



WOLLONDILLY
SHIRE COUNCIL

Our Reference: DA10\7412 AL
010.2010.0000479.001

NSW Dept of Education & Training
Sites Unit/Asset Management Directorate
PO Box 33
SYDNEY NSW 2000

Att: Robert Saunders

23 September 2010

Dear Sir,

**DEVELOPMENT APPLICATION NO. 010.2010.0000479.001 – BOUNDARY
ADJUSTMENT – LOT 1 DP 420139 & LOT 1 DP 795181, No.s 26 – 28 STATION
STREET MENANGLE – SECTION 116C CONCURRENCE**

Reference is made to the above described Development Application received by Council 15 July 2010.

Council has completed the assessment of this application and is agreeable to granting consent subject to conditions. Pursuant to Section 116C of the Environmental Planning and Assessment Act 1979 a copy of our proposed conditions of consent are provided for your concurrence.

Please note that Council requires written notification that the conditions are satisfactory to the Department of Education before the application can be determined in this way.

Should you require further information, or to discuss the proposed conditions please contact Alexandra Long Senior Development Assessment Planner on 46778226 or the undersigned on 4677 1175.

Yours Faithfully

Michael Kelly
Supervisor Development Assessment
DEVELOPMENT SERVICES

*S 116 C correspondence
attached draft
conditions.*



Our Reference: DA10\7412 AL
010.2010.0000479.001

Lean & Hayward Pty Ltd
DX 5105
CAMPBELLTOWN NSW 2560

Att: Paul Hume

23 September 2010

Dear Sir,

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Yours Faithfully

Michael Kelly
Supervisor Development Assessment
DEVELOPMENT SERVICES

30th Sept 2010
Rang Paul Hume chasing
Dept. of Education's concurrence

4th November 2010
Rang Paul Hume again chasing
concurrence -

25th November 2010
Rang Paul Hume again
TO seek whether
any concurrence
will be given or turned
down by the
Department of Education

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.

- 1.1 Development Consent is granted for the boundary adjustment of Lot 1 DP 420139 & Lot 1 DP 795181 identified as 26 – 28 Station Street, MENANGLE.
- 1.2 Development shall take place in accordance with the endorsed plans submitted in respect of Development Application No. 010.2010.00000479.001, except where varied by the following conditions:
- 1.3 Development shall take place in accordance with the following plan of subdivision:

Plan	Drawing No.	Date	Author
Proposed Boundary Adjustment	77339.01.L01A	21/12/2009	Nil

And supporting Statement of Environmental Effects prepared by Lean & Hayward Pty Ltd dated June 2010.

2. FENCING

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

- 2.1 All fencing is to be installed in accordance with the provisions of Council's Fencing Policy.

3. SERVICES

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

- 3.1 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.

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.

4. LANDSCAPING

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

- 4.1 The development shall be undertaken in accordance with the provisions of Council's Tree Preservation Order. Under the Order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:
- (a) Is greater than 3m in height;
 - (b) Has a girth greater than 45cm at a height of 1m from the ground;
 - (c) Has a branch spread greater than 3m.

5. SUBDIVISION PLANS

These conditions have been imposed to ensure development is undertaken in the appropriate manner.

- (a) **To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) **To outline Council's requirements on work standards for the construction of land subdivision:**

5.1 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.

5.2 Existing easements are to be marked on the Linen Plan of Subdivision.

5.3 A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

- Due to the close proximity of the Southern Railway to the proposed development, future development/dwellings on the proposed Lots are to be designed in accordance with "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 LA_{eq} levels are not exceeded:

- 1. In any bedroom in the building: 35dB(A) at any time 10pm-7am
- 2. Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at anytime.

An 88B Instrument shall contain an appropriate Restriction as to User in this regard and 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.

- 5.4 The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- 5.5 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.

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:-

- 6.1 All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- 6.2 Engineering design plans for access, 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.

7. 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.**

- 7.1 A bitumen sealed driveway shall be provided within the proposed right-of-carriageway from Station St to lot 102. The carriageway shall have a minimum 4.0 metres formation and 3.0 metres seal. A detailed design of the driveway including associated stormwater drainage shall be shown on the engineering plans.

8. EROSION AND SEDIMENT CONTROL

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

- 8.1 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 8.2 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.
- 8.3 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.
- 8.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

9. INSPECTIONS

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

9.1 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.
- At completion of preparation of pavement.
- At sealing
- 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.