

## Attachment 9 – Draft Notice of Determination

### 1. COMPLIANCE

**These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.**

- (1) Development consent is granted for demolition of existing structures, bulk earthworks, remediation of land, staged residential subdivision to create 425 residential lots, 4 managed reserve lots (Lot 1001, 1002, 1003 and 1004), 1 residue lot (Lot 901), associated civil and drainage infrastructure and road construction, landscape works and vegetation clearing.
- (2) The attached General Terms of Approval issued by the following:
  - Water NSW (Schedule 1)
  - Office of Environment and Heritage (Schedule 2)
  - Department of the Environment and Energy (Schedule 3)
  - Department of Primary Industries – Water (Schedule 4)
  - Rural Fire Service (Schedule 5).

are included as conditions of this Consent.

- (3) The development must be implemented substantially in accordance with the following plans stamped approved by Wollondilly Shire Council, the application form and any supporting information received with the application, except as may be amended by the following conditions:

Drawing Title	Reference	Prepared by	Dated
Plans of subdivision (Sheet 1 to Sheet 16)	15137.DA.P02 T6	Site Plus	31/10/17
Development Application Civil Plans (Sheet 1 – to Sheet 38)	15137.DA.C01 Rev E	Site Plus	31/10/17
Landscape features plan	LC01/02F	Site Plus	22/06/2017
Landscape detail – entry area	LC02/02E	Site Plus	27.06.2016
Simba Developments Staging of Works	As provided in Schedule 6 to these conditions	Site Plus	As provided in Schedule 6 to these conditions

- (4) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.

### 2. ENDEAVOUR ENERGY

The development shall comply with the following conditions imposed by Endeavour Energy:

- (1) Network capacity/connection

The applicant for the future proposed development of the site will need to submit an application for connection of 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. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

Whilst no detailed load study has been undertaken, given the size of the development, electricity supply will most likely need to be provided from Endeavour Energy's North Warragamba Zone Substation located at Chlorination Drive, Warragamba (Lot 41 DP 1126346) which is approximately 4.5 kilometres north from the site. Considering the significant increase in the number of lots / dwellings, adequate capacity may not be available from the existing feeders / low voltage network i.e. the future development may require augmentation or extension of the network in order to connect the load. The applicant should note that Endeavour Energy does not reserve capacity and therefore cannot provide firm commitments to enquiries. In cases where augmentation works are required, this may involve considerable lead times for design, environmental assessment, approvals and construction.

## (2) Network Access

Access to the existing electrical infrastructure adjacent and on the site must be maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

## (3) Vegetation Management

When planting vegetation near / below the electricity network, only low growing shrubs not exceeding 3.0 metres in height should be considered. Trees need to be planted at the same distance from the power line as their potential full grown height. Trees grown too close to power lines can restrict safe access to power lines by maintenance workers. This can cause delays in power restoration and may have severe consequences in the event of an emergency. Such landscaping may become subject to Endeavour Energy's Vegetation Management program. The planting of large trees to the nature strip or front building setbacks in the vicinity of overhead power lines is not supported by Endeavour Energy.

## (4) Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to

work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

### **3. WATER NSW**

The development shall comply with the following conditions imposed by Water NSW.

#### Stormwater management

- (1) No stormwater runoff from the development shall be directed to the Sydney drinking water catchment.

Reason – To ensure that the stormwater quality management works associated with the subdivision are appropriately located, designed and managed so as to ensure there will be a neutral or beneficial effect on water quality in the Sydney drinking water catchment.

#### Erosion and sediment controls

- (2) Effective erosion and sediment controls shall be installed to prevent sediment entering WaterNSW lands along the western boundary and all controls shall be contained within the development site during the earthworks. All erosion and sediment controls shall be regularly maintained and retained until the development site is stabilised.

- (3) No stockpiles are to be located on or near the western boundary of the site and WaterNSW land.

Reason : To ensure there are no adverse water quality impacts on the Sydney drinking water catchment during the construction phase of the development.

- (4) The western boundary of the site must be securely fenced in accordance with Water NSW requirements, prior to commencing on Stage 2 of the development, to ensure the security of WaterNSW lands. The fencing should be 1.8m palisade fencing. Any existing fencing shall be removed.
- (5) Signage is to be erected as part of the western boundary fencing specifying "Water Catchment Area – No Public Access".
- (6) The applicant is to enter into a formal agreement with Water NSW for the relocation of the helipad. Should the helipad remains in its current location, a restriction shall be placed on the title of the development under s88B of the Conveyancing Act 1919.
- (7) Should access is required into the adjoining Water NSW lands, the applicant will need to apply for access consent. Information on this process can be found on Water NSW website : <http://www.aternsw.com.au/water-quality/catchment/manage/special-areas/access>.

#### **4. ROADS & MARITIME SERVICES (RMS)**

The development shall comply with the following condition imposed by RMS.

- (1) Any proposed works on Silverdale Road would require Section 138 consent from Wollondilly Shire Council and concurrence from RMS under Section 138 of the Roads Act, 1993.

#### **5. INTEGRATED DEVELOPMENT**

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

##### **Department of Primary Industries – Water (DPI Water)**

- (1) The development shall comply with the General Terms of Approval (ref 10 ERM2016/0151) issued by the Department of Primary Industries – Water dated 14 April 2016.
- (2) Construction Certificates will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Wollondilly Shire Council.

##### **Office of Environment & Heritage (OEH)**

The development shall comply with the following conditions imposed by OEH.

- (3) If Aboriginal objects will be harmed as a result of this development, a s90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted for these objects prior to the commencement of works.
- (4) 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 (OEH 2011).
- (5) Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the OEH Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010.
- (6) Any AHIP application must clearly articulate what area it applies to and should consider the management and appropriate mitigation measures for all Aboriginal objects within the application area, including long term management and protection of any objects that may not be impacted by the proposed development.

##### **NSW Rural Fire Service (RFS)**

- (7) The conditions of the attached General terms of Approval/Bushfire Safety Authority (ref D16/0677 DA16030801005 MD) dated 4 November 2016 issued by NSW Rural Fire Service under section 100B of the Rural Fires Act 1997 are included as conditions of this consent and to be complied with.

- (a) The proposal shall generally comply with the subdivision layout identified on the plans prepared by Siteplus as follows:

- Plan titled 'Overall Subdivision Plan', referenced 15137.DA.PO1 RevT4, dated 30/8/2016;
- Plan titled 'Managed Reserves Plan', referenced 15137.DA.P13 Rev T4, dated 30/8/2016; and
- Plan titled 'Construction Staging Plan', referenced 151 37.DA.P02 Rev T4, dated 30/8/2016.

unless amended by conditions of this Bush Fire Safety Authority (BFSa) and/or conditions of any development consent issued by the consent authority. Where an inconsistency exists between the requirements of any development consent issued and this BFSa, the conditions of this BFSa prevail to the extent of the inconsistency.

- (b) In accordance with the recommendations of the Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd issue date 10/12/2015, the developer is to prepare a Fire Management Plan in consultation with the NSW Rural Fire Service Southern Highlands Team for the maintenance of the residual lots created in the staged subdivision.

#### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (c) At the issue of subdivision certificate for each stage of the development and in perpetuity, the entire area within the stage identified as being for future residential lots as shown on the plan referenced in condition 1 of this BFSa (i.e. excluding land identified to be managed for conservation and/or drainage reserves and/or managed reserves) shall be created and maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'
- (d) At the issue of subdivision certificate for each stage of the development, a temporary Asset Protection Zone (APZ) to a minimum distance of 50 metres from the perimeter of the stage being released (this APZ shall not be required to extend outside of the areas identified as being future residential lots, as shown on the plan referenced in condition 1 of this BFSa) is to be provided and managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.'

A suitable mechanism pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the title of residue lots to provide for the 50m APZs outlined above to be lawfully maintained until such time as the hazard is removed via development of the adjoining Stage/s whereby the 88B instrument may be extinguished.

- (e) If the land adjacent to the south is not developed for residential land use prior to the release of the subdivision certificate for residential lots adjacent to the southern property boundary there shall be created and maintained a temporary APZ of 35 metres inside the development site as shown on the plan referenced in condition 1 of this BFSa. This temporary APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

A temporary fire trail shall be established within the temporary APZ and shall be designed and constructed to accommodate a heavy rigid vehicle with an all-weather pavement width of 4 metres and provide a turning circle at its termination point that has a minimum inner radius of 6 metres and outer radius of 12 metres.

Prior to the release of the subdivision certificate for any lots affected by the APZs required above, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on all lots affected requiring the creation and ongoing maintenance of the APZ.

As this APZ is temporary, the S88B instrument may be extinguished when the land to the south is residentially developed and the hazard is removed.

- (f) There shall be provided a minimum 30-metre wide APZ for the full length of the north-eastern edge of the estate, adjoining proposed lot 1301 (being land zoned E2 Environmental Conservation) as shown on the plan referenced in condition 1 of this BFSa. The APZ is to be maintained as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

A suitable mechanism pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the title of future lots affected by the APZs required above identifying the land to be managed as an IPA for the life of the development.

- (g) There shall be provided a minimum 33-metre wide APZ for the full length of the western and south-western edge of the estate, as shown on the plan referenced in condition 1 of this BFSa. The APZ shall include the managed width of the road reserve and building setback from the lot boundaries and shall be maintained as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

A suitable mechanism pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the title of future lots affected by the APZs required above identifying the land to be managed as an IPA for the life of the development.

- (h) There shall be provided a minimum 29-metre wide APZ for the full length of the lots adjacent to the bushfire hazards in the Warragamba Recreation Reserve (being proposed lots 740, 828, 829, 830 and 831). This APZ shall include the managed width of the Production Avenue road reserve and building setback from the lot boundaries and shall be maintained as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

A suitable mechanism pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on the title of future lots affected by the APZs required above identifying the land to be managed as an IPA for the life of the development.

#### Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so

as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

- (i) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, whilst residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

- (j) Public road access shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

The intent of measures for public roads is to provide fire trail is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following condition shall apply

- (k) The proposed fire trail in the north west of the site shall be constructed in accordance with specifications in section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### Landscaping

In accordance with the recommendations of the Bushfire Protection Assessment prepared by Australia Bushfire Protection Planners Pty Ltd, issue date 10/12/2015 the following management regime is to be provided for the lots specified, life of the development. Proposed lots 1002, 1002, 1003, 1004, 1302 and 1302, being lots proposed for use as either a drainage reserve or a managed reserve, shall be designed, constructed and maintained to provide a low bushfire fuel levels within the vegetation. This shall be achieved by ensuring:

- Mature tree crowns are separated by a minimum of 5 metres
- Trees are not planted in continuous rows
- Shrubs shall be planted in small discontinuous clumps having a minimum of 5 metres separation; and
- Grasses and ground covers shall be species which are low growing with a maximum height of 150mm.

#### General Advice

This approval is for the subdivision of the land only. Any further development application for class 1, 2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP&A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

- (8) Certification is to be provided by an appropriately qualified person to the Principal Certifying Authority prior to the issue of the Subdivision Certificate that the conditions of the General Terms of Approval / Bushfire Safety Authority issues by the NSW Rural Fire Service have been complied with.

**6. CONDITIONS TO ENSURE CONSISTENCE OF THE DETERMINATION WITH THE BIOBANKING STATEMENT**

- (1) The development must comply with all conditions relating to on-site measures specified in the Biobanking Statement ((ID Number 32) except Conditions 1.5, 1.6 and 1.7 which specifically relate to the Managed Reserve.
- (2) The development must comply with all the conditions relating to the retirement of all required biodiversity credits specified in the Biobanking Statement (ID Number 32) prior to the issuing of the construction certificate for each staged approval for the development:

*(a) The Construction Environmental Management Plan*

- i. *Separate Construction Environmental Management Plans will be required to be submitted prior for each approval stage prior to the issuing of the associated construction certificate for each stage. Each Part should however be designed to be incorporated into one overall document.*
- ii. *of any work.*

*Note, consultation may occur at this stage by Environmental Staff with OEH to identify credit retirement details for the managed reserve.*

*(b) The Ecological Management Plan (EMP)*

- i. Pre-clearance targeted surveys to identify the presence of any of the following listed threatened plant species occur not more than 7 days prior to any vegetation activity prior to the commencement.
- ii. Vegetation clearance must be restricted to that which is necessary for the establishment of the sub-division and satisfy credit retirement arrangement arrangements as detailed in Schedule 2 of the Biobanking Statement.
- iii. All sections of the development site cleared of vegetation must be stabilised within two days (s) of clearing using direct application of (preferably), locally endemic native grass species. *Note, this is in addition to Condition 1.9 of the Biobanking Statement "Native vegetation cleared from the study area is to be mulched for re-use on the site to stabilise bare-ground."*
- iv. A Weed Eradication and Management Plan based on Council's standard condition be to the satisfaction of Council prior to the issuing of the construction certificate.
- v. An inventory of all state level priority weed, regional Priority weeds or other weed of regional concern in the Greater Sydney Regional Strategic Weed Management Plan, approved under the Local Land Services Act 2013
  - on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high);
  - A treatment schedule in tabulated form, specifying for each species:
    - The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing).
    - The rates of application methods of all herbicide treatments.
    - The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill
  - Details of any methods of disposal of weed material.

- The schedule and methodology for the on-going treatment of noxious weeds and invasive environmental weeds on the interface and the perimeter of the E2 lands until active management under the biobanking agreement commences.

(3) Commonwealth approval

*The development must comply with all conditions contained in the approval (EPBC 2016/7684) issued by the Commonwealth Department of Environment and Energy (dated 14<sup>th</sup> June 2017).*

In a further related matter, Condition 2 is noted to state that “Prior to the commencement of the action, the person taking the action must secure a Managed Reserve”. Discussions with the Commonwealth Department of Environment clarified that ‘secure’ is viewed by this Department as being securing by title. **Consequently, transfer of the ownership of the managed reserve must be completed prior to any vegetation clearance within the development footprint to comply with this approval.**

(4) Prior to the issuing of any sub-division certificate.

(a) Accept the dedication of the Biobanking Land subject to:-

- i. The final costings for the management of the biobanking site as approved by the Office of Environment and Heritage (OEH) being to the satisfaction of Council.
- ii. The Total Fund Deposit (TFD) as determined by the biobanking agreement being full prior to the transfer of the land title.
- iii. The execution of the Biobanking Agreement ID number 328 applying to Biobank Site Lot 301 in Deposited Plan number 1236986 issued by the Office of Environment and Heritage.

(5) Future Plan of Management applying to the biobank site and managed reserve.

*A Plan of Management which complies with the Local Government Act 1993 will be required to be completed and funded by the proponent in the event of Council formally determining to acquire the land and classify this land as Community Land. The Plan of Management will be required to be adopted by Council within two years of Council resolving to formally acquire the land.*

All Stages:

- (6) The land is to be remediated in accordance with the Remedial Action Plan prepared by Coffey (Report No. ENAUWOLL04239AC-R02 Rev 1 dated 9 June, 2016. The remediation is to be completed and additional testing (where required) and reporting undertaken and provided to the satisfaction of Council prior to the issue of a Subdivision Certificate for the relevant stage of the development.
- (7) An Asbestos Clearance Certificate shall be provided to Council prior to the issue of any Subdivision Certificate for the relevant stage where the remediation works involve asbestos removal.

- (8) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (9) Any land to be dedicated to Council will only be dedicated when it has been remediated to a condition making them suitable for their intended use.

Stage 8 only:

- (10) Prior to the issues of any Subdivision Certificate for this stage Council shall be provided with a Category "A" Site Audit Statement under the Contaminated Land Management Act, 2008 which confirms that this area site is suitable for "Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry".

## **7. VEGETATION MANAGEMENT PLAN**

- (1) All the requirements are to be complied with and management actions implemented in accordance with the Vegetation Management Plan (Revision E ref : 15137 October 2016) prepared by Site Plus Pty Ltd dated October 2016.
- (2) The person having the benefit of this development consent is responsible to manage the site in accordance with the Vegetation Management Plan (VMP) (Revision E ref : 15137 October 2016) prepared by Site Plus Pty Ltd dated October 2016, until the implementation of the VMP is achieved and Council has informed the person having the benefit of this development consent in writing that the works and performance targets within the document have been addressed satisfactorily.
- (3) The person having the benefit of this development consent must arrange for a site inspection by Council staff for works carried out as part of the implementation of the Vegetation Management Plan. The inspection is to be carried out NO MORE than 2 years from the Date of Determination and subsequently NOT LESS than 6 months prior to the conclusion of the end of the 5 year site maintenance period that the person is responsible for.

## **8. LANDSCAPING PLAN**

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council prior to the release of the Construction Certificate. This plan must include the following:
  - (a) All existing and proposed site structures.
  - (b) All existing vegetation.
  - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
  - (d) Location, number and type of proposed plant species in regard to street trees
  - (e) Details of planting procedure and maintenance.
  - (f) Details of drainage and watering systems
  - (g) Details of compliance with the landscaping requirements of other conditions of this consent.

The landscaping plan is also to provide an additional small to medium size shrub/tree of native species in each lot away from building envelope to increase amenity. All plants used in landscaping and street tree planting must be native species endemic to the Silverdale Area listed in in PART 11 – Landscaping of Wollondilly DCP 2016. NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

Note: Council generally requires the provision of one street tree per allotment that is located approximately in the middle of the allotment to facilitate driveway access.

## **9. CONTAMINATION/REMEDIATION/VALIDATION**

- (1) The recommendations in Stage 2 Contamination Assessment (ref ENAUWOLL04239AC-R01) dated 7 June 2016 prepared by Coffey Environments Australia Pty Ltd are to be undertaken.
- (2) The remediation activities recommended in the Remedial Action Plan (ref. ENAUWOLL04239AC-R02 Rev 1) dated 9 June 2016 prepared by Coffey Environments Australia Pty Ltd are to be carried out.
- (3) Following removal of the asbestos contaminated materials and visual clearance inspections, an asbestos clearance certificate will need to be prepared by the Licensed Asbestos Assessor. This should include the results of the asbestos air monitoring and the findings of the clearance inspections. Areas excluded from the clearance inspections should also be noted on the clearance certificate. The clearance certificate can be included as part of the Site Validation report.
- (4) Three months after completion of the remediation and validation activities, a validation report, prepared by a suitably qualified environmental scientist, is to be submitted to Council for approval. The report shall as a minimum include the information recommended in the Remedial Action Plan (ref. ENAUWOLL04239AC-R02 Rev 1) dated 9 June 2016 prepared by Coffey Environments Australia Pty Ltd.
- (5) Should any contaminated materials be unearthed during the construction works, all works are to cease immediately and the Unexpected Finds Protocol developed by Coffey as provided in Appendix A of the Remedial Action Plan (ref. ENAUWOLL04239AC-R02 Rev 1) dated 9 June 2016 prepared by Coffey Environments Australia Pty Ltd are to be implemented.

A suitably qualified environmental site contamination consultant is to investigate and report on the findings. The reports shall be prepared in accordance with Environment Protection Authority Guidelines for consultants reporting on contaminated sites.

## **10. GEOTECHNICAL REPORT**

- (1) The recommendations as outlined in Geotechnical Assessment (ref : ENAUWOLL04239AA-R02) prepared by Coffey Environments Australia Pty Ltd dated 7 December 2015 are to be implemented including but not limited to waste minimisation, site preparation, excavation, filling, temporary slopes and erosion potential, foundations and pavement.

- (2) Following demolition of structures, further salinity assessment is to be carried out in accordance with the recommendation of the Geotechnical Assessment (ref : ENAUWOLL04239AA-R02) prepared by Coffey Environments Australia Pty Ltd dated 7 December 2015.

## **11. ABORIGINAL OBJECTS**

- (1) To prevent harm to the aboriginal objects in the vicinity of the demolition area, the extents of the three (3) Aboriginal sites should have protective barricades established prior to commencement of the demolition works and is maintained until such time as a valid Aboriginal Heritage Impact Permit (AHIP) approved under Part 6 of the *National Parks and Wildlife Act, 1974* from the Office of Environment and Heritage is issued for the destruction of the Aboriginal sites.
- (2) Environment and Heritage is issued for the destruction of the Aboriginal sites. If any aboriginal objects are found during construction, work is to cease immediately. The Office of Environment and Heritage (OEH) is to be notified and the site, and objects, are to be assessed by a suitably qualified Aboriginal Heritage Consultant in accordance with the requirements of OEH. No further works are to be undertaken on the site without the written consent of OEH.

## **12. DEMOLITION**

**These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.**

- (1) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
  - Is a chemical installation
  - Involves a tower crane on site
  - Involves a mobile crane with a rated capacity of more than 100 tonnes
  - Has structural components that are pre-tensioned or posttensioned
  - Involved floor popping
  - Involves explosives
  - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
  - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication *How to Safely Remove Asbestos – Code of Practice* (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.

- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the "NSW Waste Avoidance and Resource Recovery Strategy 2014-21" (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601- 2001 – The Demolition of Structures and the WorkCover Authority of NSW publication "Demolition work code of practice July 2014" including provision for:
  - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality
  - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire-fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification from demolition contractor Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

### **13. CONSTRUCTION GENERAL**

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for each relevant stage within the development.
- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.

- (8) There shall be no burning of builder's rubble, felled trees or other material on site.
- (9) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
  - (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000 in residential zones R2, R3 & R5 or for BCA class 2, 3, 5, 6, 7, 8 and 9 construction work in all zones)
  - (ii) Payment of a Road Opening Fee (only applies to the first structure on the site)
  - (iii) Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones  
The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.
- (10) Dust shall be controlled so that it will not leave the construction site.

#### **14. STREET ADDRESSING**

**These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.**

- (1) Prior to the issue of a Construction Certificate for the subdivision an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.

#### **15. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

##### **All Stages**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:**

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.
- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, **for all stages** shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) All Infrastructure details shall be shown on the engineering plans for approval by the Nominated Accredited Certifying Authority and the Council, as the Road Authority, prior to the issue of a Construction certificate. Engineering Plans for stages 1-4 including drainage, basin within the public park must be completed as one Construction Certificate. Engineering Plans for stages 5-9 including drainage must be completed as one Construction Certificate.
- (4) Prior to the commencement of any work, a Construction Certificate shall be issued by the nominated Accredited Certifier or the Council for the development.
- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority. The measures shall be in accordance with Council's

Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans. **These plans must detail the provision of temporary sediment basin for the staged construction including the progressive re-vegetation of the site immediately upon completion of the earthworks.**

- (6) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification.
- (7) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used. Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.
- (8) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format including CCTV recording for all road stormwater lines to Council or a nominated Accredited Certifier, before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (9) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

## 16. PUBLIC ROADS

**These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.**

### All Stages

- (1) The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design Specification and Construction Specifications.
- (2) All civil works for road 1-12 shall be carried out generally as shown on the concept plan by Site Plus ref. no. 15137.DA sheet nos. P1- P17 dated 30 August 2016 and amended plans 15137.DA Sheet C01-C38 dated 13 July 2017 with the exception of the following:
  - Provision of upright kerb in road 8 at the western side.
  - Provision of a basic left turn treatment (BAL) together with a basic right turn treatment (BAR) for the intersection of road 2 with Marsh Road and Production Avenue.
  - **Access to:** Lots 236, 237, 239, 243, 250, 229, 227, 226, 401, 408, 425, 417, 323, 333, 313, 302, 312, 213, 224, 202, 170, 147, 144, 131, 117, 130, 742, 601, 620,

525, 526, 643, 645 and 539, a driveway access location is to be shown on the linen plan to be located off the side of a more minor street frontage or traffic calming treatments so as to limit any conflict upon the operation of the public system;

- Lot 740 shall be permitted from Production Avenue, adjacent to the common boundary of lot 831.
- Lot 821 shall be adjacent to the common boundary of lot 833.
- Lot 820 shall be adjacent to the common boundary of lot 748.
- Lot 748 shall be adjacent to the common boundary of lot 820.
- Lot 728 shall be adjacent to the common boundary of lot 729.
- Lot 729 shall be adjacent to the common boundary of lot 728.
- Lot 431 shall be adjacent to the common boundary of lot 419.
- Lot 418 shall be adjacent to the common boundary of lot 419.
- Lot 701 shall be adjacent to the common boundary of lot 702.
- Lot 704 shall be adjacent to the common boundary of lot 703.
- Lot 334 shall be adjacent to the common boundary of lot 336.
- Lot 324 shall be adjacent to the common boundary of lot 325.
- Lot 212 shall be adjacent to the common boundary of lot 160.
- Lot 160 shall be adjacent to the common boundary of lot 212.
- Lot 159 shall be adjacent to the common boundary of lot 132.
- Lot 115 shall be adjacent to the common boundary of lot 116.
- Lot 101 shall be adjacent to the common boundary of lot 129.
- Lot 769 shall be adjacent to the common boundary of lot 768.
- Lot 768 shall be adjacent to the common boundary of lot 769.
- Lot 707 & 706 shall be provided via a concrete ROC from road 12.
- Lot 821 & lot 822 shall be via a concrete Right-of-Carriageway adjacent to the common boundary of lot 833. The proposed handle for lot 822 is located as shown on plan, is not acceptable at the bend.
- Lot 538 & lot 537 shall be via a concrete Right-of-Carriageway from road no. 10
- Lot 611 shall be adjacent to the common boundary of lot 612.
- Lot 612 shall be adjacent to the common boundary of lot 611.
- Lot 625 shall be adjacent to the common boundary of lot 624.
- Lot 621 shall be adjacent to the common boundary of lot 656.
- Lot 543 shall be adjacent to the common boundary of lot 544.

The details of the above shall be shown on the engineering plans for approval by the Council or The Nominated Accredited Certifier prior to issue a Construction Certificate.

- (3) The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (4) All Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (5) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning prior to commencement of work on the site. A fee is payable for issue of this Consent Certificate.
- (6) All services including water mains shall not be located beneath the concrete paths unless required to cross from one side of a road to another.

- (7) The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in Marsh Road, road 2 & all the proposed cul-de-sacs.
- (8) The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.
- (9) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (10) All infrastructures are to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (11) Provision of concrete pathway, in accordance with Council's Design and Construction Specification, generally as shown on the concept footpath plan by Site Plus ref. nos. 15137.DA. sheet no. P15 dated 12 July 2017 with the exception of the following:
  - A 2.5m wide shared pathway in road 8 shall be located west of the road and the proposed retaining walls. To delineate as a slow area the curved section in between road 5 and 12 shall have a coloured asphalt finish. The shared pathway may need to cross road 8 in this location. Details of this shall be shown on the engineering plans for approval.

For all pathways the surface finish and grades shall comply with AS1428-1-2001.

- (12) To overcome damage of footpaths during dwelling building works the concrete paths shall be constructed to a residential driveway standard. Details to be included on the engineering plans.
- (13) The applicant shall provide APZ zone and Fire Trail generally as shown on the concept subdivision plan by Site Plus ref. sheet no. 15121 DA P01 dated 08 May 2015 and amended plan by Site Plus ref.no. 15138DA Sheet no. C02. Details of this shall be shown on the engineering plans. Provision of removable bollards in Fire Trail to prevent vehicular access.
- (14) Where the road carriageway changes direction by more than 70 degrees (such as 90-degree bands), the minimum radius of the inside kerb line shall be 15.0 metres.
- (15) Provision of sealed temporary truck turning head in all public road at the end of each stage.
- (16) Provide a detailed plan of the proposed traffic calming at the intersections as shown on the plan by Site Plus ref no. 15137.DA P12, sheet 12 dated 12 July 2017.
- (17) All roundabout shall be sized to provide a turning path for 12.0 m single unit trucks including concrete splitter Islands.
- (18) The intersection of Marsh Road and Warradale Road shall be widened and upgraded as generally shown on the plan by Site Plus ref; 15137.DA.IN01 dated 19 May 2016 including 50mm asphalt overlay for the complete intersection.
- (19) Provide details of the proposed retaining walls including certification.

## **Stage1**

(20) The applicant having benefit of the consent, shall carry out the following works in Marsh Road as per Council's Design and Construction Specifications:

- Provision of kerb and gutter, road widening including reconstruction of the existing pavement for the full carriageway width and associated drainage along the full frontage of the development to provide a 13m carriageway and 4.0m verge (eastern half of Marsh Road reconstruction shall be in accordance with the Planning Agreement).
- Replace the existing two bus shelters in conjunction with new kerb & gutter and footpath levels as per Council's standard (one of the bus shelters shall be replaced in accordance with the Planning Agreement).
- The existing footpath in Warradale Road from Marsh Road to Production Avenue shall be replaced with a 2.0m wide concrete path. The width may vary depending on the existing road boundary and existing service locations.

Details of the above shall be shown on the engineering plans for approval by the Council, as the Road Authority prior to the issue of a Construction Certificate.

## **Stage 4, 7 & 8**

(21) The applicant shall, at no cost to Council, dedicate to Council an appropriate road, which incorporates the APZ generally as shown on the concept subdivision plan by Site Plus ref. sheet no. 15137 DA P15 dated 30 August 2016 and amended plan by Site Plus ref.no. 15138DA Sheet no. C02. Details of this shall be shown on the engineering plans.

## **17. DRAINAGE/STORMWATER**

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

### **All stages**

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An inter-allotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.

- (5) Drainage for stormwater discharge and water quality treatment shall be designed generally in accordance with the submitted Stormwater Management Report by Site Plus ref. no. 15137DA sheet nos. P23-P37 dated 06 August 2016 and amended plans by Site Plus Ref. no. 15137DA sheet nos. C23-C38 dated 13 July 2017 and approved by Council, as the Road Infrastructure Authority, prior to the issue of a Construction Certificate.
- (6) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.
- (7) Appropriate Easements and Restrictions shall be created over all stormwater and water quality infrastructure that is to be vested in Council and constructed in private land. Terms of Easements and Restrictions must be approved by Council prior to the issue of a Construction Certificate.
- (8) The stormwater discharge from the site shall have adequate control measures installed to ensure the post-development discharge is no more than the pre-development condition for all storm events up to and including the 100 year ARI storm even. Details of the stormwater quantity control system shall be shown on the engineering plans for approval by the nominated Accredited Certifier prior to issue of the Construction Certificate.
- (9) The applicant shall ensure appropriate public safety measures are provided for the proposed basin on lot 201. Public safety measures shall include, but not be limited to, the following:
  - Safety fencing along all sides of the On-Site Detention basin shall
  - Comply with Australian Standard AS1926.
  - Side slope batters, rails or steps for easy egress.
  - Water depth indicators.
  - Safety signage warning of floodway and other appropriate hazards to be installed and be visible from all adjacent properties, dwellings and public land.
- (10) All Public Safety measures are to be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to issue of Construction Certificate.
- (11) All Public Safety measures on the approved Engineering Plans are to be satisfactorily installed or be in place prior to issue of Certificate of Practical Completion.
- (12) The stormwater discharge from the site shall have an adequate stormwater quality treatment system installed for the control of litter, sediment pollution and dissolved pollutants in accordance with the treatment targets in Wollondilly Shire Councils Design Specification.
- (13) Details of the stormwater quality treatment system, including a maximum 5000-litre rainwater tank for each new dwelling (if required to meet pre-development discharge rate), and computer modelling shall be provided with the engineering plans for approval by the nominated Accredited Certifier prior to issue of the Construction Certificate.
- (14) The installation of stormwater quality treatment measures shall be delayed or adequately protected from excessive sediment loading, until the site is suitably stabilised or for a minimum period of 12 months. The Stormwater quality treatment system is to be cleaned and any damage repaired prior to handover.

(15) Submission of a Section 88B instrument in accordance with the Conveyancing Act shall be provided that creates the following Easements, Restrictions and Positive Covenants for the operation and maintenance of the stormwater control and Stormwater quality treatment system as identified in the Conceptual Civil Engineering Plans by Site Plus Ref.15137DA sheet nos.23-37 dated 06 August 2016 and amended plans by Site Plus Ref. no. 15137DA sheet nos. C23-C38 dated 13 July 2017.

- Easement to Drain Water over lots 1001-1004, 1301-1303 benefiting Council and covering the Detention Basin and overflow weir benefiting Council.
- Easement for Access over lot 201 benefiting Council and covering the Detention Basin maintenance access point.
- Restriction on the Use of Land over lots 1001-1004, 1301-1303 covering the stormwater control and stormwater quality treatment infrastructure preventing the modification of any surface levels, pipes, pits, control structures, fencing, signage or any other infrastructure associated with the system.
- Positive Covenant over lots 1001-1004, 1301-1303 covering the stormwater control and stormwater quality treatment infrastructure requiring the maintenance of the infrastructure in accordance with an approved Maintenance Management Plan.
- Restriction on the Use of Land shall be placed on each of the lots burdened such that no dwelling is to be erected or permitted to remain without provision of a maximum 5000 litre rainwater tank for reuse, if required.

Terms of Easements, Restrictions and Positive Covenants shall be approved by Council prior to issue of Subdivision Certificate.

- (16) All stormwater control and stormwater quality treatment measures to be vested in Council shall be maintained and monitored by the Developer, at no cost to Council, for a period of five (5) years after the issue of a Certificate of Practical Completion for the system, at which time the drainage infrastructure shall become the responsibility of Wollondilly Shire Council. Prior to handover to Council, the system shall be fully cleaned and any repairs made to the satisfaction of Council. A 10% maintenance and cleaning bond for the three year period, or a minimum \$3000, whichever is greater, shall be lodged in accordance with Council's Design Specification.
- (17) A heavy duty concrete access, a minimum 4.0 metres wide, shall be constructed to provide maintenance access to the On-site detention and Bio-retention basin structure. Details of the access shall be provided with the Engineering Design plans for approval by the nominated Accredited Certifier prior to issue of the **Construction Certificate**.
- (18) The person or entity having the benefit of this consent shall prepare a Maintenance Management Plan for the operation, maintenance and inspection of the proposed Bio-retention and on-site detention basins that will be vested in private ownership.
- (19) The plan shall include an inspection checklist and indicative annual and whole of life maintenance and replacement costs. The plan shall be submitted for approval to the nominated Accredited Certifier prior to issue of Construction Certificate.

## **18. EROSION AND SEDIMENT CONTROL**

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

### **All stages**

- (1) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitably stabilized within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

## **19. EARTH FILL**

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

### **All Stages**

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) Only fill characterized as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill imported from offsite used onsite shall be retained and presented to Council on request.
- (3) There is to be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There is to be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (6) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (7) No land filling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Approval has been issued by NSW Office of Water.
- (8) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

## **20. CARPARK/LOADING/ACCESS**

- (1) Provision shall be made for service vehicles such as garbage and septic trucks to access the proposed development. In this regard these vehicles must be able to enter and leave the development in a forward direction.

## **21. INSPECTIONS**

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

### **All Stages**

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
  - When drainage lines have been laid, jointed and bedded, prior to backfilling
  - Prior to pouring of the drainage pits, when the formwork and steel is in place
  - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
  - When roadwork's have been excavated to subgrade, prior to placing of pavement
  - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
  - When part of the pavement depth (as indicated by Council) has been placed
  - During the roller test, which is to be carried out using a three point roller or approved equivalent
  - At completion of pavement shaping, prior to priming
  - At completion of the preparation of kerb and guttering subgrade.
  - At completion of the preparation of all concrete layback gutter crossing subgrade
  - Prior to pouring vehicle crossing slabs, when formwork and steel is in place
  - At practical completion of works
  - At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify The Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

## **22. Waste Management**

**These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.**

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application and approved by Council under this application.

## **23. SERVICES**

**These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.**

- (1) Endeavour Energy Certificate Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Telecommunication provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of telecommunication service provider. In this regard, written confirmation from telecommunication service provider stating that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.
- (4) All power and services provided to the development within the site shall be underground.

## **24. SUBDIVISION PLANS**

**These conditions have been imposed:**

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

- (1) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

A Restriction as to User shall be imposed over all land within 500 metres of the helipad providing that no dwelling may be constructed or permitted to remain on the subject land unless such a dwelling incorporates appropriate measures to ensure that the following LAeq levels are not exceeded:

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

The Restriction as to User shall contain a provision that it may not be extinguished or altered except with the consent of Wollondilly Shire Council.

- (2) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:
  - (a) For each stage of the development and in perpetuity, the entire area within the stage identified as being for future residential lots, excluding land identified to be managed for conservation and/or drainage reserves and/or managed reserves, shall be created and maintained as an inner protection area (IPA) in accordance with section

4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

- (b) Provide a temporary Asset Protection Zone (APZ) to a minimum distance of 50 metres from the perimeter of the stage being released and manage it as an inner protection area (IPA) such time as the hazard is removed via development of the adjoining stage/s whereby the 88B instrument may be extinguished.
- (c) Provide and maintain a temporary APZ of 35 metres, inside the development site, for residential lots adjacent to the southern property boundary should the land adjacent to the south is not developed for residential land use prior to the release of the subdivision certificate.
- (d) provide a minimum 30-metre wide APZ for the full length of the north-eastern edge of the estate, adjoining proposed lot 1301 (being land zoned E2 Environmental Conservation) and place a restriction on the title of future lots affected by the APZ. The APZ is to be maintained as an Inner Protection Area (IPA) in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (e) Provide a minimum 33-metre wide APZ for the full length of the western and south-western edge of the estate and place a restriction on the title of the lots affected by the APZ. The APZ shall include the managed width of the road reserve and building setback from the lot boundaries and shall be maintained as an Inner Protection Area (IPA) in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (f) provide a minimum 29-metre wide APZ for the full length of the lots adjacent to the bushfire hazards in the Warragamba Recreation Reserve (being proposed lots 740, 828, 829, 830 and 831). This APZ shall include the managed width of the Production Avenue road reserve and building setback from the lot boundaries and shall be maintained as an Inner Protection Area (IPA) in accordance with section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

- (3) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (4) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (5) Easements on linen (note: only insert dams and watercourses if they relate to the creation of an easement, restriction/or positive covenant)
- (6) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.

- (7) Prior to the release of the linen plans, street trees shall be installed in accordance with the approved detailed landscape plan.

## **25. DEVELOPER CONTRIBUTIONS**

- (1) **Prior to the issue of any construction certificate** the persons having the benefit of this consent shall provide a draft Planning Agreement subject to Subdivision 2 Planning agreements Part 7 Infrastructure contributions and finance of the *Environmental Planning & Assessment Act 1979* reflecting the applicants letter of offer dated (insert date of signed letter when received) and which is consistent with Councils Planning Agreements Policy.

The Draft Planning Agreement shall be provided to Council in a form that is suitable for public exhibition subject to Council obtaining its own legal advice on the content of the Draft Planning Agreement

The applicant and Council shall use their best endeavours to ensure that the planning agreement is executed within 120 days of the date of this consent

The Planning Agreement shall generally make provision for any works or the like under the planning agreement to be completed to the satisfaction of Council prior to the issue of the subdivision certificate.

- (2) **Prior to Council issuing a Subdivision Certificate**, the applicant shall provide a receipt for the payment to the NSW Department of Planning and Environment for the payment of Satisfactory Arrangements for designated State public infrastructure in accordance with the Secretary's Certificate (ref IRF17/285) dated 2 January 2018. Payments are to be made in accordance with the approved staging plan.
- (3) The applicant shall observe and complete their obligations with regard to the Planning Agreement with Wollondilly Shire Council. A certificate shall be obtained from Wollondilly Shire Council for the satisfactory completion of the developer's obligation for each stage prior to the release of the subdivision certificate of the respective stage.

## **26. ADVICE**

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- (5) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245
  - Sydney Water (water & sewer) 132 092.
- (6) Removal of additional vegetation including trees, shrub species and groundcovers requires dual approval of both Council and Local Land Services (formerly the Hawkesbury Nepean Catchment Management Authority).
- (7) All liquid waste other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water. This will require a Trade Waste Agreement to be obtained.
- (8) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.
- (9) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
- (i) Payment of Road Damage Inspection Fee
  - (ii) Payment of a Road Opening Fee (only applies to the first structure on the site)
  - (iii) Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (10) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

- (11) The land is subject to the provisions of Wollondilly Tree Preservation Order, 2008. Under this order consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of this order. The order may be viewed on Council's website at [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle Street, Picton.
- (12) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle St, Picton.
- (13) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.