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

- (1) 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.

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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.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

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

- (2) 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.

15. 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:

- (1) The structures shall not be occupied as a residence or domicile.
- (2) The disturbed areas surrounding the building work shall be reinstated to Council's satisfaction upon completion of the work.
- (3) Prior to occupation of the building or issue of an Occupation Certificate by the Principal Certifying Authority, it shall be serviced with a sewerage management facility (septic system) and have Approval to Operate the Septic System that has been approved by Wollondilly Shire Council.
- (4) The office shall be used in conjunction with the use of the premises and shall not be separately let or occupied.
- (5) The development shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (6) The maximum number of truck vehicle movements to and from the development each day shall be 472 movements. In this condition a **truck** is any light rigid or larger vehicle and a truck entering and then leaving the site is two movements.
- (7) *(Deleted)*
- (8) Dust from the development shall be managed to ensure that no dust is permitted to leave the site.

16. LANDSCAPING

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

- (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 occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) Landscaping is to be provided in accordance with the following standards:
 - A minimum 2.5 metres wide landscape strip exclusive of kerbs at borders across the frontage of the development area excluding access ways and those parts of the development area being used only for stormwater management and treatment;
 - Landscaping throughout the parking area to visually improve the area and provide shade trees; and
 - Landscape strips are to be an integral part of the site including mounding which ties in with the levels (existing or design) at the boundaries. The strip is to be planted with mature trees, shrubs and ground covers and mulched with pine flake/bark. Hard edging is to be provided to retain the mulch, to enable mowing if necessary and to protect the landscaping from damage by vehicles.

17. EARTH DAMS

These conditions have been imposed to ensure all works are carried out in accordance with Development Control Plan 21 - Earth Dams (DCP21).

- (1) The slope of the embankment batter of all earth dams is to conform with the ratio of 3H:1V for both the upstream and downstream slopes.
- (2) The bywash of all earth dams are not to direct flows onto the downstream toe.

- (3) The bywash cut batter for all earth dams are to have a minimum steepness of 1.5:1.
- (4) The bywash of all earth dams are to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area.
- (5) The earth dams are to have a cut off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.
- (8) Upon completion of construction, the works shall be certified by a Geotechnical Engineer, a Registered Surveyor shall prepare work as executed plans, and a copy of all documents shall be submitted to Council for its records and to the Principal Certifying Authority for approval.

18. HEALTHY WATERWAYS

These conditions have been imposed in response to the adoption by Council of the Shire-Wide Stormwater Management Plan and current industry best practice.

- (1) The post development peak flow rate and total volume of the flow shall not be greater than the predevelopment flow conditions. A report certified by a qualified engineer shall be submitted to the PCA, including flow calculations, prior to the release of the Construction Certificate and demonstrating compliance with this condition.
- (2) Stormwater runoff from the site for storm events up to the 1 year ARI are to be treated to the water quality standards as identified in the *"Australian Runoff Quality – A guide to Water Sensitive Urban Design"* published by Engineers Australia. Litter and sediment pollution is to be treated to *Upper Nepean River Catchment Management Plan 1999* standards. Evidence that the proposed stormwater treatment system will achieve these guidelines is to be provided prior to the issue of the Construction Certificate.

19. SECTION 94A CONTRIBUTIONS

These conditions have been imposed in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

- (1) A Section 94A Developer Contribution of \$118,000 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2005 based on an estimated construction cost of \$11 800 000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2010. The contribution is to be paid prior to the release of the Construction Certificate.

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

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

(1) 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.

(2) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

(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.

21. 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) The land is subject to the provisions of Wollondilly Tree Preservation Order, 2008. Under this order consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of this order. The order may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle Street, Picton.
- (4) **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.**
- (5) The applicant is advised that Council reserves the right to restrict the days and hours of operation 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.

- (6) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

- (7) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (8) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Ten Million Dollar Public Liability Insurance.
- (9) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

Should you require further information regarding the above matter, please contact Grant Rokobauer, Senior Development Assessment Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 010.2010.00000921.001

In reply please send to: Picton

Our reference: FN82-00734P0 DB:LE

Your reference: 010.2010.00000921.001

Contact: Darren Bullock (02) 4677 1967

The Manager
Development Services Section
Wollondilly Shire Council
DX 26052
PICKTON

31 January 2011

Dear Sir or Madam

BUILDING APPLICATION NO. TBA11-06976P2
LOT 1-3 DP 231892, 608195, 748675, 748675, 216580 NO 45 MALDON
BRIDGE RD MALDON

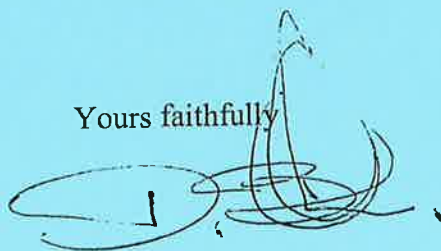
The Mine Subsidence Board has provided General Terms of Approval under Section 15, of the *Mine Subsidence Compensation Act*, 1961 as follows;

The final drawings, to be submitted prior to commencement of construction, are to contain a certification by a qualified structural engineer, to the effect that any improvements, constructed to meet the specifications of such final drawings, will be safe, serviceable and repairable, taking into account the following mine subsidence parameters:

- (a) Maximum vertical subsidence of 600mm.
- (b) Maximum ground strains of ± 2 mm/m.
- (c) Maximum tilt of 6 mm/m.
- (d) Maximum radius of curvature of 10,000 metres.

Please do not hesitate to contact our office should you have any questions.

Yours faithfully

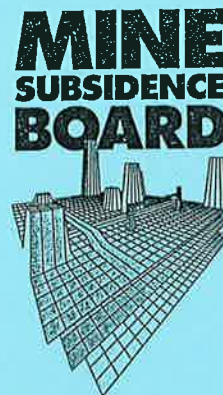


Darren Bullock
District Manager

SCANNED

TRIM
JR

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	DA10/10907P2.
PROP. No.	2 - FEB 2011
AUTH. No.	Grant
ASSIGNED TO:	



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Newcastle West 2302
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Facsimile: (02) 4929 1032
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PICKTON

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