



**Sydney West Planning Panel Meeting
22 December 2016**

Panel Reference	2016SYW076
DA Number	DA0216/16
LGA	Hawkesbury City Council
Proposed Development	Subdivision – Vegetation removal, earthworks, the removal of three dams, alterations to a dam, the construction of three water bodies, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residue lots
Street Address	86 Arthur Phillip Drive (formerly 96 Grose Vale Road) 92A Pecks Road (Peel Park) NORTH RICHMOND NSW 2754 (Lot 731 DP 1226260 – 86 Arthur Phillip Drive) (Lot 1 DP 786671 – 92A Pecks Road)
Applicant	North Richmond Joint Venture
Owner	B D NSW (MR) Pty Limited (99 Arthur Phillip Drive) Hawkesbury City Council (92A Pecks Road – Peel Park)
Date of DA Lodgement	24 March 2016
Number of Submissions	Five
Recommendation	Conditional Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	<ul style="list-style-type: none">• Capital Investment Value (CIV) in excess of \$20 million; and• Council is the owner of Peel Park and the works have a CIV in excess of \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• List of the relevant environmental planning instruments under Section 79C(1)(a)(i):<ul style="list-style-type: none">– Hawkesbury Local Environmental Plan (LEP) 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); and– State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20).• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority under Section 79C(1)(a)(ii):<ul style="list-style-type: none">– Not applicable.• List any relevant development control plan under Section 79C(1)(a)(iii):<ul style="list-style-type: none">– Hawkesbury Development Control Plan (DCP) 2002.• List any relevant planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F (Section 79C(1)(a)(iv)):<ul style="list-style-type: none">– Voluntary Planning Agreement 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.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Site Plan; • Attachment 2 – Plans of the Proposal; and • Attachment 3 – Submissions.
Report prepared by	Andrew Johnston – Senior Town Planner
Report date	13 December 2016

Summary of Section 79C matters

Have all recommendations in relation to relevant Section 79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Overview of Report

1.0 Executive Summary

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks approval for a subdivision and associated works at 86 Arthur Phillip Drive and 92A Pecks Road, North Richmond. The subdivision is to form a part of the Redbank residential land release and involves the creation of an additional 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residue lots within the 'Yeomans Precinct'.

The application meets the criteria for determination by the Sydney West Planning Panel (formerly known as the Sydney West Joint Regional Planning Panel [JRPP]) as the development has a Capital Investment Value (CPI) in excess of \$20 million and Council is the owner of 92A Pecks Road.

The proposed subdivision satisfies the relevant planning controls, including permissibility and the minimum lot size controls of the Hawkesbury Local Environmental Plan (LEP) 2012. Council's Infrastructure Section support the dedication of the two potential 'prescribed dams' and certification of satisfactory arrangements has been received from the Department of Planning and Environment. The proposal is acceptable and is therefore recommended for conditional approval.

1.1 Key Issues

- Prescribed Dams
- Heritage Impacts
- Flora and Fauna Impacts
- Integrated Development
- Satisfactory Arrangements

Development Description

2.0 Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks approval for the further subdivision of the Redbank residential land release area. The primary parcel of land, 86 Arthur Phillip Drive, was previously known as 96 Grose Vale Road.

The proposal specifically involves:

- The removal of 87 trees;
- Bulk earthworks associated with road construction, drainage and lot levelling;
- The removal of three dams, alterations to one dam and the construction of three interpretive water bodies;
- The construction of a roundabout on Grose Vale Road, a main entrance road off Grose Vale Road and an internal road network to service the proposed allotments;
- Re-vegetation, landscaping and public domain works (footpaths, dual use paths, fencing, retaining walls, interpretive Keyline swales, picnic shelters, seating, playground equipment, viewing deck and boardwalk etc.); and
- A Torrens title subdivision to create an additional 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residue lots.

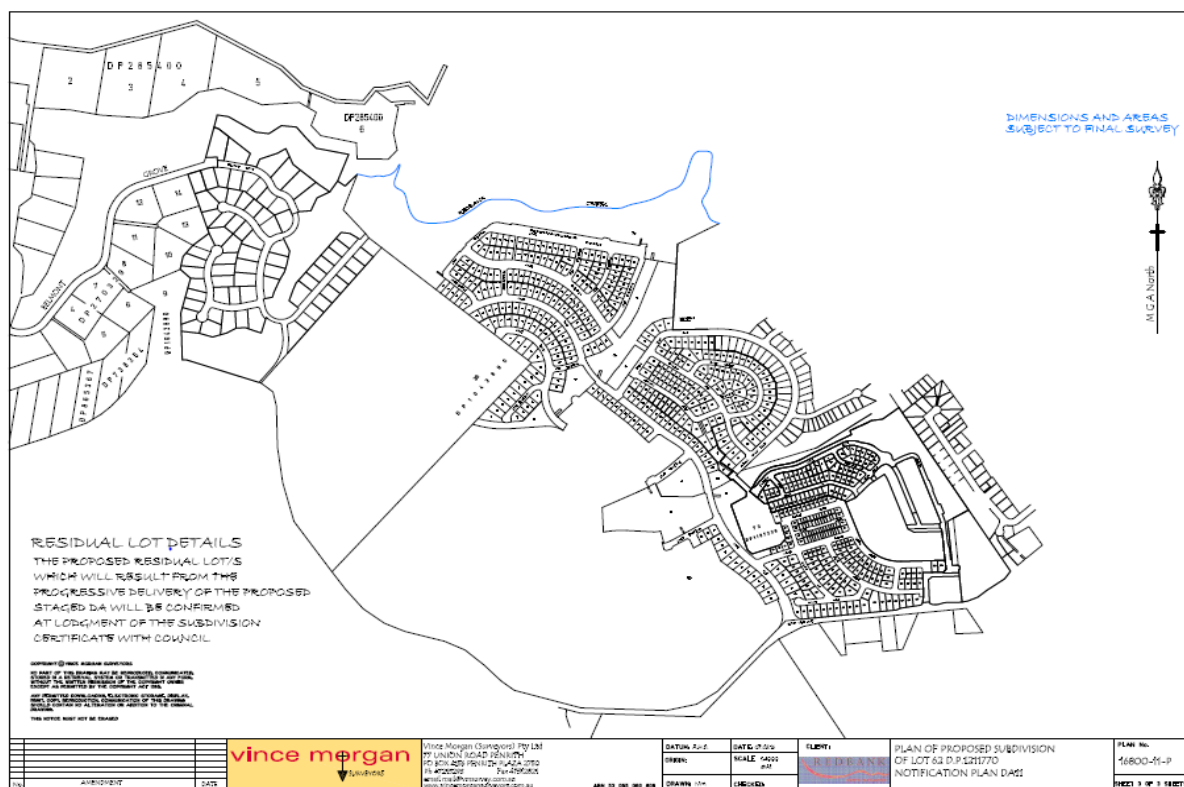


Figure 1 – Plan of the Proposal

The application covers the construction of the main entrance road to the Redbank estate, the creation of allotments fronting the new entry drive and the creation of the Yeomans Precinct. A total of 57 residential lots are proposed along the entry road and 187 residential lots are proposed within the Yeomans Precinct. The creation of a neighbourhood centre lot and the use of one of the residential lots as a childcare centre are nominated however the specific development of these allotments is not proposed at this stage.

The extension and upgrading of Peel Park at 92A Pecks Road is also proposed with the application.

The Sydney West Planning Panel's reference number for the application is 2016SYW076 whilst Council's reference number is DA0216/16.

Background

3.0 Site Description and History

3.1 Site and Locality Description

The main property subject to this application, 86 Arthur Phillip Drive (formerly known as 96 Grose Vale Road), is legally identified as 731 in DP 1226260 and has a site area of approximately 160Ha. This property 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.



Figure 2 – Locality Plan

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'.

Part of 86 Arthur Phillip Drive 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.

Peel Park at 92A Pecks Road is also subject to this application. This Council property is legally identified as Lot 1 in DP 786671 and has a site area of approximately 9.4Ha. The park contains two cricket fields, a childrens' playground and native vegetation adjoining Redbank Creek.

3.2 Development History

86 Arthur Phillip Drive 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 properties. 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.

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 Grose Wold/Yarramundi is currently being considered by Council under the Part 5 provisions of the EP&A Act.

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

The following applications have been approved for the Redbank development site:

Application No.	Development Description	Approval Date
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	28/01/2015

	additional residential lots	
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
DA0467/15	Subdivision – Torrens title subdivision to create 59 additional residential lots	23/05/2016

A total of 327 residential allotments have been approved for the development. Civil works have commenced onsite and Subdivision Certificates for 115 residential lots have been released at this stage.

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.

Development Application No. DA0467/15 for the creation of 59 additional residential lots was most recently considered by the Sydney West JRPP. On the 23 May 2016 the Sydney West JRPP elected to determine this application with an approval.

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

- Hawkesbury LEP 2012
- 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 Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan (DCP) 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 Hawkesbury LEP 2012.

The Redbank site, 86 Arthur Phillip Drive, is zoned R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and RE1 Public Recreation. The area of the Redbank site subject to this application is zoned R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre and RE1 Public Recreation.

Peel Park at 92A Pecks Road is zoned RE1 Public Recreation.

Clause 4.1(3) and the associated Lot Size Map of the Hawkesbury LEP 2012 establish the following minimum allotment size controls for this area:

- R2 Low Density Residential zone: 375m²; and

- R3 Medium Density Residential zone: 180m².

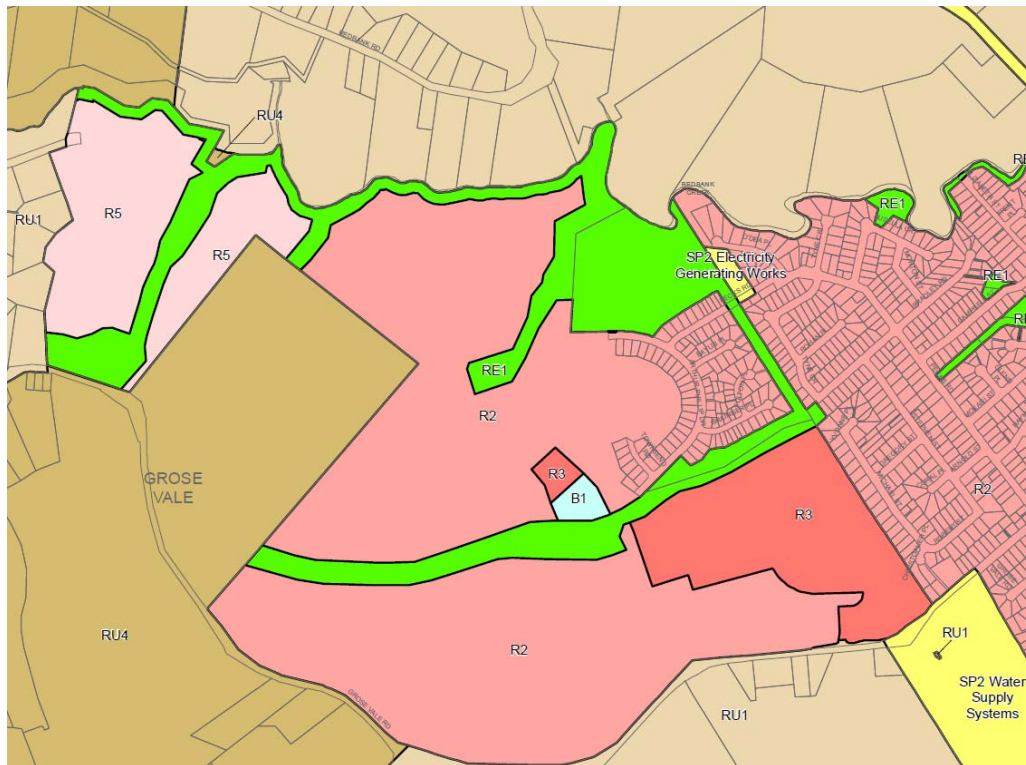


Figure 3 – Zoning Map

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

- 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,*
- 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,*
- 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 the residential allotments ranging in area from 460m² to 2,121m², the subdivision satisfies the minimum allotment size requirements of the Hawkesbury LEP 2012. No new allotments are proposed within the R3 Medium Density Residential zone.

Minimum allotment size controls are not established for the B1 Neighbourhood Centre and RE1 Public Recreation zones.

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 vegetation communities adjoining Redbank Creek and Grose Vale Road are to be maintained, rehabilitated and later dedicated to Council as open space. This vegetation generally corresponds with the areas of the land zoned RE1 Public Recreation.

The area of the Redbank site that is zoned RE1 Public Recreation is to contain areas of open space, including nature reserves, a revegetation area, water feature dams, 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.

Section 6.7 of the Hawkesbury LEP 2012 requires the provision of essential services to new allotments. Clause 8.3.9(2) of Part E Chapter 8 of the Hawkesbury DCP 2002 further outlines that reticulated sewer is to be provided to all allotments. Sydney Water have 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 creation of the primary access road from Grose Vale Road to the Redbank site is proposed with the subject application. This road is to be primarily located within the R2 Low Density Residential zone, but will also partially intersect the B1 Neighbourhood Centre and RE1 Public Recreation zones. This aspect of the development is permissible as a 'road' within each of these zones.

The majority of 86 Arthur Phillip is listed as a State heritage item; the land is not listed as a local heritage item under Schedule 5 of the Hawkesbury LEP 2012. The development of this land for residential development was anticipated in the Conservation Management Plan approved with the Planning Proposal. The Heritage Council (Office of Environment and Heritage) 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 Hawkesbury LEP 2012.

It is therefore considered that the development satisfies the provisions of the Hawkesbury LEP 2012.

State Environmental Planning Policy (Infrastructure) 2007

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

As the proposed subdivision involves the creation of more than 200 new allotments, the application was referred to the RMS as 'traffic generating development' under Clause 104 and Schedule 3 of the Infrastructure SEPP. In response the RMS have advised that they raise 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 and monetary contributions 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 is also currently being considered by Council with input from the RMS.

At this stage the intersection of Kurrajong Road and Old Kurrajong Road has been upgraded by the RMS. Monetary contributions were paid by the developer to the RMS as this was a requirement under the VPA prior to the release of the 121st 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 Hawkesbury DCP 2002:

Part A Chapter 3: Notification of Development Applications

The application was notified from 13 April to 13 May 2016 as 'advertised development'. At the request of the Sydney West JRPP the application was re-notified from 25 May to 27 June 2016.

Five 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 Hawkesbury DCP 2002, with the exception of the road design controls which are superseded by Part E Chapter 8 of the Plan. Council's Development Engineer has reviewed the proposal and is supportive of the revised road design plans subject to the imposition of conditions.

The termination of Arthur Phillip Drive and the temporary termination of Road 1 have been adequately addressed by the submission of additional information provided in the form of turning circles. With respect to the termination of Arthur Phillip Drive, there is ample space on the adjacent enlarged lots to construct a cul-de-sac to facilitate the manoeuvring of vehicles. With regard to Road 1, it is recommended that Lot 662 have an appropriate easement benefitting Council over the area covered by the temporary road reserve.

Roads 21 and 26 do not have a centre crown, which would result in discharge from residential dwellings into the kerb sheet flowing across the road. This is a poor long-term outcome for the longevity of the road pavement and safety and accordingly the imposition of a condition is recommended to address this matter.

Part D Chapter 7 – Landfill

The proposal involves the cutting, filling and levelling of the land to accommodate road construction, drainage and the filling of dams. The supplied documentation indicates that this will involve approximately 242,000m³ of cut and 407,270m³ of fill, resulting in a deficit of approximately 165,270m³. This shortfall in material will be addressed by utilising existing stockpiles onsite associated with previously approved developments.

The earthworks primarily relate to the levelling of the land for the new allotments and roads, as well as the filling and alteration of the dams. There are significant depths of up to 10m of cut and 8m of fill, however this is mainly associated with the removal of small hills and the filling of dams to create relatively flat roads and allotments. The works will not substantially alter the topography of the land or the outlook of adjoining properties. The land will slope towards Redbank Creek in accordance with Table 8-1 of Part E Chapter 8 of the Hawkesbury DCP 2002.

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's DA471/14 and DA0467/15.

Part E Chapter 8: Redbank at North Richmond

Table 8-1 of Part E Chapter 8 of the Hawkesbury DCP 2002 indicates that the majority of the land subject to this application (Yeomans Precinct) is located within the 'Northern Valley' and 'Central Valley' Precincts. These precincts are to be suburban in character, with the new allotments having areas of 450m² or greater. Whilst primarily catering for single dwelling houses, some commercial and medium density development may also be accommodated within the Central Valley Precinct.

With areas ranging from 460m² to 2,121m², the proposed subdivision satisfies the design guidelines of both the Northern Valley and Central Valley Precincts.

The proposal involves the filling of Dams 4, 12 and 13 and alterations to Dam 15 to allow for its use as a water feature. The construction of three interpretive water bodies is proposed to replace the removed dams. The subject 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 Hawkesbury DPC 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. The works may also result in two of the water bodies being defined as prescribed dams. However, the proposed subdivision is generally consistent with the endorsed Conservation Management Plan and Figure 8.6 of Part E Chapter 8 of the Hawkesbury DPC 2002. In this regard it should be noted that Figure 8.6 of the Plan indicates that Dams 4, 12, 13 and 15 will be modified, altered and re-interpreted. Drains and equipment associated with the dams 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.

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 Hawkesbury DCP 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 generally consistent with the provisions of the Hawkesbury DCP 2002.

5.4 Planning Agreements

The VPA between Council, the RMS and the developer requires the dedication of land towards the extension of Peel Park, the construction of community facilities, public infrastructure and road works. The delivery of these works is tied to the creation of residential allotments, with the VPA specifying the works required when various milestones are met.

The site will not be subject to Section 94 or 94A Development Contributions now or in the future.

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. However, the area of the application does not contain 'environmental constraint areas' as identified in Figure 8.11 in Part E Chapter 8 of the Hawkesbury DCP 2002.

A Flora and Fauna Report has been prepared in support of the proposal. The report describes the subject land as comprising three distinct survey zones; 'Paddock Trees', 'Grazing Land' and 'Existing Dams'.

The prepared Flora and Fauna Report indicates that no patches of vegetation within the development area meet the criteria for consideration as an Endangered Ecological Community. In particular the report notes that the survey area referred to as Paddock Trees does not meet the criteria for the Shale Plains Woodland Critical Endangered Ecological Community. The 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 within the vicinity of the development area will be retained in areas of open space as a part of previous consents.

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.

A Detailed Flood Study for Redbank Creek has also been prepared. This report outlines that the proposed cut and fill within the vicinity of the creek is outside the mainstream 1-in-100 year flooding and will have negligible adverse effects on flood behaviour.

The Flood Study reveals that the Peel Farm Dam at 322 Grose Vale Road in both pre and post scenarios drains into private lots within the Yeomans Precinct which is not a satisfactory outcome from a safety aspect. To address this matter the developer will need to either relocate the spillway or burden any lots affected with an appropriate drainage easement.

It is also clearly shown that Road 21 where it passes over the drainage reserves is prone to overland flow during major events. There should be flood free access in case of emergencies and this can be rectified by amplifying drainage pipe sizes under roads at drainage reserves. A condition requiring piped drainage to be designed for the 1-in-100 year event is recommended by Council's Development Engineer.

An Aboriginal Heritage Impact Report prepared in support of the application indicates that one Aboriginal heritage site exists within the area of the site that is subject to this application. The report suggests that the archaeological significance of the site is moderate. The obtainment of an Aboriginal Heritage Impact Permit (AHIP) from the Office of Environment and Heritage will be required prior to the commencement of any works.

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 Hawkesbury LEP 2012 and Part E Chapter 8 of the Hawkesbury DCP 2002. The works may result in the creation of two prescribed dams however this aspect of the development is supported by Council's Infrastructure Section and conditions may be imposed to ensure these dams are designed and constructed in

accordance with the requirements of NSW Dam Safety Committee. Therefore, in summary, it is considered that the approval of this application would be in the public interest.

6.0 Referrals

6.1 Internal

Engineering – Studies undertaken in support of the application indicate that Dams 13 and 15 are likely to become prescribed dams, with Dam 13 potentially classified as a 'High Class B Dam'. Prescribed dams must be registered with the NSW Dam Safety Committee to ensure they are adequately maintained as they may otherwise be a risk to property or life. Dams are prescribed based not on the probability of their failure but on the consequence of failure.

Councils' Development Engineer does not support the creation of prescribed dams based on the ongoing maintenance costs placed on Council. However, the retention of these dams satisfies the provisions of Section 8.3.3 of Part E Chapter 8 of the Hawkesbury DPC 2002 and the requirements of the Heritage Council. Council's Infrastructure Section, which will ultimately inherit the dam, is also supportive of the development.

Infrastructure – The Infrastructure Services Director has advised that this department has agreed to the dedication and ongoing maintenance of the prescribed dams based on the heritage significance of these features and history of the development. Any prescribed dams must be conditioned to ensure the requirements of the NSW Dam Safety Committee are adhered to in relation to the classification and risk of the dams, and that this be certified appropriately at both the design and construction stages.

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.

Environment – The Parks Officer reviewed the submitted Flora and Fauna Report and has raised no objection to its ultimate conclusions.

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 Yeomans 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'.

The removal of three dams, alterations to one dam and the construction of three interpretive water bodies are proposed with the application. These works are generally consistent with the endorsed Conservation Management Plan and significant infrastructure associated with the dams is 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 will be 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 a number of 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 Hawkesbury DCP 2002 and Section 79A of the EP&A Act, the application was notified as advertised development from 13 April to 13 May 2016. At the request of the Sydney West JRPP the application was further notified from 25 May to 27 June 2016.

A notice of the development was placed in the local newspaper as required under the EP&A Regulation 2000.

Five submissions were received in response to the notification of this application. An additional submission from a purchaser of an allotment within the Redbank estate was also received however this submission was withdrawn when the Applicant threatened to revoke the sales contract.

Matters raised in the 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 Redbank Creek and Grose Vale Road is to be retained and enhanced as a part of associated development consents.

- *The prepared Flora and Fauna Report does not address direct, indirect and cumulative impacts, nor has biodiversity offset programme been developed.*

Officer's Comment: These issues were previously raised in the assessment of Development Consent No. DA0467/15, which was ultimately approved by the Sydney West JRPP.

With respect to the cumulative impacts of the development, the Flora and Fauna Report outlines the following:

The cumulative effects for the residential development of the Redbank site have been considered as part of the LEP planning proposal, Gateway Application, Gateway Approval and final rezoning of the Redbank site for residential use. Any specific impacts associated with the Yeomans stage were addressed in the biodiversity assessment report submitted as part of the development application. These impacts ... indicate that the proposed mitigation measures

recommended will compensate(e) for any habitat loss. In particular the revegetation of the riparian corridor along Redbank Creek and the tributary streams will significantly increase available habitat for a number of threatened species such that the opportunities for long-term survive of these species in the local areas are increased.

The significant vegetation identified in Figure 8.11 in Part E Chapter 8 of the Hawkesbury DCP 2002 is not to be impacted by the proposed development. Development Consent No's DA0451/14 and DA0467/15 also require the majority of the significant vegetation adjoining Redbank Creek and Grose Vale Road to be retained, revegetated and dedicated to Council as open space.

In order to reduce the impacts of the development Council staff previously required the riparian corridor to Redbank Creek to be increased in width and extended beyond the adopted RE1 Public Recreation zone, at the expense of the adjoining residential properties.

The other issues raised in the submission relate to the strategic development of the Redbank site, and are not matters for consideration during the development application process. In this regard Hawkesbury City Council does not have an adopted Biodiversity Offset Policy.

- *Residents of the adjoining seniors housing development were not notified of the development.*

Officer's Comment: Owners and residents of registered allotments were notified of the development in accordance with Part A Section 3.2 of the Hawkesbury DCP 2002. At the request of the Sydney West Planning Panel the application was also re-notified between 25 May and 27 June 2016.

- *Two-storey buildings within the subdivision will overlook properties within the adjoining seniors housing development.*

Officer's Comment: The creation of allotments within The Gallery Precinct that adjoins the seniors housing development were approved with Development Consent No. DA0471/14.

Allotments proposed with the subject application do not adjoin the seniors housing development.

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

Officer's Comment: The proposed dam removal and alterations are generally consistent with Figure 8.6 of Part E Chapter 8 of the Hawkesbury DPC 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 Hawkesbury DPC 2002 and is supported by the Heritage Council.

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

- *Insufficient infrastructure and roads exist to support the development.*

Officer's Comment: The RMS have raised no objection to the proposal on traffic grounds.

The adopted VPA and Council conditions will require the upgrading of RMS and Council roads.

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

Officer's Comment: During past 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. DA0216/116 for a Torrens title subdivision of Lot 731 in DP 1226260 and Lot 1 DP 786671, known as 86 Arthur Phillip Drive and 92A Pecks Road, North Richmond, subject to the following conditions:

Conditions

Development Description: Subdivision – Vegetation removal, earthworks, the removal of three dams, alterations to a dam, the construction of three water bodies, the construction of roads, landscaping works and a Torrens title subdivision to create an additional 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residue lots

Hawkesbury City Council Conditions

General Conditions

1. The development shall take place generally in accordance with the following stamped approved plans and documentation:

Document Number	Prepared By	Dated
'Drawing No's 16800-11-T Sheets 1 – 3 'Detail Survey/Site Plan'	Arterra Design Pty Ltd	22 September 2016
'Drawing No's L-SD-01 – L-SD-15, L-SD-15 – L-SD-18 and L-SD-30 'Landscaping Plans' Rev 'B'	Arterra Design Pty Ltd	22 September 2016
'Drawing No's L-SD-12 – L-SD-14, L-SD-19 and L-SD-31 – L-SD-32	Arterra Design Pty Ltd	22 September 2016

'Landscaping Plans' Rev 'A'		
Drawing No's T-03 – T-04 'Tree Removal and Protection Plans' Rev 'B'	Arterra Design Pty Ltd	22 September 2016
Drawing No's 11018511-DA01, 11018511-DA04, 11018511-DA14, 11018511-DA22 – 11018511-DA23, 11018511-DA27, 11018511/DA36, 11018511/DA38 – 11018511/DA42 and 11018511/DA52 'Civil Engineering Plans' Rev '3'	J Wyndham Prince	31 August 2016
Drawing No's 11018511-DA00, 11018511-DA02 – 11018511-DA03, 11018511-DA05 – 11018511-DA13, 11018511-DA15 – 11018511-DA21, 11018511-DA24 – 11018511-DA26, 11018511/DA28 – 11018511-DA35, 11018511-DA37, 11018511-DA43 – 11018511-DA48 and 11018511-DA50 – 11018511-DA51 'Civil Engineering Plans' Rev '2'	J Wyndham Prince	31 August 2016
Drawing No's 11018511/DA48A, 110185/DA55 and 110185/DA56 'Civil Engineering Plans' Rev '1'	J Wyndham Prince	31 August 2016
'Preliminary Contamination Assessment' (Report No. 12261/10-ACR1)	Geotechnique Pty Ltd	22 March 2016
'Heritage Impact Statement' (Report No. SH125 01)	Urbis	March 2016
'Aboriginal Heritage Impact Statement'	Kelleher Nightingale	16 October 2015
'Yeomans Biodiversity Assessment' (Report No. 0740 Final Report v2)	Molino Stewart	22 March 2016
'North Richmond Redbank Riparian Assessment: Yeomans' (Report No. 0739 Final Report)	Molino Stewart	9 March 2016
'Arboricultural Impact Assessment' (Report No. TA-01 Rev 'A')	Arterra Design Pty Ltd	15 March 2016
'Impact Assessment – Dam 4 Removal for the Yeomans Precinct Rev' (Reference No. 1573DAM4C) Rev 'C'	Bio Engineered Solutions Pty Ltd	25 February 2016
'Impact Assessment – Dam 12 Removal for the Yeomans Precinct Rev' (Reference No. 1573DAM12D) Rev 'D'	Bio Engineered Solutions Pty Ltd	25 February 2016
'Impact Assessment – Dam 13 Removal for the Yeomans Precinct Rev' (Reference No. 1573DAM13D) Rev 'D'	Bio Engineered Solutions Pty Ltd	25 February 2016
'Impact Assessment – Dam 15 Bank Rehabilitation for the Yeomans Precinct Rev' (Reference No. 1573DAM15D) Rev 'D'	Bio Engineered Solutions Pty Ltd	25 February 2016
'Redbank North Richmond – Integrated Water Cycle	Storm Consulting Pty Ltd	December 2015

Management Report – Yeomans Precinct' (Project No. 1512)		
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... except as modified by the conditions of this consent.

Note: In no way does this consent approve or authorise the 'future development' lots shown on the approved plans. The design and development of these areas will be subject to separate assessment with the submission of future development applications.

2. The General Terms of Approval from the following Authorities, as referred to in Section 93 of the Environmental Planning and Assessment Act 1979 and referenced below, are attached and form part of the consent conditions for this approval:
 - (a) Office of Environment and Heritage – Heritage Council – The General Terms of Approval (Reference No's DOC16/524614 and DOC16/164736) and dated 8 November and 22 June 2016 are attached and form part of this consent.
 - (b) NSW Rural Fire Service – The General Terms of Approval (Reference No. D16/1033 DA 16040501380 MA) and dated 3 June 2016 are attached and form part of this consent.
 - (c) NSW Department of Primary Industries – Office of Water – The General Terms of Approval (Reference No. 10 ERM2016/0204) and dated 3 May 2016 are attached and form part of this consent.
 3. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate (Subdivision).
 4. Vegetation waste resulting from the approved clearing of the site shall be salvaged 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. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.
- No vegetative material is to be disposed of by burning.
5. 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-ACR1) prepared by Geotechnique Pty Ltd and dated 22 March 2016.

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.

6. 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.
7. 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.
8. 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.
9. 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.

10. The payment of a 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.
11. Prior to the issue of a Construction Certificate or an approval under the Roads Act 1993 or Local Government Act 1993, a security bond of **\$100,000.00** is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

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.

12. 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.

13. A single clear and concise Construction Management Plan for the Yeomans Precinct shall be submitted to the Principal Certifying Authority for review prior to the commencement of works. This plan shall be titled 'Yeomans 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.

14. A Dilapidation Survey and Report (including photographic record) must be prepared by a suitably experienced person detailing the pre-developed condition of Grose Vale Road within the vicinity of the development. 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 will 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.

A copy of the Dilapidation Survey and Report must be lodged with Council prior to the issue of any Construction Certificate.

15. A Dilapidation Report and Photographic Survey of adjoining properties 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. This Dilapidation Report and Photographic Survey shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

The report and survey is to be prepared by an appropriately qualified person agreed to by both the Applicant and the owner of adjoining properties. 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 Dilapidation Report and Photographic Survey is denied by an adjoining owner, the applicant must demonstrate, in writing, 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 owners' interest for it to be as full and detailed as possible.

16. The 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.
17. 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. For temporary stabilisation a minimum of 50mm of topsoil is to be spread, for permanent stabilisation 100mm of topsoil is to be spread. Topsoil must be of a fine consistency and of a high quality. Areas are to be turfed, hydro mulched or conventionally seeded.
 - (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) 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.

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

18. 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 Construction Certificate.
19. All retaining walls within Council road and public reserves must be no higher than 1.6m (three sandstone logs in height) as a finished height after turfing at base. Details to this effect are to be submitted on plans prior to issue of the Construction Certificate.
20. 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.
21. 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.
22. 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 onsite will be ceased with the exception of water trucks. Thresholds must be provided that relate to velocity and direction of wind.
 - (b) Dust screen installation and maintenance around the perimeter of the site for the duration of the works.
 - (c) The use of water trucks to regularly wet down areas.
 - (d) The stabilisation of stockpiles.
 - (e) A definition of the maximum allowable height and batters of stockpiles.
- Dust Management Measures are to be incorporated into the Construction Management Plan.
23. 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 Construction Certificate.

24. Stormwater discharge points to swales/drainage channels/watercourses must be protected against erosion to the satisfaction of the Certifying Authority. Details are to be provided on the plans submitted with the Construction Certificate.
25. All pits deeper than 3m 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 Construction Certificate.
26. All pits must have grates in accordance with Council's Standard Drawings as specified in Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
27. OnSite Detention (OSD) for stormwater is required to be provided for this development generally in accordance with the 'Redbank North Richmond – Integrated Water Cycle Management Report – Yeomans Precinct' (Project No. 1512) prepared by Storm Consulting Pty Ltd and dated December 2015. In this respect dam safety must take precedence over OSD design. The overall design objectives, volumes and discharge rates must still be met however Council deems flexibility in design satisfactory to ensure maintenance and safety issues are duly incorporated into final designs. Details in relation to OSD calculations and designs are to be incorporated in documentation submitted to the Certifying Authority prior to issue of the Construction Certificate.
28. 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 Construction Certificate.

29. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:
 - (a) Water flowing from the property must not be redirected or concentrated to adjoining properties.
 - (b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
 - (c) Water flow shall follow the natural flow directions without increasing velocity.

Details of compliance with these requirements are to be provided to the Certifying Authority in the plans for the Construction Certificate.

30. The design of all dams is to be undertaken in accordance with Part D Chapter 6 of the Hawkesbury Development Control Plan 2002 'Dam Construction'. Details satisfying these design requirements are to be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.
31. All dams or detention and retarding basins with a potential volume greater than 10 Megalitres (ML) must have a Dam Break Analysis Report undertaken and referred to the NSW Dams Safety Committee (DSC) or its successor. Any other dam or basin should also be referred to the DSC if, in the opinion of a suitably experienced dams engineer, it is likely to be prescribed based on initial investigation and analysis. Evidence of compliance with these requirements is to be provided to the Certifying Authority prior to issue of the Construction Certificate for an area containing a dam or detention/retarding basin.

32. The design of prescribed dams is to be endorsed by the Dam Safety Committee (DSC). Any requirements of the DSC that will result in the installation of infrastructure in order to allow for efficient surveillance and maintenance of the dam (e.g. piezometers, water level gauges, rainfall gauges, telemetry) must be incorporated into the design plans submitted to the Certifying Authority prior to issue of the Construction Certificate.
33. 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 solely from Grose Vale Road unless specifically authorised by Council.
 - (b) A temporary bitumen sealed haulage road is to be constructed and maintained to the satisfaction of the Principal Certifying Authority from Grose Vale Road for a distance of 50m 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.
34. 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 Construction Certificate.
35. The upgrades on Grose Vale Road must incorporate the following:
- (a) Reconstruction of Grose Vale Road to the satisfaction of Council for the section specified on the approved plans.
 - (b) The minimum pavement width for the Grose Vale Road upgrade construction must be 8m wide unless specifically approved otherwise by Council in writing.
 - (c) Due to the narrow width of the road reserve a safety audit must be undertaken on the design which looks at vehicular, cyclist and pedestrian safety. The audit shall be undertaken in accordance with Roads and Maritime Services (RMS) 'Guidelines for Road Safety Audit Practices' July 2011. Outcomes of the audit are to be incorporated into the design to the satisfaction of Council.
 - (d) Footpath for the entire length of upgrades along the northern side of road.
- Details satisfying the above requirements are to be satisfied prior to the release of the relevant Construction Certificate.
36. The termination of Arthur Phillip Drive at Lots 523 and 524 must be constructed as a full sized residential cul-de-sac in accordance with Council's specifications (including a 12m radius road reserve) at no cost to Council. Details are to be incorporated into the plans submitted to the Certifying Authority prior to issue of a Construction Certificate.
37. The termination of Road 1 adjacent to Lot 662 must have a cul-de-sac in accordance with Council specifications constructed, with the exception of kerb, gutter and drainage which are not required on any temporary section. Any encroachment including 3.5m wide verges that occurs onto Lot 662 must have an appropriate easement placed on the title allowing the use of the land as a right of way with Council being the dominant tenement.

Details incorporating the above requirements are to be incorporated onto plans submitted to the Certifying Authority prior to issue of the Construction Certificate.

38. Roads 21 and 26 must incorporate the following into the design:

- (a) Carriageways must have centre crowns and adequate drainage including constructed kerb and gutter on the dwelling side of the roads to ensure no sheet flow occurs across the road.
- (b) The drainage through the kerb onto centre median reserves must be via pram ramp-like lowerings that disperse flows.
- (c) Grass swales must have drainage lines, subsoil drainage and be constructed with permeable material in order to ensure swales do not become waterlogged and difficult to maintain.

The above requirements are to be incorporated onto plans submitted to the Certifying Authority prior to the issue of the Construction Certificate.

39. Road 30 must have a centre crown, appropriate kerb and gutter drainage on both sides of the road and a drainage line and subsoil drainage within the base of the grass swale. Lot stormwater discharge lines must be constructed and outlets be protected from damage and possible erosion. Details are to be shown on the plans submitted to the Certifying Authority prior to the issue of the Construction Certificate.

40. 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.

41. Physical barriers (i.e. bollards/fences) are to be provided between the road reserve and public reserves (parks). Access to the public reserves for Council maintenance vehicles must be provided and have a lockable entrance.

Details demonstrating compliance with the above are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate

42. All kerb to be used within the development shall comply with Table 6.9 of Part I of the Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Details of compliance are to be shown on the plans to be submitted to the Certifying Authority prior to the release of the Construction Certificate.

43. In order to facilitate evacuation during major storm events flood free access must be provided for critical 100 year Average Recurrence Interval (ARI) storm event flows at both locations where public reserves intersect with Road 1. Details are to be incorporated into the plans submitted to Certifying Authority prior to the issue the Construction Certificate.

44. 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.

45. Detailed landscaping plans and strategies must be prepared by a suitably qualified architect, landscape designer/architect or professional landscape consultant and approved by the

Certifying Authority prior to the issue of a Construction Certificate or approval under the Roads Act 1993. These plans and strategies are to detail the following:

- (a) Street trees are to be provided within the grass verges of the Yeomans Precinct generally in accordance with Drawing No's L-SD-04 Rev 'B' 'Overall Landscape Plan – North' and L-SD-05 Rev 'B' 'Overall Landscape Plan – South' prepared by Arterra Design Pty Ltd and dated 22 September 2016 prepared by Arterra Design Pty Ltd and dated 22 September 2016, 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.
- (b) Re-vegetation and mitigation measures are to be implemented in accordance with Sections 6 and 7 of the 'Yeomans Biodiversity Assessment' (Report No. 0740 Final Report v2) prepared by Molino Stewart and dated 22 March 2016 and Section 5 of the 'North Richmond Redbank Riparian Assessment: Yeomans' (Report No. 0739 Final Report) prepared by Molino Stewart and dated 9 March 2016. Native vegetation of local provenance shall be used in the re-vegetation works as detailed in Tables 5 and 6 of the Yeomans Biodiversity Assessment Report.
- (c) A Vegetation Management Plan shall be developed for the drainage area downstream of Dams 12 and 15 and the open space corridors along the drainage line between Dams 12 and 13 and Dams 6 and 13. The corridor downstream of Dam 15 shall be fully revegetated to connect to the riparian community along Redbank Creek. The Vegetation Management Plan shall be developed in accordance with the recommendations contained in Sections 6 and 7 of the 'Yeomans Biodiversity Assessment' (Report No. 0740 Final Report v2) prepared by Molino Stewart and dated 22 March 2016 and Section 5 of the 'North Richmond Redbank Riparian Assessment: Yeomans' (Report No. 0739 Final Report) prepared by Molino Stewart and dated 9 March 2016. Native vegetation of local provenance shall be used in the re-vegetation works.
- (d) The road crossings of the open space corridors shall be designed to provide opportunities for fauna movement along the drainage lines, particularly for frog and micro-bat species.
- (e) A Weed Management Strategy shall be developed for the control of Lantana, Blackberry and other environmental weeds within the riparian corridor/reserve to Redbank Creek and the development area.
- (f) A Micro-Bat Management Plan shall be developed that includes the provision of a minimum of 50 artificial bat roosting boxes to be installed within the riparian corridor to Redbank Creek.
- (g) 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.

Any landscaping plans or strategies for works on current or future Council land must be approved by Council's Infrastructure or Parks and Recreation Departments prior to any approval by the Certifying Authority.

46. The development must incorporate the recommendations detailed in Section 6 of the 'Heritage Impact Statement' (Report No. SH125 01) prepared by Urbis and dated March 2016:
- (a) All significant infrastructure associated with the dams to be removed, i.e. Dams 4, 12 and 13, shall be salvaged, labelled and stored onsite for interpretation purposes. This shall include (but is not limited to) valve and lockpipe infrastructure and pumping equipment (where present).
 - (b) A Heritage Interpretation Plan shall be prepared for the whole of the Redbank site. The plan should incorporate and detail the proposed interpretation as part of this development (in accordance with the submitted plans), 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. Opportunities for specific interpretation of artefacts or sites should be subject to consideration and consultation with the local Aboriginal community as part of the strategy.

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

Prior to Commencement of Works

47. 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.
48. 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.
49. 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.

50. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.
51. 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.

52. Prior to works commencing, documentary evidence shall be provided to the Principal Certifying Authority demonstrating that any fill material is either:
 - (a) Uncontaminated Virgin Excavated Natural Material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
 - (b) Excavated Natural Material (ENM) as defined by the 'Excavated Natural Material Exemption 2012' by the NSW Environment Protection Authority. The material must be from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or
 - (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication 'Contaminated Sites – Sampling Design Guidelines' 1995.

Written details are to be kept of addresses for the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver identification details; and laboratory test results/consultant's reports. These details must be made available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'.

53. Evidence of the obtainment of an Aboriginal Heritage Impact Permit (AHIP) from the Office of Environment and Heritage shall be provided to the Principal Certifying Authority prior to the commencement of works within 20m of Aboriginal site areas as identified in Figure 1 of the 'Aboriginal Heritage Impact Statement' prepared by Kelleher Nightingale and dated 16 October 2015.

54. Archival recordings of Dams 4, 12 and 13 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'.

55. 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.
56. 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

57. 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.
58. The Council reviewed Construction Management Plan must be implemented for the duration of the works.
59. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

60. 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.

- 61. The backfill of all trenches that are within the zone of influence of the back of kerbs (where no kerb exist the edge of pavement) for all roads shall be stabilised sand compacted to 98% standard.
- 62. The works must be undertaken in accordance with the 'Interim Construction Noise Guideline' published by the NSW Environment Protection Authority.
- 63. 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.
- 64. The following measures are to be undertaken to minimise flora and fauna impacts during construction:
 - (a) The existing 'Remnant Cumberland Plain Woodland' shown on the plans and identified as Cumberland Plain Woodland Area 1 in Figure 8.11 in Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' shall be retained and protected during the works.
 - (b) 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.
 - (c) 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.
 - (d) Water levels within the dams to be removed/altered 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 to Dam 15 as required.
 - (e) 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.
 - (f) Usable sections of cleared trees shall be relocated into the riparian buffer zone to increase available habitat for ground-dwelling mammals.
 - (g) Livestock is to be excluded from grazing along Redbank Creek and its tributary at the western boundary of the Yeomans Precinct.
- 65. 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 15 March 2016.
- 66. Landscaping is to be undertaken in accordance with the approved landscaping plans and the Heritage Interpretation Plan approved by the Heritage Council (Office of Environment and Heritage).
- 67. All retaining walls must be located wholly within private property where constructed on boundaries with Council land and road reserves.

68. 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.
69. 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.
 - (b) pits at low points (sag pits) must have provisions to drain water off the road to avoid long periods of ponding.
70. Sewerage reticulation, including junctions, shall be constructed to each lot in the subdivision where not already provided.
71. 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.
72. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E - Civil Works Specifications, Part II, Table 1.1.
73. 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

74. 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.
75. All prescribed dams and basins are to be certified by a suitably experienced and registered Geotechnical Engineer as being constructed in accordance with the relevant standards. Details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Compliance Certificate.
76. A final geotechnical report prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Principal Certifying Authority prior to the issue of the Construction Compliance Certificate. The report must include, but is not necessarily limited to:
 - (a) Geotechnical Testing Reports for roads and lot compaction;
 - (b) The exact extent of any restricted building zones or any other restrictions affecting any of the allotments;
 - (c) Identification of all land affected by landslip or instability constraints (if applicable);
 - (d) Road and Drainage Construction Material Compliance Reports.

77. 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.
78. 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.
79. 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;
 - (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).
80. 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

81. 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.
82. 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.
83. 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.
84. 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.
85. A defects maintenance bond to the value of **\$321,000.00** (1% of the stated value of the works of \$32,100,000.00) must be lodged with Hawkesbury City Council prior to issue of the Subdivision Certificate. Where a staged bond is required, a cost estimate for the stage for which a Subdivision Certificate release is sought.

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.

86. North Richmond Joint venture is to fully maintain and meet all requirements of the Dam Safety Committee (DSC) for every prescribed dam for a period of three years after the issue of the Subdivision Certificate (relating to the dedication of the relevant dam to Council). At the end of the maintenance period all documentation including any Operations and Maintenance Manuals, Dam Safety Emergency Plan and Surveillance reports must be provided to Council. Council may also at this time and prior to releasing the bond require any upgrades (e.g. the automation of surveillance or warning systems), additional infrastructure or maintenance works be undertaken on the dam to the satisfaction of and at no cost to Council.

In order to guarantee the above is adhered to the following requirements must be fulfilled for each prescribed dam prior to issue of the relevant Subdivision Certificate:

- (a) An unconditional bond to the value of **\$60,000.00** be lodged with Council;
 - (b) A fee of **\$2,000.00** is to be paid to Council to cover the cost of preparing a deed of agreement in relation to the maintenance of the dam;
 - (c) The deed of agreement prepared by and to the satisfaction of Council which shall include but not be limited to the above must be entered into between North Richmond Joint Venture and Council.
87. A Plan of Management for the permanent dams, 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.
88. The spillway for Dam 11 (Peel Farm Dam at 322 Grose Vale Road [Lot 26 in DP 1042890]) must be relocated to the western side of the dam, designed to handle 100 year ARI (Average Recurrence Interval) storm event and clearly demonstrated that no overflow from the dam during the critical 100 year ARI storm event encroaches onto private lots prior to the issue of the Subdivision Certificate.

If these works cannot be completed then Lot 656 must be constructed to convey water from the spillway to public reserve without impeding flow at the lot boundary and have an appropriate drainage easement that can cater for the critical 100 year ARI storm event on the lot with Council being the dominant tenement until the spillway for Dam 11 (Peel Farm Dam) is reconstructed as per above requirements.

89. All land that is defined by the following must be dedicated at no cost as road widening to Council:
- (a) Is on the northern side of Grose Vale Road;
 - (b) Is west of the Road 1 intersection (proposed roundabout) with Grose Vale Road;
 - (c) Is east of Lot 26 DP1042890 (Peel Property Farm);
 - (d) Is within 10m from the centreline of Grose Vale Road.

Details of this dedication must be included on the final plan of subdivision submitted for the release of the Subdivision Certificate.

90. All road reserves and public areas must be dedicated to Council on final Subdivision Plans submitted to the Certifying Authority for the Subdivision Certificate. The dedication must be made at no cost to Council.
91. Landscaping works are to be completed in accordance with the approved landscaping plans, the Heritage Interpretation Plan approved by the Heritage Council (Office of Environment and Heritage)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.
92. 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.

93. Street name signs shall be provided at the junction of the new roads.
94. 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.
95. 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 registered professional Geotechnical Engineer and must include:
- (a) the classification of the proposed lot in accordance with Australian Standard AS2870 'Residential Slabs and Footings' or subsequent amendments;
 - (b) the classification of the lot in relation to risk of slope instability; and
 - (c) the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.
96. 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.
97. Any encroachment, including 3.5m wide verges that occur onto Lot 662 due to the constructed turning head at the termination of Road 1, must have an appropriate easement placed on the title allowing the use of the land as a right of way with Council being the dominant tenement. Details incorporating the above requirements are to be incorporated onto plans submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

98. 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.
99. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the Principal Certifying Authority.
100. 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.
101. 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.

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.

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 *determination 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 Applicant will need to submit an application for connection of electricity load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on 133 718 or (02) 9853 6666 from 8:00am to 5:30pm or are available on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link <http://www.endeavourenergy.com.au>
- The main terms of Endeavour Energy's electrical easements requires that the land owner:
 - Not install or permit to be installed any services or structures within the easement site.
 - Not alter the surface level of the easement site.
 - Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

As the proposed works will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer on (02) 9853 7139 or alternately Jeffrey.Smith@endeavourenergy.com.au

- 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.
- If Aboriginal objects will be harmed as a result of this development, a Section 90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted for these objects prior to the commencement of works. Appropriate management and mitigation for harm must form part of the AHIP application.

The AHIP application must be accompanied by appropriate documentation and mapping as outlined on Page 6 of 'Applying for an Aboriginal Heritage Impact Permit – Guide for Applicants'.

Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the 'Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010'.

- 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.

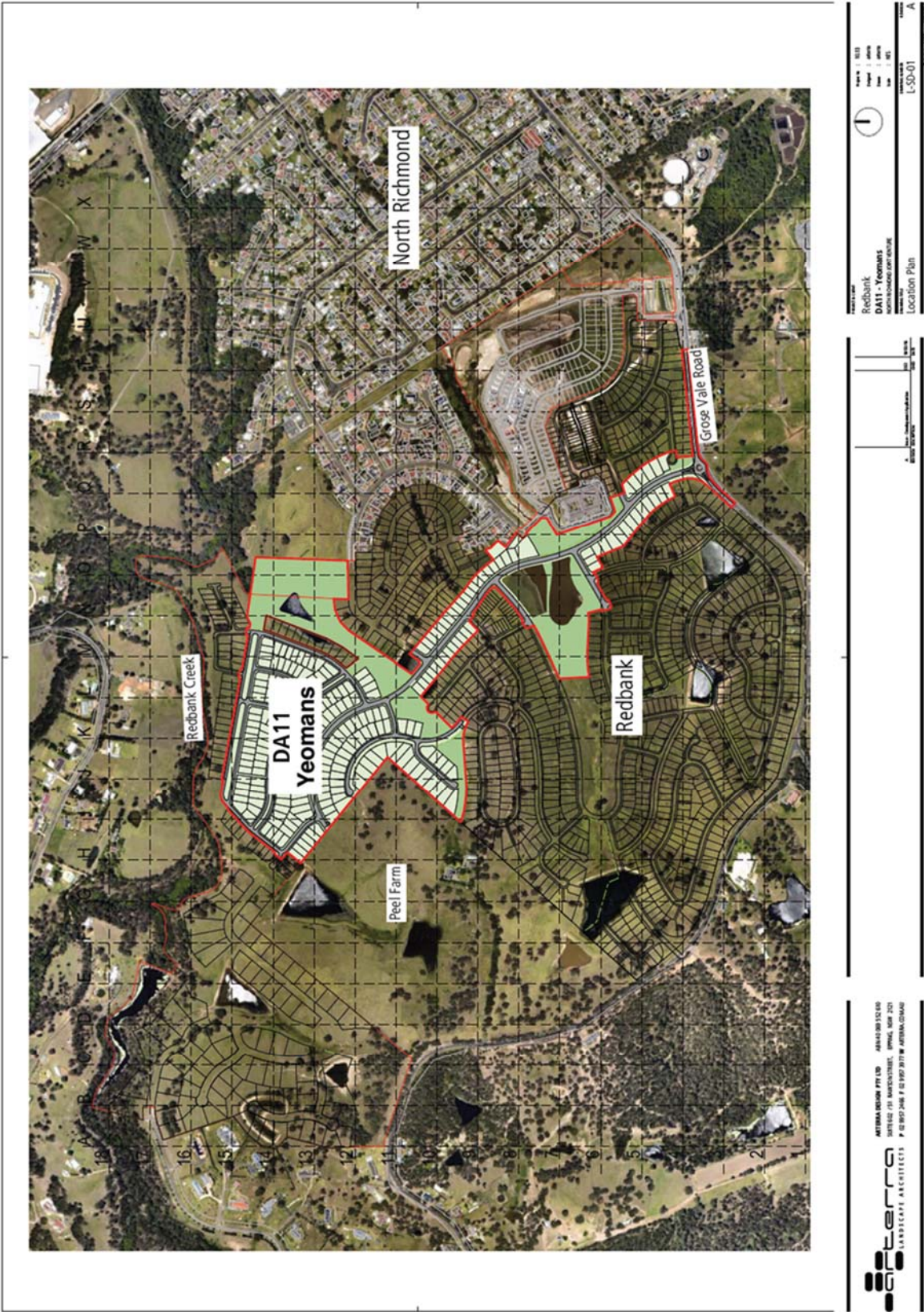
Approvals may be required under the National Parks and Wildlife Act 1979 or Heritage Act 1977.

- 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.

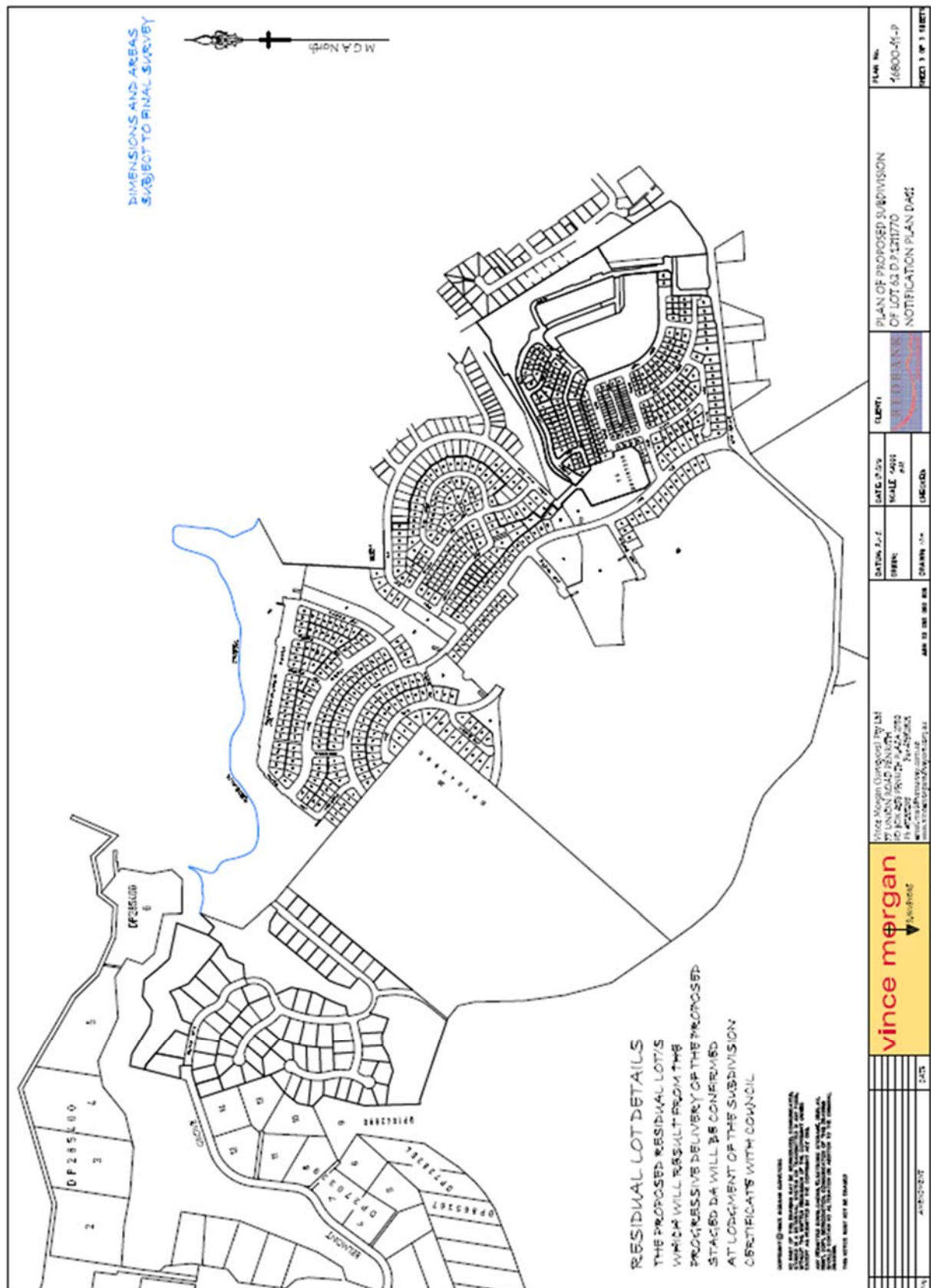
Attachments

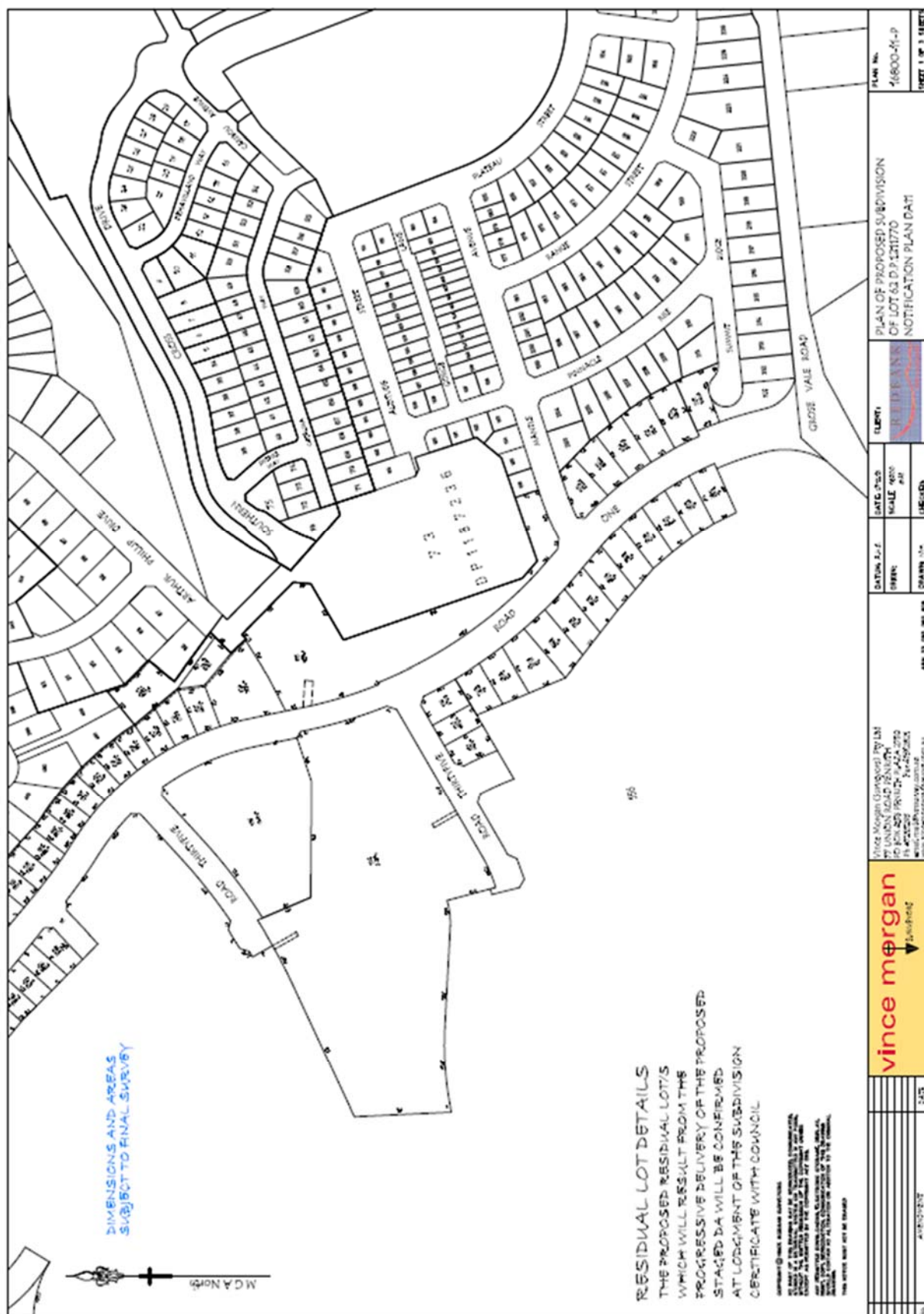
- Attachment 1 – Site Plan;
- Attachment 2 – Plans of the Proposal; and
- Attachment 3 – Submissions.

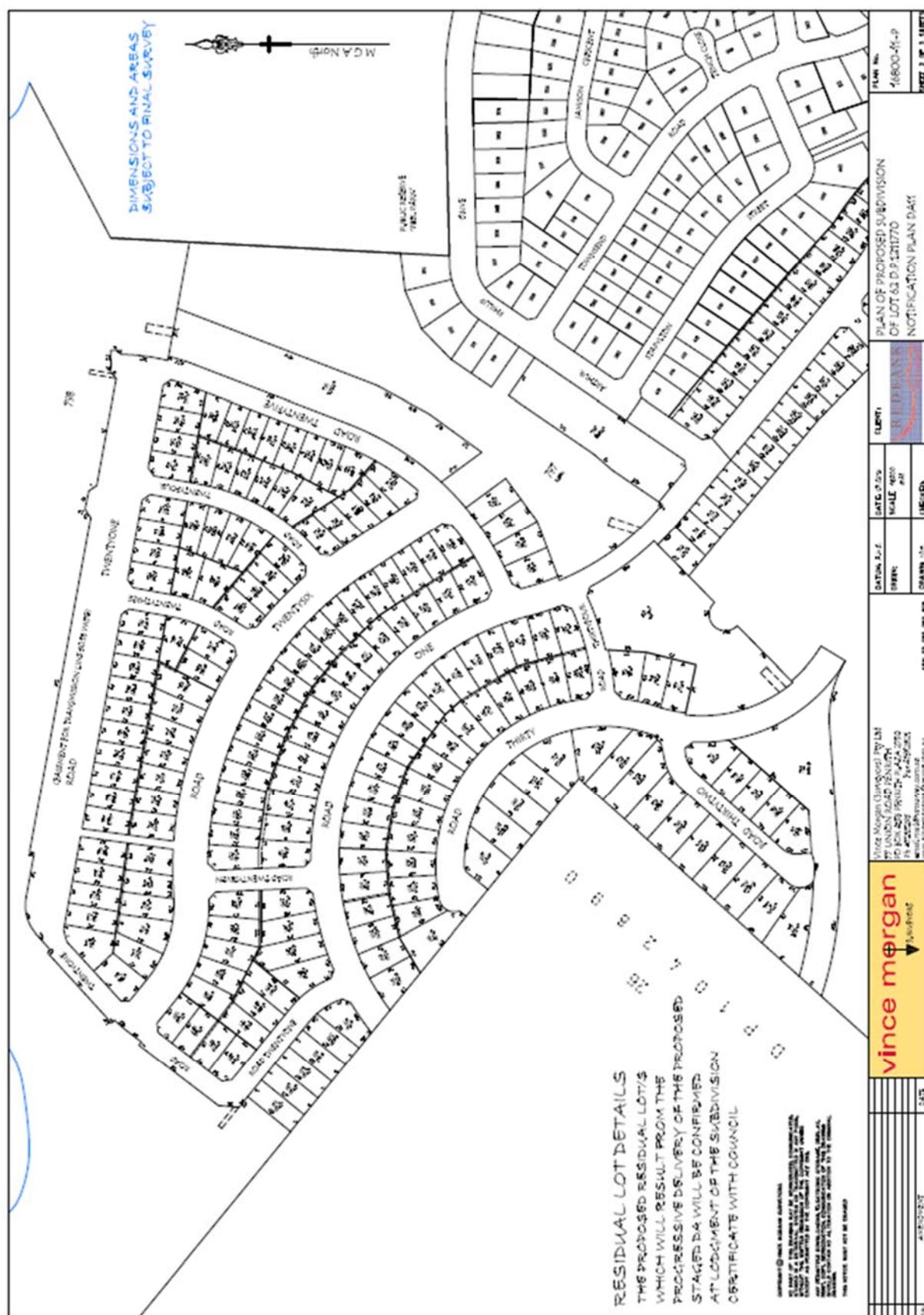
Attachment 1 – Site Plan



Attachment 2 – Plans of the Proposal









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