

JOINT REGIONAL PLANNING PANEL
Sydney West Region

JRPP No	20145YW037
DA Number	DA 010.2013.00000042.001
Local Government Area	Wollondilly Shire
Proposed Development	Staged construction of a Sewerage Treatment Plant (STP), Water Recycling Scheme (WRS) with Sewer Rising Main (SRM)
Street Address	150 Condell Park Road WILTON, Kirkwood Chase, WILTON.
Applicant/Owner	Applicant - Solo Water Pty Ltd C/- Planit Consulting Pty Ltd Owner – Lend Lease Communities (Wilton), Transport for NSW and Wollondilly Shire Council
Number of Submissions	One submission received.
Regional Development Criteria (Schedule 4A of the Act)	Regional Development Criteria - The development is private infrastructure for the purpose of a water supply system with a capital investment value of approx. \$11.5 million dollars. The development is Regional Development as defined by the Regional Development Criteria (Schedule 4A (6) of the EP & A Act 1979).
List of All Relevant s79C(1)(a) Matters	This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and found to be satisfactory.
List all documents submitted with this report for the panel's consideration	1. Assessment Report 2. Recommended conditions of consent 3. EPA General Terms of Approval 4. Locality plan 5. Site plan 6. Elevations
Recommendation	Approval with conditions.
Report by	Elliott Weston, Town Planner, Wollondilly Shire Council

1.1 Executive Summary

The proposal includes construction of the STP, associated infrastructure and subsequent supply of recycled water to residents and irrigation systems over recreational land. The development will provide irrigated water to 57ha of golf course, 10ha of open space, and A+ characterised recycled water for domestic use through the 'third pipe' reticulated network to all residents within the Bingara Gorge development. The proposed STP will also provide a sewerage system to the existing Wilton village; however recycled water will not be provided beyond the Bingara Gorge residents.

The proposed development is permissible with consent. The proposal generally complies with the essential criteria and intent of the relevant statutory provisions. There being no outstanding issues or unreasonable additional impacts from the proposal, it is recommended that DA 2013.010.0000042.001 be approved by way of a deferred commencement consent pursuant to Section 80 of the EP& A Act, subject to as recommended conditions at the end of this report. The deferred commencement condition relates to the applicant obtaining a controlled activity approval under the *Water Management Act 2000* (if required).

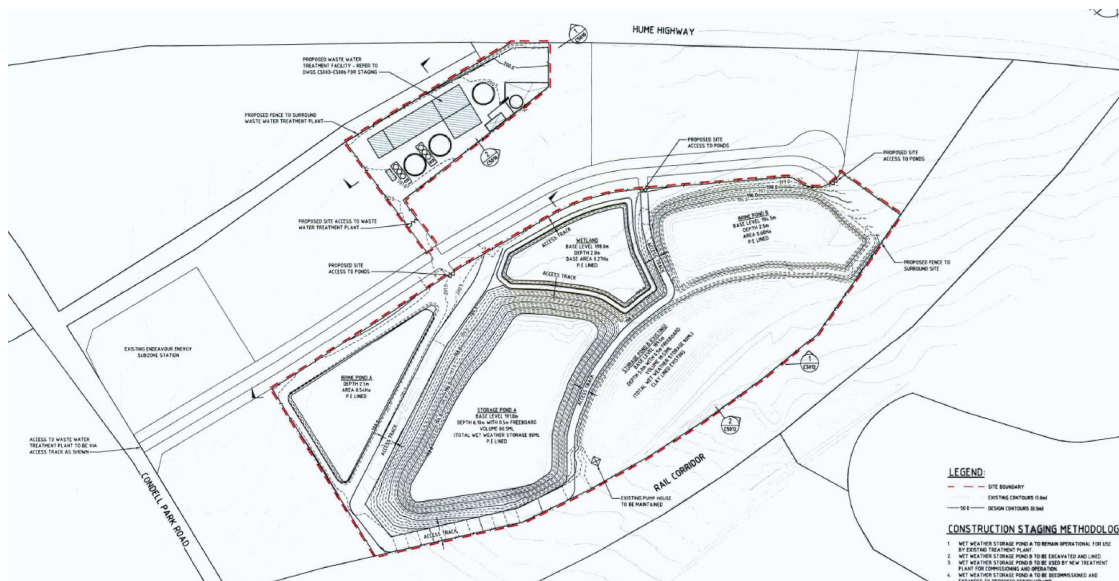


Figure 1: Plan of proposed development submitted in support of the subject DA.

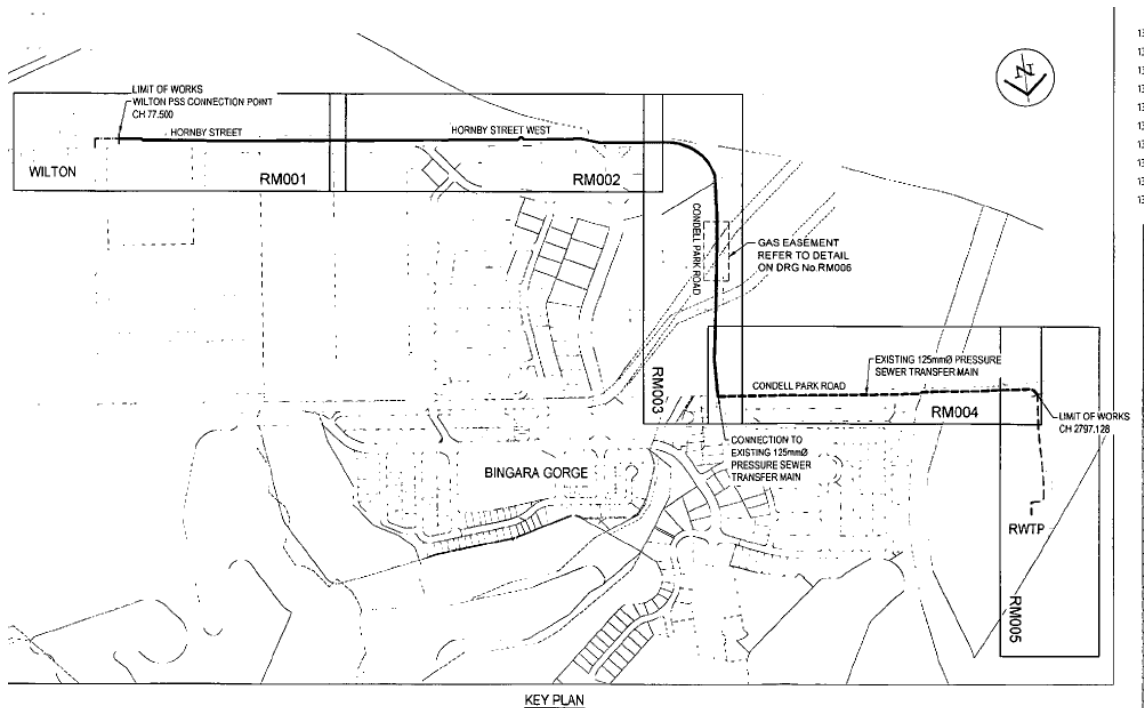


Figure 1A: Plan of proposed route of sewer rising main submitted in support of the subject DA.

1.2 Background

The site forms part of the development area identified for the purposes of development within the “Bingara Gorge Estate” at Wilton. The site benefits from consent issued by Council on 15 May 2006 (ID993-05). This staged development consent provides a Masterplan (subject to further development applications) for development comprising of a 1165 residential lot subdivision, recreational open space, natural environmental lands, a mixed use village centre including both commercial and retail uses, community facilities including a golf course, a sewerage treatment plant and treated waste water reuse scheme.

In 2012 a Voluntary Planning Agreement (VPA) was entered into with the Minister for Planning. The agreement sets out the requirements for the provision of infrastructure and other public services and amenities. The VPA provides for the establishment of and contribution to an Environmental Management Fund, ongoing management of identified environmental and recreational land, and the establishment of the STP. The construction of a plant of sufficient capacity to accommodate the existing and future growth of the development is proposed in the subject development application.

The existing onsite STP is operating under an IPART licence held by Veolia and Lend Lease and services the existing allotments within the Bingara Gorge development. This system is largely contained within an existing shed and has a maximum carrying capacity of 300 equivalent tenement (ET), a standard residential property is considered to have an equivalent tenement ET value of one, which equates to one standard sewerage service charge.

The current system was designed as a temporary measure, is running at capacity and requiring the proponents to “pump out” on a regular basis. Treated effluent from

the existing plant is irrigating onto the first 9 holes of the Bingara Gorge golf course that is already constructed.

1.3 The Proposed Development

The applicant seeks development consent for a Sewerage Treatment Plant (STP), Water Recycling Scheme (WRS) and civil works including a sewer rising main to connect the STP to Wilton Village. The proposed plant will have the capacity to service 6000 persons and 2000ET and is proposed in four (4) stages. In addition to the treatment of sewerage the resulting infrastructure will provide irrigated water to 57 ha of golf course, 10 ha of public recreational open space and provide class A+ recycled water for domestic use to all allotments within the Bingara Gorge estate. The existing Sewerage Treatment Plant (STP) will be decommissioned; the decommissioning of the existing plant will form the subject of further development applications.

The development application, as originally submitted, did not include the sewer rising main comprising of works within the road reserves. This element of the proposal was added to the development application with the agreement of Council. Additional information and amended plans were received by Council 11 April 2014 and subsequently advertised and notified. A further amended plan relating to the proposed holding ponds on site was also further notified to adjoining land owners and all external and internal authorities.

The proposed plant will provide sewerage treatment services to the existing village of Wilton, but does not propose to provide any recycled water service other than to the Bingara Gorge residents. The domestic water re-use is proposed via 'third pipe' (purple pipe) reticulated network to all residential allotments within the Community Title subdivision.

The staging is proposed as follows;

1. Stage 1 will provide 900ET capacity using a two (2) membrane bioreactor (MBR). In addition, installation of a water main, sewer main and sewer rising main from the STP into the Bingara Gorge development land. As an interim measure the existing recycled water network (purple pipe) which services the current development will be charged with potable water from the Sydney Water network;
2. Stage 2 will provide an Advanced Water Treatment Plant (AWTP) for the supply of class A+ recycled water to the residences via the purple pipe system. Stage 2 will provide 1540ET capacity using a four (4) train MBR.
3. Stage 3 will provide the end capacity of 2000ET using additional MBR trains.
4. Stage 4 STP Commissioning Stage 3.

1.4 Site and surrounds

The site is described as Lot 103 DP 1108927, and Lot 23 DP 270536, Condell Park Road reserve, Hornby Street Road reserve and Hornby Street West Road reserve and Railtrack land described as Lot 10 DP 702024 (Maldon Dombarton Rail Corridor).

The site of the STP is located within the “Bingara Gorge” estate which forms part of the residential urban release areas of the Wollondilly Shire. It is located on the northern side of Condell Park Road and is bounded to the north by the Hume Highway, to the west by vacant land and to the east by rail corridor land owned by Transport for NSW. The allotment is irregular in shape and has an area of 11.59 hectares.

The site contains an existing Sewerage Treatment Plant and works. Vehicular access to the site is from Condell Park Road. An aerial photograph is provided at **Figure 3** to give context to the current development proposal and its relationship with the surrounding area.

The subject site also includes the irrigation areas. This extended area of which part works will be proposed has an area of some 92.008 hectares. A plan of proposed irrigation areas submitted in support of the development application is provided at **Figure 4**.

The sewer rising main (SRM) element of the application will require works within road reserves and pipe works will transect the adjacent rail corridor land. The following breakdown is provided by the applicant:

Table 1: Legal Description Summary

Proposal Element	Relation to Existing Lot and DP	Relation to proposed Lot and DP under DA2013.0283	Part Land Area subject to this application
STP & Storage Ponds	Lot 103 DP1108927	Lot 406 on PPN DP1184443 Lot 403 on PPN DP1184443	6.5153ha
Water main and electricity main	Lot 103 DP1108927	Proposed public road reserve under DA2013.0283	11046.57m ² (approx area of proposed road reserve under

			DA2013.0283)
sewer main, sewer rising main and recycled water main	Lot 103 DP1108927 Lot 10 DP702024 Lot 23 DP270536	Proposed public road reserve under DA2013.0283 Lot 406 on PPN DP1184443 Lot 403 on PPN1184443 Lot 401 on PPN1184443 (Lot 10 DP702024 and Lot 23 DP270536 remain as currently described)	14500m ² (approx area of Lot 10 DP702024, Lot 23 DP270536 and Lot 401 on PPN1184443 on which the proposal relates ¹)

Figure 2: Table of land description submitted in support of the subject development application.





Figure 4: Plan of Irrigation areas submitted in support of the development application.

2. Planning Assessment

2.1 Protection of the Environment Operations Act 1997 (POEO ACT 1997)

The POEO Act 1997, prohibits any person from causing pollution of waters or air, and provides penalties for offences. The proposal is characterised within Schedule 1 'Sewerage Treatment' and must be licenced (Environmental Protection Licence) by the Environmental Protection Authority for construction and operation in accordance with the provisions of Section 48 of the POEO Act 1997. The Environmental Protection Licence (EPL) is required for all scheduled activities and would be issued separately. The requirements of scheduled activities are discussed further in Section 2.12 of this report.

2.2 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

The 'capital investment value' (CIV) of the proposal is \$11.5m. Having regard to the CIV being in excess of \$5million, and the development being a listed category, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West as Regional Development as defined by the Regional Development Criteria (Schedule 4A (6) of the EP & A Act 1979). The development has been

assessed in accordance with the matters for consideration under Section 23G, 77A, 79C and 91 of the EP&A Act as follows:

2.3 Section 23G - Joint regional planning panels

A regional panel is empowered as a consent authority and may exercise any powers that would be vested in a consent authority under an environmental planning instrument. In this case, the regional panel is the consent authority as conferred on it under *State Environmental Planning Policy (State and Regional Development) 2011* due to the CIV being in excess of \$5 million and the development being a listed category. Development for which regional panels may be authorised to exercise consent authority functions of councils in accordance with Schedule 4A of the EP&A Act.

As of 7 May 2010, the definition of 'capital investment value' has been included in the Regulation to provide greater certainty as to what items should be included and excluded when calculating the CIV for a project. The following cost estimates have been provided by the applicant. It is noted that the land costs have not been included as per the definition of CIV; however, as the land has already been acquired as part of the previous master plan subdivision for this purpose it is considered reasonable for this cost to be excluded.

Item	Cost Estimate
Wilton Village Rising Main	\$624,654
Recycled Water Lead-in and Sewer Lead-in Mains	\$1,012,456
Treatment Ponds & Associated Infrastructure	\$1,684,328
Waste Water Treatment Plant (Stages 1A,1B, 2 & 3 as per the D&C contract refer extract provided)	\$8,178,562
Total	\$11,500,000

2.4 Section 77A – Designated development

This section provides that 'designated development is development that is declared to be designated development by an environmental planning instrument or the Regulations. Relevant to the subject proposal is Schedule 3 of the Regulation, which identifies those developments to be characterised as designated development. The proposal comprises of a sewerage treatment system and exceeds the capacity listed. The extract below shows that the numerically stipulated trigger is an intended processing capacity of more than 2,500 person's equivalent capacity or 750 kilolitres per day. The proposal will service 6000 equivalent persons and is therefore designated development.

“29 Sewerage systems and sewer mining systems

- (1) Sewerage systems or works (not being development for the purpose of sewer mining systems or works):*
 - (a) that have an intended processing capacity of more than 2,500 persons equivalent capacity or 750 kilolitres per day, or*
 - (b) that have an intended processing capacity of more than 20 persons equivalent capacity or 6 kilolitres per day and are located:*
 - (i) on a flood plain, or*
 - (ii) within a coastal dune field, or*
 - (iii) within a drinking water catchment, or*
 - (iv) within 100 metres of a natural waterbody or wetland, or*
 - (v) within 250 metres of a dwelling not associated with the development.*
- (2) Sewerage systems or works that incinerate sewage or sewage products.*
- (3) Sewer mining systems or works that extract and treat more than 1,500 kilolitres of sewage per day.*
- (4) This clause does not apply to:*
 - (a) the pumping out of sewage from recreational vessels, or*
 - (b) sewer mining systems or works that distribute treated water that is intended to be used solely for industrial purposes.”*

2.5 Section 79C(1)(a)(i) EP&A Act 1979 – Any Environmental Planning Instrument

The following State Environmental Planning Policies are applicable to the proposal:

- State Environmental Planning Policy No 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No 44 – Koala Habitat Protection;
- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State & Regional Development) 2011
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997) – being a deemed State Environmental Planning Policy.

2.6 State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

The proposal does not trigger the need for a preliminary hazard assessment in accordance with the provisions of SEPP 33. SEPP 33 deals with the definition of, and control of, hazardous and offensive developments. The policy also requires specified matters to be considered for proposals that are ‘potentially hazardous’ or ‘potentially offensive’ as defined by the legislation. The operation of the proposal will use minimal

chemical storages and is not consistent with any of the definitions contained within SEPP 33. No further assessment is required in this regard.

2.7 State Environmental Planning Policy No 44 – Koala Habitat Protection

The flora and fauna assessment undertaken and Council's internal environmental referral does not identify the site as containing Koala habitat. The development does not propose the removal of any vegetation. The proposal is consistent with the provisions of SEPP No 44 – Koala Habitat Protection.

2.8 State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 deals with the remediation of land, the consent authority is required to consider the items listed under Clause 7. As stated by Clause 7:

- “(1) A consent authority must not consent to the carrying out of any development on land unless:*
- (a) It has considered whether the land is contaminated, and*
 - (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is:*
- (a) Land that is within an investigation area,*
 - (b) Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) On which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."

Councils Contamination Officer has assessed the proposal and advised that; Council is aware of the land having been used as a waste management facility within the meaning of the contaminated land planning guidelines.

Consideration is required as to the potential contamination of the land and its suitability for the proposed use. This consideration includes assessment of the site for existing contamination and possible remediation of the land to make the site suitable for the development.

The risk of contamination impacting this proposal is considered extremely low for the following four reasons;

1. No change of use for the land is proposed, that is a waste water treatment facility for a waste water reticulation scheme.
2. The source of contamination is the waste water which will retain the same character before and after the development.
3. There is a separate regulatory regime for the management of risk to human environmental health from wastewater and the potential contaminants.
4. Environmental health frameworks of regular testing for contamination of the water is required as part of the operational requirements of the past facility and any future facility.

The land is considered to be in a satisfactory state for the proposed land use. To apply the framework of the *Contaminated Land Management Act 2008*, to this proposal would be an unnecessary duplication. The proposal can proceed without any special conditions relating to land contamination.

2.9 State Environmental Planning Policy (Infrastructure) 2007 - (SEPP Infrastructure)

SEPP Infrastructure covers a range of infrastructure facility, development and works and outlines permissibility. The SEPP also includes requirements for referrals to a number of agencies where a proposal may impact upon an element, land or operation controlled by that authority. The following comment is provided against the relevant clauses:

"86 Excavation in, above or adjacent to rail corridors

- (1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*

- (a) *within or above a rail corridor, or*
 - (b) *within 25m (measured horizontally) of a rail corridor. or***
 - (c) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) *take into consideration:*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*
- (4) *In deciding whether to provide concurrence, the chief executive officer must take into account:*
- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
- (a) *the consent authority has given the chief executive officer notice of the development application, and*
 - (b) *21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence."*

The proposal will result in the construction of a section of recycled water main, a sewer main and sewer rising main from the treatment plant site across the adjoining rail corridor and significant excavation of storage ponds directly adjacent to the rail corridor and within the numerically stipulated 25m trigger. In accordance with the requirements of Clause 86 of SEPP (Infrastructure) 2007 the proposal must be referred to the chief executive of the Transport for NSW for concurrence.

On 2 February 2014, the application was referred to the Chief Executive Officer of Rail Track Corporation for Concurrence.

On 28 April 2014, Council received a letter from John Holland dated 23 April 2014, confirming that “[t]he New South Wales Government's Transport for NSW is the landowner of the Country Regional Network (CRN) railway lines across NSW. As of 15 January 2012, John Holland Rail Pty LTD (JHR) has been appointed to manage the CRN.”

On 29 August 2014, Council received written confirmation from Dan Champness, Property Manager Country Rail Contracts, Transport for NSW confirming that Transport for NSW had no concerns with the application and that the written confirmation should serve as concurrence from Transport for NSW.

Despite the confirmation provided by Dan Champness of Transport for NSW, Clause 86(5) of SEPP (Infrastructure) 2007 provides that, the consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:

“(a) the consent authority has given the chief executive officer notice of the development application, and

(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.”

In accordance with Clause 86(5) of SEPP (Infrastructure) 2007, the JRPP may grant consent without the concurrence of chief executive Officer of Transport for NSW if it is considered that the written concurrence of Dan Champness, Property Manager Country Rail Contracts, Transport for NSW is insufficient. This point is made as Council has no evidence that the subject Officer has delegation of the Chief Executive Officer.

“106 Development permitted with or without consent

(1) Development for the purpose of sewage treatment plants or biosolids treatment facilities may be carried out:

(a) by or on behalf of a public authority or any person licensed under the Water Industry Competition Act 2006 without consent on land in a prescribed zone, and

(b) by any other person with consent on land in a prescribed zone.

(2) Development for the purpose of water recycling facilities may be carried out:

(a) by or on behalf of a public authority or any person licensed under the Water Industry Competition Act 2006 without consent on land in a prescribed zone, and

(b) by any other person with consent on land in a prescribed zone or on any land where the development is ancillary to an existing land use.

However, such development may be carried out on land reserved under the National Parks and Wildlife Act 1974 only if the development is authorised by or under that Act.

(3) Development for the purpose of sewage reticulation systems may be carried out:

(a) by or on behalf of a public authority or any person licensed under the Water Industry Competition Act 2006 without consent on any land, and

(b) by any other person with consent on any land.

However, such development may be carried out on land reserved under the National Parks and Wildlife Act 1974 only if the development is authorised by or under that Act.

In accordance with Clause 106(3)(b) of SEPP (Infrastructure) 2007 development for the purposes of sewage reticulation system may be carried by any other person on any land with consent. The proposal cannot be undertaken without consent under the SEPP and accordingly the provisions of Part 4 of the EP& A Act are applicable.

2.10 State Environmental Planning Policy (State and Regional Development) 2011 – SEPP(State & Regional Development)

SEPP (State & Regional Development) outlines proposals which are considered state significant and which are regional development. Clause 20 of the Policy provides that development listed within Schedule 4A of the EP&A Act is considered regional development and development to which the JRPP is the consent authority. This has been previously discussed in Section 2.3 of this report. The development is characterised as regional development in accordance with Schedule 4A(6) as detailed provided below:

“Private infrastructure and community facilities over \$5 million

Development that has a capital investment value of more than \$5 million for any of the following purposes:

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, **sewerage systems**, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.”*

2.11 Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2-1997) – (SREP 20)

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. SREP20 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal has been assessed and found to be in accordance with the general planning considerations set out in Clause 5 of the plan and the relevant specific planning policies and related recommended strategies set out in Clause 6.

Particular consideration has been given to environmental values of the downstream environment in Stringybark Creek. The proposed STP has been designed with the following emergency release points (extract from EIS page 57) :

- “Infrequent emergency overflow of a diluted mixture of storm water and sewage from the existing gravity sewerage pump station into a tributary of Stringybark Creek;
- Precautionary and emergency discharges of recycled water from the wet weather storage in less than 50% of years into a tributary of Stringybark Creek;”

The environmental values of the downstream environment in Stringybark Creek relate to the protection of aquatic ecosystems and primary contact recreation. The water quality objectives will be provided by the Environmental Protection Authority (EPA) and imposed as conditions of any consent issued through the Integrated Development process and required EPL. The ongoing management plan and imposed conditions of consent will ensure the water quality objectives for Stringybark Creek are achieved and that the development is consistent with the objectives of SREP 20.

2.12 Section 91 EP&A Act 1979 – What is “Integrated Development”

Integrated development is development that, in order to be carried out, requires development consent and one (1) or more specified approvals under a number of other Acts. Under the provisions of the EP&A Act 1979, the proposed development is classified as ‘integrated development’ as it requires the following approvals:

1. An approval to alter or erect improvements within a mine subsidence district or to subdivide land therein under Mine Subsidence Compensation Act 1961;

In accordance with Clause 15 of the Mine Subsidence Compensation Act 1961 the proposed site is located within the Wilton Mines subsidence district. As per the requirements of Clause 15(2A) an approval is required to alter or erect improvements within a mine subsidence district. As listed with Clause 91 of the EP&A Act 1979 an approval under the *Mines Subsidence Compensation Act 1961* is required. Approved plans stamped 15 April 2014 have been received from the Mine Subsidence Board (MSB) for the proposed Sewerage Treatment Plant. Approved plans stamped 24 April 2014 were received from the MSB for all aspects of the development including the SRM.

2. A controlled activity approval under the *Water Management Act 2000*;

The proposed development will require works within 40 meters of the top bank of four (4) intermittent drainage lines associated with Stringybark Creek. As such a Controlled Activity Approval is required to be granted by the NSW Office of Water in accordance with the *Water Management Act 2000*.

Council notes that the applicant did not identify that works were proposed within 40m of a stream through identifying the development as integrated development on the development application under s91 of the *Water Management Act 2000*. Council identified that the works may require a Controlled Activity Approval late in the assessment process and did not wish to further delay the assessment of the development application.

A deferred commencement condition is recommended in order to obtain a Controlled Activity Approval prior to acting on any consent issued.

2.14 Environmental Planning and Assessment Regulation 2000 (The Regulation)

Designated Development – The proposed development is ‘Designated Development’ under the provisions of Schedule 3 of the Regulation. The proposal fits the definition of ‘sewerage systems and sewer mining systems’ and the proposal will service 6000 equivalent persons and exceeds the trigger of 2500 persons in accordance with Clause 5.2.2 (1)(a). An Environmental Impact Statement (EIS) has been prepared which addresses matters raised by the Regulation. Council has given special consideration as to the Director Generals Requirements (DGR) which directs that “*an appropriate and justified level of consultation*” is undertaken as part of the EIS requirements. Council has requested additional information from the applicant and is now satisfied that the preparation of the EIS has been subject to an appropriate and justified level of consultation.

2.15 Wollondilly Local Environmental Plan 2011 - (WLEP 2011)

Permissibility

The subject site is zoned IN2 Light Industrial under the provisions of WLEP 2011. WLEP 2011 is a ‘Standard Instrument LEP’ prepared in accordance with S33A of the EP&A Act, which was published and commenced on 23 February 2011.

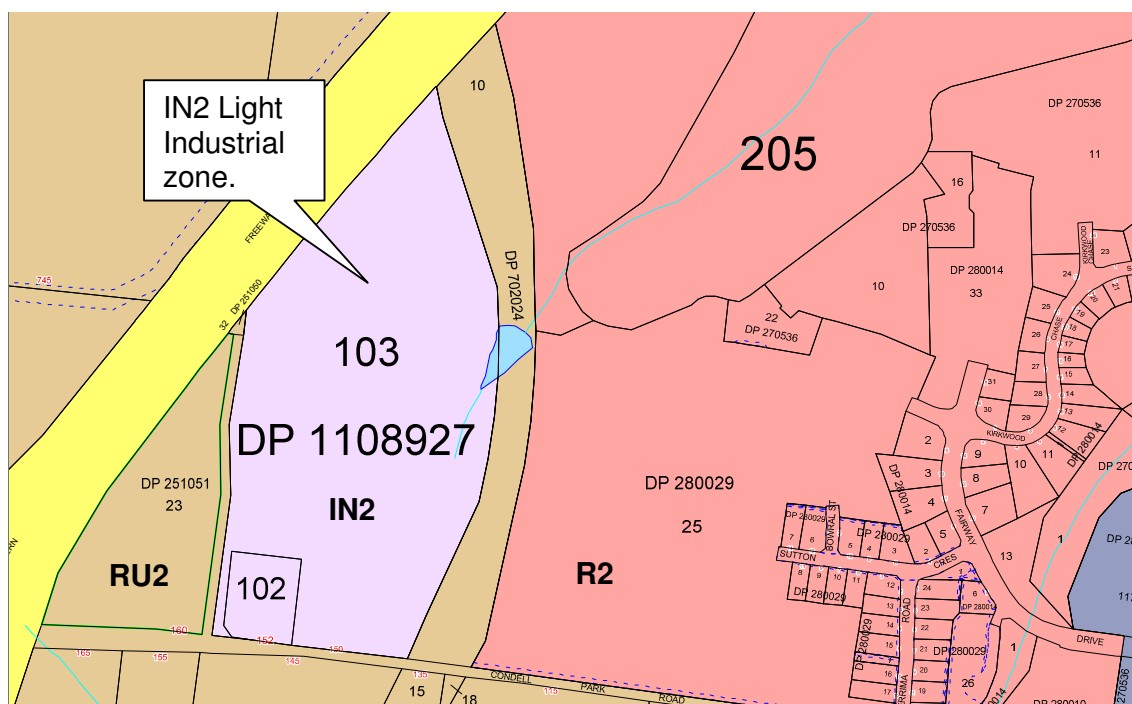


Figure 5: Extract from the WLEP 2011 Land Zoning Map.

The proposal is defined as sewerage system which is permissible with development consent. The definition of sewerage system is provided below:

“sewerage system means any of the following:

- (a) biosolids treatment facility,*
- (b) sewage reticulation system,*
- (c) sewage treatment plant,*
- (d) water recycling facility,*
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d).”*

The objectives of the IN2 Light Industrial zone are as follows:

“1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.*
- To encourage employment opportunities and to support the viability of centres.*
- To minimise any adverse effect of industry on other land uses.*
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- To support and protect industrial land for industrial uses.*
- To ensure development does not impact on the viability of land within Zone B1 Neighbourhood Centre.”*

The proposal is consistent with most relevance to the second objective, providing an employment opportunity and supporting the viability of centres. The proposal also enables other land uses that provide facilities or services to meet the day to day needs of workers in the area. In fact, the proposal will result in the enabling of most development relating to the locality. While the proposal is not strictly consistent with other specified objectives, the development will enable further development consistent with the objectives as well as being not in-consistent with the objectives overall.

Part 7 Local provisions – general

Clause 7.3 Water Protection

Works are not proposed within the land mapped as “sensitive land” on the Natural Resources Map. Please see Figure 6 below.

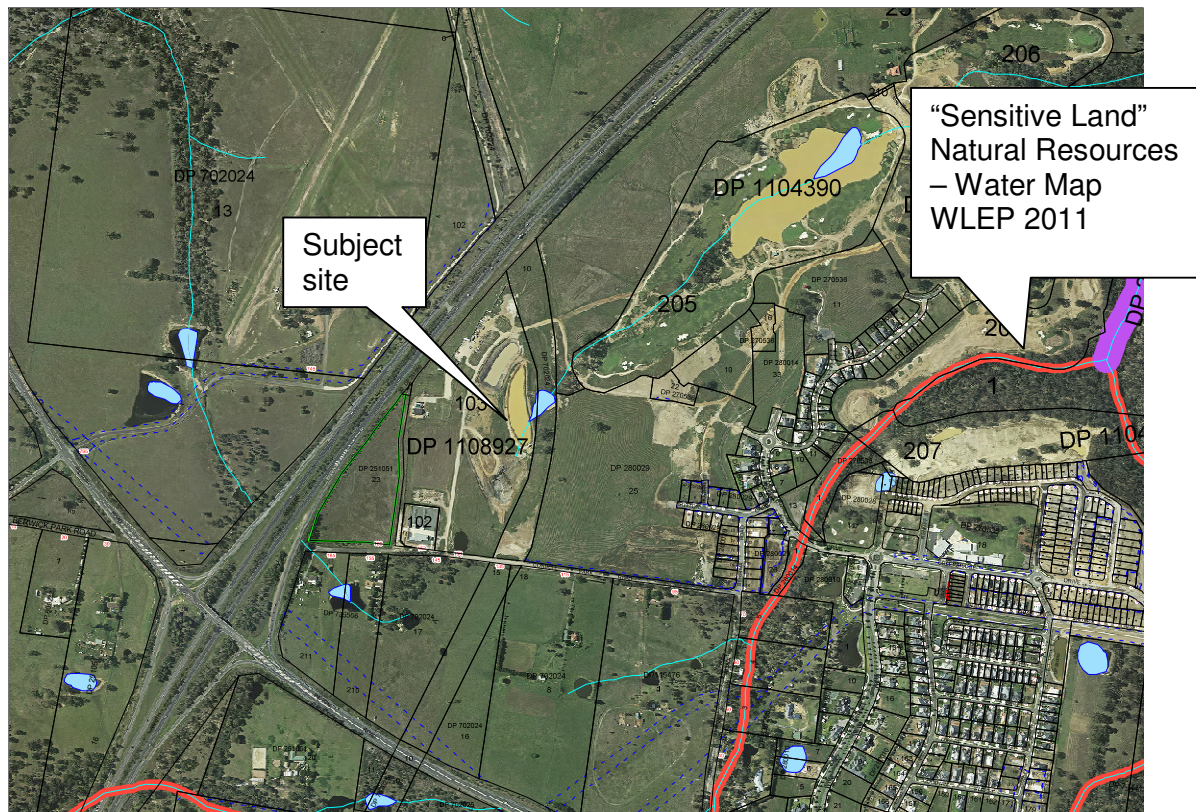


Figure 6: Extract from “Sensitive Land” Natural Resources – Water Map WLEP 2011.

However the objectives of the clause are triggered by the precautionary and emergency discharges released from the golf course irrigation and discharging into the tributary to Stringybark Creek. The objectives of the clause are as follows:

- “(1) The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following:

 - (a) water quality,*
 - (b) natural water flows,*
 - (c) the stability of the bed and banks of waterways,*
 - (d) groundwater systems.**
- (2) This clause applies to land identified as “sensitive land” on the Natural Resources—Water Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:

 - (a) the water quality of receiving waters,*
 - (b) the natural flow regime,*
 - (c) the natural flow paths of waterways,**

- (d) *the stability of the bed, shore and banks of waterways,*
- (e) *the flows, capacity and quality of groundwater systems.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.”*

The environmental values of Stringybark Creek have been discussed previously in this report. The intent is to specify the Environmental Protection Licence conditions relating to discharge limits and monitoring requirements after completion of an environmental management plan by the proponent. It is considered that the water quality objectives will ensure that the development will be managed to minimise any likely adverse impact consistent with the above objectives of the clause.

Clause 7.5 Earth Works

While the site is relatively flat and no substantial cutting or filling of land is required for the built environment significant, large scale excavation is proposed for the creation of the sewer treatment ponds. The earthworks associated with the storage ponds utilised by the treatment system will result in some 26529m³ being excavated from the sewer treatment ponds. It is proposed to use the spoil within the Bingara Gorge development site and surrounds as select fill.

“(1) The objectives of this clause are as follows:

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

(2) Development consent is required for earthworks unless:

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects."

The excavation of the site has been assessed with particular consideration from Councils Engineers. Conditions of consent have been recommended with regard to the management, storage and re-use of the excavation spoil. This includes the transport arrangements to and from the storage sites within the Bingara Gorge development. While standard sediment and erosion conditions of consent are recommended, they will support the additional conditions to ensure no disruption of or any detrimental effect on existing drainage patterns and soil stability is secured.

3 Section 79C(1)(a)(ii) EP&A Act 1979 – Any Draft Environmental Planning Instruments

There are no draft environmental planning instruments applicable to the subject land.

4. Section 79C(1)(a)(iii) EP&A Act 1979 – Any Development Control Plan

The relevant sections of Wollondilly Development Control Plan 2011 (WDCP 2011) are outlined below.

Volume 1 – General Part 2 – 2.1 Notification and Advertising

In accordance with the provisions of this section the application was advertised for 30 days commencing 19 February 2014 with no submissions received. Due to the addition of the sewer rising main and works within the road reserves the application was re-advertised for 30 days commencing 24 April 2014 with one submission received. The submission is discussed further in this report.

Volume 1 – General Part 2 – 2.14 Water Management

The applicant has outlined measures and recommended conditions of consent will require measures outlined in the publication Managing Urban Stormwater: Soils and Construction (the 'Blue Book') will be incorporated. The proposal is consistent with the objective to ensure development and ongoing management and use of land protects and enhances riparian area and watercourse wherever possible in their natural state.

Volume 5 – Industrial & Infrastructure Uses – 2.3.10 Stormwater Management

The proposal is satisfactory with the general objectives for all “*Industrial and Transport and Infrastructure*” of Volume 5 of the WDCP 2011. In particular to ensure that industrial development has a neutral or beneficial effect on the natural and built environments and to ensure soil conservation and sediment control measures are implemented during and post construction. As previously discussed conditions of consent will impose all reasonable management actions to minimise impacts on and contribute to the achievement of protection of relevant environmental values.

Volume 7 – Site Specific Controls – Bingara Gorge Estate, Wilton Park

The site is identified with site specific development control guidelines as part of the WDCP 2011. Bingara Gorge Estate at Wilton is identified on the Urban Release Area Map in accordance with *Wollondilly Local Environmental Plan 2011* (WLEP 2011). The proposal is consistent with the general objectives.

Volume 7 – Site Specific Controls – Part 2.4 Controls for other important sites.

The Concept Plan of the likely future development within the site includes the boundaries of precincts and the location of other features such as a site for the school, sewerage treatment plant, electricity substation etc. The location of the site has already been approved for use as a sewer treatment plant and is consistent with the requirements of Part 2.4 of Volume 7 of WDCP 2011.

5. Section 79C(1)(a)(iiia) EP&A Act 1979 – The Provisions of any Planning Agreement

The proposed development is not subject to the provisions of a Voluntary Planning Agreement.

6. Section 79C(1)(a)(iv) EP&A Act 1979 – The Regulations

This section is not applicable (to the extent that they prescribe matters for the purposes of this paragraph), any relevance to the Regulations have been discussed previously in this report.

7. Section 79C(1)(b) EP&A Act 1979 – The Likely Impacts of the Development

Environmental Impacts

The development will deliver substantial environmental benefits by accepting sewerage and the treatment and recycling of waste. The required Environment Protection Licence will regulate operations and will minimise opportunity for adverse

environmental impact. The development will contribute to the environment while reducing potential for environmental harm to occur.

Acoustics

An acoustic assessment was conducted to determine what impact the proposal would have on noise receivers. The assessment was carried out in accordant with the EPA (OEH) NSW *“Industrial Noise Policy”*. A list of 3 residential noise sensitive receivers, or potentially affected noise sensitive receiver have been identified. The range of distance from the residences to the STP is from 260m to 350m. A noise management plan has been submitted and it is considered sufficient to ensure the STP would not impact on nearby receivers due to acoustic losses of distance.

Access, Transport and Traffic

Vehicle access been assessed as satisfactory by Council’s engineers and no objection has been raised by the RMS. Conditions of consent are recommended requiring a Section 138 of the Roads Act certificate. A maintenance agreement for local roads that will be affected by the installation of the rising main and all road restorations will be imposed by recommended conditions of consent. Council’s traffic engineer has assessed the proposal against the relevant development standards; no objection has been raised.

Context and Setting

The development will be visible for motorists travelling south along the Hume Highway. While extensive landscaping has been approved by other industrial development consents that may screen the development, conditions are recommended requiring additional landscape plans and screening for the development from the public space of the Hume Highway and from the internal spaces of Bingara Gorge estate.

8. Section 79C(1)(b) EP&A Act 1979 – The Suitability of the Site for the Development

The proposed works will provide essential infrastructure for the area, the site has been previously assessed and approved for the use, therefore the context and setting is considered entirely suitable for the proposed works. The proposal is considered appropriate with regards to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

9. Section 79C(1)(c) EP&A Act 1979 – Any Submission made in relation to the Development

9.1 Referrals

The proposal was notified in accordance with the requirements of Section 79 of the EPA & A Act and Council’s Advertising & Notification Procedures. At the conclusion

of the notification period, there was one (1) submission received which is discussed further in this assessment report.

Internal Consultation

Engineer	No objection subject to conditions for inclusion in any consent
Building Surveyor	No objection with no conditions required.
Health Officer	No objection with no conditions required.
Environmental Officer	No objection subject to conditions for inclusion in any consent
Contamination Officer	No objection subject to conditions for inclusion in any consent
Growth Manager	No objection with no conditions required.

External Consultation

Mines Subsidence Board	Approved plans received.
Roads and Maritime Services	No objection received.
Sydney Water	No objection received.
Railtrack (John Holland)	General comments were received and where appropriate conditions were included on the development consent.
Environment Protection Authority	General Terms of Approval issued.
APA Gas	No objection.

9.2 Community Consultation

In accordance with the provisions of this section the application was advertised for 30 days commencing 19 February 2014 with no submissions received. Due to the addition of the sewer rising main and works within the road reserves the application was been re-advertised for 30 days commencing 24 April 2014 with one submission received.

The submission was phrased not by way of an objection but a concern with regard to possible odour impacts of the development from a resident of Bingara Gorge. Additional information was provided to the resident and the concern was forwarded to the EPA to form part of that authorities assessment. It is considered that the additional information provided was adequate as no further correspondence has been received.

10. Section 79C(1)(e) EP&A Act 1979 – The Public Interest

The application is not expected to have any negative impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

11. Section 94A Assessment

Date of Lodgement	29 January 2014
Relevant Contributions Plan	2011 Plan
Cost of Development	\$11,500,000

Description	Levy	Condition Required
Non-residential development with proposed cost exceeding \$200,000.	1.0%	YES

12. Conflict of Interest Statement

I declare that I have no potential or actual conflict of interest in assessing this application.

13. Conclusion

This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C(1) of the Environmental Planning & Assessment Act 1979. The proposal is permissible with consent in the IN2 Light Industrial Zone under the provisions of Wollondilly Local Environmental Plan 2011 and is consistent with applicable provisions of the LEP. It is also consistent with the requirements of Wollondilly Development Control Plan 2011. No variations to any relevant provisions have been sought.

14. Recommendations

That development application No. 010.2014.0000042.001 be approved by way of a deferred commencement consent pursuant to Section 80 of the Environmental Planning & Assessment Act 1979, subject to the following conditions:

DEFERRED COMMENCEMENT CONSENT has been granted to the Application in accordance with the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979 (as Amended).

THIS CONSENT WILL BECOME VALID AND MAY BE ACTED UPON SUBJECT TO MEETING THE FOLLOWING REQUIREMENTS.

- (1) A Controlled Activity Approval under the Water Management Act 2000 must be obtained for any proposed works within 40m of the top bank of the existing watercourses.
- (2) A copy of the Controlled Activity Approval granted by the NSW Office of Water shall be submitted to Council in order to satisfy this Deferred Commencement condition.
- (3) Should the NSW Office of Water determine that a Controlled Activity Approval is not required, a copy of the NSW Office of Water's written advice to this effect must be submitted to Council.

NOTE:

1. Nothing in this deferred commencement consent permits the commencement of any works or development as proposed in this application until the receipt of confirmation of valid development consent from Council.
2. This deferred commencement consent will lapse if the above requirement has not been satisfied within five (5) years of the date of the deferred commencement consent.
3. Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.
4. Once the consent is valid, the development will also be subject to the following conditions outlined below.

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.

All Stages

- (1) Development Consent is granted for staged construction of a Sewerage Treatment Plant (STP), Water Recycling Scheme (WRS) with Sewer Rising Main (SRM) at Lot: 103 DP: 1108927, Lot: 10 DP: 702024 & Lot: 23 DP: 270536, 150 Condell Park Road, WILTON Kirkwood Chase, WILTON.
- (2) In accordance with s83B(3) of the Environmental Planning and Assessment Act, 1979, development consent is granted for development in the following stages.
 - a) Stage 1: Installation of water main, sewer main, sewer rising main from the STP site, early works package and bulk earthworks.
 - b) Stage 2: STP Commissioning Stage 1.
 - c) Stage 3: STP Commissioning Stage 2.
 - d) Stage 4: STP Commissioning Stage 3.

This consent does not operate to limit the carrying out of development on each of the stages concurrently.

- (3) Development shall take place in accordance with the following plans, except where varied by the following conditions:

Plan Title	Drawn By	Plan Number	Issue	Dated
Drawing Schedule and Locality Plan	Cardno Pty Ltd	82014013-01-C5000	F	3/4/2014
Existing Site Layout	Cardno Pty Ltd	82014013-01-C5001	B	3/4/2014
Proposed Site Layout Plan	Cardno Pty Ltd	82014013-01-C5002	C	2/4/2014

Waste Treatment Stage 1	Water Plant	Cardno Pty Ltd	82014013-01-C5003	C	3/4/2014
Waste Treatment Stage 2	Water Plant	Cardno Pty Ltd	82014013-01-C5004	C	3/4/2014
Waste Treatment Stage 3	Water Plant	Cardno Pty Ltd	82014013-01-C5005	C	3/4/2014
Waste Treatment Stage 4	Water Plant	Cardno Pty Ltd	82014013-01-C5006	C	3/4/2014
Bulk Earthworks Layout Plan		Cardno Pty Ltd	82014013-01-C5007	B	3/4/2014
Waste Treatment Building Layout Plan	Water Plant	Cardno Pty Ltd	82014013-01-C5008	B	2/4/2014
Waste Treatment Building Elevations	Water Plant	Cardno Pty Ltd	82014013-01-C5009	C	2/4/2014
Waste Treatment Plant Site Cross Sections		Cardno Pty Ltd	82014013-01-C5010	B	9/12/2013
Proposed Stormwater Layout Plan		Cardno Pty Ltd	82014013-01-C5011	D	3/4/2014
Typical Pond Cross Sections Plan		Cardno Pty Ltd	82014013-01-C5012	C	2/4/2014
Service Layout Plan		Cardno Pty Ltd	82014013-01-C5013	B	2/4/2014
Soil and Water Management Plan		Cardno Pty Ltd	82014013-01-C5014	B	3/4/2014
Stage 1 Chemical Dosing Layout Plan		Cardno Pty Ltd	82014013-01-C5015	D	As Stamped
Ultimate Chemical Dosing Layout Plan		Cardno Pty Ltd	82014013-01-C5016	C	3/4/2014
Pressure Sewer Transfer Main Cover Sheet		Pressure Systems Solutions Pty Ltd	130830-RM000	A	20/9/2013
Pressure Sewer Transfer Main Layout Plan & Longitudinal Section Sheet 1 of 5		Pressure Systems Solutions Pty Ltd	130830-RM001	A	20/9/2013
Pressure Sewer Transfer Main Layout Plan & Longitudinal Section Sheet 2 of 5		Pressure Systems Solutions Pty Ltd	130830-RM002	A	20/9/2013
Pressure Sewer Transfer Main Layout Plan & Longitudinal Section Sheet 3 of 5		Pressure Systems Solutions Pty Ltd	130830-RM003	A	20/9/2013
Pressure Sewer Transfer Main Layout		Pressure Systems	130830-RM004	A	20/9/2013

Plan & Longitudinal Section Sheet 4 of 5	Solutions Pty Ltd			
Pressure Sewer Transfer Main Layout Plan & Longitudinal Section Sheet 5 of 5	Pressure Systems Solutions Pty Ltd	130830- RM005	A	20/9/2013
Pressure Sewer Transfer Main High Pressure Gas Easement Crossing Details	Pressure Systems Solutions Pty Ltd	130830- RM006	A	20/9/2013
Pressure Sewer Transfer Main Pinch Valve Detail	Pressure Systems Solutions Pty Ltd	130830- RM101	A	20/9/2013
Miscellaneous Details	Pressure Systems Solutions Pty Ltd	130830- RM102	A	20/9/2013
Air Valve Details Sheet 1 of 2	Pressure Systems Solutions Pty Ltd	130830- RM103	A	20/9/2013
Air Valve Details Sheet 2 of 2	Pressure Systems Solutions Pty Ltd	130830- RM104	A	20/9/2013

Development consent is granted to carry out development on the part of the land to which each of the stages above relates. No further development applications are required to be lodged with Council in respect of that part of the site.

- (4) Development shall take place in accordance with the recommendations of the following reports (as amended) and lodged in respect to the Development Application:

Report Title	Author	Reference Number	Date
Environmental Impact Statement	Planit Consulting	N/A	December 2013
Onsite Wasterwater Management Plan	Harvest	H10053_R3A	30/10/2013
Odour Assessment	Vipac Engineers & Scientists Ltd	29N-13-0131-TRP- 515605-0	13/12/2013
Effluent Irrigation Assessment	Harvest	H10053_R6A	30/10/2013
Reverse Osmosis Reject Evaporation Pond Water Balance	Harvest	H10053_R4A	30/10/2014
Stormwater & Services Report for Development Approval Purposes	Cardno	NA82014014-001- Report 002 Ver 1	13/12/2013
Construction Noise Management Plan	Vipac Engineers & Scientists	29N-13-0131-TRP- 342378-0	13/12/2013

Environmental Impact Statement (Addendum)	Planit Consulting	N/A	February 2014
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- (5) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2014.00000042.001 received on 29/01/2014 except where varied by the following conditions of consent.
- (6) Works shall not commence on the site and no temporary buildings shall be placed on the site and no; site excavation, filling, removal of trees or other site preparation shall be carried out prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (7) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (8) The building shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (9) 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.

- (10) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. INTEGRATED DEVELOPMENT

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

All Stages

- (1) The attached General Terms of Approval issued by the NSW Environment Protection Authority are included as conditions of this Consent.

- (2) A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

3. 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.

All Stages

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development.
- (2) The building shall incorporate earthy colours. Pale or patterned brickwork, or multi-coloured or bright reflective roofs shall not be used.

4. CONSTRUCTION GENERAL

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

All Stages

- (1) Construction shall not commence (with the exception of any site survey works), nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) 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 if further clarification is required.
- (3) All construction/building work shall be restricted to between 7.00am and 6.00pm Mondays to Fridays (inclusive) and between 7.00am to 1.00pm Saturdays, if inaudible at any point at the boundary of any adjoining property, otherwise 8.00am to 1.00pm; and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (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) A Construction Certificate shall be approved by the nominated Principal Certifying Authority prior to commencement of works for the internal fit-out of the premises.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

SUPPORT FOR NEIGHBOURING BUILDINGS

- (7) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage; and
 - (b) if necessary, must underpin and support the building in an approved manner; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (8) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this Clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this Clause, allotment of land includes a public road and any other public place.

PROTECTION OF PUBLIC PLACES

- (9) If the work involved in the erection or demolition of a building:
 - (a) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
 - (b) Building involves the enclosure of a public place;

A hoarding or fence must be erected between the work site and the public place.

- (10) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (11) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

5. 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.

Stage one

- (1) 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.

- (2) Engineering plans prepared in accordance with condition 5(1) shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 1. This work shall be completed prior to the final Occupation Certificate for Stage 4

All Stages

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

6. PUBLIC ROADS

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.

Stage One

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council’s adopted Design and Construction Specification.
- (2) In accordance with Section 138 of the Roads Act a s138 Consent Certificate must be obtained from Council’s Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of a s138 Consent Certificate.

- (3) Prior to construction work commencing a joint inspection, with the contractor, person having the benefit of this consent and Council, of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by the installation of the rising main and all road restorations. All existing road crossings shall be under bored to avoid trenching across roads.
- (4) A bond shall be provided to Council, prior to the issue of a Construction Certificate, to cover the cost of repairs to affected roads should this work not be carried out by the contractor. The bond shall be 10% of the estimated construction cost for the installation of the sewer rising main.
- (5) A Plan of Management for the excavated material, to provide the sewerage ponds, shall be provided to Council as the appropriate Roads Authority prior to the issue of a Construction Certificate. The Plan of Management shall detail: where this material will be stockpiled; where the material will be used; and will include a maintenance plan for all roads used for the haulage of the excavated material.
- (6) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. A builders security deposit is to be lodged with Council prior to any work being undertaken on the property. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (7) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction 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 Council with the s138 consent.
- (8) Prior to the issue of the Occupation Certificate, a Certificate of Practical Completion for all civil works within private property (road, access, drainage, on-site detention etc.) is to be submitted to the Principal Certifying Authority.
- (9) 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.

7. DRAINAGE/STORMWATER

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

All Stages

- (1) All stormwater is to be treated on site.
- (2) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (3) The discharge of stormwater from the site 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) All drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and AS3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.

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.**

Stage Four

- (1) A concrete dish drain crossing or piped culvert 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) To ensure adequate loading and unloading facilities, a loading and unloading area measuring a minimum of 7.6m long by 3.75m wide shall be provided. This area is to be line marked, signposted and kept clear of obstructions and goods at all times.
- (4) The person having the benefit of this consent shall provide a reinforced concrete or asphaltic concrete driveway from the access point of the site to the car parking area to Council's Specification.
- (5) Provision shall be made for vehicles to access and leave the site in a forward direction.
- (6) An Occupation Certificate shall not be issued until such time as all civil engineering works (such as 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.
- (7) In accordance with the provisions of Wollondilly Development Control Plan 2011 – Four (4) 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 marked on the pavement in white line marking paint. The car parking spaces are to be provided in accordance with the titled Plan Waste Water Treatment Plant Stage 1, prepared by Cardno Pty Ltd, Plan No. 82014013-01-C5003, Revision C, dated 3 April 2014.
- (8) The internal driveways shall be constructed with an all-weather surface and shall be compatible with the external colours, materials and finishes of the buildings. A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted with the Construction Certificate to demonstrate compliance with Australian Standard AS2890.1(2004). All dimensions are

to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

9. EROSION AND SEDIMENT CONTROL

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

All Stages

- (1) 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.
- (2) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (3) 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.
- (4) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (5) Plans consisting of the following information shall be provided to the nominated Principal Certifying Authority for approval before issue of any Construction Certificate for the development:
 - Location of earthworks, areas of cut and fill and regrading.
 - Location and design criteria of erosion and sediment control measures.
 - Site access for works.
 - Location of top soil and stockpiles.
 - Proposed techniques for re-vegetation of all disturbed areas.
 - Procedures for maintenance of erosion and sediment control measures.
 - Details and procedures for dust control.
- (6) All disturbances to the site must be re-instated to ensure that there is no sediment and erosion runoff and no waste is to remain on site.
- (7) All site earthworks and construction is to be carried out in accordance with the sediment and erosion control measures contained within the Stormwater & Services Report for Development Approval Purposes, prepared by Cardno, Reference No.NA82014014-001-Report 002 Ver, dated 13/12/2013 (as amended).
- (8) Irrigation will be scheduled and controlled by soil moisture probes ensuring over irrigation and run off and excessive deep percolation of recycled water to groundwater does not occur. Subsurface irrigation will be used within 20 metres of a sensitive receptor, i.e. dwelling, natural waterways etc.
- (9) Provision of substantial emergency storage at the WWTP site and in the sewerage networks that exceeds 36 hours at average flows.
- (10) Wet weather mode of operation, is to accord with Table 15: Summary of Wet Weather

Mode Operation, on pages 93 and 94 of the Environmental Impact Statement, prepared by Planit Consulting, dated December 2013.

- (11) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.

10. EARTH FILL

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

All Stages

- (1) No fill from outside of the Bingarra Gorge Estate is to be brought onto the site without the consent of Council.
- (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) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) The person having the benefit of this consent shall provide Council with an Audit Report of the fill to be used in carrying out this development, prior to commencing works. The Audit Report must be carried out by a suitably qualified and practising professional.
- (6) 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 NSW Office of Water.
- (7) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (8) Where Council cannot 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.
- (9) 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.

11. INSPECTIONS

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

All Stages

- (1) Where Wollondilly Shire Council is nominated as the Principal Certifying Authority, building works shall be inspected at the following stages of construction to ensure they comply with the Building code of Australia and associated approvals:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Structural steel work before covering.
 - Stormwater drainage before backfilling.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.
- (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.
 - 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.

Note: Recycled water is defined as water derived from wastewater that has been treated to a standard which is satisfactory for its intended re-use application.

12. SERVICES

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

Stage one

- (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.

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

- (2) Documentary evidence must be provided to Council that a licence has been granted under the Water Industry Competition Act 2006 (WICA) for the design, installation and operation of the proposed on-site sewage management system prior to the issue of a Construction Certificate or, alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.
- (3) Documentary evidence must be provided to the effect that licence has been granted under the Water Industry Competition Act 2006 for the design, installation and operation of the proposed recycled water supply system prior to the issue of a Construction Certificate or, alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.

All Stages

- (4) All power and services provided with the site within the site shall be installed underground.
- (5) Wastewater from the development shall be managed and disposed of in accordance with the recommendations of the Onsite Wastewater Management Plan No. H10053_R3A prepared by Harvest and dated 30/10/2014 and submitted *in respect of the application*.

13. SECTION 94 CONTRIBUTIONS

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

Stage One

- (1) A contribution of \$ 115,000.00 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2005 based on a 1%

levy for non-residential development with a value exceeding \$200,000.

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 2005. The contribution is to be paid prior to the release of the, Construction Certificate.

14. 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:

All Stages

- (1) The area shown to be for the purpose of external storage shall be screened from view from a public place. Such screening shall be indicated on the detailed landscape plan.
- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (4) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act (as amended) 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act (as amended) 1979.
- (5) All deliveries and/or service vehicles associated with the development are to occur between the hours of 7am and 3pm Monday to Saturday (Sunday and Public Holidays excluded).

(Reason: This condition is imposed to protect the amenity of the adjoining residents and the broader Bingarra Gorge Estate.)

15. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

All Stages

- (1) An application under the provisions of the Environmental Planning & Assessment Act and State Environmental Planning Policy No.64 – Advertising and Signage, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

16. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

17. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

Stage One

- (1) A Weed Eradication and Management Plan shall be prepared by a suitably qualified and experienced person(s) and shall be submitted to and approved by Council prior to the commencement of any works. The plan is to include:
 - (a) An inventory of all Noxious and Environmental Weeds on the development site and a site plan indicating weed infestations with referenced to the species and degree of infestation (ie. Low, Medium or High);
 - (b) A Treatment Schedule in tabulated form, specifying for each species;
 - the method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - the rates of application methods of all herbicide treatments;
 - the primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - the timing of all treatments.
 - (c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site; and
 - (d) Details of any methods of disposal of weed material.

All Stages

- (2) All primary weed treatment measures identified for each stage of the development in the Weed Eradication and Management Plan shall be lodged with Council.

18. LANDSCAPING

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

Stage One

- (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) Mature tree plantings are to be used of no less than 3m.
 - (c) Details of earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of plant species.
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems.
 - (g) At least 85% of the plantings must be native species from the Sydney locale.
 - (h) Implementation, management and monitoring strategies to ensure the establishment and ongoing maintenance of landscaped areas.
 - (i) Landscaping is to be provided to the boundary (excluding the access handle) of Lot: 103 DP: 1108927.
- (2) Landscaping is to be installed in accordance with the approved Plan referenced in Condition 18(1), as part of Stage 1 of the development. The landscaping must be maintained in accordance with the details provided on that Plan for the life of the development.

19. FENCING

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

Stage One

- (1) Any proposed security fencing shall be located behind the landscaped area at the frontage of the site. Details for this fencing, including elevations, shall be provided to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.
- (2) A fencing plan, drawn to scale shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate for stage one of the development.
- (3) All fencing is to be installed in accordance with the provisions of Council's Fencing Policy.

20. STORAGE PONDS

These conditions have been imposed to ensure all works associated with the effluent ponds meet the required engineering and design standards.

Stage Four

- (1) No part of any pond embankment is to encroach within 3.0m of the property boundary.
- (2) 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.

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

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

All Stages

COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989

- (1) 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:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia;
 - (b) 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.
- (2) This condition does not apply:
 - (a) 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
 - (b) to the erection of a temporary building.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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) 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.
- (3) 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.
- (4) 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)
- (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) **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.**
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2010 with regard to the preservation of trees and vegetation. Under these plans 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 both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton

Should you require further information regarding the above matter, please contact Mr E Weston, Development Assessment Planner on phone (02) 46771162 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. 010.2014.00000042.001