

77339.01.LE01

25th November, 2010

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

Attention: Alexandra Long

Dear Alexandra

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	DA1017412
PROP No.	17 DEC 2010
AUTH. No.	4-Long
ASSIGNED TO	

**RE: DRAFT CONDITIONS OF CONSENT - 26 STATION STREET,
MENANGLE - DA No.: 010.2010.00000479.001**

We act on behalf of the NSW Department of Education and Training (DET) and have been instructed by our clients to prepare the following response to the Draft Conditions of Consent issued by Council for DA no. 010.2010.00000479.001.

DET have instructed us to advise Council that the following proposed conditions are objected to.

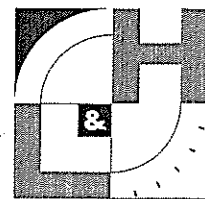
5. Subdivision Plans

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:

- 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.

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



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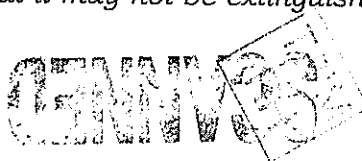
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altered except with the consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the subdivision certificate.

This proposed condition is objected to as this DA is purely for the subdivision of the land to facilitate the land swap between Council and the DET. This condition would be required subject to future DAs being made to Council for the further subdivision Lot 102 for residential purposes. It is not practicable at this time.

6. Engineering and 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 Council's Design Specifications.

This proposed condition is objected to as the proposed development does not involve any engineering works. See comments below in relation to Condition 7.

7. Carparking/Loading/Access

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.

This condition is objected to as, at this time, a bitumen sealed driveway is not required for the right-of-carriageway from Station Street to Lot 102. The proposal is purely for the paper subdivision of the land. Any constructed access requirements would only be generated by any future proposed use of Lot 102 (by Council). Accordingly this should be considered and dealt as part of any separate and future development application for Lot 102 (by Council).

8. Erosion and Sediment Control

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.*

The abovementioned condition is objected to, as the proposal is purely for a paper subdivision and no construction works are proposed.

9. Inspections

- 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.

As has previously been mentioned, the proposed subdivision does not involve any construction works. As such, this condition is not required.

11. Advice

- 11.1 *At all times work is being undertaken with 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.*
- 11.2 *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 alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.*

11.3 A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council. 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.

11.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Ten Million Dollar Public Liability Insurance.

11.5 The following service providers should be contacted before commencement of construction to establish their requirements:

- Telstra (telephone)
- Integral Energy (electricity)
- AGL (gas)
- Sydney Water (water & sewer)

Again, the proposed subdivision does not involve any construction works. Any future construction activities will be the subject of separate DAs. Therefore this condition is not required as part of this consent.

We trust that the above is satisfactory, if you have any questions or require anything further, please contact the undersigned.

Yours faithfully

PAUL HUME
Town Planner