

## Recommended Conditions of Consent - DA2023-0232 – 961 Torrens Title Subdivision – Duri Road, Hillvue (Arcadia West)

### SCHEDULE 1 – CONDITIONS OF CONSENT

#### General Conditions of Consent

- 1) Development must be carried out in accordance with the following approved plans, except where the conditions of this consent expressly require otherwise:

Approved Plans				
Plan Title	Revision	Plan/Ref No.	Drawn/Issue by	Date
Overall Site Layout	G	Project No.121233_04, Sheet No. TP02	Premise	11/07/2024
Detail Sheets 1-15	G	Project No.121233_04, Sheet No. TP03,04,05,06,07,08,09,10,11,12,13,14,15,16 and17	Premise	11/07/2024
Overall Lot Layout	G	Project No.121233_04, Sheet No. TP18	Premise	11/07/2024
Staging Plan	A	Project No.121233_04, Sheet No. C001	Premise	20/03/2024
Landscape Masterplan	L	Project No. 14281.5 DWG No. L006	Terras Landscape Architects	16/07/2024
Street Tree Layout	L	Project No. 14281.5 DWG No. L008	Terras Landscape Architects	16/07/2024
Footpaths and Shareway Links	L	Project No. 14281.5 DWG No. L010	Terras Landscape Architects	16/07/2024
Entry Feature Walls	L	Project No. 14281.5 DWG No. L013	Terras Landscape Architects	16/07/2024
Burkes Gully Detail 1	L	Project No. 14281.5 DWG No. L015	Terras Landscape Architects	16/07/2024
Burkes Gully Elevations	L	Project No. 14281.5 DWG No. L017	Terras Landscape Architects	16/07/2024
Burkes Gully Detail 2	L	Project No. 14281.5 DWG No. L018	Terras Landscape Architects	16/07/2024
Burkes Gully Shareway Nodes	L	Project No. 14281.5 DWG No. L021	Terras Landscape Architects	16/07/2024
Duri Road Interface Plan	L	Project No. 14281.5 DWG No. L022	Terras Landscape Architects	16/07/2024
Southern Boundary	L	Project No. 14281.5 DWG No. L024	Terras Landscape Architects	16/07/2024

Buffer Planting				
<b>Approved Documents</b>				
Statement of Environmental Effects	-	Revision 3.1	MAAS	October 2024
Traffic Impact Assessment	D	Project No. 121233, TIA_001	Premise	15/03/2024
Traffic Impact Assessment Addendum Report	A	Project No. 121233, TIA_ADD_001	Premise	12/06/2024
Development Servicing Strategy	D	Project No. 121233_SSS_001	Premise	07/03/2024
Aboriginal Cultural Heritage Assessment Report	V3.7	Project No. QU-0506, V3.7	AREA Environmental and Heritage Consultants	08/01/2024
Biodiversity Development Assessment Report	2.0	Project No. HBT0030	Habitat Environmental Services	09/04/2024
Preliminary Site Investigation	B	Project No. 2217, Issue 01	Hanlons Consulting	03/11/2022
Acoustic Assessment	0	Job No. 2222387_221116	RAPT Consulting	16/11/ 2022
Bushfire Threat Assessment Report	-	MAAS Group – Hillvue – October 2024	Firebird ecoSultants	10/10/2024
Stormwater Management Strategy	F	Project No. 121233_SMS_001	Premise	07/03/2024

*Advisory Note: Any changes/amendments to the above approved plans will require separate approval from Council via a modification to development application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.*

- 2) The development shall be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of Council. In the event of any inconsistency with the approved plans or documents and a condition of this consent, the condition prevails
- 3) Staging of the development is permitted provided that continuity in the installation of utility services and any civil infrastructure required is not compromised by the staging.

*Advisory Note: this includes the performance of infrastructure such as the road network and water supply.*

- 4) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

- 5) The applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up to date as required throughout the life of the development. None of the Conditions of Consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.
- 6) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 7) The Applicant shall consult with, as required:
  - a) Essential Energy
  - b) Natural Gas Company
  - c) A Telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

- 8) The development is to comply with Council's Engineering Design Minimum Standards, Standard Drawings and Construction Specifications.

#### **Prior to Issue of a Subdivision Works Certificate**

- 9) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", and Council's current Engineering Design Minimum Standards for Subdivisions and Developments, shall be submitted to and approved by Council with the application for Subdivision Works Certificate.

The plan shall include:

- a) measures to prevent site vehicles tracking sediment and other pollutants from the development site;
- b) dust control measures;
- c) control structures such as sediment basins, sediment fences and sediment traps to trap sediment and allow filtered water to pass through;
- d) safety measures for temporary and permanent water bodies including fencing and maximum batter slopes; and
- e) contingencies in the event of flooding.

The erosion and sediment control measures shall be provided to avoid damage to the environment during construction and are to be maintained throughout the construction of the development.

- 10) Pursuant to Section 306 of the Water Management Act, Council (as the Local Water Supply Authority) requires the following detailed design plans submitted for approval prior to the issue of a Subdivision Works Certificate;

#### **Water:**

- a) A satisfactory Water Servicing Strategy for the full development, including proposed staging and water network analysis, shall be provided for approval by Council's Development Engineering Division prior to the submission of detailed engineering drawings and application for a Subdivision Works Certificate. The Water Servicing Strategy shall provide for future connection of adjoining developments and consider security of supply and future/ongoing maintenance.

- b) On the creation of 100 lots, the extension and connection of the trunk water main to the existing main on Bylong Road will be required to ensure the security of water supply to the development.
- c) Engineering design drawings for the extension of water supply to service each lot shall be prepared in accordance with Council's Engineering Design Minimum Standards.
- d) A single water service shall be provided to each lot.
- e) Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards.
- f) Work on live water mains shall be undertaken by Council at full cost to the developer.

Sewer:

- g) A satisfactory Sewer Servicing Strategy for the full development, including any proposed staging and approximate loadings, shall be provided for approval by Council's Development Engineering Division prior to the submission of detailed engineering drawings and application for a Subdivision Works Certificate.
  - h) Engineering design drawings for the extension of the sewer system to service each lot shall be prepared in accordance with Council's Engineering Design Minimum Standards.
  - i) A single sewer service shall be provided to each lot.
  - j) Works shall be undertaken in accordance with Council's Engineering Design Minimum Standards.
  - k) Work on live sewer mains shall be undertaken by Council at full cost to the developer.
  - l) Sewer easements of minimum 3.0m width are to be provided over all sewer mains within private property and benefit Tamworth Regional Council in accordance with Council's Engineering Design Minimum Standards and Council Policies.
- 11) A stormwater servicing strategy for each catchment shall be prepared and submitted to Council for approval in accordance with the requirements of Council's current version of Engineering Design Minimum Standards, prior to the relevant Subdivision Works Certificate.
- The stormwater servicing strategy for this development must also include calculations and associated commentary for the following:-
- a) Stormwater detention for the range of 1:1 to 1:100-year ARI events to reduce the developed flows to predeveloped flows.
  - b) Conveyance of flows from upstream catchments to the development site including flows entering the site from neighbouring properties.
  - c) Minor and major stormwater network including the northern side of Burgmanns Lane
  - d) 100-year ARI piped and overland flows.
  - e) Interallotment drainage.
  - f) Completion of landscaping and shareway amenities for the Burkes Gully and Duri Road drainage reserves.
  - g) Revegetation of the Burkes Gully drainage reserve.
  - h) Detention basin shall be designed and constructed to maximise passive recreation, in particular with respect to batter slopes.
  - i) The removal of the existing farm dams located within the Burkes Gully watercourse and reinstatement of watercourse with suitable measures to limit stream erosion.
- 12) Engineering design plans, reports and calculations prepared in accordance with Council's Engineering Design Minimum Standards for Subdivision and Developments, are required for stormwater drainage, roads, footpaths, sewer reticulation, water reticulation and erosion control during construction. Completed 'Information to be shown on drawings' and 'Checklists' contained within Council's Engineering Design Minimum Standards for Subdivisions & Developments, for each asset category shall be submitted as confirmation that all works are designed in accordance with recognized and accepted guidelines.

*Advisory Note: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee prior to approval of the plan(s).*

- 13) A pavement design report that complies with the requirements of Council's current version of the Engineering Design Minimum Standards for Subdivisions and Developments shall be submitted to Council for approval. Any pavement that will be used by construction vehicles for access to the site shall be designed for construction loading.
- 14) A landscaping plan that complies with the requirements of Councils Urban Street Tree Management Guide and Tamworth Regional Council Development Control Plan 2010 – Arcadia Estate Chapter shall be submitted to Council for approval.
- 15) Certification shall be provided in accordance with Annexure A of Council's Engineering Design Minimum Standards for Subdivisions and Developments.
- 16) The turf areas on Burkes Gully must be no greater than a 1:4 batter and easily accessible to mow/brushcut. This must be identified on the engineering design plans.
- 17) Certification shall be provided that street lighting design complies with the requirements of AS1158.
- 18) An Inspection Test Plan (ITP) for the construction of earthworks, roads, drainage, water supply and sewer infrastructure required for the development shall be submitted to Council's Development Engineering Division for approval to ensure the quality of construction meets the design criteria.
- 19) Where retaining walls are to be constructed as part of this development, certification of the site specific retaining wall design to relevant Australian Standards and Council's Engineering Design Minimum Standards by a suitably qualified Civil/Structural Engineer holding Chartered Professional Engineer status shall be submitted to Council.
- 20) Prior to the issue of a Subdivision Works Certificate for the relevant stage, the applicant is to submit to Council a copy of the Approval and Stamped Plans issued by the Department of Planning and Environment - Water with respect to any Controlled Activity Approvals, as required by the General Terms of Approval issued by the Officer of Water for this development contained in **Schedule 4**.
- 21) The proposal is to comply with the recommendations of the General Terms of Approval issued by the NSW Rural Fire Service for this development contained in **Schedule 4**. Full details are to be included in documentation for a Subdivision Works Certificate for the relevant stage demonstrating compliance with the requirements of the General Terms of Approval.
- 22) Prior to the issue of a Subdivision Works Certificate for the relevant stage, the applicant is to submit to Council a copy of the Aboriginal Heritage Impact Permit issued by Heritage NSW under Section 90 of the National Parks & Wildlife Act 1974 for the development, as required by the General Terms of Approval issued by Heritage NSW for this development contained in **Schedule 4**.
- 23) Prior to the issue of a Subdivision Works Certificate, Council requires written agreement from any adjacent property owner to be burdened with any new infrastructure, or access for construction activities.
- 24) Prior to issue of a Subdivision Works Certificate, the engineering design plans must identify quantity, location and type of traffic calming measures to be implemented. All traffic calming measures are to be approved by Council and Local Traffic Committee.
- 25) Prior to issue of a Subdivision Works Certificate for the construction of a detention basin, certification shall be provided to Council from a competent person who has not been involved



in the work and is independent of any person who has carried out the work that the basin is unlikely to be declared as a declared dam under the Dams Safety Act 2015.

26) Prior to the issue of a Subdivision Works Certificate, a Construction Site Management Plan must be prepared, and provided to Council. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
- e) Proposed truck movements to and from the site;
- f) Estimated frequency of truck movements; and
- g) Measures to ensure pedestrian safety near the site;
- h) Details of bulk earthworks to be carried out;
- i) The location of site storage areas and sheds;
- j) The equipment used to carry out works;
- k) The location of a garbage container with a tight-fitting lid;
- l) Dust, noise and vibration control measures;
- m) The location of temporary toilets;
- n) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
- o) AS 4970 – Protection of trees on development sites;
- p) Include all mitigation measures as identified in Table 13 of the approved Biodiversity Development Assessment Report; and
- q) Include all mitigation measures and implement of recommendations identified in Sections 9 and 10 of the approved Aboriginal Cultural Heritage Assessment Report.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

27) An application (together with a plan) must be submitted to Council for road names. The suggested names must be supported with reasons (historical or otherwise) for the chosen names.

*Advisory Note: Council's Development Hub should be contacted via email at [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) or phone (02) 6767 5507 for assistance with road naming.*

28) Prior to the release of a subdivision works certificate or before site work commences:

- a) The class and number of ecosystem credits in the table of ecosystem credits required be retired – like for like – non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development; and/or
- b) the class and number of ecosystem credits in the table of ecosystem credits required to be retired – like for like – threatened ecological community must be retired to offset the residual biodiversity impacts of the development.
- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority.

Table of ecosystem credits required to be retired – like for like- non-threatened ecological community

Impacted plant community type	Number of ecosystem credits	Hollow bearing trees	IBRA subregions from which credits can be used to offset	Trading group that can be used to offset the impacts from development
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			the impacts from development	
599- Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	6	Yes	Peel, Eastern Nandewars, Hunter, Inverell Basalts, Kaputar, Liverpool Plains, Liverpool Range, Northern Basalts, Tomalla and Walcha Plateau. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710, 711, 796, 797, 799, 847, 851, 921, 1099, 1303, 1304, 1307, 1324, 1329, 1330, 1332, 1383, 1606, 1608, 1611, 1691, 1693, 1695, 1698, 3314, 3359, 3363, 3373, 3376, 3387, 3388, 3394, 3395, 3396, 3397, 3398, 3399, 3406, 3415, 3533, 4147, 4149, 4150

#### **Prior to the Commencement of Works**

- 29) The approved development which is subject of this consent must not commence until:
- A Subdivision Works Certificate has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and
  - The person having the benefit of the development consent has appointed a principal certifying authority for the subdivision work, and
  - The principal certifying authority has, no later than 2 days before the subdivision work commences:
    - notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and
  - The person having the benefit of the development consent has given at least 2 days' notice to the council, and the principal certifying authority if that is not the council, of the person's intention to commence the subdivision work.
- 30) A minimum of one week's notice, in writing, of the intention to commence works on public land shall be provided to Council together with the name of the principal contractor and any major subcontractors engaged to carry out the works.
- 31) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-2009 and

the RMS current version of the "Traffic Control at Worksites" manual and be submitted to Council for approval..

- 32) Erosion and sediment control measures are required for this development in accordance with condition 9 and must be implemented prior to the commencement of any construction works.
- 33) The contractors engaged to undertake work on the public roads or public infrastructure shall maintain public liability insurance cover to the value of \$20 million. The policy shall specifically indemnify Tamworth Regional Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 34) A sign shall be erected at an appropriate location within the development site for each stage of construction stating that entry to the work site by unauthorised persons is prohibited. The sign shall include the name of the principal contractor, the name of the site supervisor and a telephone number at which the site supervisor may be contacted outside normal working hours. The signs shall be removed when all works have been completed.

### **During Works**

#### *General*

- 35) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:
  - **Monday to Friday – 7.00am to 5.00pm;**
  - **Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;**
  - **No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.**
- 36) The Developer shall be responsible to instruct and control their contractors regarding the hours of work. Council will exercise its powers under the *Protection of the Environment Operations Act 1997*, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.
- 37) A copy of the current stamped approved engineering construction plans and specification must be kept on site for the duration of the works and be made available upon request to either the Principal Certifying Authority or an Officer of Council.
- 38) Erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times.
- 39) The Traffic Management Plan (inclusive of any TGS's) shall be implemented and any associated barriers, signage and controls shall maintained in a functional state at all times.
- 40) The Developer shall ensure that dust suppression is undertaken to ensure there is no visible dust emitted due to any works associated with the development. This can be in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving in, out or within the development site does not cause a nuisance to surrounding properties.
- 41) Any spillage of materials onto Council infrastructure, as a result of delivery or handling for this development, must be removed as soon as practicable by the developer and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.



- 42) Any damage caused to Council infrastructure during in, on or under the road reserve as a result of works undertaken for the development site shall be rectified by the Developer to the satisfaction of the Council so as to ensure the integrity of Council's infrastructure.
- 43) The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, fencing, skips or the like without prior written approval from Tamworth Regional Council. Approval will only be considered in extreme or highly constrained circumstances.
- 44) The temporary storage of construction spoil, topsoil, gravel, or any other construction material must not occur within the transmission easement.
- 45) Open Space must be developed in line with Council's Open Space Management Guide.

#### *Contamination*

- 46) If any unexpected contamination is discovered during subdivision works, the appropriate actions shall be taken in accordance with SEPP (Resilience & Hazards) 2021, work health and safety and environmental protocols to address any issues relating to human health and environmental protection. Councils' Environmental Health Division must be notified and all work in the area of discovery is to be immediately ceased until clearance is obtained from Council.

#### *External Roads – Duri Road*

- 47) The intersection with Duri Road shall be upgraded with an asphalt concrete pavement wearing course on the creation of 50 lots, to ensure the adequate pavement durability for turning traffic volumes.
- 48) The intersection with Duri Road shall be re-constructed as a two-lane roundabout or as otherwise agreed by Council and TfNSW, on the creation of 550 residential lots or 344 vehicle trips in a peak hour from the development onto Duri Road, whichever occurs first. Detailed construction plans shall be prepared and submitted to Council for approval.

##### *Advisory Notes:*

1. Works on Duri Road require approval from Council pursuant to Section 138 of the Roads Act 1993. Concurrence or other agreement from Transport for NSW (TfNSW) must also be obtained.
2. In accordance with regulatory requirements, a plan of the roundabout shall be submitted to the Local Traffic Committee for comment and acceptance prior to issue of a Section 138 Approval.
3. Any landscaping shall be shown on the design drawings and included in the landscaping plans. Any proposed landscaping shall be designed such that it does not interfere with the design sight distances of the roundabout in accordance with the relevant Austroads guidelines.
4. Pursuant to normal engineering practice and the requirements of the various utility providers, the roundabout design shall make provision for protection and/or relocation of all utility services, including optic fibre.

#### *External roads – Burgmanns Lane*

- 49) The intersection with Burgmanns Lane shall be constructed as a 'T' intersection on the creation of 800 residential lots. Detailed construction plans shall be prepared and submitted to Council for approval.

##### *Advisory Notes:*

1. *Works on Burgmanns Lane require approval from Council pursuant to Section 138 of the Roads Act 1993. Concurrence or other agreement from Transport for NSW (TfNSW) may also be required.*
2. *The use of channelisation or auxiliary lanes could be considered as part of the detailed design process in accordance with relevant standards.*
3. *In accordance with regulatory requirements, a plan of the intersection shall be submitted to the Local Traffic Committee for comment and acceptance prior to issue of a Section 138 Approval.*
1. *Any landscaping shall be shown on the design drawings and included in the landscaping plans. Any proposed landscaping shall be designed such that it does not interfere with the design sight distances of the intersection in accordance with the relevant Austroads guidelines.*
2. *Pursuant to normal engineering practice and the requirements of the various utility providers, the intersection design shall make provision for protection and/or relocation of all utility services, including optic fibre.*

#### *Internal Roads*

- 50) On the creation of 500 residential lots, the developer shall provide for a future road connection to the adjoining development, including associated services, utilities and a bridge or culvert structure to convey flows within the Burkes Gully watercourse, to ensure connectivity and a functional road network.
- 51) Full width road construction that satisfies Road Design Standard One (RDS1) of Council's current version of the Engineering Design Minimum Standards is required for the full frontage and/or sideage of all lots to ensure that public road facilities are established to an appropriate standard having regard to the traffic generated by the proposed development. Design Vehicles for the Development shall be in accordance with Councils Engineering Design Minimum Standards.
- 52) All roads and intersections shall be constructed in accordance with Council's current version of the Engineering Design Minimum Standards and Austroads Guide to Road Design – Part 3 Geometric Design.
- 53) Temporary bitumen sealed turning circles of sufficient radius to allow a 12.5-metre-long service vehicle to turn around in one movement shall be provided outside the end of all roads where future stages of development are proposed. The turning circle shall be located wholly within the road reserve provision (or right of carriageway) and shall be dedicated as such prior to the issue of a subdivision certificate for that stage. Temporary sight boards shall also be provided.

#### *Stormwater*

- 54) Stormwater drainage systems for each stage of the subdivision shall be designed to comply with Drainage Design Standard 2 (DDS2) of Council's Engineering Design Minimum Standards.
- 55) In the event that the nominated overland flow paths cannot adequately demonstrate compliance with respect to the:
  - (i) Depth of flow within the nominated reserve
  - (ii) Safe velocity to depth ratio (including crossings of footpaths and cycleway where appropriate)

Then additional capacity within the piped drainage system shall be provided so that compliance can be achieved.

- 56) Interallotment stormwater drainage systems shall be designed to accommodate the Building Code of Australia requirements for stormwater discharge from residential buildings and be constructed to provide adequate drainage facilities for each lot.
- 57) The developer shall be responsible for the maintenance of each detention basin until such time that all development stages upstream of the respective detention basin are complete and have satisfied the maintenance bond requirements in accordance with Council's Engineering Design Minimum Standards.
- 58) Lot boundaries may need to be adjusted to accommodate any required changes to the drainage structures to meet Council's Engineering Design Minimum Standards and not be located below the flood planning level of any channel or watercourse, defined as the 1% AEP storm event and freeboard being the greater of 25% additional flows and the climate change rainfall multiplier.

*Advisory Note: Freeboard and spillway volumes for detention basins must be in accordance with Council's Engineering Design Minimum Standards due to the potential safety and operational issues.*

#### *Footpaths*

- 59) Footpaths shall be constructed in accordance with Council's Engineering Design Minimum Standards and Standard Drawings and shall be located as nominated on the landscape plan.

#### *Access*

- 60) Any access handles for proposed battle-axe lots shall demonstrate compliance with the Tamworth Regional Development Control Plan 2010 and facilitate access requirements outlined in the current version of Council's Engineering Design Minimum Standards.

#### *Allotment filling*

- 61) Any allotment filling that may be required for the development site shall be "controlled fill" in accordance with AS2870 – Residential Slabs and Footings or meet the requirements of AS3798 – Guidelines on Earthworks for Commercial and Residential Developments. Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA.

#### *Street Lighting*

- 62) Street lighting is to be provided to ensure an acceptable level of lighting for pedestrian traffic and security for the development site. Street lighting for the development shall be provided to comply with the requirements of AS/NZS1158 – Road Lighting for the following classifications:
- a) Major intersections to Duri Road and Burgmanns Lane: V3
  - b) Collector Roads: PR3
  - c) Local/Access Roads: PR5

- 63) No overhead electrical distribution lines shall traverse any residential allotment.

*Advisory note: this condition does not apply to the electrical transmission lines owned by Transgrid near the northern boundary of the site.*

#### *Landscaping*

- 64) Street trees shall comply with the requirements of Councils Urban Street Tree Management Guide, Tamworth Regional Development Control Plan 2010 – *Arcadia Estate* Chapter and Council's Engineering Design Minimum Standards.

#### *Aboriginal Heritage*

- 65) If Aboriginal objects are encountered at any stage during the development works, the proponent must cease all activity in the vicinity and notify Heritage NSW via the Environment Line (phone 131 555). Works cannot recommence in that area until written authorisation is provided by Heritage NSW. If the proponent intends to harm the Aboriginal objects through the development works, an AHIP must be sought and issued under s.90 of the *National Parks and Wildlife Act 1974* before works can continue in that area.
- 66) There are to be ongoing discussions with the Local Aboriginal Land Council (LALC) and the Registered Aboriginal Parties (RAPs) in relation to any impacts, salvage and/or interpretation of the area. Any reburial of artefacts is to occur as soon as possible after the collection within a protected area agreed by the LALC and RAPs.

#### *Transgrid*

- 67) Non-metallic water/stormwater pipe within the transmission line easement is preferred. If the water pipe is metallic, isolation sections, such as RCP pipe and rubber ring joint, are required at entry and exit to the transmission easement.

#### **Prior to Issue of a Subdivision Certificate**

- 68) A written acknowledgement and evidence that all conditions of consent have been complied with and the subdivision plan is in accordance with the approved Development Application is to be submitted to Council prior to the release of a Subdivision Certificate.
- 69) In accordance with Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (\$)
Roads	\$3691.00 per lot
Open Space and Recreation	\$4220.50 per lot
Plan Preparation and Administration	\$158.00 per lot
<b>TOTAL</b>	<b>\$8,069.50</b>

- a) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$CPY} = \frac{\text{\$CDC} \times \text{CPIPY}}{\text{CPI DC}}$$

Where:

<b>\\$CPY</b>	Is the amount of the contribution at the date of Payment
<b>\\$CDC</b>	Is the amount of the contribution as set out in this development consent
<b>CPIPY</b>	Is the latest release of the Consumer Price Index (Sydney – All Groups) for the financial year at the date of Payment as published by the ABS

- b) The monetary contributions shall be paid to Council prior to the issue of the Subdivision Certificate for each stage.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

- 70) In accordance with the Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018, Lots 958 and 960 must be dedicated to Council as public reserves as part of the release of the relevant stage.
- 71) Any land which is dedicated to Council, must be in a condition which is suitable for its intended public purpose and is to be cleared of all rubbish and debris and have a separate title.
- 72) The drainage reserve (Lot 961), stormwater detention basins and associated structures shall be maintained by the Developer up until the Subdivision Certificate release of the last stage of the development.
- 73) Pursuant to Section 306 of the Water Management Act, Council (as the Local Water Supply Authority) requires the following works to be completed and payments made prior to the issue of a Subdivision Certificate:

Water:

- a) Council's water reticulation system shall be extended to provide adequate service to the development.
- b) A single water service shall be provided to each lot.
- c) The water extension shall be in accordance with the approved Water Servicing Strategy for the development.
- d) Work shall be undertaken in accordance with Council's Engineering Design Minimum Standards.
- e) Work on live water mains shall be undertaken by Council at full cost to the developer.

**Note:-** The water meters will not be connected until the subdivision has been released by Council.

Sewer:

- f) Council's sewerage system shall be extended to provide adequate service to the development.
- g) A single sewer service shall be provided to each lot.
- h) The sewer extension shall be in accordance with the approved Sewer Servicing Strategy for the development.
- i) Work shall be undertaken in accordance with Council's Engineering Design Minimum Standards.
- j) Work on live sewer mains shall be undertaken by Council at full cost to the developer.
- k) Sewer easements of minimum 3.0m width are to be provided over all sewer mains within private property and benefit Tamworth Regional Council in accordance with Council's Engineering Design Minimum Standards and Council Policies.

Headworks:

- l) Water: \$10,599 per additional lot
- m) Sewer: \$6,900 per additional lot



*The above amounts have been adopted under the 2024/2025 Annual Operation Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of subsequent Annual Operation Plans.*

- 74) A Certificate of Compliance under Section 307 of the Water Management Act shall be obtained from the Council (as the Local Water Supply Authority) prior to the issue of a Subdivision Certificate. All payments and works required under Section 306 of the Water Management Act must be completed prior to issue of a Certificate of Compliance.
- 75) In accordance with Council's current version of the Engineering Design Minimum Standards, all works as executed (WAE) plans, test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted to Council Development Engineering Division for approval.
- 76) The approved landscaping, revegetation and shareway amenities for Burkes Gully and Duri Road drainage reserve must be completed prior to the release of a Subdivision Certificate for each stage where these works form part of the stage.
- 77) A Maintenance Bond in accordance with the current version of Council's Engineering Design Guidelines for Subdivisions and Developments shall be paid to Council for all Council infrastructure works completed in relevant stage.
- 78) A copy of the final inspection sign-off form from Council's Development Engineering or written confirmation that all required conditions of consent imposed by Council's Development Engineering have been satisfactorily addressed is to be submitted.
- 79) Where filling has been undertaken, certification of the allotment filling by a geotechnical testing authority registered under NATA shall be provided to Council. All allotment filling shall be "controlled fill" in accordance with AS2870 – Residential Slabs and Footings or meet the requirements of AS3798 – Guidelines on Earthworks for Commercial and Residential Developments.
- 80) Prior to the issue of a Subdivision Certificate, documentation shall be provided to Council confirming that the proposed development (relevant stage) has satisfied the General Terms of Approval issued by the NSW Rural Fire Service, Heritage NSW and Department of Planning and Environment - Water (refer to **Schedule 4**).
- 81) Easements for utilities and services, including stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property.
- 82) Prior to issue of a Subdivision Certificate, a Restriction of User pursuant to Section 88B of the Conveyancing Act 1919 must be registered on Lots 7, 8, 9, 24, 25, 41, 42, 43, 57, 58, 59, 73, 74, 75, 92, 93, 94, 148, 149 and 959 to identify direct access to Burgmanns Lane is prohibited.
- 83) Prior to issue of a Subdivision Certificate, a Right of Carriageway pursuant to Section 88B of the Conveyancing Act 1919 must be created over the access handles of Lots 167, 168, 551, 552, 907 and 908.
- 84) Prior to issue of a Subdivision Certificate, a Restriction of User pursuant to Section 88B of the Conveyancing Act 1919 must be registered on Lots 7, 8, 9, 24, 25, 41, 42, 43, 57, 58, 59, 73, 74, 75, 92, 93, 94, 148, 149 and 959 to identify that future dwellings must be constructed to comply with the requirements specified in Section 4.2 of the Acoustic Assessment Report prepared by RAPT Consulting, Job No. 2222387\_221116, Rev 0, dated 16 November 2022.
- 85) Prior to the issue of a Subdivision Certificate for Stages 32, 33, 34, 35, 36, 37 and 39, an acoustic fence must be constructed along the Burgmanns Lane frontage and must be solid

(minimum 10kg/m<sup>2</sup>) and be at least 1.8m high with no gaps for the passage of sound. The acoustic fence must comply with the requirements specified in Section 4.2 of the Acoustic Assessment Report prepared by RAPT Consulting, Job No. 2222387\_221116, Rev 0, dated 16 November 2022.

- 86) Prior to issue of a Subdivision Certificate, a Restriction as to User pursuant to Section 88E of the Conveyancing Act 1919 in terms to be approved by Tamworth Regional Council is to be prepared for registration with the plan of subdivision. The restriction must identify a building envelope for Lots 919, 924, 925 and 929. The building envelope must be located outside of the easement for energy transmission and be able to accommodate a standard dwelling and detached outbuilding.
- 87) Prior to issue of a Subdivision Certificate, a Restriction as to User pursuant to Section 88E of the Conveyancing Act 1919 in terms to be approved by Tamworth Regional Council is to be prepared for registration with the plan of subdivision. The restriction must identify that no further subdivision is to be permitted without the provision for additional sewer capacity to the land. The restriction must state that it may only be released or modified with the consent of Tamworth Regional Council.
- 88) Prior to issue of a Subdivision Certificate, a Restriction as to User pursuant to Section 88E of the Conveyancing Act 1919 in terms to be approved by Tamworth Regional Council is to be prepared for registration with the plan of subdivision. The restriction must identify that each lot is limited to Standard Equivalent Tenement for sewerage as nominated in the table below. The restriction must state that it may only be released or modified with the consent of Tamworth Regional Council.

Lot Number	Allocated Standard Equivalent Tenement (ET) for Sewerage
710	13
711 (Commercial Area)	45
764	11
936	5
937	5
938	7
939	3
940	3
941	64
942	9
943	27
944	12
945	4
946	8
947	9
948	26
949	76
950	34
951	5
952	5
953	6
954	9
955	20
956	5
957	5
958 (Public Park – South)	15
959	10
960 (Public Park – North)	14

961 (Drainage Reserve)	0
All other lots	1 (each)

- 89) A public positive covenant pursuant to Section 88E of the Conveyancing Act 1919, is to be prepared for registration with the plan of subdivision. The restriction must state that any future development must comply with Clause 7.12 of the Tamworth Regional Local Environmental Plan 2010 and its successors which refers to dwelling densities (both minimum and maximum yields). The terms must be reviewed and approved by Tamworth Regional Council prior to lodgement for registration with the Registrar-General. The restriction must state that it may only be released or modified with the consent of Tamworth Regional Council.
- 90) An easement for existing electrical infrastructure shall be created on any new lot where Essential Energy or Transgrid infrastructure burdens the lot using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.
- 91) Certification being provided that each lot is serviced with electricity.
- 92) Certification being provided that each lot is serviced with telecommunications infrastructure.
- 93) Certification being provided that street lighting design and installation complies with the requirements of AS1158 – Road Lighting (as amended).
- 94) The relevant provision of the Planning Agreement between the Secretary of the Department of Planning, Housing and Infrastructure and MAAS Group Properties Arcadia Pty Ltd, dated 7 June 2024 shall be satisfied and documentary evidence submitted to Council.

### **Ongoing Requirements**

#### *Transgrid*

- 95) If any future fencing is to be proposed within the transmission easement corridor, fencing is to be installed in accordance with TransGrid Fencing Guidelines.
- 96) If any fencing is to be proposed across the transmission easement corridor or access track, gates will be required to be required to be installed to maintain continuous travel to the structure & along the easement.
- 97) If any future fencing is to be proposed within the easement corridor, fencing is to be installed in accordance with TransGrid Fencing Guidelines.

*Advisory Note: Gates shall be installed to enter and exit lots 919, 924, 925, 929 & 961 within the transmission easement corridor.*

### **Advisory Notes**

- **Note 1** - During the construction phase, Transgrid should not be restricted from undertaking regular maintenance & inspection activities. After the works, access to the Transmission Line and structures shall always be available for Transgrid's plant & personnel.
- **Note 2** - Any machinery operating within the Transgrid's easement shall not exceed 4.3m in height and be at least 22m away from TL structures or supporting guys unless an accredited person operates it in accordance with WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006.
- **Note 3** – Adequate precautions shall be taken during construction to protect Transgrid structures from accidental damage.
- **Note 4** – All works near/within the easement would need to be carried out in accordance with TransGrid's Easement Guidelines, TransGrid Fencing Guidelines and Workcover's

Code of Practice 2006 – ‘Work Near Overhead Powerlines’.

- **Note 5** - Any metallic structures or objects planned in the easement must be earthed.
- **Note 6** - Essential Energy’s records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- **Note 7** - Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

## **SCHEDULE 2 – REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS**

### **REASONS FOR THE DETERMINATION & CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Tamworth Regional Local Environmental Plan 2010* (TRLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the aims of the *Tamworth Regional Council Development Control Plan 2010* (TRDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the TRLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The application was required to be placed on public exhibition in accordance with Council’s Community Participation Plan 2019. No submissions were received by Council.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The conditions in Schedule 1 are applied to:

1. Confirm and clarify the terms of Council’s approval;
2. Identify modifications and additional requirements that will result in improved compliance, development and environmental outcomes;
3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
4. Set standards and performance measures for acceptable environmental performance; and,
5. Provide for the ongoing management of the development.

## **SCHEDULE 3 – RIGHT OF APPEAL AND REVIEW**

### **RIGHT OF REVIEW**

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the Applicant may request the Council to review the determination for a development consent or modification of a development consent, provided this application is not made in respect to designated or Crown development. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. A determination or decision reviewed under this Division is not subject to a further review.

## RIGHT OF APPEAL

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* (Act) gives you the right to appeal to the Land and Environment Court. In accordance with Section 8.10 of the Act, your appeal must be made within six (6) months after the date on which you receive this notice; or, the date on which that application is taken to have been determined under Section 8.11 of the Act.

Section 8.8 of the Act does not give an objector the right of appeal against this determination notice as the development does not constitute designated development.

## SCHEDULE 4 – GENERAL TERMS OF APPROVAL

The proposed development must be carried out in accordance with the following attached General Terms of Approval;

- General Terms of Approval issued by Hertiage NSW (Ref. DOC24/595937-12), dated 1 October 2024;
- General Terms of Approval issued by Department of Planning and Environment - Water (Ref. IDAS-2024-10497), dated 26 August 2024; and
- General Terms of Approval issued by NSW Rural Fire Service (Ref. DA20240422001584-S38-2), dated 17 October 2024.

Recommended