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## Joint Regional Planning Panel (JRPP) Meeting 3 March 2016

**JRPP No. 2015SYW147 (DA0467/15) – Vegetation removal, earthworks, the filling of two dams, alterations to a dam, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 59 residential lots, two open space lots and a residue lot**

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<b>JRPP No:</b>	2015SYW147
<b>Council DA No:</b>	DA0467/15
<b>Council:</b>	Hawkesbury City Council
<b>Property Address:</b>	96 and 322 Grose Vale Road, North Richmond, 2754
<b>Legal Description:</b>	Lot 74 DP 1187236 (96 Grose Vale Road) Lot 26 DP 1042890 (322 Grose Vale Road)
<b>Applicant:</b>	North Richmond Joint Venture
<b>Owner:</b>	BD NSW (MR) Project 007 Pty Ltd (96 Grose Vale Road) Kemsley Pastoral Co Pty Limited (322 Grose Vale Road)
<b>Zoning:</b>	96 Grose Vale Road – R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and RE1 Public Recreation 322 Grose Vale Road – RU4 Primary Production Small Lots
<b>Area:</b>	160.3Ha (96 Grose Vale Road) 35.52Ha (322 Grose Vale Road)
<b>Proposal:</b>	Joint Regional Planning Panel – Subdivision – Vegetation removal, earthworks, the filling of two dams, alterations to a dam, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 59 residential lots, two open space lots and a residue lot
<b>Estimated Cost:</b>	\$21,095,160.00
<b>Date Received:</b>	27 July 2015
<b>Exhibition Dates:</b>	13 August to 10 September 2015
<b>Submissions:</b>	Two
<b>Date Formal:</b>	4 February 2016
<b>Assessing Officer:</b>	Andrew Johnston – Senior Town Planner
<b>Key Issues:</b>	– Minimum Lot Size Controls – Satisfactory Arrangements – Heritage Impacts – Flora and Fauna Impacts

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### Overview of Report

#### 1.0 Executive Summary

This application seeks approval for a residential subdivision at 96 and 322 Grose Vale Road, North Richmond. The subdivision is to form a part of the Redbank residential land release and involves the creation of 59 additional residential lots within the Belmont Precinct.

A portion of land within 322 Grose Vale Road is to be used to allow for the construction of a new access road to service the subdivision.

The application meets the criteria for determination by the Sydney West Joint Regional Planning Panel (JRPP) as the development has a Capital Investment Value (CIV) in excess of \$20 million.

The proposed subdivision generally satisfies Council's planning controls and certification of satisfactory arrangements has been received from the Department of Planning and Environment. The proposal is acceptable and is recommended for conditional approval.



## **Background**

### **3.0 Site Description and History**

#### **3.1 Site and Locality Description**

The main property, 96 Grose Vale Road, is legally identified as Lot 74 in DP 1187236 and has a site area of approximately 160.3Ha. This site primarily consists of cleared undulating land, with a central saddle running east-west to create two distinct valleys. The land is located on the northern side of Grose Vale Road, west of the North Richmond residential area and Peel Park, east of the Belmont Grove rural residential area and south of Redbank Creek.

Together with 98 Grose Vale Road and 26 Arthur Phillip Drive, which have each been approved for seniors housing developments, the area is collectively known as 'Redbank'.



*Figure 2 – Locality Plan*

Part of the site is located on the former property 'Yobarnie' and is subject to a State heritage-listing under the Heritage Act 1977. Yobarnie is of heritage significance as it is where the Yeoman's Keyline system of agriculture was first developed, trialled and demonstrated. A number of dams associated with this irrigation system are located on the property.

The land varies in height from approximately 60-90m AHD along Grose Vale Road down to Redbank Creek at approximately 20-40m AHD. The slope of the site varies from reasonably flat terrain to land in excess of 15%. The land is above the adopted 1-in-100 year Hawkesbury River flood event level of 17.5m AHD.

The land contains some large stands of remnant vegetation and creek lines which contain threatened ecological communities and threatened fauna and habitat resources.

The property at 322 Grose Vale Road is legally described as Lot 26 DP 1042890 and has an area of approximately 35.52Ha. This property is known as Peel Farm and is currently used for agricultural (grazing) purposes. A dwelling house and outbuildings are located on the property.



### 3.2 Development History

96 Grose Vale Road has been previously used for grazing and contains remnants of the former Richmond to Kurrajong railway line.

Subject to a Planning Proposal this former rural land was rezoned to primarily allow residential development. Indicative plans submitted with the Planning Proposal detail that the site may accommodate approximately 1,400 dwellings. The resultant Local Environmental Plan Amendment was gazetted on 11 April 2014.

The overall Redbank development is to contribute approximately 30% of Hawkesbury City Council's housing targets for 2031.

322 Grose Vale Road does not form a part of the Planning Proposal.

A Voluntary Planning Agreement (VPA) for the site was endorsed by Council, the Roads and Maritime Services (RMS) and the developer on 20 August 2014. Works required under this Agreement include the dedication of land towards the extension of Peel Park, the construction of community facilities, public infrastructure and road improvements. The possible construction of a new multi-span bridge over the Grose River at Yarramundi is to be considered with the submission of a future application.

At its Extraordinary Meeting of 9 September 2014, Council resolved that:

1. *Following the statements made to the current hearings being undertaken by ICAC (Operation Spicer) by executives of Buildev that an \$18,000 donation was made to the 2011 election campaign of Member for Londonderry, Bart Bassett, Hawkesbury City Council will act in the best interests of the residents of Hawkesbury by adopting the following:*
  - (a) *That this Council makes an in principle commitment to promoting the maximum amount of transparency with regard to all planning processes which occurred in relation to the North Richmond rezoning and subsequent development application for a 237 lot subdivision.*
  - (b) *That Councillors receive a report setting out all options available to Council to halt any further processing of DA's or other applications associated with the North Richmond rezoning until Operation Spicer has produced its final report.*
  - (c) *That when the report following the current ICAC hearings (Operation Spicer) is issued a report be submitted to Council in relation to any findings regarding the planning process for the rezoning of Redbank at North Richmond.*
2. *The Mayor write to the Minister for Planning, Pru Goward, seeking the immediate suspension of all planning matters, DA's or other applications associated with the North Richmond rezoning until Operation Spicer has produced its final report.*

At its Ordinary Meeting of 30 September 2014 Council resolved to continue the processing of Redbank development applications.

A site-specific Development Control Plan for Redbank was adopted by Council on 25 November and made effective on 9 April 2015.

At this stage the following applications have been approved for the Redbank development site:

<b>Application No.</b>	<b>Development Description</b>	<b>Approval Date</b>
DA0434/14	Subdivision – Torrens title subdivision to create one additional lot (a 'superlot')	30/12/2014
DA0435/14	Temporary Structure – Installation and operation of a temporary sales office	28/08/2014

DA0437/14	Subdivision – Torrens title subdivision to create two additional residential lots	11/12/2014
DA0438/14 (S960042/15)	Subdivision – Torrens title subdivision to create one additional residential lot	30/12/2014
DA0439/14	Subdivision – Torrens title subdivision to create one additional residential lot	24/12/2014
DA0440/14	Subdivision – Torrens title subdivision to create one additional residential lot	11/12/2014
DA0450/14	Subdivision – Torrens title subdivision to create 13 additional residential lots	28/01/2015
DA0451/14	Subdivision – Torrens title subdivision to create 12 additional residential lots	09/06/2015
DA0452/14	Subdivision – Torrens title subdivision to create one additional residential lot	02/06/2015
DA0471/14	Subdivision – Torrens title subdivision to create 237 additional residential lots	30/03/2015

A total of 268 residential allotments have been approved for the development. Civil works associated with the Yobarnie Rise, Mountain View and The Gallery Precincts have commenced onsite however no Subdivision Certificates have been released at this time.

Development Consent No. DA0471/14 for the Yobarnie Rise, Mountain View and The Gallery Precincts was approved by the Sydney West JRPP.

Class 1 Appeals in the Land and Environment (L&E) Court were lodged for Development Application No's DA0451/14 and DA0452/14 however these were discontinued with their approval by Council.

#### 4.0 Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

### **Assessment**

#### 5.0 Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

#### 5.1 Environmental Planning Instruments

### **Hawkesbury Local Environmental Plan 2012**

The proposed subdivision is permissible with consent subject to Clause 2.6(1) of the HLEP 2012.

The area of 96 Grose Vale Road that is subject to this application is zoned R5 Large Lot Residential and RE1 Public Recreation, whilst 322 Grose Vale Road is zoned RU4 Primary Production Small Lots. Clause 4.1(3) and the associated Lot Size Map of the HLEP 2012 establish minimum allotment sizes of 1,500m<sup>2</sup> for the R5 Large Lot Residential zone and 200Ha for the RU4 Primary Production Small Lots zone. No minimum lot size controls apply to the RE1 Public Recreation zone.

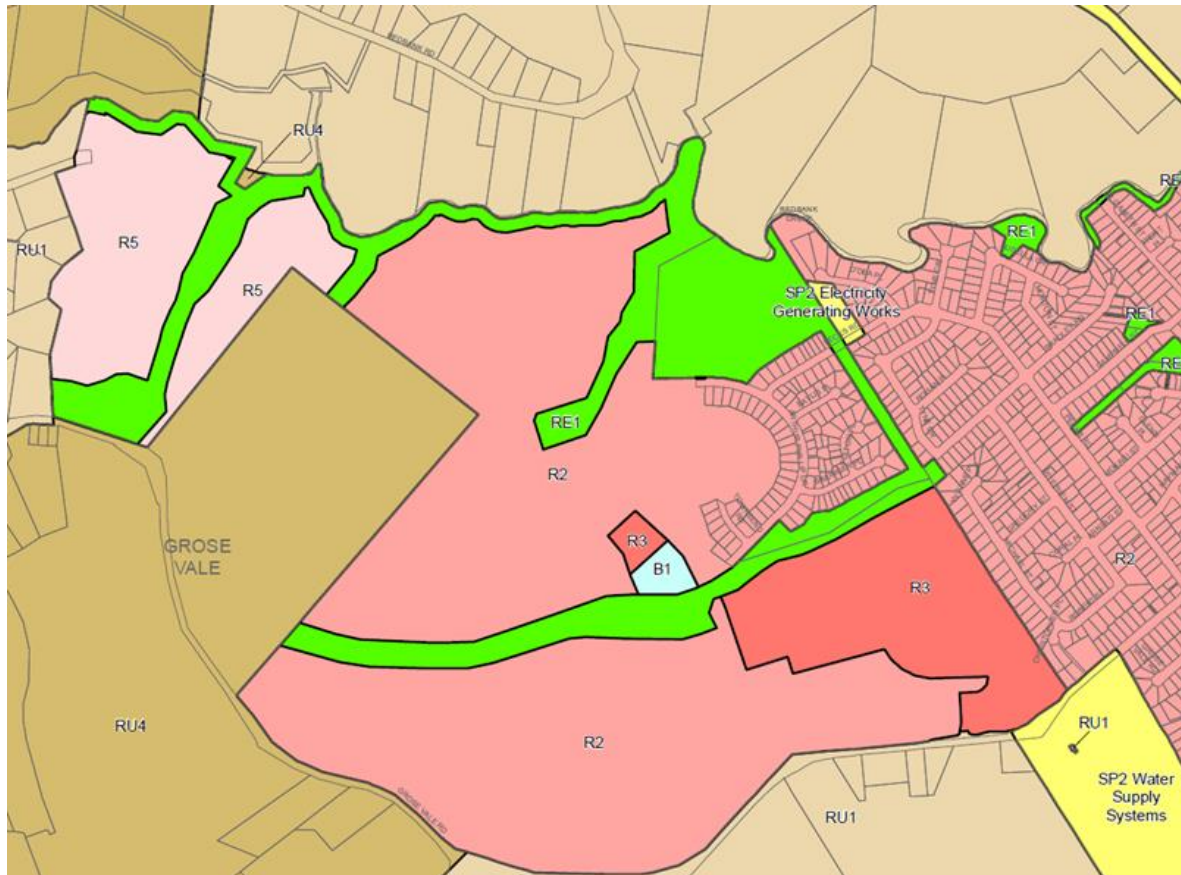


Figure 3 – Zoning Map

Clause 4.1(1) of the HLEP 2012 further outlines the following objectives for Council's minimum allotment size controls:

- (a) *to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways and groundwater as well as any agricultural activity in the vicinity,*
- (b) *to ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal if sewerage is not available,*
- (c) *to ensure a ratio between the depth of the lot and the frontage of the lot that is satisfactory having regard to the purpose for which the lot is to be used.*

With areas ranging from 1,500m<sup>2</sup> to 2,657m<sup>2</sup>, the proposed subdivision complies with the minimum lot size requirements of the HLEP 2012 and will allow for future residential development. The development is generally consistent with the subdivision pattern and layout within the adjoining Belmont Grove rural-residential area.

With the exception of remnant bushland adjoining Grose Vale Road and Redbank Creek, the subject land generally contains isolated native trees with an exotic grassland understorey. The prepared Flora and Fauna Report, including seven part test of significance, details that the development of the land is unlikely to significantly impact threatened species, populations or endangered ecological communities. In this regard it should be noted that the more significant Shale Plains Woodland vegetation community adjoining Grose Vale Road is to be maintained, rehabilitated and later dedicated to Council as open space.

Section 6.7 of the HLEP 2012 requires the provision of essential services to new allotments. Clause 8.3.9(2) of Part E Chapter 8 of the HDCP 2002 further outlines that reticulated sewer is to be provided to all allotments. Sydney Water have now confirmed that the entire Redbank site is included within the

Precinct Acceleration Protocol for the delivery of utilities. Therefore the new allotments are to be provided with potable water and reticulated sewer.

The area of 96 Grose Vale Road that is zoned RE1 Public Recreation is to contain areas of open space, including nature reserves, a revegetation area, a water feature dam, picnic areas and pedestrian paths. Elements of the Keyline system are to be reinterpreted within the areas of this open space. These areas of open space are to be dedicated to Council in accordance with the prepared VPA.

The new access road off Grose Vale Road is located on both 96 and 322 Grose Vale Road, and is within the R5 Large Lot Residential and RU4 Primary Production Small Lots zones. This aspect of the development is permissible as a 'road' within each zone. The area of the new access road may be consolidated within 96 Grose Vale Road as exempt development under Section 2.75(f) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or the road may be simply dedicated to Council upon the completion of the works.

The majority of 96 Grose Vale Road is listed as a State heritage item; the land is not listed as a local heritage item under Schedule 5 of the HLEP 2012. The development of this land for residential development was anticipated in the Conservation Management Plan approved with the Planning Proposal. The Heritage Council have also provided their Terms of Approval and accordingly it is considered that the proposal will not detract from the heritage significance of the site.

Certification from the Department of Planning and Environment that satisfactory arrangements have been made to the contribution of designated State public infrastructure has been provided to satisfy Clause 5.13A(2) of the HLEP 2012.

It is therefore considered that the development will achieve the objectives of the R5 Large Lot Residential and RE1 Public Recreation zones and the provisions of the HLEP 2012.

### **State Environmental Planning Policy (Infrastructure) 2007**

Grose Vale Road is a regional road that is owned and controlled by Council.

The proposal is not defined as 'traffic generating development' under Clause 104 and Schedule 3 of the Infrastructure SEPP. Regardless, the application was referred to the RMS who raised no objection to the proposal on traffic grounds.

A VPA has been entered into between the RMS, Council and the developer and a series of road upgrades are required. These works involve the upgrading of intersections along Bells Line of Road/Kurrajong Road/March Street to accommodate additional traffic. An alternative access route involving the construction of a bridge over the Grose River will also be investigated.

At this stage the intersection of Kurrajong Road and Old Kurrajong Road has been upgraded by the RMS.

Monetary contributions to the RMS will be required prior to the release of the 121<sup>st</sup> lot.

### **State Environmental Planning Policy No. 44 – Koala Habitat Protection**

SEPP No. 44 aims to *"encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline"*.

The Flora and Fauna Report prepared in support of the application includes a survey of the proposed development area to ascertain whether a Koala (*Phascolarctos cinereus*) population resides in the area and whether the vegetation would constitute 'core koala habitat' as defined under SEPP No. 44.

Whilst the land subject to this application does contain a Koala feed species (in particular Forest Red Gums [*Eucalyptus tereticornis*]), no evidence of Koala activity was found. In this regard the report

outlines that no koalas were sighted, no scat was found and no response to the playback of male Koala calls was heard.

The Flora and Fauna Report has been reviewed by Council's Parks Officer and its conclusion that the development will not impact Koala habitat is generally supported.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7(1) of SEPP No. 55 outlines 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".*

The subject property has primarily been used for grazing and there is no evidence to suggest that this portion of the site is contaminated. The Contamination Report prepared in support of the application concludes that this area is suitable for residential development. However, the report outlines that an assessment of the dams has not been undertaken as testing can only be undertaken with the breaching of the dams.

The Contamination Report recommends further assessment of the water, sediment and walls of the dams and, if required, their remediation. Conditions may be imposed to ensure the further testing and remediation of the land. The obtainment of a Validation Report confirming the suitability of the land for residential and recreational purposes will be required prior to the release of the relevant Subdivision Certificate.

### **Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River**

The subject land falls within the boundary of SREP No. 20. This Policy aims *"to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context"*. SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

Clause 11(17) of SREP No. 20 requires Council to consider whether *"the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future"*. In this regard Sydney Water have provided confirmation that the residential allotments will be serviced by reticulated sewerage.

The subject property is located within a rural area, however the site has been rezoned to allow for residential development. The development is to be serviced by a reticulated sewerage system and the proposed subdivision is generally consistent with the objectives and relevant provisions of SREP No. 20.

#### **5.2 Draft Environmental Planning Instruments**

Not applicable.

#### **5.3 Development Control Plans**

### **Hawkesbury Development Control Plan 2002**

The proposed development is considered to be generally consistent with relevant provisions of HDGP 2002:



### Part A Chapter 3: Notification of Development Applications

The application was notified from 13 August to 10 September 2015 as 'advertised development'.

Two submissions were received and are discussed in Section 7 of this report.

### Part D Chapter 3 – Subdivision

The proposal generally satisfies Part D Chapter 3 of the HDCP 2002, with the exception of the road design controls which are superseded by Part E Chapter 8 of the HDCP 2002.

It is noted that Roads 4 and 5 are cul-de-sacs and Road 1 will terminate in a temporary 'dead end' arrangement. Turning templates have been provided which show that a large vehicle can turn via a three-point turn in accordance with Section 6.2.5 of Appendix E – Civil Works Specification of the HDCP 2002.

### Part D Chapter 7 – Landfill

The proposal involves the cutting and levelling of the land to accommodate road construction, drainage and the filling of dams. The supplied documentation indicates that this will involve approximately 157,200m<sup>3</sup> of cut and 142,200m<sup>3</sup> of fill, resulting in surplus material of approximately 15,000m<sup>3</sup>.

Clause 8.3.3(6) of Part E Chapter 8 of the HDCP 2002 outlines that minimal modifications to the landform should be undertaken to the western portion of the site. The earthworks primarily relate the levelling of the land for the new access road and the filling of the dams. The land that is to accommodate the proposed residential allotments and public reserves will generally be maintained at existing levels. On these grounds it is accepted that the earthworks are relatively minor and satisfy Clause 8.3.3(6) of Part E Chapter 8 of the HDCP 2002.

The Applicant has advised that the surplus fill will be used elsewhere on the site or disposed at an appropriate waste management facility. The submission of a Construction Management Plan addressing the location and management of any stockpiles may be conditioned as was the case with Development Consent No. DA471/14.

### Part E Chapter 8: Redbank at North Richmond

Table 8-1 of Part E Chapter 8 of the HDCP 2002 identifies that the land is located within the 'Rural Valley' Precinct. This precinct is to generally comprise of larger rural-residential allotments that may accommodate generously sized dwelling houses. The proposed allotments are consistent with the adjoining Belmont Grove rural-residential area and the subdivisions approved with Development Consent No's DA0438/14, DA0451/14 and DA0452/14. Accordingly it is considered that the subdivision will achieve the aims of the Rural Valley Precinct.

The proposal involves the filling of Dams 1 and 2 and alterations to Dam 10 to allow for its use as a water feature. These dams are of State heritage significance as they are associated with the Keyline system of agriculture. Section 8.3.3 and Figure 8.6 of Part E Chapter 8 of the HDCP 2002 outline controls for the protection and development of the Keyline system.

It is acknowledged that the proposal will impact upon significant elements of the Keyline system, including dams, feeder and irrigation drains. However, the proposed subdivision is consistent with the endorsed Conservation Management Plan and Figure 8.6 of Part E Chapter 8 of the HDCP 2002. In this regard it should be noted that Figure 8.6 of the Plan does not indicate that Dams 1 and 2 must be retained.

Dam 10 will generally be retained in accordance with Figure 8.6 of Part E Chapter 8 of the HDCP 2002, whilst associated drains and equipment may be partially retained and interpreted in accordance with the recommendations of the supplied Heritage Impact Statement.

The Heritage Council have provided their support for the works to the dams and the Keyline system.

The proposed road layout is generally consistent with the street hierarchy plan detailed in Figure 8.22 of Part E Chapter 8 of the HDCP 2002. With road widths of 7.5m and road reserves of 20m the proposed 'typical rural' roads also satisfy the construction requirements of Figure 8.38 of the Plan.

No bus stops are to be provided within the Belmont Precinct.

Clause 8.3.6(1) and Figure 8.11 of Part E Chapter 8 of the HDCP 2002 outlines that the area of Shale Plains Woodland adjacent to Grose Vale Road is to be protected as public open space. The proposal satisfies these provisions of the HDCP 2002 on the basis that this area of native vegetation is to be retained, revegetated and dedicated to Council as open space. The endorsed VPA further requires the preparation of weed management and revegetation plans for the maintenance and future dedication of this land.

Clause 8.3.10.1(3) of the Plan outlines that all dwellings within Redbank are to be provided with a 3,000L rainwater tank which is plumbed for internal use. To ensure compliance with Part E Chapter 8 of the HDCP 2002, and to satisfy broad environmental and sustainability objectives, it is recommended that positive covenants are imposed requiring such installations.

The proposed subdivision will allow for future residential development and is therefore consistent with the provisions of the HDCP 2002.

#### 5.4 Planning Agreements

The VPA has been endorsed by Council, the RMS and the developer. This Agreement includes the dedication of land towards the extension of Peel Park, the construction of community facilities, public infrastructure and road improvements.

Road works (Richmond Bridge approaches including intersection upgrades) will be required to address the Redbank development's traffic impact. The upgrading of the Kurrajong Road and Old Kurrajong Road intersection has been undertaken in accordance with the endorsed VPA.

In accordance with the VPA, monetary contributions to the RMS will be required prior to the release of the 121<sup>st</sup> lot.

#### 5.5 Regulations

Matters specified under the EP&A Regulations 2000 have been considered in the assessment of this application.

The payment of Section 94 or 94A Contributions are not required under the VPA.

#### 5.6 Likely impacts of the Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

These matters have been considered in the assessment of this application.

Council's mapping system indicates that the overall site contains Shale Plains Woodland, Alluvial Woodland and Shale Sandstone Transition Woodland (High and Low Sandstone Influence). Shale Plains Woodland (which is also known as Cumberland Plain Woodland) is listed as being critically endangered whilst Alluvial Woodland (which is also known as Riverflat Eucalypt Forest) and Shale Sandstone Transition Woodland are listed as endangered under the Threatened Species Conservation Act 1995.

The land subject to this application is shown to partially contain Shale Plains Woodland and Shale Sandstone Transition Woodland.

A Flora and Fauna Report has been prepared in support of the proposal. The report describes the land as comprising three distinct survey zones; 'Retained Woodland in South of Site', 'Grazing Land' and 'Riparian Corridor'.

The area referred to as Retained Woodland in South of Site consists of Shale Plains Woodland and is identified as the most significant remnant vegetation within this portion of the Belmont Precinct. This community is to be retained and linked to the riparian vegetation at the north of the site through the retention and revegetation of the connecting open space. A plan of management for the revegetation, rehabilitation and ongoing management of this area has also been prepared.

The Flora and Fauna Report concludes the development of the land is unlikely to have a significant impact on any threatened ecological communities or species as listed under the Threatened Species Conservation Act.

Council's Park's Officer has reviewed the Flora and Fauna Report and agrees that the proposed development is unlikely to have a significant impact on any threatened ecological communities or flora and fauna species. The more significant stands of vegetation will be retained in areas of open space.

It is therefore considered that the proposed development will have no significant adverse impacts upon the natural or built environments or negative social or economic impacts upon the locality.

#### 5.7 Suitability of the Site for the Development

These matters have been considered in the assessment of this application.

With levels ranging from approximately 45m to 85m AHD, the portion of the site that is to accommodate the proposed residential allotments is situated well above the adopted 1-in-100 year flood level of 17.5m AHD.

The prepared Aboriginal Heritage Impact Report outlines that no Aboriginal archaeological sites or features have been identified within the area of the site that is subject to this application.

The site is considered suitable for the proposed development.

#### 5.8 Public Notification

See Section 7 of this report.

#### 5.9 The Public Interest

The matter of public interest has been taken into consideration in the assessment of the application.

The subdivision is consistent with the Planning Proposal's approved Master Plan, the HLEP 2012 and Part E Chapter 8 of the HDCP 2002. As a result it is considered that the approval of this application would be in the public interest.

#### 6.0 Referrals

##### 6.1 Internal

Engineering – Council's Development Engineer has advised that the boundary of the Grose Vale Road reserve should be 10m from the centreline of the road. An area of land adjoining this road will need to be dedicated as road widening to Council to address this issue.

The upgrading of the existing Belmont Grove access may be required under Development Consent No. DA0451/15.

The application was also referred to the Council's Design and Mapping Manager for the Local Traffic Committee. The Design and Mapping Manager has advised that the detailed design for the new

access road, as well as any new regulatory signs and line marking, will need to be approved by the Local Traffic Committee.

Heritage – Council's Heritage Advisor has raised no objection to the proposal.

Parks and Recreation – The area of open space to be dedicated to Council is consistent with the endorsed VPA. The Parks and Recreation Manager has advised that the land to be dedicated to Council should be consolidated into a single allotment for its future management.

Environment – The Parks Officer reviewed the submitted Flora and Fauna Report and has raised no objection to its ultimate conclusions. The Parks Officer has recommended the installation of an overhead wire-rope bridge (or a canopy bridge) over Grose Vale Road to provide safe wildlife movement between the Shale Plains Woodland reserve and the native vegetation opposite.

## 6.2 External

Department of Planning and Environment – The Department of Planning and Environment have provided certification that satisfactory arrangements are in place for the provision of State infrastructure.

Heritage Council – The Belmont Precinct is located within the State heritage-listed Yobarnie Keyline Farm. On account of this listing the application was referred to the Heritage Council as 'integrated development'.

Two dams associated with the Keyline system are to be removed, whilst a third dam is to be altered to function as a sediment basin and then a water feature. These works are generally consistent with the endorsed Conservation Management Plan and significant infrastructure associated with the dams are to be salvaged, labelled and used onsite for interpretation purposes.

A Heritage Interpretation Plan must be prepared and submitted to the Heritage Council for approval.

The Heritage Council is supportive of the proposal and has provided their General Terms of Approval. The obtainment of a Section 60 Permit under the Heritage Act is required.

Rural Fire Service – The subject property is classified as bushfire prone land and accordingly the application was referred to the Rural Fire Service (RFS) as integrated development.

The RFS have advised that they are supportive of the development in accordance with Section 100B of the Rural Fires Act 1997. The RFS has provided their General Terms of Approval, which include the establishment of asset protection zones for the residential lots.

Department of Primary Industries – Water – The subject land is identified as containing two watercourses ('blue lines') and the existing dams are identified as waterbodies. On these grounds the proposal is identified as integrated development and a referral to the Department of Primary Industries (DPI) – Water was undertaken.

DPI Water have reviewed the proposal and provided their General Terms of Approval. These terms may be imposed as conditions of consent.

Roads and Maritime Services – The RMS have raised no objection to the proposal on traffic grounds.

The adopted VPA requires the upgrading of RMS roads.

Sydney Water – Sydney Water have advised that they are able to service the site in terms of water supply and sewerage. Sydney Water have requested the imposition of a condition requiring the obtainment of a Section 73 Certificate.

## 7.0 Public Consultation

### 7.1 Notification and Submissions

In accordance with Part A Section 3.2 of the HDPC 2002 and Section 79A of the EP&A Act, the application was notified as advertised development from 13 August to 10 September 2015. A notice of the development was also placed in the local newspaper as required under the EP&A Regulation 2000.

Two submissions were received in response to the notification of this application. These submissions were received from the North Richmond & Districts Community Action Association (NRDCAA) and a resident of Grose Vale. Matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer:

- *The extensive removal of trees will detract from the rural character of the area and result in adverse flora and fauna impacts.*

Officer's comment: A Flora and Fauna Report has been prepared in support of the application and has been reviewed by Council's Parks Officer. Significant vegetation adjoining Grose Vale Road is to be retained and enhanced.

- *The removal and alteration of dams will detract from the heritage significance of the property.*

Officer's Comment: The removal of Dams 1 and 2 is consistent with Figure 8.6 of Part E Chapter 8 of the HDPC 2002 and is supported by the Heritage Council.

- *The extensive earthworks will alter the levels of the land and remove remnants of the feeder drains associated with the Keyline system.*

Officer's Comment: The works are consistent with Figure 8.6 of Part E Chapter 8 of the HDPC 2002 and is supported by the Heritage Council.

Significant equipment associated with the dam will be salvaged and used in the reinterpretation of the Keyline system.

- *The development of other precincts within Redbank has resulted in pollution of Redbank Creek.*

Officer's Comment: During recent periods of heavy rain Council received complaints that bulk earthworks associated with Development Consent No. DA0471/14 resulted in the pollution of Redbank Creek. Inspections of the site and creek found that inadequate sediment control measures were in place to protect the creek.

Council issued a Penalty Infringement Notice to the contractor for this pollution incident.

Council's Development Engineer recommends the imposition of a condition requiring the development of a Soil and Water Management Plan to address erosion and sediment runoff. This matter has been discussed at length with the Applicant who has agreed to provide a staged erosion and sediment control plan which is to include:

- Calculations of sediment basin sizes;
- Capacity to accommodate rainfall totals;
- Details of channels;
- Fencing details; and
- Source control measures such as spraying with hydroseed.



### **Financial Implications**

The payment of Section 94 or 94A Development Contributions are not applicable to the site, now or in the future. The dedication of land, construction of facilities, public infrastructure works and road upgrades are instead required under the endorsed VPA.

### **Conclusion**

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed subdivision generally satisfies Council's planning controls and is supported by the relevant external referral agencies.

The proposal is acceptable and is recommended for conditional approval.

### **Recommendation**

**That the Sydney West Joint Regional Planning Panel as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0467/15 for a Torrens title subdivision on Lot 74 DP: 1187236 and Lot 26 DP 1042890, known as 96 and 322 Grose Vale Road, North Richmond, subject to the following conditions:**

### **Conditions**

***Development Description:*** Subdivision – Vegetation removal, earthworks, the filling of two dams, alterations to a dam, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 59 residential lots, one open space lot and a residue lot

### **Heritage Council (Office of Environment and Heritage) Conditions**

1. The development must be in accordance with:
  - (a) Statement of Environmental Effects prepared by JBA and dated 17 July 2015 (includes Appendices A-T). Those particularly relevant for heritage assessment are outlined below:
    - (i) Appendix A – Site Plan Drawing No. L-SD-01 Rev 'A' prepared by Arterra Design and dated 6 July 2015.
    - (ii) Appendix C – Detail Survey/Site Plan Drawing No. 16800-12-T prepared by Vince Morgan Surveyors and dated 22 June 2015.
    - (iii) Appendix E – Earthworks, Road and Drainage Works Plans prepared by Craig and Rhodes and dated June 2015.
    - (iv) Appendix F – Landscaping and Public Domain Plans Drawing No's L-SD-00 to L-SD-10 prepared by Arterra Design and dated 6 July 2015.
    - (v) Appendix J – Aboriginal Heritage Impact Statement prepared by Kelleher Nightingale and dated 16 June 2015.
    - (vi) Appendix K – Heritage Impact Statement prepared by Urbis and dated 17 July 2015.
    - (vii) Appendix L – Tree Assessment prepared by Arterra Landscape Architects and dated 30 June 2015.

Except as amended by the conditions of this approval:

2. Recommendations of the Heritage Impact Statement: The recommendations of the Heritage Impact Statement prepared by Urbis and dated 17 July 2015 must be complied with.

3. Heritage Interpretation Plan: A Heritage Interpretation Plan for the whole of the Redbank site must be prepared and submitted with the Section 60 Application for the subdivision of the Belmont Precinct for assessment and approval.
4. Archaeology:
  - (a) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
  - (b) Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment and Heritage.
5. Section 60 Application: An application under Section 60 of the Heritage Act 1977 must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

#### **Rural Fire Services Conditions**

6. Asset Protection Zones: The intent of this measure is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with buildings. To achieve this the following condition shall apply:
  - At the issue of the Subdivision Certificate and in perpetuity the entire property except for the area zoned RE1 Public Recreation shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
7. Water and Utilities: The intent of this measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this the following condition shall apply:
  - Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
8. Access: The intent of this measure for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this the following condition shall apply:
  - Public road access shall comply with Section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
9. Fire Trails: The intent of this measure for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this the following condition shall apply:
  - Fire trails shall comply with Section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

10. Landscaping: Landscaping shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **Department of Primary Industries – Water Conditions**

#### Plans, Standards and Guidelines:

11. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0467/15 and provided by Council:

- (i) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Primary Industries (DPI) – Water must be notified to determine if any variations to these GTA will be required.

12. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this application is land and material in or within 40 metres of the top of the bank or shore of the river identified.

13. The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan  
(ii) Erosion and Sediment Control Plan  
(iii) Soil and Water Management Plan

The proponent must ensure that the remaining dam is appropriately authorised under the Water Management Act 2000 with a Works Approval in the name of the owner of the 'riparian block' and that a Water Access Licence with sufficient entitlement is connected to the approval to account for the volume of water held in the dam that is in excess of the Maximum Harvestable Rights Dam Capacity for the property. Harvestable rights can be calculated on the DPI Water website: [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

14. All plans must be prepared by a suitably qualified person and submitted to DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Vegetation Management Plans  
(ii) Riparian Corridors  
(iii) In-stream Works  
(iv) Outlet Structures  
(v) Watercourse Crossings

15. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.

#### Rehabilitation and Maintenance:

16. The consent holder must carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by DPI Water.

17. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by DPI Water.

Reporting Requirements:

18. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.

Security Deposits:

19. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to DPI Water as and when required.

Access Ways:

20. The consent holder must design and construct all ramps, stairs, access ways, cycle paths, pedestrian paths or other non-vehicular forms of access so that they do not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.
21. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular forms of access in a riparian corridor other than in accordance with a plan approved by DPI Water.

Bridge, Causeway, Culverts and Crossings:

22. The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.

Disposal:

23. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.

Drainage and Stormwater:

24. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
25. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.

Erosion Control:

26. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation:

27. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.

Riverbed and Bank Protection:

28. The consent holder must establish a riparian corridor along Redbank Creek in accordance with a plan approved by DPI Water.

**Hawkesbury City Council Conditions*****General Conditions***

29. The development shall take place generally in accordance with:

- Drawing No. L-SD-01 Rev 'A' – DA12 – Belmont Precinct Context Plan prepared by Arterra Design Pty Ltd and dated 6 July 2015;
- Drawing No. 16800-12-T – Detail Survey/Site Plan prepared by Vince Morgan Surveyors and dated 22 June 2015;
- Drawing No. 16800-12-L3 – Notification Plan prepared by Vince Morgan Surveyors and dated 17 June 2015;
- Drawing No's 1768C-DA-S2B-E001, E004, E005, E009, E111, E121, E122, E123 and E901 – Earthworks, Road and Drainage Works prepared by Craig and Rhodes and dated 24 June 2015;
- Drawing No's L-SD-02, 05, 06, 07, 08, 09 and 10 Rev 'A' – DA12 – Belmont Precinct Landscaping Plans prepared by Arterra Design Pty Ltd and dated 6 July 2015;
- Drawing No's L-SD-03 and 04 Rev 'A' – DA12 – Belmont Precinct Landscaping Plans prepared by Arterra Design Pty Ltd and dated 24 July 2015;
- Preliminary Contamination Assessment (Report No. 12261/10-AB) prepared by Geotechnique Pty Ltd and dated 30 June 2015;
- Heritage Impact Statement (Report No. SH125 01) prepared by Urbis and dated July 2015;
- Arboricultural Impact Assessment (Report No. TA-01 Rev 'A') prepared by Arterra Design Pty Ltd and dated 30 June 2015;
- Ecological Assessment (Report No. 0685 DA 12 – Final v2) prepared by Molino Stewart and dated 7 July 2015;
- Cumberland Plain Woodland Management Plan (Report No. 0686 Final Report) prepared by Molino Stewart and dated 8 July 2015;
- Belmont Riparian Assessment (Report No. DA 12 Final Report v2) prepared by Molino Stewart and dated 10 July 2015;
- Impact Assessment – Dam No. 1 Removal Issue 'B' prepared by Bio Engineered Solutions Pty Ltd and dated 28 June 2015;
- Impact Assessment – Dam No. 2 Removal Issue 'B' prepared by Bio Engineered Solutions Pty Ltd and dated 28 June 2015;
- Impact Assessment – Dam No. 10 Rehabilitation Issue 'B' prepared by Bio Engineered Solutions Pty Ltd and dated 28 June 2015;
- Integrated Water Cycle Management Report (Project No. 1512) prepared by Storm Consulting Pty Ltd and dated July 2015

... except as modified by these further conditions.

30. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
31. All vegetative debris (including felled trees) resulting from the approved clearing is to be re-used onsite as habitat or chipped and/or mulched. Tree trunks are to be recovered for use as habitat, posts, firewood or other appropriate uses. No vegetative material is to be disposed of by burning.
32. Any remediation work shall be undertaken in accordance with:
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55),



- The guidelines (if any) in force under the Contaminated Land Management Act 1997,
- National Environment Protection (Assessment of Site Contamination) Measure, and
- Preliminary Contamination Assessment (Report No. 12261/10-AB) prepared by Geotechnique Pty Ltd and dated 30 June 2015.

A Notice of Remediation must be given to Council at least 30 days before the commencement of any remediation work. The Notice of Remediation must be in writing and be consistent with Clause 16 of SEPP No. 55. The notice must also include contact details of the remediation contractor responsible for ensuring compliance of the remediation work.

Any remediation work must be completed under the supervision of an appropriately qualified consultant.

Any stockpiling of contaminated material must be located away from any construction activities. To ensure that contaminants do not leach into surrounding soils testing is to be undertaken to validate that any stockpiled material has not contaminated the surrounding area.

Within 30 days after the completion of the remediation works a Notice of Completion including a Validation Report must be submitted to Council verifying that the site has been fully remediated in accordance with the recommendations of the report. This notice must:

- be in writing and signed by the person who carried out the work,
- provide the person's name, address and business telephone number,
- provide details of the person's qualifications to carry out the work,
- specify, by reference to its property description and street address, the land on which the work was carried out,
- state when the work was completed,
- specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment,
- briefly describe the method of remediation used in the work,
- specify the guidelines that were complied with in the work, and
- specify the standard of remediation achieved (in the light of the use of the land).

The Notice of Completion must be prepared by an appropriately qualified person and state that the subject land is unconditionally suitable for residential use.

32. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.
33. The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed onsite.
34. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
35. The Shale Plains Woodland (Cumberland Plain Woodland) reserve adjacent to Grose Vale Road shall be maintained, revegetated and protected in accordance with the Cumberland Plain Woodland Management Plan (Report No. 0686 Final Report) prepared by Molino Stewart and dated 8 July 2015.

36. The open space reserves shall be embellished and dedicated to Hawkesbury City Council in accordance with the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.

***Prior to the Issue of a Construction Certificate***

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The relevant certificate shall be obtained prior to the commencement of any earthworks, civil works or building works.

36. The payment of a Subdivision Construction Certificate Checking Fee and a Compliance Certificate Inspection Fee are required when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.
37. Prior to the issue of a Construction Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of **\$210,951.00** (1% of the stated value of the works of \$21,095,160.00) is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site. Where a staged bond is required, a cost estimate for the stage for which a Subdivision Construction Certificate or Roads Act approval is sought is to be provided with the application.

The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through the construction of the development.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is recoverable upon written application to Council on completion of the subdivision works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

38. The Subdivision Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval from the Office of Water has been provided to the Certifying Authority.
39. Written approval from all relevant land owners required to fulfil the design of the subdivision is required prior to the release of the Subdivision Construction Certificate.
40. All earthworks on site must comply with the following:
- (a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
  - (b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.
  - (c) Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place.
  - (d) Where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
  - (e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified.

- (f) Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill onsite.

Details satisfying the above requirements are to be submitted to the Certifying Authority prior to the issue of the Subdivision Construction Certificate.

- 41. All cut and fill in the vicinity of the Shale Plains Woodland (Cumberland Plain Woodland) adjoining Grose Vale Road must not adversely affect the woodland. In this respect no cut and fill shall encroach into the drip line of any trees that are required to be retained. Details to this effect shall be clearly noted on plans prior to the issue of the Subdivision Construction Certificate.
- 42. With the exception of the entry road, all retaining walls must be located wholly within private property where constructed on boundaries with Council land and road reserves. Details are to be shown on the plans for the Subdivision Construction Certificate.
- 43. Any retaining walls having a height exceeding 600mm are required to be designed by a practicing structural engineer.

The structural design must be submitted to the Certifying Authority prior to issue of the Subdivision Construction Certificate.

- 44. A Construction Water Quality Assessment and Monitoring Plan for construction works shall be prepared by a suitably qualified and experienced environmental consultant and submitted prior to the issue of a Subdivision Construction Certificate. The plan shall include:
  - (a) A detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring will be carried out and procedures for analysing the degree of contamination of potentially contaminated water.
  - (b) An analysis of potential areas of contaminated soils at the site and measures to control the disturbance of such soils in order to protect water quality.
  - (c) Assessment of the negative effects of runoff from disturbed areas on local waterways during storm events specifically looking at the size of disturbed areas, volume of runoff, the amount of both coarse and fine material carried by runoff and the size of receiving waterway.
  - (d) Recommendations to the maximum area of disturbed area that should be permitted at any one time in order safeguard local waterways from permanent adverse effects during construction.
- 45. Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Certifying Authority's approval of a Soil and Water Management Plan (SWMP). The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and shall comply with and/or contain as a minimum the following information:
  - (a) Clear identification of site features, constraints and soil types.
  - (b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum.
  - (c) Erosion and sediment control plans shall be provided for three phases of construction:
    - (i) Prior to Commencement of Works
    - (ii) During Bulk Earthworks
    - (iii) Post Drainage Construction
  - (d) Any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer.

- (e) Erosion and Sediment Control Plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls.
  - (f) A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks.
  - (g) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site.
  - (h) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil.
  - (i) Procedures for the re-use, treatment and disposal of water from sedimentation basins.
  - (j) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.
46. Detailed design of the water quality elements, including modelling to demonstrate that the water quality targets required by Section 8.3.5 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 are achieved, is to be provided to the Certifying Authority prior to the release of the Subdivision Construction Certificate.
47. All pits deeper than 0.9m must be designed by a certified structural engineer and be in accordance with AS3600:2009. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8m are to be reinforced concrete. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Subdivision Construction Certificate.
48. The grading and design of the easements for drainage benefiting Council must be able to contain and drain the overland flow for 100yr storm events in a safe manner. Submitted plans must clearly show the extent of overland flow for the catchment of drainage easements and how flow is directed and contained within the proposed easement.
49. Any lots that do not drain directly to Council's stormwater drainage systems are to be provided with an easement and inter-allotment drainage system that complies with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification and Australian Standard AS3500 'Plumbing and Drainage'. Council is to be the party empowered to release, vary or modify the easement.
- The inter-allotment drainage details are to be included on plans submitted to the certifying authority prior to the issue of a Subdivision Construction Certificate.
50. In order to ensure that stormwater drainage is working effectively up until the time when a second layer of asphalt is placed the following provisions are to be incorporated:
- (a) small temporary bitumen water diverters 100mm wide, 200mm long and 40mm high at an angle of 45 degrees from the gutter edge must be placed on the road surface just upstream of all kerb inlet pits on grades. These are to be removed prior to final asphalt layer, and
  - (b) pits at low points (sag pits) must have provisions to drain water off the road to avoid long periods of ponding.
- Details are to be provided in the plans for the Subdivision Construction Certificate.
51. The dam which is to be retained and converted to a permanent water body must comply with the following requirements;
- (a) Design of the dam is to be undertaken in accordance with Part D Chapter 6 of the Hawkesbury Development Control Plan 2002 'Dam Construction'. In this respect a letter from an appropriately qualified Chartered Professional Structural/Geotechnical

Engineer certifying compliance of the dam design with Council requirements shall be provided.

- (b) A dam break analysis shall be undertaken by an appropriately experienced Chartered Professional Engineer and provided to the Certifying Authority that clearly shows impacts of a dam break on downstream residential areas, any design recommendations to reduce risk are to be assessed and where viable incorporated into the dam design.

Details satisfying the above requirements are to be submitted and approved by the Certifying Authority prior to the issue of the Subdivision Construction Certificate.

- 52. Clear evidence that lots are not affected by 100yr flood events shall be provided to the certifying authority prior to the issue of a Subdivision Construction Certificate.
- 53. A Traffic Management Plan must be submitted detailing how construction vehicles will safely enter and exit the site in a practical manner whilst minimising negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:
  - (a) Construction access to the site is to be predominantly along the haulage road from Grose Vale Road.
  - (b) A temporary bitumen sealed haulage road if not existing is to be constructed from Grose Vale Road for 150 metres along the access route for the development site. The bitumen sealed haulage road is to be maintained to the satisfaction of the Principal Certifying Authority until the completion of all subdivision work.
  - (c) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
  - (d) All loaded vehicles entering or leaving the site must have their loads covered.
  - (e) The proposed method of access to and egress from the site for vehicles is to be safe and practical.
  - (f) Any associated Traffic Control Plans are to be prepared in accordance with the Roads and Maritime Services (RMS) publication 'Traffic Control at Worksites' prepared by an appropriately qualified person.
  - (g) Where the site adjoins a RMS controlled road, the Traffic Management Plan is to be approved by RMS before incorporation into the Construction Management Plan.
- 54. The intersection of 'Road Bel02' and Grose Vale Road must be designed and constructed at no cost to council. The design must meet the full requirements of the Austroads Standards.
- 55. A Signposting and Line Marking Plan is required for this development which clearly denotes priorities at all intersections and clearly signposts 'No Through' roads. Prior to the implementation of the Signposting and Line Marking Plan, the Plan must be lodged with Hawkesbury City Council's Traffic Committee for written approval. This plan must detail all facilities, signage and line marking required within and surrounding the development.
- 56. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc.) and paved footpaths shall be designed and constructed in accordance with the relevant requirements of Hawkesbury City Council, including Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' and Appendix E – Civil Works Specification. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to the issue of a Subdivision Construction Certificate.
- 57. The development must comply with 'Planning for Bush Fire Protection 2006'. In this respect the maximum grade for unsealed roads (such as the fire trails) shall be 10 degrees.
- 58. Physical barriers are to be provided between the road reserve and public open spaces. Details demonstrating compliance with this condition are to be submitted to the Certifying Authority prior to the issue of the Subdivision Construction Certificate.



59. All kerb used is to be in accordance with Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'. At a minimum flush kerbs must be constructed with either fibre reinforced concrete or standard concrete with 2 x 12mm steel reinforcing bars.
60. Temporary sealed turning areas are to be constructed to all roads that will be the subject of further construction in future stages. The turning areas should have a minimum diameter of 12m or an appropriate alternative that allows practical and easy manoeuvring with no more than a three point turn for Council garbage trucks.

Note: This does not apply to future access off 'Road Bel02' to the neighbouring lot at 322 Grose Vale Road.

61. All paths to be constructed as part of the development shall be in accordance with Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'. Those paths not in the road reserve (i.e. public reserve) shall be constructed of either:
- (a) Concrete, or
  - (b) Compacted durable rock/gravel with flush concrete edge beams 150mm wide by 200mm deep. The edge beams shall be as a minimum constructed from standard concrete with 2 x 12mm diameter steel reinforcement bars or fibre reinforced concrete.
62. The entry feature and entry road landscaping must be appropriately designed to be low maintenance, easily accessible and safe. In this respect the following must be adhered to:
- (a) where practical all retaining walls shall be placed in public recreation land and not in the road reserve. Where retaining walls are in the road reserve appropriate safety measures must be incorporated to prevent vehicles from accidentally driving off the top of walls,
  - (b) retaining walls must be sandstone log,
  - (c) access and grades for maintenance vehicles to turfed areas within the road reserve and public recreational areas shall be practical,
  - (d) access for Council Parks and Gardens personnel must be practical to landscaped areas for maintenance,
  - (e) all timber used in the entry feature shall be high quality hardwood timber.

Details are to be provided with the Subdivision Construction Certificate.

63. Detailed landscaping plans and strategies must be prepared by a suitably qualified architect, landscape designer/architect or professional landscape consultant and approved by Hawkesbury City Council prior to the issue of a Subdivision Construction Certificate or approval under the Roads Act 1993. These plans and strategies are to detail the following:
- (a) Landscaping, including advanced trees, is to be provided within the road reserve of Grose Vale Road in accordance with Figure 8.47 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' for the length of the development. Native vegetation of local provenance shall be used in the vegetation works.
  - (b) Street trees are to be provided within the grass verges of Belmont Precinct generally in accordance with Drawing No. L-SD-03 – Overall Landscape Plan prepared by Arterra Design Pty Ltd and dated 24 July 2015, Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' and Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification and. The trees are to be advanced specimens with a minimum pot size of 45L.
  - (c) Shrubs and canopy trees within the drainage corridor upstream of Dam 10 shall be selected to provide patches of vegetation that will assist fauna movement along the corridor towards Redbank Creek.

- (d) The road crossing of the drainage corridor between the Shale Plains Woodland (Cumberland Plain Woodland) reserve and Dam 10 should consider fauna movement along the drainage, particularly opportunities for frog species and micro-bats.
  - (e) A Vegetation Strategy and Plan shall be developed for the riparian corridor/reserve to Redbank Creek and Stream P. This plan shall be developed in accordance with the recommendations contained in Section 5 of the Belmont Riparian Assessment (Report No. DA 12 Final Report v2) prepared by Molino Stewart and dated 10 July 2015. Native vegetation of local provenance shall be used in the re-vegetation works.
  - (f) A Weed Management Strategy shall be developed for the control of Lantana, Blackberry and other environmental weeds within the Shale Plains Woodland (Cumberland Plain Woodland) reserve and the riparian corridor/reserve to Redbank Creek and Stream P.
  - (g) An overhead wire-rope bridge (or a canopy bridge) shall be provided over Grose Vale Road to provide safe wildlife movement to connecting habitat across the road. On the northern side the structure may be located within the Shale Plains Woodland (Cumberland Plain Woodland) reserve or the reserve of Grose Vale Road, whilst on the southern side the structure must be located within the road reserve.
  - (a) Cleared trees shall be relocated into the Shale Plains Woodland (Cumberland Plain Woodland) reserve or the riparian corridor near Redbank Creek to increase available habitat for ground-dwelling mammals.
  - (b) A minimum of 10 nesting boxes shall be positioned within the Shale Plains Woodland (Cumberland Plain Woodland) reserve.
  - (c) Boundary fencing for the southern allotments (Lots 33, 34, 36, 37 and 38) shall be restricted to post and plain wire only where adjoining the Shale Plains Woodland (Cumberland Plain Woodland) reserve.
  - (d) Fencing to the boundary of Grose Vale Road shall comply with Figure 8.47 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'. Galvanised chainlink mesh shall be fixed to the rails.
  - (e) Design, materials and colours of all fencing, retaining walls, paving, driveways, pathways, maintenance tracks, physical barriers, removable bollards, shelters, seating, decking, parking furniture, street furniture and interpretation signs shall be provided.
64. The development must incorporate the recommendations detailed in Section 6 of the Heritage Impact Statement (Report No. SH125 01) prepared by Urbis and dated July 2015:
- (a) For safety reasons Dam 10's lockpipe shall be sealed and its outlet valve fixed so that the element is inoperable. Where possible, the lockpipe itself should be retained in situ and the former valve reinstated (the extant valve is not original and the former has been left onsite). Should the lockpipe be unable to remain in situ, the pipe should be salvaged, labelled and stored onsite for future interpretation.
  - (b) All significant infrastructure associated with the dams to be removed, i.e. Dams 1 and 2, should be salvaged, labelled and stored onsite for interpretation purposes. This should include (but is not limited to) valve and lockpipe infrastructure, pumping equipment and the main at Dam 1.
  - (c) A Heritage Interpretation Plan should be prepared for the whole of the Redbank site. The plan should incorporate and detail the interpretation of Dam 10 as a part of this development, while placing this in a holistic site context. Heritage interpretation should be consistent with the endorsed Conservation Management Plan Policies 27 to 38 and should consider provision for the display of salvaged elements where appropriate. Interpretation should also incorporate thematic interpretation of the site's indigenous values.

Details are to be provided prior to the release of the Subdivision Construction Certificate.

***Prior to Commencement of Works***

65. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
66. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning Assessment Regulation 2000.
67. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
- (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour seven days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

68. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.
69. A single clear and concise Construction Management Plan for the Belmont Precinct shall be submitted to the Principal Certifying Authority for review prior to the commencement of works. This plan shall be titled 'Belmont Precinct Construction Management Plan'. The Construction Management Plan shall include the following sections and information:
- (a) Background: Provide details of the proposed works including the extent, staging and proposed timing of the works;
  - (b) Consultation: The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management;
  - (c) Noise: Details in relation to how works will be undertaken in accordance with the 'Interim Construction Noise Guideline' published by the NSW Environment Protection Authority;
  - (d) Dust: Details in accordance with the Dust Management Measures condition required during construction;
  - (e) Vibration: A Vibration Compliance Letter in accordance with Vibration Compliance Letter condition required prior to issue of a Construction Certificate;
  - (f) Traffic: A Detailed Traffic Management Plan in accordance with the Traffic Management Plan condition required prior to issue of a Construction Certificate;
  - (g) Soil and Water Management: Detailed Soil and Water Management Plan in accordance with the Soil and Water Management Plan condition required prior to issue of a Construction Certificate;
  - (h) A Construction Water Quality Assessment and Monitoring Plan in accordance with the Construction Water Quality Assessment and Monitoring Plan condition required prior to issue of a Construction Certificate;

- (i) Any site specific Heritage and Archaeological Management; and
- (j) Any site specific Ecological Impact Mitigation Measures.

Works onsite shall not commence until written approval of the plan is given for the Construction Management Plan by the Principal Certifying Authority.

70. All plant and equipment to be used or installed on the premises must comply with the vibration limits specified in 'Assessing Vibration: A Technical Guideline' prepared by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A vibration compliance letter from an appropriately qualified acoustic consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Principal Certifying Authority as part of the Construction Management Plan certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating simultaneously will comply with the requirements of this condition.

71. A Photographic Survey and Dilapidation Report of adjoining properties with dwellings within 50m of the works shall be undertaken detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items.

The survey and report is to be prepared by an appropriately qualified person agreed to by both the Applicant and the owner of the adjoining property. A copy of the report is to be provided to Council prior to the commencement of works.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the photographic survey and dilapidation report is denied by an adjoining owner, the Applicant must demonstrate, in writing and to the satisfaction of Council, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the Applicant's and adjoining owner's interest for it to be as full and detailed as possible.

72. A Dilapidation Survey and Report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of road reserves surrounding the site that are to be used by construction vehicles and locations where construction work will be occurring. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no related security bonds shall be released until damage caused as a result of the carrying out of the development is rectified.

A copy of the Dilapidation Survey and Report must be lodged with Council prior to the commencement of works.

73. Archival recordings of Dams 1 and 2 shall be prepared and submitted to Council and the Heritage Council (Office of Environment and Heritage). The recording shall be undertaken prior to any earthworks and may include staged photographic recording of the process of emptying the dams to illustrate the dam wall construction and lock pipe infrastructure. The recording shall include any associated dam infrastructure and feeder and irrigation drains.

Archival recording should be undertaken and archived in accordance with the Office of Environment and Heritage's 'How to Prepare Archival Records of Heritage Items'.

74. A site meeting with the Principal Certifying Authority, Council, a representative of the Applicant and the contractor must be held prior to the commencement of work onsite. All conditions of consent requirements that are necessary prior to the commencement of works shall be completed prior to the meeting commencing.
75. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.

### ***During Construction***

76. Site and building works (including the clearing of vegetation, running of machinery, excavation and/or earthworks, building works and the delivery of building materials) shall be carried out between the following hours:
- (a) between 7:00am and 6:00pm Monday to Friday;
  - (b) between 8:00am and 4:00pm Saturdays;
  - (c) no work on Sundays and public holidays;
  - (d) works may be undertaken outside these hours where:
    - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police, Roads and Maritime Services (RMS) or other authorities; or
    - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
    - (iii) a variation is approved in advance in writing by Council.
77. The Construction Management Plan approved by the Principal Certifying Authority prior to the commencement of works shall be implemented during construction.
78. All excavated fill material that is to be removed from the site shall only be sent to:
- (a) A NSW Office of Environment licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority upon request; or
  - (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment guidelines applicable at the time of removal.

79. All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:
- (a) Clearly defined stop work thresholds whereby work on site will be ceased with the exception of water trucks. Thresholds must be provided that relate to velocity and direction of wind and relative humidity.
  - (b) Dust screen installation and maintenance around the perimeter of the site for the duration of works.



- (c) The use of water trucks to regularly wet down areas.
- (d) Stabilisation of stockpiles.
- (e) Definition of the maximum allowable height and grade of batters for stockpiles.

Dust Management Measures are to be incorporated into the Construction Management Plan.

- 80. The works must be undertaken in accordance with the 'Interim Construction Noise Guideline' published by the NSW Environment Protection Authority.
- 81. Results from water quality monitoring shall be provided to the Principal Certifying Authority on a monthly basis or on request from the Principal Certifying Authority.
- 82. The following measures are to be undertaken to minimise flora and fauna impacts during construction:
  - (a) The felling of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for threatened species. Hollows of high quality or with fauna recorded residing within shall be sectionally dismantled and all hollows shall be inspected for occupation, activity and potential for reuse.
  - (b) If any fauna species, a nest or roost are located during development works, then works should cease until safe relocation can be advised by a fauna ecologist.
  - (c) Water levels within the dams to be removed/alterd shall be progressively lowered over a minimum one week period to a depth of 1m so as to allow any vertebrates an opportunity to migrate to other dams and/or water sources. An ecologist must be present for the final dewatering of the dams to identify and relocate native fauna as required.

The dewatering process must take into account the key breeding season for Purple Swampheas (*Porphyrio melanotus*) and other water birds
  - (d) The water of the dams shall be tested for nutrients and turbidity prior to release. Released dam water must pass through a cage wrapped in silt fence and then via the grassland to guard against introduced fish or flora being transferred into downstream watercourses or water bodies.
  - (e) Usable sections of cleared trees shall be relocated into the riparian buffer zone to increase available habitat for ground-dwelling mammals.
  - (f) An overhead wire-rope bridge (or a canopy bridge) shall be provided over Grose Vale Road to provide safe wildlife movement to connecting habitat across the road. On the northern side the structure may be located within the Shale Plains Woodland (Cumberland Plain Woodland) reserve or the reserve of Grose Vale Road, whilst on the southern side the structure must be located within the road reserve.
  - (g) Cleared trees shall be relocated into the Shale Plains Woodland (Cumberland Plain Woodland) reserve or the riparian corridor near Redbank Creek to increase available habitat for ground-dwelling mammals.
  - (h) A minimum of 10 nesting boxes shall be positioned within the Shale Plains Woodland (Cumberland Plain Woodland) reserve to provide suitable habitat until the existing vegetation matures and hollows develop.

- (h) Livestock is to be excluded from grazing along Redbank Creek, its tributary within the Belmont Precinct (inclusive of Dam 10) and the Shale Plains Woodland (Cumberland Plain Woodland) reserve.
- 83. Trees to be retained are to be protected in accordance with the recommendations detailed in Sections 5.3 and 5.4 of the Arboricultural Impact Assessment (Report No. TA-01 Rev 'A') prepared by Arterra Design Pty Ltd and dated 30 June 2015.
- 84. Landscaping is to be undertaken in accordance with the approved landscaping plans.
- 85. Full width rural type roads, including drainage, shall be constructed for the development in accordance with Figure 8.38 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002. Flush kerb edge restraints are to be provided to these roads in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification, SD4).
- 86. Drainage lines, sewer lines and services conduit crossings must be placed across carriageways prior to the placing of any sub-base pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifying Authority prior to the placement of sub-base pavement material. Alternatively, the services crossings must be under bored.
- 87. Sewerage Reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
- 88. The developer must submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the energy provider for approval prior to construction. All street lighting must comply with the electricity service provider's Street Lighting Policy and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.
- 89. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification and Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' as applicable.

***Prior to Issue of Construction Compliance Certificate***

- 90. Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with the approved Construction Certificate Plans, approved supporting documentation and to the satisfaction of the Principal Certifying Authority.
- 91. All retaining walls over 600mm high and structurally designed pits are to be certified on completion by a suitably qualified and experienced structural engineer. Details are to be provided to the Principal Certifying Authority.
- 92. All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines have been completed. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifying Authority prior to the issue of a Construction Compliance Certificate. Damaged pipes must either be replaced or repaired to the Principal Certifying Authority's satisfaction prior to the issuing of a Construction Compliance Certificate.
- 93. Works As Executed plans must be submitted to the Principal Certifying Authority by a Registered Surveyor prior to the issue of a Construction Compliance Certificate. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. As a minimum the plan must show:

- (a) compliance with the approved design plans of all drainage works within Council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines;
- (b) compliance of all finished levels associated with earthworks, grading and retaining wall construction;
- (c) certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement;
- (d) compliance with the approved design plans of paved areas within rights of carriageway and road reserve including fire trails;
- (e) the location of all underground service conduits; and
- (f) all deviations from the approved civil engineering plans.

All levels must relate to Australian Height Datum (AHD).

94. All signposting and line marking works are to be completed as per the Local Traffic Committee approved Signposting and Line Marking Plan prior to the completion of the works. Line marking works must be completed on both the first layer and second layer of asphalt where applicable.

***Prior to the Issue of the Subdivision Certificate***

95. Prior to the release of the Subdivision Certificate it will be necessary to submit:
- (a) Four paper prints of the final plan of subdivision prepared to the requirements of Land and Property Information (Land Titles Office) and incorporating Council approved road names; and
  - (b) The original and three paper copies of the 88B Instrument and Administration Sheet.
96. A Subdivision Certificate Release Fee shall be paid in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
97. All relevant Development Contributions and Bank Guarantees as required by the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014 are to be provided and associated documentary evidence of same is to be forwarded to Council. The documentation provided to Council is to include:
- (a) details of the number of lots for which the Subdivision Certificate is sought, and
  - (b) details of the cumulative number of lots for which Subdivision Certificates have been issued in the 'Redbank at North Richmond' development as a whole, and
  - (c) an explanation as to how the provisions of the VPA have been satisfied for both (a) and (b) above.
98. Evidence of compliance with the requirements of the Heritage Council (Office of Environment and Heritage) shall be provided prior to the release of the Subdivision Certificate.
99. A defects maintenance bond to the value of **\$210,951.00** (1% of the stated value of the works of \$21,095,160.00) must be lodged with Hawkesbury City Council prior to issue of the Subdivision Certificate. Where a staged release of the Subdivision Certificate is requested, the bond amount will be calculated based on the value of works relating to that stage.

The bond can be in the form of an unconditional bank guarantee or cash deposit. The bond is refundable on application, six months after the release of the Subdivision Certificate, upon satisfactory final inspection

100. A Plan of Management for the permanent dam, open spaces and water quality facilities shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspections and maintenance.
101. Land within the Belmont Precinct that is within 10m from the centreline of Grose Vale Road shall be dedicated as road widening to Hawkesbury City Council. Details of this dedication must be included on the final plan of subdivision submitted for the release of the Subdivision Certificate.
102. Areas of open space to be dedicated to Council shall be consolidated into a single allotment on the plans for subdivision.
103. Landscaping works are to be completed in accordance with the approved landscaping plans, Vegetation Strategy and Plan, Weed Management Strategy and the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.
104. Environmental information shall be developed for inclusion within the Information Packages for purchasers of the properties. This documentation should detail that:
  - Companion animals, particularly cats, should be controlled to restrict nocturnal movement so as to prevent predation upon native fauna and competition with the Spotted-tailed Quoll;
  - A number of frog species occur onsite, in particular in areas adjacent to Redbank Creek and the former farm dams onsite. Residents should be mindful of chemicals and pesticides entering any watercourses or wetland systems;
  - The use of native vegetation for private gardens can provide valuable animal habitat and food sources.

A copy of this information shall be provided to Council prior to the release of the Subdivision Certificate.
105. Street name signs shall be provided at the junction of the new roads.
106. Prior to issue of the Subdivision Certificate all road reserves and public spaces are to be dedicated to Council at no cost to Council.
107. Prior to the issue of a Subdivision Certificate a Notice of Completion and Validation Report must be prepared by an appropriately qualified person and state that the:
  - (a) residential lots are unconditionally suitable for residential use; and
  - (b) the reserves and land to be dedicated to Council is unconditionally suitable for recreational use.
108. A Geotechnical Engineer's report must be submitted to the Principal Certifying Authority with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:
  - (a) the classification of the proposed lot in accordance with Australian Standard AS2870 'Residential Slabs and Footings' or subsequent amendments; and
  - (b) the classification of the lot in relation to risk of slope instability.

109. Lots affected by new easements must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider.
110. A positive covenant with Council shall be created pursuant to Section 88B of the Conveyancing Act 1919 as follows:
- All future dwellings on the allotment are to have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank or tanks are to have a minimum capacity of 3,000 litres and must be plumbed for at least one domestic internal use (toilet flushing and/or laundry use).
  - Requiring that rainwater tank overflows, roof and hardstand areas of future development on the lot be connected to a suitable on site stormwater disposal/infiltration system.
111. The creation of a restriction to user with Council is required pursuant to Section 88B of the Conveyancing Act as follows:
- Boundary fencing for the southern allotments (Lots 33, 34, 36, 37 and 38) shall be restricted to post and plain wire only for the sections adjoining Shale Plains Woodland (Cumberland Plain Woodland) reserve.

Council only will be entitled to release or modify the Covenant. All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

112. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the Principal Certifying Authority.
113. Documentary evidence from an energy provider confirming that satisfactory arrangements have been made to service the development shall be provided to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
114. Telecommunications infrastructure shall be installed to comply with the following:
- (a) The requirements of the Telecommunications Act 1997;
  - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - (c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is located underground.

Unless otherwise stipulated by telecommunications legislation at the time of installation, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

115. A certificate from all relevant service providers that the telecommunications infrastructure is installed in accordance with all applicable legislation shall be submitted to the Principal Certifying Authority.
116. A written application for road naming must be submitted to Hawkesbury City Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Hawkesbury City Council.

The application must nominate three suggested names per road, in order of preference, and the source of the names proposed.

Fees are payable for this service as specified in Council's Fees and Charges Policy.

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The reasons for the imposition of these conditions are those matters under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

#### **Advisory Notes**

- This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The Applicant is advised to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) an electricity supply authority
  - (c) a local telecommunications carrier

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by works, either on site or on the adjacent public roads.

- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The Applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.
- The potential for historic archaeological remains has been identified in the valley below Dam 1. If elements of European heritage that have not been previously recorded are discovered, the discovery must be reported and the advice of a qualified heritage practitioner sought to determine the significance of the sit, and provide clear strategies for future management.

Approvals may be required under the National Parks and Wildlife Act 1979 or Heritage Act 1977.

- Should any Aboriginal site or relic be disturbed, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an Aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

**Attachments**

Attachment 1 – Plans of the Proposal

Attachment 2 – Submissions

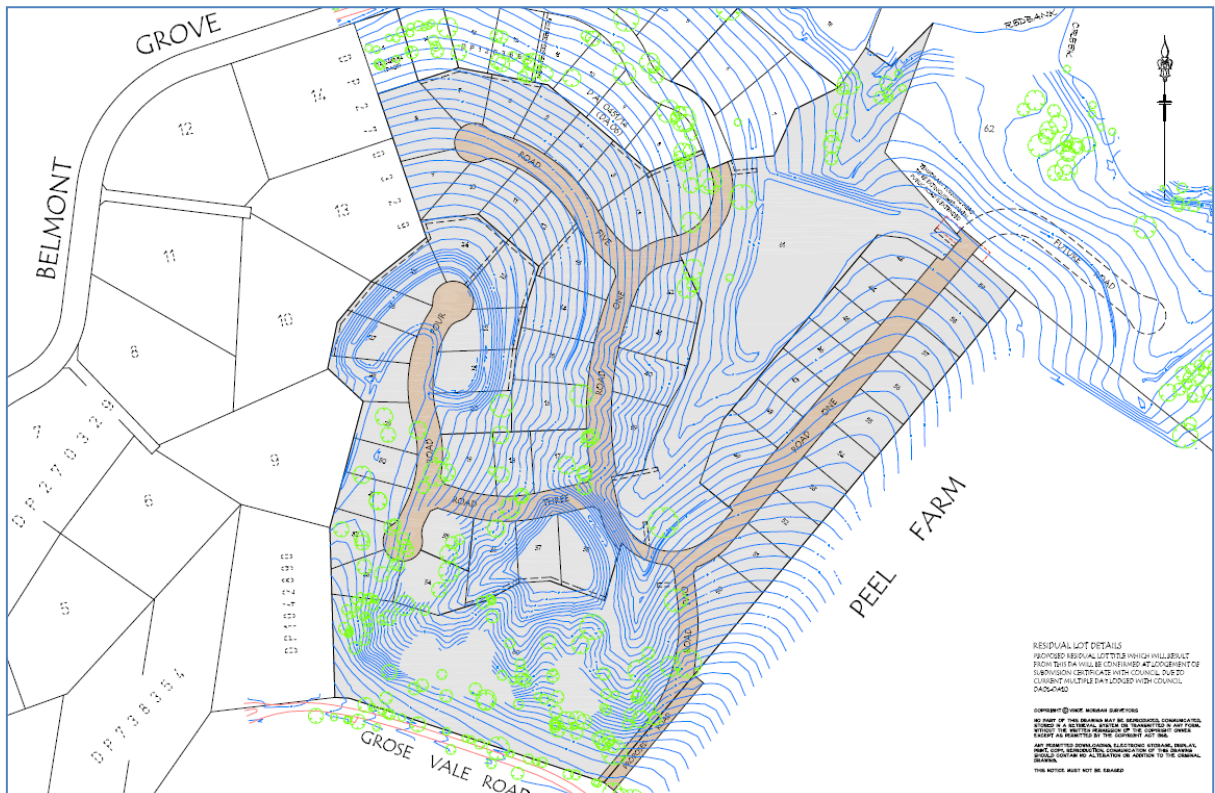
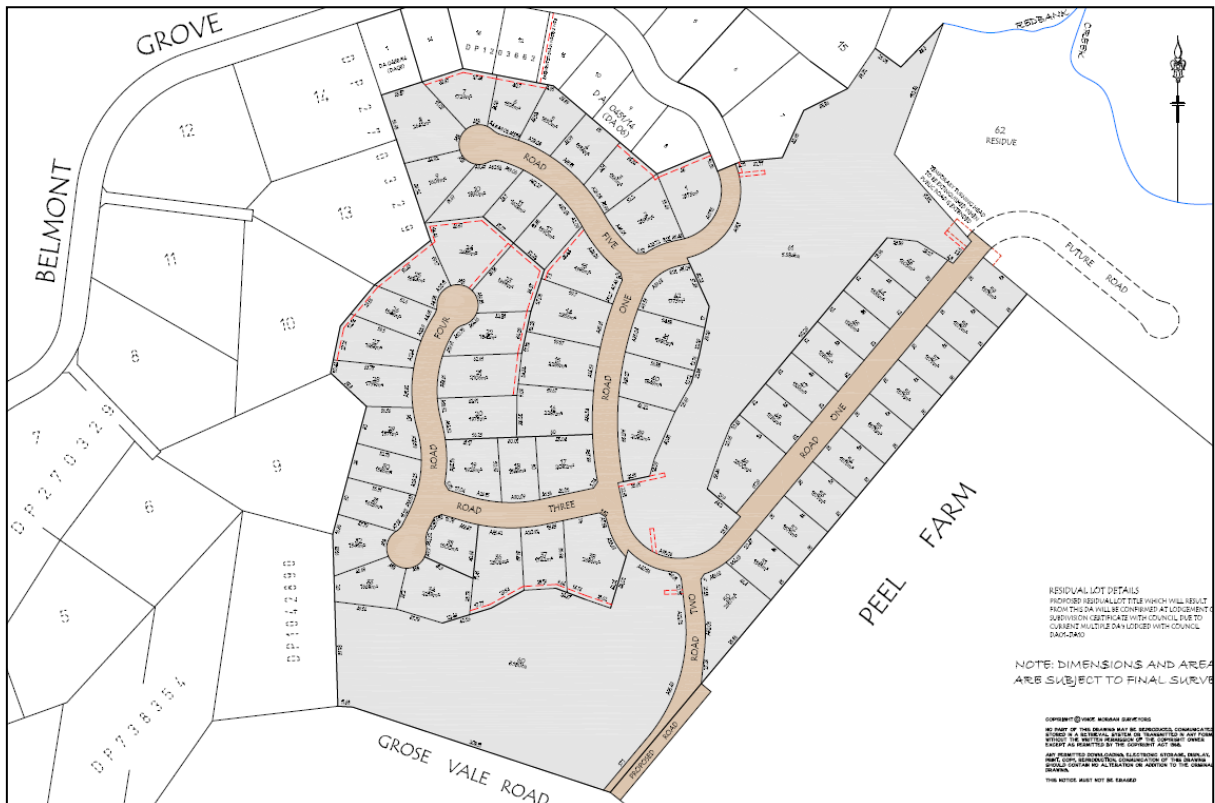


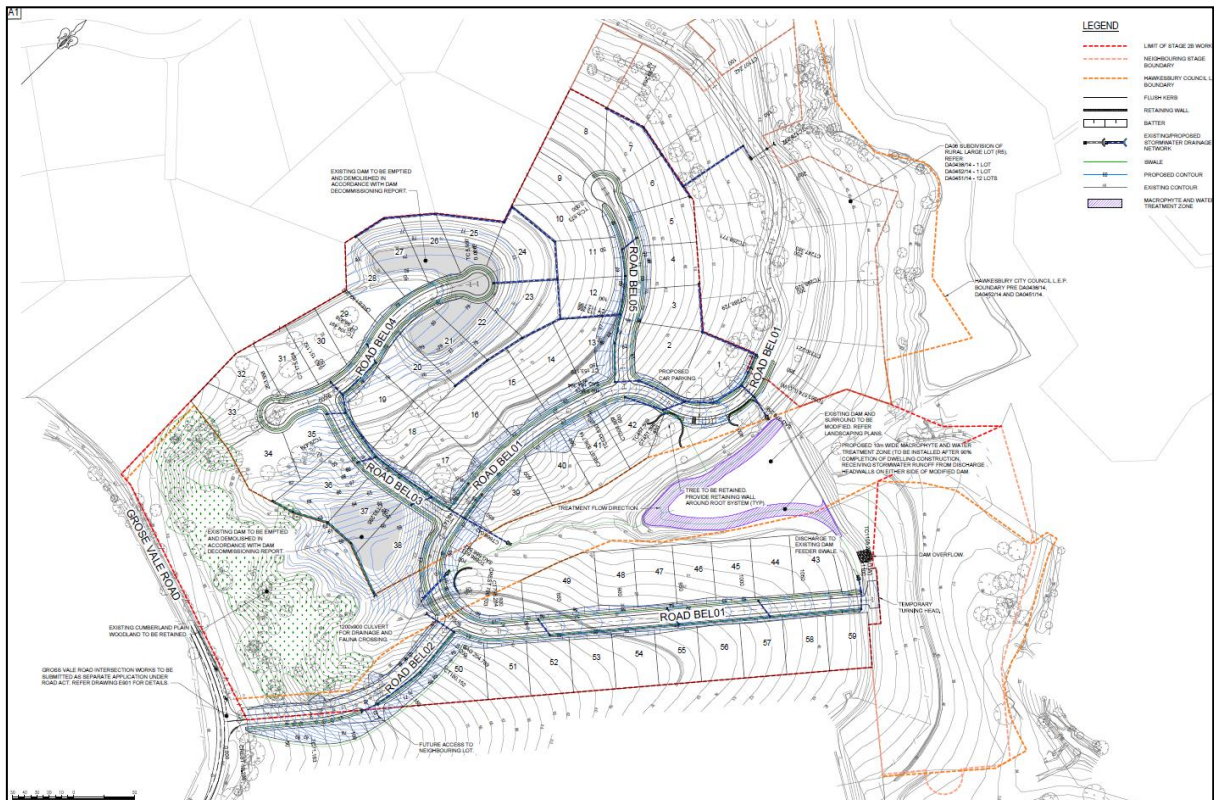
Attachment 1 – Site Plan





## Attachment 2 – Plans of the Proposal











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