

# SYDNEY WESTERN CITY PLANNING PANEL

## 22 May 2023

<b>SWCPP No.</b>	PPSSWC-239
<b>DA Number</b>	DA0092/22
<b>Local Government Area</b>	Hawkesbury City Council
<b>Proposed Development</b>	Subdivision – Vegetation removal, earthworks, the reinterpretation of a dam, the construction of roads, landscaping works and a staged Torrens title subdivision to create 375 residential lots, four open space lots, one super lot and a residue lot
<b>Street Address</b>	73 Yobarnie Avenue NORTH RICHMOND NSW 2754 (Lot 1590 DP 1266750)
<b>Applicant</b>	Redbank Communities
<b>Owner</b>	Hawkesbury City Council
<b>Number of Submissions</b>	One
<b>Regionally Significant Development Criteria (Schedule 6 of SEPP [Planning Systems] 2021)</b>	2 General development over \$30 million Development that has a capital investment value of more than \$30 million.
<b>Cost of Works</b>	Capital Investment Value of \$57,914,456.00
<b>List of All Relevant Section 4.15(1) Matters</b>	<ul style="list-style-type: none"> <li>List of the relevant environmental planning instruments under Section 4.15(1)(a)(i): <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021;</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021; and</li> <li>Hawkesbury Local Environmental Plan 2012.</li> </ul> </li> <li>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority under Section 4.15(1)(a)(ii): <ul style="list-style-type: none"> <li>Not applicable.</li> </ul> </li> <li>List any relevant development control plan under Section 4.15(1)(a)(iii): <ul style="list-style-type: none"> <li>Hawkesbury Development Control Plan 2002.</li> </ul> </li> <li>List any relevant planning agreement that has been entered into under Section 7.4 or any draft planning agreement that</li> </ul>

	<p>a developer has offered to enter into under Section 7.4 (Section 4.15(1)(a)(iia)):</p> <ul style="list-style-type: none"> <li>– Voluntary Planning Agreement between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.</li> </ul> <ul style="list-style-type: none"> <li>• List any relevant Regulations under Section 4.15(1)(a)(iv): <ul style="list-style-type: none"> <li>– Environmental Planning and Assessment Regulation 2021.</li> </ul> </li> </ul>
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No. The subject land is not located within the Western Sydney Growth Areas – Special Contributions Area Map and the development is not subject to a Special Infrastructure Contribution.
List all documents submitted with this report for the panel's consideration	<p>Attachment 1 – Plans of the Proposal</p> <p>Attachment 2 – External Agency Responses</p> <p>Attachment 3 – Submission</p> <p>Attachment 4 – Recommended Conditions of Consent</p>
Recommendation	Conditional Approval
Report By	Andrew Johnston – Senior Town Planner
Report Date	15 May 2023

#### Summary of Section 4.15(1) matters

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

#### Clause 4.6 Exceptions to Development Standards

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

#### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

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

### Overview of Report

#### 1.0 Executive Summary

This application before the Sydney Western City Planning Panel seeks approval for a subdivision and associated works at 73 Yobarnie Avenue, North Richmond. The proposed subdivision is to form a part of the Redbank residential land release and involves the creation of an additional 374 residential lots, four open space lots, one development lot and a residue lot within the 'Southern Valley Precinct'.

The application meets the criteria for determination by the Sydney Western City Planning Panel as the proposed development has a Capital Investment Value (CIV) in excess of \$30 million.



The proposed subdivision satisfies the relevant planning controls, including permissibility and the minimum lot size controls contained in the Hawkesbury Local Environmental Plan (LEP) 2012.

The application was referred to the Heritage Council of NSW, Rural Fire Service (RFS) and Department of Planning and Environment – Water as 'nominated integrated development' and each of these agencies have issued their General Terms of Approval. Certification from the Department of Planning and Environment that satisfactory arrangements have been made to the contribution of designated State public infrastructure has also been provided to satisfy Clause 5.13A(2) of the Hawkesbury LEP 2012.

The application was notified in accordance with the Hawkesbury Development Control Plan (DCP) 2002 and one submission was received several months after the notification period had closed. The matters raised in the submission have been considered and do not warrant the refusal of the application.

The proposal is acceptable and is therefore recommended for conditional approval.

### 1.1 Key Issues

- Development History;
- Nominated Integrated Development;
- Heritage Impacts;
- Biodiversity Impacts; and
- Satisfactory Arrangements.

## **Development Description**

### 2.0 Description of Proposal

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) the subject application seeks approval for the further subdivision of the Redbank estate at 73 Yobarnie Avenue, North Richmond. The proposal specifically involves:

- The removal of 192 trees;
- Bulk earthworks associated with road construction, drainage and lot levelling;
- The removal of a dam identified as Dam 6;
- The continued upgrading of Grose Vale Road;
- The construction of local roads, including a new connection to Grose Vale Road;
- The onsite crushing of sandstone for use in roads;
- The provision of utility services such as water supply, reticulated sewer, electricity and telecommunications;
- Landscaping and public domain works, including the reinterpretation of Dam 6 and Keyline swales, the plantation of 1049 replacement trees, the installation of footpaths, dual use paths, fencing, retaining walls, picnic shelters, seating and playground equipment; and
- A staged Torrens title subdivision to create an additional 375 residential lots, four open space lots, one super lot and a residue lot.

The subdivision proposes a new access road from Grose Vale Road, as well as connections from the existing Ploughmans Boulevard, Keyline Road and Harrington Drive. Collectively the proposed subdivision is identified as the Southern Valley Precinct and is to be developed in seven stages:

- Stage 1 – Central Park: This stage of the subdivision is to consist of 57 residential lots;
- Stage 2 – Cumberland Place: This stage of the subdivision is to consist of 70 residential lots;
- Stage 3 – Cumberland Place: This stage of the subdivision is to consist of 30 residential lots;
- Stage 4 – Cumberland Place/Central Park: This stage of the subdivision is to consist of 43 residential lots and one open space lot;
- Stage 5 – Central Park: This stage of the subdivision is to consist of 77 residential lots, two open space lots and one super lot;

- Stage 6 –Keyline Ridge: This stage of the subdivision is to consist of 77 residential lots and one open space lot; and
- Stage 7 – Keyline Ridge/Central Park: This stage of the subdivision is to consist of 21 residential lots.

The remaining areas of the property to the east would be created as a residue lot.

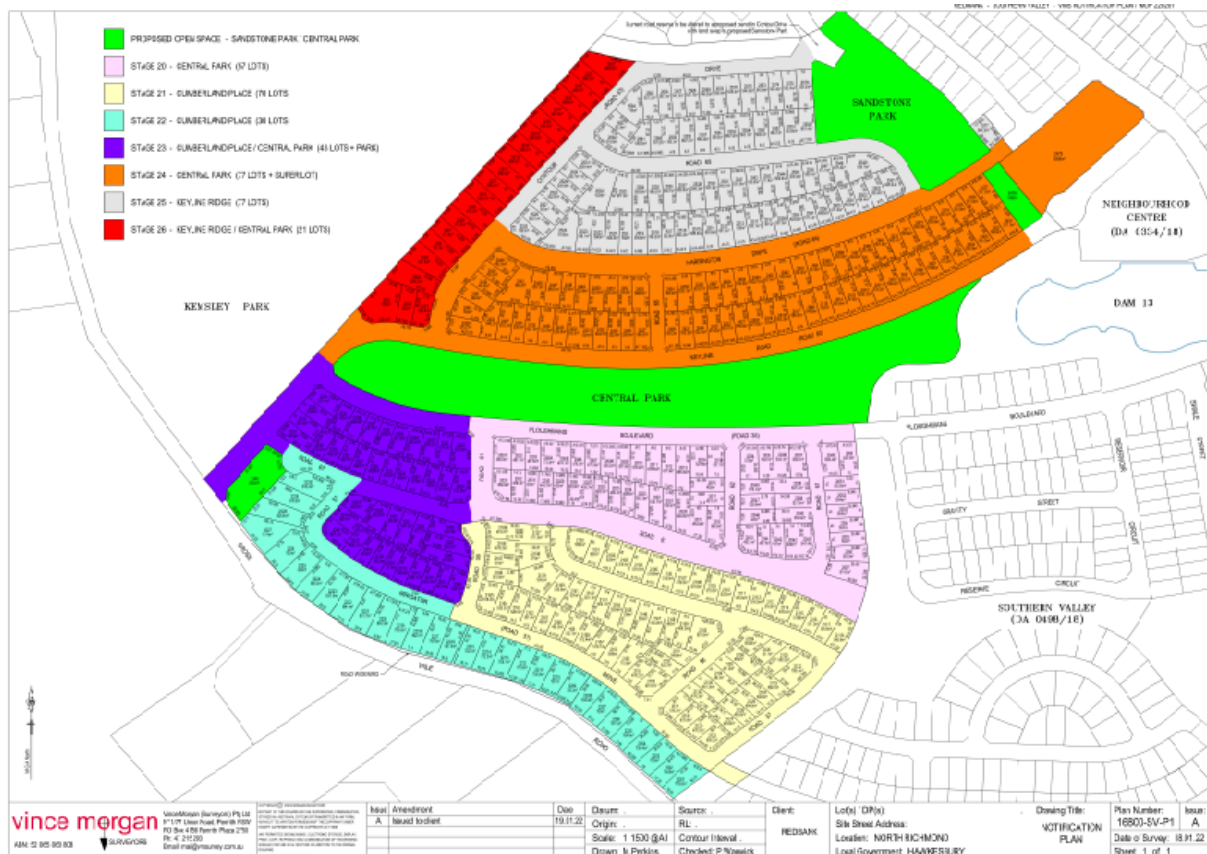


Figure 1 – Subdivision Plan

Plans of the proposal are included as Attachment 1.

The application meets the criteria for determination by the Sydney Western City Planning Panel as the development has a CIV in excess of \$30 million.

The Sydney Western City Planning Panel's reference number for the application is PPSSWC-239, whilst Council's reference number is DA0092/22.

## Background

### 3.1 Site and Locality Description

The suburb of North Richmond is located approximately 67km northwest of Sydney's Central Business District and approximately 11km northwest of Windsor. The subject site is located approximately 1km west of the North Richmond Town Centre.

The Redbank estate was previously identified as 96 and 382 Grose Vale Road. Currently known as 73 Yobarnie Avenue, the subject land is legally identified as Lot 1590 in DP 1266750 and has an area of approximately 40.7810Ha. The land is located on the northern side of Grose Vale Road, west of the North Richmond residential area and Peel Park, east of the Belmont Grove rural residential area and south of Redbank Creek. An agricultural land holding known as Kemsley Park adjoins the property at 322 Grose Vale Road.

Together with 98 Grose Vale Road and 26 Arthur Phillip Drive, which have each been approved for seniors housing developments, the area is collectively known as Redbank. The undeveloped area of Redbank generally consists of cleared undulating land, with a central saddle running east-west to create two distinct valleys.

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

The area of the land subject to this application varies in height from approximately 78m AHD along Grose Vale Road down to approximately 42m AHD centrally within the Redbank site. The slope of the site varies from reasonably flat terrain to land in excess of 15%. The land is above the adopted 100 year Average Recurrence Interval (ARI) flood event level of 17.5m AHD for the Hawkesbury River.



Figure 2 – Locality Map

The subject land contains one historic dam, Keyline swales and some remnant vegetation. The wider Redbank site contains stands of remnant vegetation and creek lines which contain threatened ecological communities and threatened fauna and habitat resources.

Surrounding development generally consists of residential properties, rural residential properties, seniors housing, an aged care facility and recreational land. The Redbank Neighbourhood Centre is located centrally within the site and is currently under construction.

### 3.2 Development History

The Redbank estate was subject to a Planning Proposal that re-zoned this former rural land to primarily allow for residential properties. Indicative plans submitted with the Planning Proposal detailed that the overall Redbank site would accommodate approximately 1,400 dwellings. The resultant Local Environmental Plan Amendment was gazetted on 11 April 2014.

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

A Voluntary Planning Agreement (VPA) for Redbank was endorsed by Council, Transport for NSW and the developer on 20 August 2014. Works required under this Agreement include the dedication of land

towards the extension of Peel Park, the construction of community facilities, public infrastructure and road improvements. This Agreement has been subject to a number of amendments in relation to delivery milestones.

The possible construction of a new multi-span bridge over the Grose River at Grose Wold/Yarramundi is currently being considered by Council under the Part 5 provisions of the EP&A Act 1979. The location of this bridge is yet to be determined and a decision on this matter must be made prior to the release of the 915<sup>th</sup> residential lot as set out in the VPA. If approved, the construction of the bridge is required prior to the release of the 1,214<sup>th</sup> residential lot.

A site-specific Development Control Plan for Redbank was adopted by Council on 25 November 2014 and made effective on 9 April 2015.

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

Application No.	Development Description	Approval Date
DA0434/14	Subdivision – Torrens title subdivision to create one additional lot (a 'superlot')	30/12/2014
DA0435/14	Temporary Structure – Installation and operation of a temporary sales office	28/08/2014
DA0437/14	Subdivision – Torrens title subdivision to create two additional residential lots	11/12/2014
DA0438/14 (S960042/15)	Subdivision – Torrens title subdivision to create one additional residential lot	30/12/2014
DA0439/14	Subdivision – Torrens title subdivision to create one additional residential lot	24/12/2014
DA0440/14	Subdivision – Torrens title subdivision to create one additional residential lot	11/12/2014
DA0450/14	Subdivision – Torrens title subdivision to create 13 additional residential lots	28/01/2015
DA0451/14 (S960154/16)	Subdivision – Torrens title subdivision to create 12 additional residential lots	09/06/2015
DA0452/14	Subdivision – Torrens title subdivision to create one additional residential lot	02/06/2015
DA0471/14	Subdivision – Torrens title subdivision to create 237 additional residential lots	30/03/2015
DA0467/15	Subdivision – Torrens title subdivision to create 59 additional residential lots	23/05/2016
DA0216/16 (S960071/17, S960144/17 and S960043/18)	Subdivision – Torrens title subdivision to create an additional 244 residential lots, one neighbourhood centre lot, six open space lots, two super lots and two residue lots	22/12/2016
DA0284/17	Subdivision – Torrens title subdivision of Super Lots 795 and 796 to create an additional 19 residential lots	11/01/2018
DA0412/17	Torrens title subdivision of Lot 796 to create 50 additional residential lots	31/01/2019
DA0334/18 (S960037/21)	Commercial Premises, Restaurant or Café and Recreation Area – Construction of a restaurant, function centre, car park, private road and local road (Stage 1 of the Redbank neighbourhood centre)	31/10/2019
DA0498/18 (S960022/21 and S960074/22)	Subdivision – Torrens title subdivision to create 254 residential lots, four open space lots and a residue lot	24/09/2020
DA0430/19	Subdivision – Torrens title subdivision to create 25 residential lots	29/07/2020
DA0519/19 (S960063/22)	Centre-based Childcare facility – Construction and operation of a centre-based childcare facility	11/11/2020

DA0180/21	Veterinary Hospital – Construction of a veterinary hospital and car park (Stage 2 of the Redbank Neighbourhood Centre)	05/01/2022
DA0214/21	Subdivision – Staged Torrens title subdivision to create a water supply infrastructure lot and two open space lots	08/06/2022
PT50008/22	Recreation Area and Recreation Facilities (Outdoor) – Earthworks, the construction of amenities buildings, playgrounds, sporting fields, multi-use hardstand sports courts, cricket nets, skate park, off leash dog area, external lighting and a carpark, and the provision of landscaping and revegetation works	03/03/2023

A total of 919 residential allotments have been approved for the Redbank development at this stage. Civil works are currently being undertaken in association with Development Consent No. DA0498/18 and Subdivision Certificates for 900 residential lots have been released at this stage. A total of 12 lots approved under this consent are yet to be developed and released, whilst seven lots approved under Development Consent No. DA0216/16 and located along the Yobarnie Avenue entry are yet to be released as they still require Section 73 Certification from Sydney Water.

Development Consent No's DA0471/14, DA0467/15 and DA0216/16 for the Yobarnie Rise, Mountain View, Gallery, Yeomans and Belmont Precincts were previously approved by the Sydney Western City Planning Panel.

Class 1 Appeals in the Land and Environment (L&E) Court were lodged for Development Application No's DA0451/14, DA0452/14 and DA0412/17, although these were discontinued with their approval by Council. Development Consent No. DA0334/18 for the construction of a restaurant, function centre and carpark within the neighbourhood centre was approved via a Section 34 Agreement in the L&E Court.

### 3.3 Application History

A Briefing Report on the proposed development was considered by the Sydney Western City Planning Panel on 1 August 2022. A 'Record of Briefing' was prepared in response to the meeting and identifies the following Key Issues associated with the proposed development:

- *The application references the upgrade of Grose Vale Rd and construction of the roundabout at Grose River Rd, as being under current assessment by Council. The status of this should be considered or conditioned if not approved by the time of any consent for the DA.*
- *Noting that the bus stop locations will not be determined by the time of any approval of the DA, appropriate conditions should be applied to ensure mechanisms are available to construct the bus stop pavement to appropriate standard/strength, preferably before the subdivision is occupied.*
- *The briefing note refers to provision of a swept path assessment – these should be considered across all elements of the road network being proposed.*
- *A number of statements are made relating to the "extensive earthworks", and that these are minimised without any clear evidence of how this has been achieved, or whether this has been to maximise the number of lots and imposing constraints on land that is to be dedicated for public use. Presumably this will receive attention in the staff assessment.*
- *Specifically in reference to the previous point, there are a number of very steep slopes proposed within proposed public lands. Are these considered satisfactory by Council for maintenance and public safety? The impacts of proposed retaining walls should also be considered.*
- *Plans show an entry sign on the proposed public reserve (DWG I SD 05). If this is an "estate entry" sign this may require separate Council approval/lease with maintenance/ and/or removal provisions.*
- *The access drives across the reinterpreted keyline swales fronting proposed residential lots (DWG ISD 05) may require additional detail to demonstrate how these will be constructed to maintain free and safe drainage across the driveway and along the swale, if not addressed specifically in Council's DCP/standards. Heritage considerations will also presumably be kept in mind.*

- *The DA will approve dwellings in excess of the trigger for the construction of the Grose River Bridge to link Yarramundi and Grose Wold, but release of the subdivision certificates rather than approval of the DA is the trigger under the relevant VPA.*
- *The Panel will need advice if it is not proposed to construct the bridge as to whether issues of access are satisfactorily resolved, or whether conditions will be required in that regard.*
- *Issues of permeability (both pedestrian and vehicular) are important and Council should consider whether any modification of the layout is required.*
- *Bushfire risk is important. The APZ should be within the site, or subject to appropriate regulatory instruments.*
- *There is a BDAR being independently assessed, but the proposal is viewed by Council to be consistent with earlier master-planning in that regard at this time.*
- *There are known aboriginal heritage sites in the vicinity, but not within the area of this subdivision.*
- *If substantial crushing or screening machinery is to be operated an acoustic report and dust report may be required.*

The issues raised in the Record of Briefing were referred to the Applicant for comment and were considered in the assessment of the application.

## **Assessment**

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

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
  - Chapter 2 'State and Regional Development'
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)
  - Chapter 2 'Infrastructure'
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
  - Chapter 4 'Koala Habitat Protection 2021'
  - Chapter 9 'Hawkesbury-Nepean River'
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)
  - Chapter 4 'Remediation of Land'
- Hawkesbury LEP 2012
- Hawkesbury DCP 2002

### **5.0 Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979**

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15 of the EP&A Act 1979.

#### **5.1 Environmental Planning Instruments**

##### **State Environmental Planning Policy (Planning Systems) 2021**

Schedule 6 Section 2 of the Planning Systems SEPP establishes the following relevant criteria for 'regionally significant development':

##### ***General development over \$30 million***

*Development that has a capital investment value of more than \$30 million.*

The application is declared to be regionally significant development under Clause 2.19(1) of the Planning Systems SEPP as the proposed subdivision has a CIV in excess of \$30 million. The Sydney Western City Planning Panel is the determining authority for regionally significant development.



## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

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

As the proposed subdivision involves the creation of more than 200 new allotments, the application was referred to Transport For NSW as 'traffic generating development' under Clause 2.122 and Schedule 3 of the Transport and Infrastructure SEPP. Upon review Transport For NSW have advised that they raise no objection to the proposal.

The referral from Transport For NSW notes that the intersection of Grose Vale Road and Bells Line of Road is a critical point of access for Redbank and the wider road network. Without the future construction of the Grose River Bridge, the performance of the Grose Vale Road and Bells Line of Road intersection will fail. Transport For NSW therefore requests that Council ensures that the development of Redbank and the release of residential allotments satisfies the milestone arrangements of the VPA.

As detailed previously in this report, the construction of the Grose River Bridge is currently being considered by Council under the Part 5 provisions of the EP&A Act 1979. The preferred location of this bridge will be considered at by Council at its meeting in June 2023 and a decision on this matter must be made prior to the release of the 915<sup>th</sup> residential lot. If approved the construction of the bridge is required prior to the release of the 1,214<sup>th</sup> residential lot.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 4 of the Biodiversity and Conservation SEPP applies to the subject land and aims to *"encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline"*.

The Central Coast Koala Management Area covers the Hawkesbury under Schedule 1 of the Biodiversity and Conservation SEPP. Supplied documentation confirms that the property contains a number of feed tree species listed under Schedule 2 of the Policy however no Koalas (*Phascolarctos cinereus*) were observed during the fauna survey and no evidence of Koala habitation – such as scats, claw and scratch marks – were located on the site. As a result the subject site is not considered to form 'core koala habitat' as defined under the Biodiversity and Conservation SEPP.

The assessment concludes that the proposed development is not likely to impact on Koalas or Koala habitat and is acceptable having regard to the provisions of Chapter 4 of the Biodiversity and Conservation SEPP.

Chapter 9 'Hawkesbury-Nepean River' of the Biodiversity and Conservation SEPP was repealed following the lodgement of this application. The provisions of Chapter 9 were subsequently amended and consolidated into Chapter 6 'Water Catchments' of the Policy. Section 6.65 of the Biodiversity and Conservation SEPP specifies savings and transitional provisions and confirms that the former provisions of Chapter 9 continue to apply to the subject application.

Chapter 9 of the Biodiversity and Conservation SEPP aims *"to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context"*. This Policy requires an assessment of development applications with regard to the general and specific considerations, policies and strategies set out in the Policy. Section 9.9(17) of the Biodiversity and Conservation SEPP further outlines that Council must consider whether *"the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future"*. As part of the referral process, Sydney Water have provided confirmation that the residential allotments will be serviced by reticulated sewerage.

The subject property is currently rural in character, however the site has been rezoned to allow for residential development. The development is to be serviced by a reticulated sewerage system and the proposed subdivision is generally consistent with the objectives and relevant provisions of Chapter 9 of the Biodiversity and Conservation SEPP.

## State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) of the Resilience and Hazards SEPP outlines a consent authority “*must not consent to the carrying out of any development on land unless:*

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.*

The property has primarily been used for grazing and agriculture in the past. More recently parts of the site have been used for the stockpiling of material associated with the subdivision of the land.

A Detailed Site Investigation Report has been prepared in support of the proposed subdivision. The report indicates that the majority of encountered material comprises of natural silt and clay soils underlying topsoil. No evidence of foreign materials or asbestos were observed in any of the test pits.

Chemical soil samples collected from the intrusive investigation were found to be compliant with the adopted site criteria, with the exception of one eastern sample that exceeded the Ecological Investigation Level (EIL) for Nickel. This sample was taken from dam sediment located within the vicinity of Dam 13.

Based on the findings of the intrusive investigation works and desktop review, the Detailed Site Investigation Report concludes the site can be made suitable for the intended land use, consistent with ‘Residential A’ as defined in the National Environment Protection (Assessment of Site Contamination) Amendment Measure 2013. In this regard the Report outlines that the dam sediment should be placed in fill greater than 2m below ground to minimise the potential for ecological interactions.

The implementation of an Unexpected Finds Protocol during development works was also recommended by the Detailed Site Investigation Report.

The proposed subdivision is therefore considered acceptable having regard to the provisions of the Resilience and Hazards SEPP.

## Hawkesbury Local Environmental Plan 2012

The proposed subdivision is permissible with consent subject to Clause 2.6(1) of the Hawkesbury LEP 2012. The proposed tree removal, earthworks, civil works, landscaping and other works are permissible on the basis they are associated with and ancillary to the subdivision.

The subject parcel of land, 73 Yobarnie Avenue, is part zoned R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation under the Hawkesbury LEP 2012.

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

- R2 Low Density Residential zone: 375m<sup>2</sup>; and
- R3 Medium Density Residential zone: 180m<sup>2</sup>.

Minimum allotment size controls are not established for the RE1 Public Recreation zone.

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

- (a) *to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or*



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

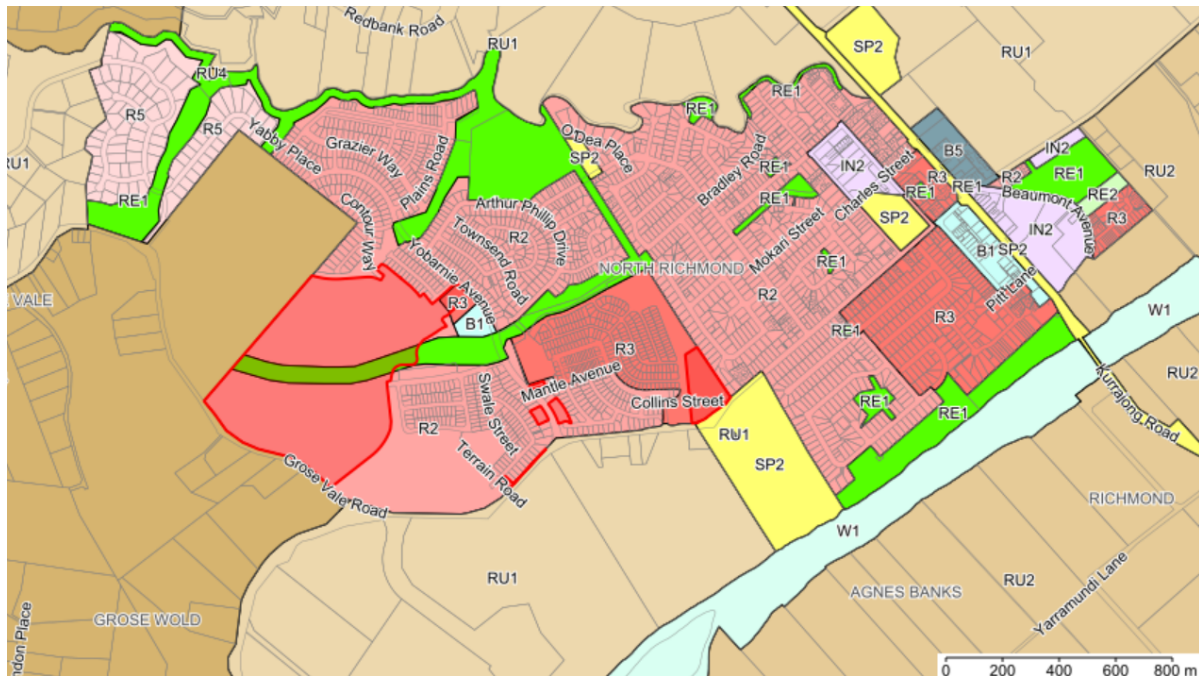


Figure 3 – Zoning Map

With the residential allotments within the R2 Low Density Residential zone ranging in area from 449.6m<sup>2</sup> to 1,356m<sup>2</sup>, the subdivision satisfies the minimum allotment size requirements of the Hawkesbury LEP 2012 and are of a sufficient size to accommodate future development. Proposed Lot 2479 is to be located within R3 Medium Density Residential zone and is nominated as a super lot or future development lot. This allotment has an area of 8,588m<sup>2</sup> and therefore satisfies the minimum lot size control for the R3 Medium Density Residential zone.

With the exception of remnant bushland adjoining Grose Vale Road and Redbank Creek, the subject land generally contains isolated native trees with an exotic grassland understorey. The prepared Biodiversity Development Assessment Report (BDAR) nominates the class and number of ecosystem and species credits that must be retired to offset the biodiversity impacts associated with the development. The BDAR and supplementary reports also nominate mitigation measures to reduce flora and fauna impacts and approximately 0.81Ha of Cumberland Plain Woodland is to be retained, which goes beyond the requirements of Part E Chapter 8 of the Hawkesbury DCP 2002.

A total of 87 existing trees will be retained and 1049 replacement trees will be planted within the Southern Valley Precinct.

The area of the Redbank site that is zoned RE1 Public Recreation is to contain areas of open space, including nature reserves, reinterpreted dam, picnic areas and pedestrian paths. Elements of the Keyline system will also be reinterpreted within the areas of this open space. These areas of open space are to be dedicated to Council in accordance with the prepared VPA.

Section 6.7 of the Hawkesbury LEP 2012 requires the provision of essential services to new allotments. Clause 8.3.9(2) of Part E Chapter 8 of the Hawkesbury DCP 2002 further outlines that reticulated sewer is to be provided to all allotments. Sydney Water have confirmed that the entire Redbank site is included within the Precinct Acceleration Protocol for the delivery of utilities. Therefore the new allotments are to be provided with potable water and reticulated sewer.

The land is listed as a State heritage item under the Heritage Act 1977; the land is not listed as a local heritage item under Schedule 5 of the Hawkesbury LEP 2012. The development of this land for residential purposes was anticipated in the Conservation Management Plan approved with the Planning Proposal and this has informed the subdivision layouts detailed in Part E Chapter 8 of the Hawkesbury DCP 2002.

There are a number of remnant keyline features located within the subject property, including Dam 6. The dam is to be removed and reinterpreted via a new smaller waterbody within the footprint of the original dam. Native grasses will be used to define the original shape of the dam. Although bulk grading and earthworks are proposed, the site will retain general site contours and Keyline swales will be reinterpreted through street plantings.

The Heritage Council of NSW have provided their General Terms of Approval and accordingly it is considered that the proposal will not detract from the heritage significance of the site.

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

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

## 5.2 Draft Environmental Planning Instruments

Not applicable.

## 5.3 Development Control Plans

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

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

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

The application was notified from 19 May to 20 June 2022 in accordance with Part A Chapter 3 of the Hawkesbury DCP 2002 and the Hawkesbury Community Participation Plan. One submission was received and is discussed in Section 8 of this report.

#### Part D Chapter 3 – Subdivision

The proposal generally satisfies Part D Chapter 3 of the Hawkesbury DCP 2002, with the exception of the road design controls which are superseded by Part E Chapter 8 of the Plan. Council's Development Engineer has reviewed the proposal and is supportive of the road design plans subject to the imposition of conditions.

#### Part D Chapter 7 – Landfill

The proposal involves the cutting, filling and levelling of the land to accommodate road construction, drainage and the filling of a dam. The supplied documentation indicates that this will involve approximately 467,400m<sup>3</sup> of cut and 478,660m<sup>3</sup> of fill, resulting in a deficit of approximately 11,260m<sup>3</sup>. This shortfall in material will be addressed by utilising existing stockpiles onsite associated with previously approved developments.

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

The submission of a Construction Management Plan addressing the location and management of any stockpiles may be conditioned as was the case with previous consents.

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

Table 8-1 of Part E Chapter 8 of the Hawkesbury DCP 2002 indicates that the land subject to this application is located within the Southern Valley Precinct. This precinct is to be suburban in character, with the new allotments having areas of 450m<sup>2</sup> or greater. Whilst primarily catering for single dwelling houses, some commercial and medium density development may also be accommodated within the Southern Valley Precinct.

With the residential lots having areas of 449.6m<sup>2</sup> to 1,356m<sup>2</sup>, the proposed subdivision satisfies the design guidelines for the Southern Valley Precinct. The nominated super lot, Proposed Lot 2479, will allow for future development in accordance with its R3 Medium Density Residential zoning.

The construction of an interpretive water body is proposed to replace Dam 6. This dam is of State heritage significance as it is associated with the Keyline system of agriculture. Section 8.3.3 and Figure 8.6 of Part E Chapter 8 of the Hawkesbury DPC 2002 outline controls for the protection and development of the Keyline system.

It is acknowledged that the proposal will impact upon significant elements of the Keyline system, including Dam 6 and feeder and irrigation drains. However, the proposed subdivision is generally consistent with the endorsed Conservation Management Plan and Figure 8.6 of Part E Chapter 8 of the Hawkesbury DPC 2002. In this regard it should be noted that Figure 8.6 of the Plan indicates that Dam 6 will be modified, altered and re-interpreted. Signage detailing information about the former dam and irrigation system will be provided in accordance with the recommendations of the supplied Heritage Impact Statement and the previously approved Heritage Interpretation Plan.

The Heritage Council of NSW have provided their support for the works to the dam and Keyline system.

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

The proposed subdivision will allow for future residential development and is generally consistent with the provisions of the Hawkesbury DCP 2002.

#### 5.4 Planning Agreements

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

The site will not be subject to Section 7.11 or 7.12 Development Contributions now or in the future (up to the provision of 1,400 dwellings).

Milestone 1.2 of the VPA outlines that a determination on the Part 5 Application for the construction of the Grose River Bridge must be made prior to the release of the 915<sup>th</sup> residential lot. If approved the construction of the bridge is required prior to the release of the 1,214<sup>th</sup> residential lot.

The construction of bus shelters within the Redbank site is required under Milestone 1.5a of the VPA. The local bus operator, Busways, has advised that services will be provided to Redbank in the future and that final bus stop locations will be determined once detailed plans are available. The bus stop locations would be established in consultation with Council.

Given that the subject application represents the last major subdivision within Redbank, it is recommended that conditions are imposed requiring the delivery of the bus stops as part of the subject development.

## 5.5 Regulations

Matters specified under the EP&A Regulation 2021 have been considered in the assessment of this application.

To facilitate road construction, the subject application proposes the stockpiling and crushing of sandstone (virgin excavated natural material).

Part 2 Section 21 of Schedule 3 of the EP&A Regulation 2021 provides the following controls for crushing works that are defined as 'designated development':

### **21 *Crushing, grinding or separating works***

- (1) *Development for the purposes of crushing, grinding or separating works is designated development if the works have the capacity to process more than—*
  - (a) *150 tonnes per day, or*
  - (b) *30,000 tonnes per year.*
- (2) *Development for the purposes of crushing, grinding or separating works is designated development if the works are located within –*
  - (a) *40 metres of a natural waterbody, or*
  - (b) *100 metres of a wetland, or*
  - (c) *250 metres of a residential zone, or*
  - (d) *250 metres of a dwelling not associated with the development.*
- (3) *This section does not apply to development specifically referred to elsewhere in this Schedule.*
- (4) *In this section—*

*crushing, grinding or separating works means works that process the following materials by crushing, grinding or separating into different sizes—*

  - (a) *materials such as sand, gravel, rock or minerals,*
  - (b) *materials for recycling or reuse, such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber.*

The proposed crushing works support the subdivision and associated civil works, the crushing works will not be carried out independently of the civil works. On account of the works being ancillary to the subdivision, the proposed crushing works are not categorised as designed development pursuant to Part 3 Clause 49(1) of Schedule 3 of the EP&A Regulation 2021.

Furthermore, the supplied documentation indicates that the overall quantity of material required for all roads within the Southern Valley Precinct is 27,000 tonnes and that the work will be undertaken over a number of years. As a result the proposed crushing works will fall under the 30,000 tonnes per annum and 150 tonnes per day thresholds specified under Schedule 3 of the EP&A Regulation 2021. The documentation further indicates that the gravel and

The Construction Noise and Vibration Assessment Report indicates that construction noise levels generated by the civil works have the potential to impact on the surrounding residential receivers, however any predicted exceedances are typical of these types of projects and are not considered significant.

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

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

Council's mapping indicates that the remnant vegetation within the site and Grose Vale Road comprises of Shale Plains Woodland, Shale Hills Woodland, Shale Sandstone Transition Forest and Shale Sandstone Transition Woodland. The supplied BDAR identifies the native vegetation within the development site as Cumberland Plain Woodland.

Shale Plains Woodland and Shale Hills Woodland, which are also known as Cumberland Plain Woodland, are identified as critically endangered ecological communities under the Biodiversity Conservation Act 2016.

The vegetation is also identified on the Biodiversity Values Map and accordingly the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016 applies. A BDAR has been prepared in support of the development which outlines the class and number of ecosystem and species credits that must be retired to offset the biodiversity impacts of the development.

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

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

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

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

A Stormwater Management Strategy has been developed for the site, and the flood modelling references a previously prepared Detailed Flood Study for Redbank Creek. This Stormwater Management Strategy indicates that under developed conditions Dam 13 will no longer overtop the embankment and instead flows will be conveyed through the low flow and high flow outlets in a controlled manner. In both the 0.5 Exceedances per Year (EY) and 1% Annual Exceedance Probability (AEP) flood events, flood levels are reduced downstream of Dam 13 as a result of the flood mitigation that is being provided in the Southern Valley drainage corridor.

Council's Development Engineer has undertaken a review and has raised no objection to the recommendations and findings of the Stormwater Management Strategy.

A Cultural Assessment Report prepared for the Redbank site identified one Aboriginal archaeological site within the area subject to this application. Aboriginal sites and relics have been identified in other areas of the Redbank site, in particular adjoining Redbank Creek.

Aboriginal Heritage Impact Permits (AHIP) have previously been obtained for the Redbank site. The identified site has been destroyed in accordance with a previously issued AHIP.

The site is considered suitable for the proposed development.

#### 5.8 Public Notification

See Section 8 of this report.

#### 5.9 The Public Interest

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

The subdivision is consistent with the Planning Proposal's approved Master Plan, the Hawkesbury LEP 2012 and Part E Chapter 8 of the Hawkesbury DCP 2002. The Heritage Council, RFS and Department of Planning and Environment – Water have also issued their General Terms of Approval for the subdivision, whilst the Department of Planning and Environment have provided certification that satisfactory arrangements have been made towards the provision of State infrastructure. Therefore, in summary, it is considered that the approval of this application would be in the public interest.

#### 6.0 Matters for Consideration under the Biodiversity Conservation Act 2016

Previous applications for subdivision within the Redbank have not been subject to the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016 and Biodiversity Conservation

Regulation 2017. Flora and Fauna Reports were prepared in support of the previous applications and the mitigation measures recommended in these reports were imposed as conditions of consent.

The site contains vegetation that is identified on the Biodiversity Values Map and the proposed subdivision is now subject to the provisions of the Biodiversity Conservation Act 2016. The associated vegetation clearing exceeds the Biodiversity Offsets Scheme threshold of 0.25Ha and accordingly a BDAR has been prepared in support of the subdivision.

The supplied BDAR identifies the native vegetation within the development site as Cumberland Plain Woodland, which is listed as a critically endangered ecological community. This vegetation also provides potential habitat for Southern Myotis (*Myotis Macropus*), a vulnerable bat species.

Section 9.5 and Appendix E of the BDAR outlines that 47 ecosystem and 32 species credits that must be purchased and retired to offset the biodiversity impacts of the development.

## 7.0 Referrals

### 7.1 Internal

Engineering – Council's Development Engineer has undertaken a review of traffic, stormwater and other civil works matters.

The proposed development will increase traffic volumes on Grose Vale Road and the upgrading of this road will be required to bring it up to a standard to carry the traffic volumes that will be generated. Road widening will also be required to provide a minimum 10m road reserve from the centre line of Grose Vale Road.

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

Parks and Recreation – The areas of open space to be dedicated to Council are consistent with the endorsed VPA.

Environment – The Parks Officer reviewed the submitted BDAR and has raised no objection to its conclusions.

### 7.2 External

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

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

As detailed previously in this report, there are a number of remnant keyline features located within the subject property, including Dam 6. The dam is to be removed and reinterpreted via a new smaller waterbody which is consistent with the controls of Part E Chapter 8 of the Hawkesbury DCPO 2002.

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

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

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

Department of Planning and Environment – Water – The subject land is identified as containing a number of watercourses ('blue lines') and Dam 6 is identified as a waterbody. On these grounds the

proposal is identified as integrated development and a referral to the Department of Planning and Environment – Water was undertaken.

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

Transport For NSW – As detailed in Section 5.1 of this report, Transport For NSW have raised no objection to the proposal on traffic grounds.

The construction of a new multi-span bridge over the Grose River or the payment of development contributions is a requirement of the VPA endorsed by Council, Transport for NSW and the Redbank Communities.

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

Referrals received from the relevant external agencies are included as Attachment 2.

## 8.0 Public Consultation

### 8.1 Notification and Submissions

The application was notified as 'nominated advertised development' from 19 May to 20 June 2022 in accordance with the Hawkesbury DCP 2002, Hawkesbury Community Participation Plan and EP&A Regulation 2021. In addition to notification letters to neighbouring residents, a notice of the development was also placed in the local newspaper as required under the EP&A Regulation 2021.

One submission (Attachment 3) was received from an owner and resident within Dairy Place, a street located north of the proposed development. The submission was received approximately six months after the closure of the notification period but was still considered in the assessment of the application.

The matters raised in the submission are detailed below in italics, followed by a response by the assessing officer:

- *There concerns about how late in the masterplan this stage is being conceived and what impacts it will have on nearby residents.*

Officer's comment: Council's records indicate that the subject proposal was notified to the address of the Respondent.

The Redbank estate was subject to a Planning Proposal that re-zoned this former rural land to allow for approximately 1,400 dwellings. Part E Chapter 8 of the Hawkesbury DCP 2002 was subsequently prepared to guide the development of the site.

Table 8-1 of the Plan indicates that the land subject to this application is located within the Southern Valley Precinct. The Hawkesbury DCP 2002 indicates that this precinct is to be suburban in character, with the new allotments having areas of 450m<sup>2</sup> or greater. Whilst primarily catering for single dwelling houses, some commercial and medium density development will also be accommodated within the Southern Valley Precinct.

The proposed subdivision is generally consistent with Part E Chapter 8 of the Hawkesbury DCP 2002.

- *Earthworks associated with the subdivision will generate noise and dust impacts for nearby residents.*

Officer's comment: A Construction Noise and Vibration Assessment Report has been prepared in support of the application and outlines mitigation measures to reduce impacts to neighbours. The report also addresses dust impacts.

The imposition of a number of conditions are recommended to address the impacts associated with the civil construction works.

- *There is concern about the loss of trees and wildlife with up to 122 trees being removed, including a large cluster of trees near Dairy Place.*

Officer's comment: A BDAR has been prepared in support of the development which outlines the class and number of ecosystem and species credits that must be retired to offset the biodiversity impacts of the development. Supplementary Flora and Fauna Reports have also been prepared in mitigate and manage biodiversity impacts.

Although this is not identified in Part E Chapter 8 of the Hawkesbury DCP 2002, the most significant stand of trees within the site will be retained within the Sandstone Park open space lot.

- *It was understood that the VPA would not allow for the release of more than 1,000 lots until the bridge across the Grose River was built.*

Officer's comment: Milestone 1.2 of the VPA outlines that a determination on the Part 5 Application for the construction of the Grose River Bridge must be made prior to the release of the 915<sup>th</sup> residential lot. A report on the preferred location of this bridge will be considered at a Council Meeting to be held in June 2023.

Should the Part 5 Application be approved the construction of the bridge is required prior to the release of the 1,214<sup>th</sup> residential lot. If the Part 5 Application is refused a monetary contribution will have to be made to Transport For NSW.

### **Financial Implications**

The payment of Section 7.11 and 7.12 Development Contributions are not applicable to the site, now or in the future. The dedication of land, construction of facilities, public infrastructure works and road upgrades are instead required under the endorsed VPA.

### **Conclusion**

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 4.15(1) having been taken into consideration. The proposed subdivision generally satisfies Council's planning controls and is supported by the relevant external referral agencies.

The proposal is acceptable and is recommended for conditional approval.

### **Recommendation**

**That the Sydney Western City Planning Panel as the consent authority pursuant to Clause 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. PPSSWC-239/ DA0092/22 for a subdivision of Lot 1590 in DP 1266750, known as 73 Yobarnie Avenue, North Richmond, for the following reasons:**

- 1. The proposal is permissible under the Hawkesbury Local Environmental Plan 2012 and is generally consistent with the relevant planning instruments and controls that apply to the development.**
- 2. The layout and design of the proposed subdivision is generally consistent with Part E Chapter 8 of the Hawkesbury Development Control Plan 2002.**
- 3. The development provides for the housing needs of the community and will be compatible with the emerging and planned future character of the area.**
- 4. General Terms of Approval from the Heritage Council of NSW, Rural Fire Service and Department of Planning and Environment – Water have been issued for the development.**
- 5. Certification of satisfactory arrangements towards the contribution of State infrastructure has been received from the Department of Planning and Environment.**



6. The proposal is consistent with the requirements of the Voluntary Planning Agreement applying to the land.
7. The application was notified in accordance with Part A Chapter 3 of the Hawkesbury Development Control Plan 2002 and the matters raised in the received submission have been considered in the assessment.
8. For the reasons given above, the approval of the application subject to conditions is in the public interest.

#### **Attachments**

Attachment 1 – Plans of the Proposal  
Attachment 2 – External Agency Referrals  
Attachment 3 – Submission  
Attachment 4 – Recommended Conditions of Consent

## **Attachments**

### **Attachment 1 – Plans of the Proposal**



- PROPOSED OPEN SPACE - SANDSTONE PARK / CENTRAL PARK
- STAGE 20 - CENTRAL PARK (57 LOTS)
- STAGE 21 - CUMBERLAND PLACE (70 LOTS)
- STAGE 22 - CUMBERLAND PLACE (30 LOTS)
- STAGE 23 - CUMBERLAND PLACE / CENTRAL PARK (43 LOTS + PARK)
- STAGE 24 - CENTRAL PARK (77 LOTS + SUPER LOT)
- STAGE 25 - KEYLINE RIDGE (77 LOTS)
- STAGE 26 - KEYLINE RIDGE / CENTRAL PARK (21 LOTS)

KEMSLEY PARK

CENTRAL PARK

NEIGHBOURHOOD  
CENTRE  
(DA 0334/18)

DAM 13

SOUTHERN VALLEY  
(DA 0498/18)

Issue	Amendment	Date
A	Issued to client	19.01.22

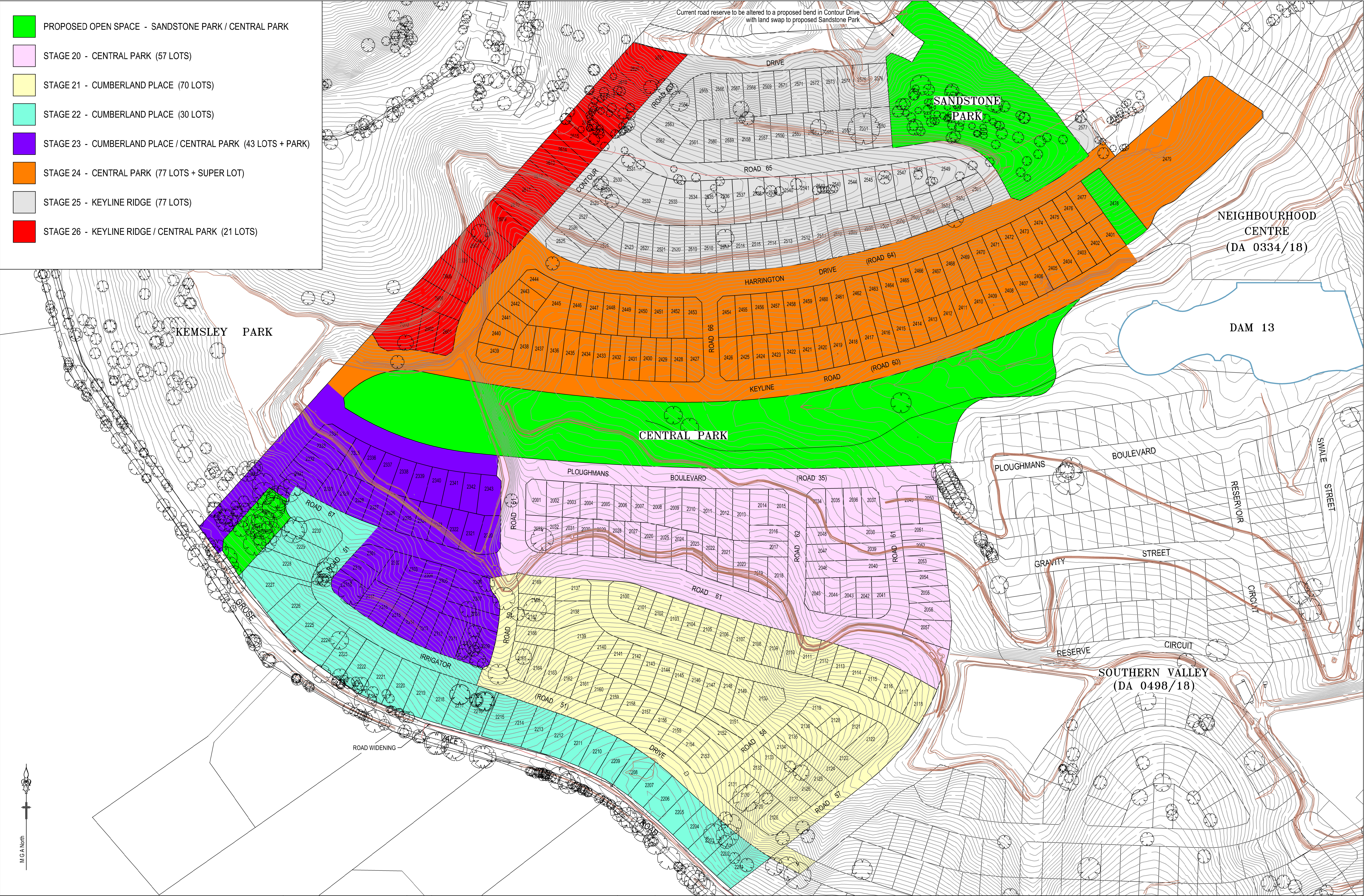
Datum:	Source:	Client:
Origin:	RL:	REDBANK
Scale: 1: 1500 @A1	Contour Interval:	
Drawn: M.Perkins	Checked: P.Warwick	

Lot(s) / DP(s):	Site Street Address:
Location: NORTH RICHMOND	Local Government: HAWKESBURY

Drawing Title:
NOTIFICATION PLAN

Plan Number:	Issue:
16800-SV-P1	A
Date of Survey:	
18.01.22	
Sheet 1 of 1	



















Tree Species have been selected in accordance with the Hawksbury City Council DCP;

**excerpt from Part C of HCC DCP – page 1-3**

The detailed landscape design should take into account the placement of evergreen and deciduous species to ensure winter sun penetration into buildings and outdoor open space/ recreation areas

**excerpt from Part D of HCC DCP – page 1-6**

Select and site trees to:

- aid climate control by providing shade in summer and sunlight in winter
- be consistent with the prevailing landscape character, whether that is a native or exotic theme

**excerpt from Part E of HCC DCP – Redbank p20**

Away from Redbank Creek, small disbursed groupings of native and exotic vegetation in keeping with the broader North Richmond area and the farming heritage of Redbank are to be provided

For existing Cumberland Plains Woodland  
Refer Tree Value Inventory Plan T-20 and Tree  
Protection and Removal Plan T-21



**Legend**

- Acer rubrum 'October Glory'
- Angophora floribunda
- Angophora subvelutina
- Araucaria cunninghamii
- Eucalyptus amplifolia
- Eucalyptus crebra
- Eucalyptus microcorys
- Eucalyptus moluccana
- Eucalyptus teretecornis
- Fraxinus pennsylvanica
- Ficus rubiginosa
- Jacaranda mimosifolia
- Lagerstroemia indica x L. fauriei 'Biloxi'
- Lophostemon confertus
- Existing Tree - Refer Tree Inventory Plan



ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

A	For Development Application Approval	DSO	02.03.22
REVISION	DESCRIPTION	CHKD	DATE

PROJECT & CLIENT  
**Redbank Southern Valley**

Redbank Communities

DRAWING TITLE  
**Tree Planting Plan**

Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale : 1:1500@A1/1:3000@A3

DRAWING NUMBER  
**L-SD-04**  
REVISION  
**A**

Plotted at: 2:56 pm 2/3/22





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SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

REVISION	DESCRIPTION	CHKD	DATE
A	For Development Application Approval	DSO	02.03.22

PROJECT & CLIENT  
Redbank Southern Valley

Redbank Communities

DRAWING TITLE  
Landscape Plan- Western Central Valley

Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale : 1:500@A1/1:1000@A3

DRAWING NUMBER  
L-SD-05

REVISION  
A

Plotted at: 2:56 pm 2/3/22





ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

REVISION	DESCRIPTION	CHKD	DATE
A	For Development Application Approval	DSO	02.03.22

PROJECT & CLIENT  
Redbank Southern Valley

Redbank Communities

DRAWING TITLE  
Landscape Plan - Eastern Central Valley Plan B

Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale : 1:500@A1/1:1000@A3

DRAWING NUMBER  
L-SD-06

REVISION  
A

Plotted at: 2:56 pm 2/3/22





ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

A For Development Application Approval		DSO	02.03.22
REVISION	DESCRIPTION	CHKD	DATE

PROJECT & CLIENT

Redbank Southern Valley

Redbank Communities

DRAWING TITLE

Landscape Plan - Northern Open Space

Project No : 20.25

Designed : DSO

Drawn : DSO / BT

Scale : 1:500@A1/1:1000@A3

North

DRAWING NUMBER

L-SD-07

REVISION

A

Plotted at : 2:56 pm

2/3/22



Indicative Street Trees



Acer rubrum 'October Glory' (October Glory)



Eucalyptus amplifolia (Cabbage Gum)



Eucalyptus tereticornis (Forest Red Gum)



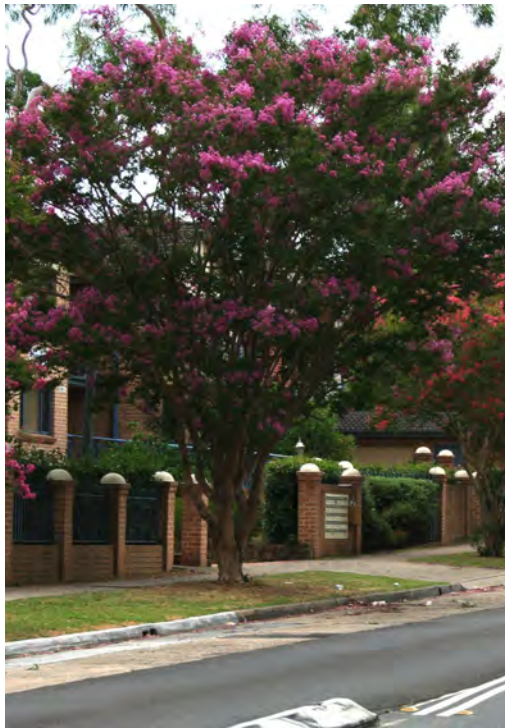
Fraxinus pennsylvanica (Urbanite)



Jacaranda mimosifolia (Jacaranda)



Lophostemon confertus (Brush Box)



Lagerstremia indica x L. fauriei 'Biloxi'  
(Crepe Myrtle)

Indicative Open Space Trees



Angophora floribunda (Rough Barked Apple)



Angophora subvelutina (Broad-leaved Apple)



Eucalyptus amplifolia (Cabbage Gum)



Eucalyptus microcorys (Tallow Wood)



Eucalyptus mollucana (Grey Box)



Eucalyptus tereticornis (Forest Red Gum)



Ficus rubiginosa (Port Jackson Fig)

Indicative Open Space Trees



Eucalyptus crebra (Narrow Leaf Iron Bark)



Formal planting of semi mature *Araucaria cunninghamii*  
(Hoop Pine)

Keyline Element Tree



Araucaria cunninghamii (Hoop Pine)

Indicative Shrubs & Groundcovers



Callistemon citrinus 'Mauve Mist' (Bottlebrush)



Lomandra longifolia 'Verday' (Mat Rush)



Poa labillardieri 'Eskdale' (Eskdale Tussock  
Grass)



Westringia fruticosa 'Mundi' (Prostrate Coastal Rosemary)



Juncus usitatus (Common Rush)



Correa alba (White Correa)

Indicative Planting Schedule

Botanical Name	Common Name	Potential Height	Indicative Quantity	Native
				Exotic
STREET TREES				
<i>Acer rubrum</i> 'October Glory'	October Glory	9m	90	
<i>Angophora subvelutina</i>	Broad-leaved Apple Gum	10-15m	36	
<i>Araucaria cunninghamii</i>	Hoop Pine	20-25+m	35	
<i>Eucalyptus amplifolia</i>	Cabbage Gum	15m	4	
<i>Eucalyptus tereticornis</i>	Forest Red Gum	15m	68	
<i>Fraxinus pennsylvanica</i>	Urbanite	8-12m	181	
<i>Jacaranda mimosifolia</i> (GVR Buffer)	Jacaranda	10-15m	27	
<i>Lophostemon confertus</i>	Brush Box	15-20m	89	
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Biloxi'	Crepe Myrtle	5m	13	

OPEN SPACE TREES				
<i>Angophora floribunda</i>	Rough Barked Apple	12-30m	78	
<i>Angophora subvelutina</i>	Broad-leaved Apple Gum	10-15m	78	
<i>Araucaria cunninghamii</i>	Hoop Pine	20-25+m	21	
<i>Eucalyptus amplifolia</i>	Cabbage Gum	15-20m	104	
<i>Eucalyptus crebra</i>	Narrow leave Iron bark	20-25m	89	
<i>Eucalyptus microcorys</i>	Tallow Wood	15-18m	13	
<i>Eucalyptus mollucana</i>	Grey Box	25	25	
<i>Eucalyptus tereticornis</i>	Forest Red Gum	15m	91	
<i>Ficus rubiginosa</i>	Port Jackson Fig	15-20m	1	

NATIVE SHRUB MIX (1m+)				
<i>Acacia implexa</i>	Hickory Wattle	8-10m	tba	
<i>Acacia parramattensis</i>	Parramatta Wattle	5-7m	tba	
<i>Dodonaea viscosa</i> 'Purpurea'	Purple-leaved Sticky Hop-bush	1m	tba	
<i>Bursaria spinosa</i>	Sweet Bursaria	1-3m	tba	

OPEN SPACE PLANTING MIX A (Low Shrubs)				
<i>Baeckea virgata nana</i>	Miniature baekea	0.5m	tba	
<i>Bursaria spinosa</i>	Sweet Bursaria	1m	tba	
<i>Chrysocepalum apiculatum</i> 'Silver Sunburst'	Silver Sunburst	0.2m	tba	
<i>Callistemon 'Little John'</i>	Bottle Brush	0.7m	tba	
<i>Callistemon citrinus 'Mauve Mist'</i>	Bottlebrush	1m	tba	
<i>Callistemon pachyphyllus</i>	Dwarf Green Flowering Bottlebrush	1m	tba	
<i>Correa alba</i>	White Correa	1m	tba	
<i>Correa glabra</i> var <i>tumbullii</i>	Red flowering Native Fushia	1m	tba	
<i>Dianella caerulea</i> 'Little Jess'	Little Jess	1m	tba	
<i>Dodonaea viscosa</i> 'Purpurea'	Purple-leaved Sticky Hop-bush	2m	tba	
<i>Indigofera australis</i>	Australian Indigo	1m	tba	
<i>Lomandra longifolia</i> 'Verday'	Mat Rush	1m	tba	
<i>Melaleuca thymifolia</i>	Thyme Honey-myrtle	1m	tba	
<i>Westringia fruticosa</i> 'Mundi'	Prostrate Coastal Rosemary	1m	tba	

OPEN SPACE PLANTING MIX B (Native Grasses)				
<i>Austranthionia tenuior</i>	Southern Danthonia	0.8m	tba	
<i>Dichelachne crinata</i>	Long Hair Plume Grass	0.8m	tba	
<i>Isolepis nodosa</i>	Notted Club Rush	1m	tba	
<i>Lomandra longifolia</i>	Mat Rush	1m	tba	
<i>Poa labillardieri</i> 'Eskdale'	Eskdale Tussock Grass	0.6m	tba	
<i>Themeda australis</i>	Kangaroo Grass	0.6m	tba	
<i>Dianella caerulea</i>	Paroo Lily	0.6m	tba	

OPEN SPACE PLANTING MIX C (Around Dam 6 )				
<i>Carex appressa</i>	Tall Sedge	0.7-1.1m	tube	
<i>Ficinia nodosa</i>	Knobby Club-Rush	0.8m	tube	
<i>Juncus usitatus</i>	Common Rush	0.8m	tube	
<i>Baloskion tetraphyllum</i>	Feather Rush	1-1.2m	tube	
<i>Baumea rubiginosa</i>	Soft Twig-sedge	0.7-1.1m	tube	
<i>Bolboscheonus fluviatilis</i>	River Bulrush	0.7-1.1m	tube	
<i>Eleocharis acuta</i>	Small Spike Rush	0.4m	tube	
<i>Schoenoplectus mucronatus</i>	Star Club Rush	0.5-1m	tube	
<i>Lepironia articulata</i>	Grey Sedge	0.7-1.1m	tube	



Indicative Furniture, Fencing and Retaining Walls



Hardwood timber furniture



Hardwood timber furniture



Sandstone log retaining walls + post and rail fencing



Shared paths - Broom finished concrete + timber bollards



1.4m wide footpaths - Broom finished concrete



Timber shelters



Timber Bollards



Fold down timber bollards within paved surface, bin enclosure + bollards located within planting areas



Open space entry feature with sandstone log seating wall and interpretative / way finding signage



Way finding / interpretative signage



Sculptural Dam (no.) Marker consistent within Redbank

Indicative Proposed Landscape Character



Parkland with permanent waterbody bordered by dense wetland emergent planting - turf, shade trees and sharepaths surround.



Rain gardens located within central valley OSD basins



Swale planted with native grasses



Embankment planting of native grasses



Erosion control webbing for batters greater than 1:3



Avenue of mature gums



Avenue of recently planted native trees



Avenue of mature deciduous trees



Avenue of recently planted deciduous trees



ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

A		For Development Application Approval	DSO	02.03.22
REVISION	DESCRIPTION	CHKD	DATE	

PROJECT & CLIENT  
Redbank Southern Valley

Redbank Communities

DRAWING TITLE  
Indicative Material and Character Images

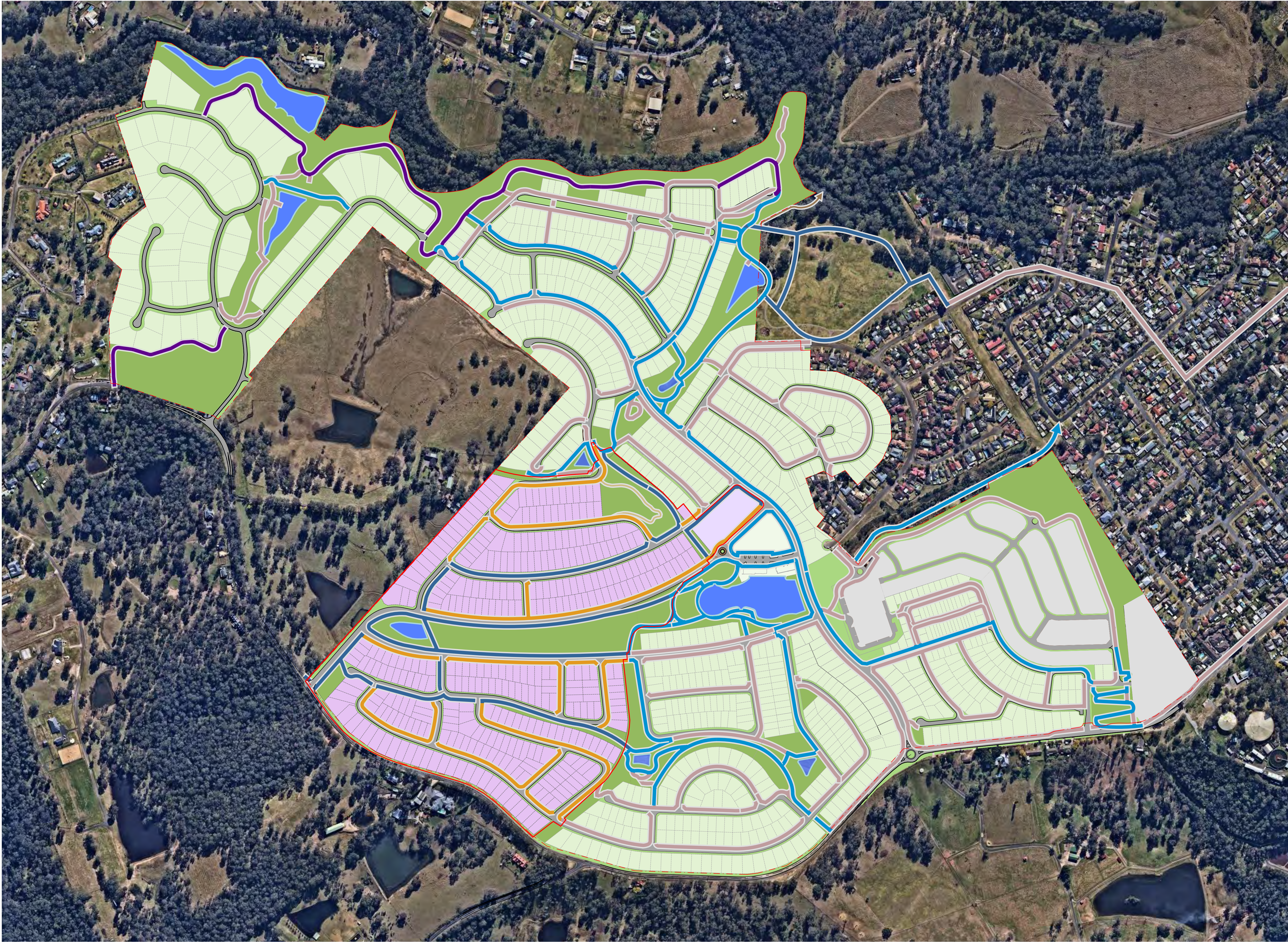
Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale :

DRAWING NUMBER  
L-SD-20

REVISION  
A

Plotted at : 2:57 pm 2/3/22





**Legend**

- Southern Valley proposed Extent of Works
- Southern Valley proposed Extent of Works
- Proposed Footpath 1.4m
- Proposed Share Path path 2.5m
- Existing - Approved for Construction - Footpath 1.4m
- Existing - Approved for Construction - Share Path 2.5m
- Existing Fire Trail
- Existing Pedestrian Trail
- Proposed Pedestrian Trail
- Road

0 100 200 600m



ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

A	For Development Application Approval	DSO	02.03.22
REVISION	DESCRIPTION	CHKD	DATE

PROJECT & CLIENT  
Redbank Southern Valley

Redbank Communities

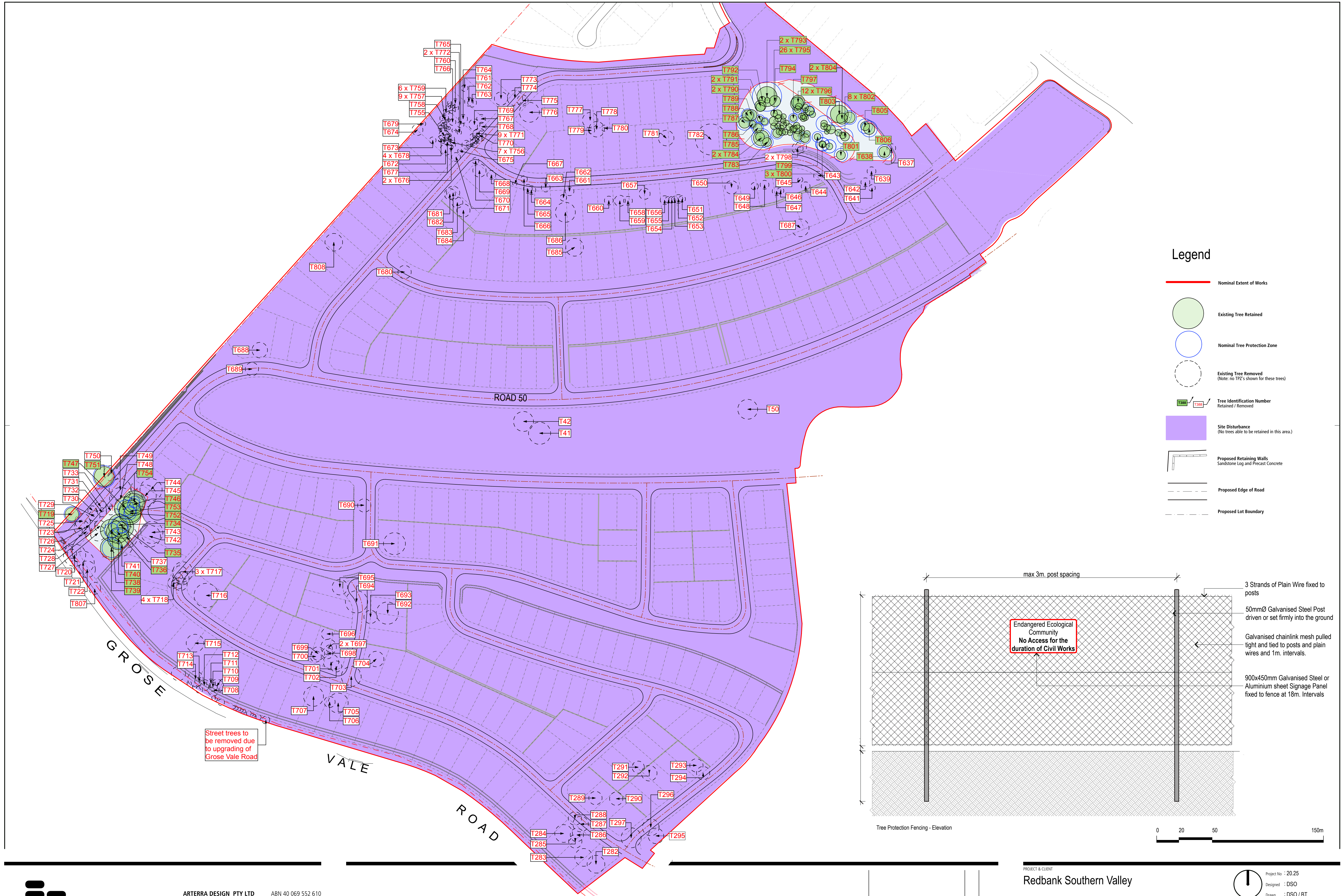
DRAWING TITLE  
Path Strategy Plan

Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale : 1:4000@A1/1:8000@A3

DRAWING NUMBER  
L-SD-21  
REVISION  
A

Plotted at: 2:57 pm 2/3/22





ARTERRA DESIGN PTY LTD ABN 40 069 552 610  
SUITE 602 / 51 RAWSON STREET, EPPING, NSW 2121  
P 02 9957 2466 F 02 9957 3977 W ARTERRA.COM.AU

A For Development Application Approval  
REVISION DESCRIPTION  
DSO 10.02.22  
CHKD DATE

PROJECT & CLIENT  
Redbank Southern Valley

Redbank Communities

DRAWING TITLE  
Tree Protection and Removal Plan

Project No : 20.25  
Designed : DSO  
Drawn : DSO / BT  
North  
Scale : 1:1500@A1/1:3000@A3

DRAWING NUMBER  
T-22  
REVISION  
A

Plotted at: 2:57 pm 2/3/22



## **Attachment 2 – External Agency Referrals**



24 March 2023

TfNSW Reference: SYD22/00898/02  
NSW Planning Portal Reference: CNR-38729  
Council Reference: DA0092/22

General Manager  
Hawkesbury City Council  
366 George Street,  
Windsor NSW 2756

Attention: Andrew Johnston

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**ADDITIONAL INFORMATION - SUBDIVISION TO CREATE 375 RESIDENTIAL LOTS, 1 SUPER LOT AND 4 OPEN SPACE LOTS AT 382 GROSE VALE ROAD, NORTH RICHMOND**

Dear Sir,

Reference is made to Council's referral dated 23 November 2022 with regards to the abovementioned Development Application, which was referred to Transport for NSW (TfNSW) for comment in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

TfNSW has since received the proposed variation of milestones pursuant to the Redbank Voluntary Planning Agreement (Redbank VPA) under separate referral and provided consent to the proposed variations on a letter to Council dated 20 March 2023.

TfNSW has reviewed the submitted additional information regarding the subject development application (DA0092/22) and provides the following comments to Council for consideration in the determination of the application:

1. It is noted that Grose River Bridge (GRB) project is a Council led application under part 5 of the *Environmental Planning and Assessment Act 1979*, as such the applicant cannot confirm the timing for approval and construction of GRB. It is stated that if the GRB cannot obtain approval, the applicant will pay a monetary contribution for road improvement works on Bells Line of Road which includes mitigation for the traffic generated by the subject DA.
2. TfNSW advises that the intersection of Grose Vale Road and Bells Line of Road is a critical point of access to the road network and the subject site. As also confirmed by applicant, without the GRB in future (2031), the intersection will fail. Therefore, TfNSW requests Council to ensure the proposed development complies/aligns with the new milestone arrangement of the Redbank VPA. Council should also ensure there will be a monetary contribution in place from the applicant to mitigate additional traffic as a result of development and total Redbank on Bells Line of Road should the GRB not obtain approval and be constructed.

If you have any further questions, please contact the undersigned on 88492331 or please email [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). I hope this has been of assistance.

Yours sincerely,



**Zhaleh Alamouti**

Senior Land Use Planner

Land Use Assessment West & Central, Greater Sydney

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OFFICIAL

Andrew Johnston  
Planner  
Hawkesbury City Council  
PO BOX 146  
WINDSOR NSW 2756

By email: [andrew.johnston@hawkesbury.nsw.gov.au](mailto:andrew.johnston@hawkesbury.nsw.gov.au)

Dear Mr Johnston

### HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION

**Address:** 108 Grose Vale Road NORTH RICHMOND NSW 2754  
**SHR item:** Yobarnie Keyline Farm, SHR no. 01826  
**Proposal:** The Development Application seeks approval for a Torrens Title subdivision of Lot 1590 in DP 1266750 to create 375 new urban residential lots, one (1) super lot and four (4) open space lots.  
**IDA application no:** HMS ID 1090, received 10 May 2022.

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

#### APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:

a) Subdivision drawings, prepared by Vince Morgan Surveyors as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Redbank, North Richmond</b>			
16800-SV-P1(T)	Notification Plan (Incl Topo)	19/01/2022	A

b) Engineering drawings, prepared by J Wyndam Prince as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Southern Valley, Redbank, North Richmond</b>			
11018512/DA301	General Notes, Index & Legend	22/02/2022	3
11018512/DA311	Engineering Plan – Sheet 1	22/02/2022	3
11018512/DA312	Engineering Plan – Sheet 2	22/02/2022	3
11018512/DA313	Engineering Plan – Sheet 3	22/02/2022	3

11018512/DA314	Engineering Plan – Sheet 4	22/02/2022	3
11018512/DA315	Engineering Plan – Sheet 5	22/02/2022	3
11018512/DA316	Engineering Plan – Sheet 6	22/02/2022	3
11018512/DA317	Engineering Plan – Sheet 7	22/02/2022	3
11018512/DA320	Typical Cross Sections Sheet 1	22/02/2022	3
11018512/DA321	Typical Cross Sections Sheet 2	22/02/2022	3
11018512/DA331	Road Longitudinal Sections Sheet 1	22/02/2022	3
11018512/DA332	Road Longitudinal Sections Sheet 2	22/02/2022	3
11018512/DA333	Road Longitudinal Sections Sheet 3	22/02/2022	3
11018512/DA334	Road Longitudinal Sections Sheet 4	22/02/2022	3
11018512/DA335	Road Longitudinal Sections Sheet 5	22/02/2022	3
11018512/DA336	Road Longitudinal Sections Sheet 6	22/02/2022	3
11018512/DA337	Road Longitudinal Sections Sheet 7	22/02/2022	3
11018512/DA338	Road Longitudinal Sections Sheet 8	22/02/2022	3
11018512/DA339	Road Longitudinal Sections Sheet 9	22/02/2022	3
11018512/DA340	Road Longitudinal Sections Sheet 10	22/02/2022	3
11018512/DA341	Road Longitudinal Sections Sheet 11	22/02/2022	3
11018512/DA350	Dam 6 Decommissioning	22/02/2022	3
11018512/DA351	Dam 6 Decommissioning Section 6A, 6B and 6C	22/02/2022	3
11018512/DA401	Cut and Fill Plan Sheet 1	22/02/2022	3
11018512/DA402	Cut and Fill Plan Sheet 2	22/02/2022	3
11018512/DA403	Cut and Fill Plan Sheet 3	22/02/2022	3
11018512/DA404	Cut and Fill Plan Sheet 4	22/02/2022	3
11018512/DA405	Cut and Fill Plan Sheet 5	22/02/2022	3
11018512/DA406	Cut and Fill Plan Sheet 6	22/02/2022	3
11018512/DA407	Cut and Fill Plan Sheet 7	22/02/2022	3
11018512/DA420	Site Sections Sheet 1	22/02/2022	3
11018512/DA421	Site Sections Sheet 2	22/02/2022	3
11018512/DA422	Site Sections Sheet 3	22/02/2022	3
11018512/DA423	Site Sections Sheet 4	22/02/2022	3
11018512/DA424	Site Sections Sheet 5	22/02/2022	3
11018512/DA425	Site Sections Sheet 6	22/02/2022	3
11018512/DA426	Site Sections Sheet 7	22/02/2022	3
11018512/DA427	Site Sections Sheet 8	22/02/2022	3

11018512/DA428	Site Sections Sheet 9	22/02/2022	3
11018512/DA501	Site Establishment Phase 1 Sheet 1	22/02/2022	3
11018512/DA502	Site Establishment Phase 1 Sheet 2	22/02/2022	3

c) Landscape drawings, prepared by Arterra as listed below:

Dwg No	Dwg Title	Date	Rev
<b>Project Name: Southern Valley, Redbank, North Richmond</b>			
L-SD-00	Cover Plan	2/03/2022	A
L-SD-01	Context Plan	2/03/2022	A
L-SD-02	Site Plan	2/03/2022	A
L-SD-03	Overall Landscape Plan	2/03/2022	A
L-SD-04	Tree Planting Plan	2/03/2022	A
L-SD-05	Landscape Plan – Western Central Valley	2/03/2022	A
L-SD-06	Landscape Plan – Eastern Central Valley	2/03/2022	A
L-SD-07	Landscape Plan – Northern Open Space	2/03/2022	A
L-SD-08	CPW Keyline Corridor – Section A	2/03/2022	A
L-SD-09	CPW Keyline Corridor – Section B	2/03/2022	A
L-SD-10	CPW Retaining Walls Road 65 – Section C	2/03/2022	A
L-SD-11	CPW Keyline Corridor and Dam 4 Sectional Elevations	2/03/2022	A
L-SD-12	Landscape Street Sections	2/03/2022	A
L-SD-13	Landscape Street Sections	2/03/2022	A
L-SD-14	Landscape Street Sections	2/03/2022	A
L-SD-15	Landscape Street Sections	2/03/2022	A
L-SD-16	Landscape Street Sections	2/03/2022	A
L-SD-17	Site Sections A and B	2/03/2022	A
L-SD-18	Site Sections C and D	2/03/2022	A
L-SD-19	Indicative Planting and Images	2/03/2022	A
L-SD-20	Indicative Material and Character Images	2/03/2022	A
L-SD-21	Path Strategy Plan	2/03/2022	A
T-21	Tree Retention Value Plan	2/03/2022	A
T-22	Tree Protection and Removal Plan	2/03/2022	A

d) *Statement of Environmental Effects (SOEE), Southern Valley Subdivision*, dated 10 March 2022, prepared by Ethos Urban.

- e) *Heritage Impact Statement (SOHI), Southern Valley, Redbank*, dated 10 March 2022, prepared by Urbis Pty Ltd.
- f) *Aboriginal Cultural Heritage Statement Southern Valley Subdivision and Associated Earthworks and Infrastructure (ACHS)*, dated 31 January 2022, prepared by Kelleher Nightingale.
- g) *Arboricultural Impact Assessment Report, Redbank Southern Valley – Tree Protection and Removal Plan*, dated 23 February 2022, prepared by Arterra.
- h) *Biodiversity Development Assessment Report (BDAR)*, dated 1 March 2022, prepared by Eco Logical
- i) *Topsoil Management Letter (TMR)*, dated 23 February 2022, prepared by Arterra.

**EXCEPT AS AMENDED** by the conditions of this approval:

#### **DETAILS TO BE SUBMITTED FOR APPROVAL**

2. The following information is to be submitted with the s60 application for approval by the Heritage Council of NSW (or delegate):

- a) **Amended Plant Schedule**

An amended Planting Schedule is to be provided indicating all proposed *Araucaria cunninghamii* (Hoop Pine) to be installed at a minimum size of 300 litres.

- b) **Amended Landscape Plan**

An amended Landscape Plan is to be provided indicating that the spacing of the keyline plantings of Hoop Pine around the perimeter path of the larger open space supporting Cumberland Plain Woodland, is to be no closer than the spacing of keyline plantings of Hoop Pine as street trees.

*Reason: The assessment and management of these details is considered essential in order to obtain a good heritage outcome.*

#### **SITE PROTECTION**

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **HERITAGE INTERPRETATION PLAN**

4. A detailed site wide Heritage Interpretation Plan that includes the Keyline element corridor, Dam 6, open space areas, Cumberland Plain Woodland and irrigation corridors, must be prepared in accordance with the approved plans, the recommendations of the 'Heritage Interpretation Strategy' (Reference No. SH125) prepared by Urbis and dated July 2016 and Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005). The Heritage Interpretation Implementation Plan and supporting plans and documentation shall be submitted to Heritage Council of NSW (or its Delegate) for approval with the section 60 application.

The interpretation plan must detail how information on the history and significance of *Yobarnie Keyline Farm* will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project. Interpretive media may include retention and display of examples of removed fabric, signage, three-dimensional modelling, soundscapes, public art and development of heritage walks.

5. The approved interpretation plan must be implemented prior to the issue of an Subdivision Certificate

*Reason: Interpretation is an important part of every proposal for works at heritage places.*

## **ROAD NAMES**

6. All road names are to relate to the history of Yeoman's Keyline Farm and Yobarnie.

*Reason: To contribute to the interpretation of the heritage significance of the site.*

## **PHOTOGRAPHIC ARCHIVAL RECORDING**

7. A photographic archival recording of the site showing the topography of the site with extant keyline features, including Dam No. 6, historic irrigation swales and associated dam infrastructure and must be prepared prior to the commencement of works/ during works/ at the completion of works. This recording must be in accordance with the Heritage NSW publication '*Photographic Recording of Heritage Items using Film or Digital Capture*' (2006). The digital copy of the archival record must be provided to Heritage NSW.

*Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.*

## **UNEXPECTED FINDS**

8. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics or any other buried fabric are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason: All significant fabric within a State Heritage Register curtilage should be managed according to its significance. This is a standard condition to identify to the applicant how to proceed if historical archaeological relics, or other unexpected buried discoveries such as works are identified during the approved project.*

## **ABORIGINAL OBJECTS**

9. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974*. Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

*Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.*

## **COMPLIANCE**

10. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

## **SECTION 60 APPLICATION**

11. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements.*

## **Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

## **Right of Appeal**

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

If you have any questions about this correspondence, please contact Tempe Beaven, Senior Assessments Officer, at Heritage NSW on 9873 8629 or [Tempe.Beaven@environment.nsw.gov.au](mailto:Tempe.Beaven@environment.nsw.gov.au).

Yours sincerely

*Michael Ellis.*

Michael Ellis  
Manager, Assessments  
Heritage NSW  
Department of Planning & Environment  
**As Delegate of the Heritage Council of NSW**  
4 July 2022



## NSW RURAL FIRE SERVICE

Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Your reference: CNR-38729 DA0092/22  
Our reference: DA20220428007370-Original-1

**ATTENTION:** Andrew Johnston

Date: Tuesday 6 September 2022

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Torrens Title Subdivision**  
**382 Grose Vale Road, North Richmond 2754, 1590//DP1266750**

I refer to your correspondence dated 06/05/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

### Asset Protection Zones

***Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- leaves and vegetation debris should be removed

2. At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the *Conveyancing Act 1919* must be placed on the proposed lots identified in Figures 8, 9 and 10 of the report prepared by Control Line Consulting P/L dated 03 March 22 which requires the provision of the above asset protection zones (APZ) and prohibits the construction of buildings other than class 10b structures within the APZ. The name of authority empowered to release, vary or modify the instrument shall be Hawkesbury City Council.

#### **Access – Public Roads**

***Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.***

3. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

#### **Water and Utility Services**

***Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

4. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **Landscaping Assessment**

***Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

5. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

**General Advice - Consent Authority to Note**

Future development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979*.

For any queries regarding this correspondence, please contact Bryce Pascoe on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
**Manager Planning & Environment Services**  
**Built & Natural Environment**



**NSW RURAL FIRE SERVICE**

# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Torrens Title Subdivision  
382 Grose Vale Road, North Richmond 2754, 1590//DP1266750  
RFS Reference: DA20220428007370-Original-1  
Your Reference: CNR-38729 DA0092/22

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Nika Fomin**

**Manager Planning & Environment Services  
Built & Natural Environment**

Tuesday 6 September 2022

7 March 2023

The General Manager  
Hawkesbury City Council  
PO Box 146  
WINDSOR NSW 2756

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re: IDAS-2022-10292 - Controlled Activity Approval**

**Dev Ref: DA0092/22**

**Description:** Torrens Title subdivision of Lot 1590 in DP 1266750 to create 375 new urban residential lots, one (1) super lot and four (4) open space lots.

**Location:** 382 GROSE VALE ROAD NORTH RICHMOND 2754, 1589//DP1266750

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment—Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, Department of Planning and Environment—Water requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

Department of Planning and Environment—Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.

- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

**The attached GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.**

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

Department of Planning and Environment—Water requests that Council provide a copy of this letter to the development consent holder.

Department of Planning and Environment—Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely

**For  
Nathalie Whitby  
Manager  
Licensing and Approvals  
Department of Planning and Environment—Water**

## General Terms of Approval

for proposed development requiring approval under s89,  
90 or 91 of the Water Management Act 2000

<b>Reference Number:</b>	IDAS-2022-10292
<b>Issue date of GTA:</b>	7 March 2023
<b>Type of Approval:</b>	Controlled Activity
<b>Location of work/activity:</b>	382 GROSE VALE ROAD NORTH RICHMOND 2754, 1589//DP1266750
<b>Waterfront Land:</b>	Unnamed first order
<b>DA Number:</b>	DA0092/22
<b>LGA:</b>	Hawkesbury

**The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G002	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application DA0092/22 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>

### **Attachment 3 – Submission**

**From:** "James Turner" <turnacorn@msn.com>  
**Sent:** Mon, 23 Jan 2023 16:00:39 +1100  
**To:** "Hawkesbury City Council"  
<Council.MainEmailAccount@hawkesbury.nsw.gov.au>  
**Subject:** Development Application Enquiry DA0092/22

Hi Council

We have come across this DA which we had not received any notification about from the Redbank Developer.

We have concerns about how late in the masterplan this stage is being conceived and what impacts it will have on us living at 16 Dairy Place, North Richmond and our neighbours.

We don't have any information about proposed timing, sufficient detail of the management of impacts (dust/noise) that the bulk earthworks will have which will be less than 10m from our house boundary. Can this please be provided so we can understand the impacts on us?

Further, there is concern about the loss of trees and wildlife with up to 122 trees being removed, including a large cluster of trees near our house. Not only is this contributing further to the heat island affect, but it is also home to a number of native birds including kookaburras and rainbow lorikeets which we have seen since living here. Even the developer's ecological consultant's assessment pointed to this area being at risk and the developer is still choosing to remove such trees without regard to retainment. Wouldn't this be much better left as a reserve at the top of the hill much like the other proposed reserves?

Lastly, I thought in the VPA that Redbank could not settle on more than 1,000 lots until the bridge across the Grose River was built - this is far from completion and determining this DA will pave the way for the developer to release more lots/houses before any additional bridge has been built from this area leading to poor traffic outcomes and impacts (i.e. additional safety and congestion) on surrounding residents/businesses.

Kind regards  
James Turner  
0449 703 401



#### **Attachment 4 – Recommended Conditions of Consent**

## Conditions

### Development Description:

**Subdivision – Vegetation removal, earthworks, the reinterpretation of a dam, the construction of roads, landscaping works and a staged Torrens title subdivision to create 375 residential lots, four open space lots, one super lot and a residue lot**

### General Conditions

#### 1. Approved Plans and Supporting Documentation

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below, except where amended by other conditions of this consent:

a) Plans Reference:

(i) Subdivision Plans

Drawing Number/Name	Prepared By	Issue	Date
Drawing No. 16800-SV-P1 Sheet 1 'Notification Plan'	Vince Morgan Surveyors	A	19 January 2022
Drawing No. 16800-SV-P1(T) Sheet 1 'Notification Plan (Incl Topo)'	Vince Morgan Surveyors	A	19 January 2022
Drawing No. 11018512 DA300 'Cover Sheet'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA301 'General Notes, Index & Legend'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA302 'Layout Plan'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA311 'Engineering Plan Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA312 'Engineering Plan Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA313 'Engineering Plan Sheet 3'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA314 'Engineering Plan Sheet 4'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA315 'Engineering Plan Sheet 5'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA316 'Engineering Plan Sheet 6'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA317 'Engineering Plan Sheet 7'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA320 'Typical Cross Sections Sheet 1'	J Wyndham Prince	3	22 February 2022

Drawing No. 11018512 DA321 'Typical Cross Sections Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA331 'Road Longitudinal Sections Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA332 'Road Longitudinal Sections Sheet 2'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA333 'Road Longitudinal Sections Sheet 3'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA334 'Road Longitudinal Sections Sheet 4'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA335 'Road Longitudinal Sections Sheet 5'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA336 'Road Longitudinal Sections Sheet 6'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA337 'Road Longitudinal Sections Sheet 7'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA338 'Road Longitudinal Sections Sheet 8'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA339 'Road Longitudinal Sections Sheet 9'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA340 'Road Longitudinal Sections Sheet 10'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA341 'Road Longitudinal Sections Sheet 11'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA350 'Dam 6 Decommissioning'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA351 'Dam 6 Decommissioning Section 6A, 6B & 6C'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA401 'Bulk Earthworks Cut & Fill Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA402 'Bulk Earthworks Cut & Fill Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA403 'Bulk Earthworks Cut & Fill Sheet 3'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA404 'Bulk Earthworks Cut & Fill Sheet 4'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA405 'Bulk Earthworks Cut & Fill Sheet 5'	J Wyndham Prince	3	22 February 2022

Drawing No. 11018512 DA406 'Bulk Earthworks Cut & Fill Sheet 6'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA407 'Bulk Earthworks Cut & Fill Sheet 7'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA420 'Site Sections Sheet 1'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA421 'Site Sections Sheet 2'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA422 'Site Sections Sheet 3'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA423 'Site Sections Sheet 4'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA424 'Site Sections Sheet 5'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA425 'Site Sections Sheet 6'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA426 'Site Sections Sheet 7'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA427 'Site Sections Sheet 8'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA428 'Site Sections Sheet 9'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA501 'Site Establishment – Phase 1 Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA502 'Site Establishment – Phase 1 Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA511 'Soil & Water Management Plan – Phase 2 Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA512 'Soil & Water Management Plan – Phase 2 Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA513 'Soil & Water Management Plan – Phase 2 Sheet 3'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA514 'Soil & Water Management Plan – Phase 2 Sheet 4'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA515 'Soil & Water Management Plan – Phase 2 Sheet 5'	J Wyndham Prince	3	22 February 2022

Drawing No. 11018512 DA516 'Soil & Water Management Plan – Phase 2 Sheet 6'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA517 'Soil & Water Management Plan – Phase 2 Sheet 7'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA521 'Soil & Water Management Plan – Phase 3 Sheet 1'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA522 'Soil & Water Management Plan – Phase 3 Sheet 2'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA523 'Soil & Water Management Plan – Phase 3 Sheet 3'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA524 'Soil & Water Management Plan – Phase 3 Sheet 4'	J Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA525 'Soil & Water Management Plan – Phase 3 Sheet 5'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA526 'Soil & Water Management Plan – Phase 3 Sheet 6'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA527 'Soil & Water Management Plan – Phase 3 Sheet 7'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA550 'Soil Water Management Plan Notes'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA551 'Soil Water Management Plan Notes'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA711 'Signage & Linemarking Plan Sheet 1'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA712 'Signage & Linemarking Plan Sheet 2'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA713 'Signage & Linemarking Plan Sheet 3'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA714 'Signage & Linemarking Plan Sheet 4'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA715 'Signage & Linemarking Plan Sheet 5'	Wyndham Prince	3	22 February 2022

Drawing No. 11018512 DA716 'Signage & Linemarking Plan Sheet 6'	Wyndham Prince	3	22 February 2022
Drawing No. 11018512 DA717 'Signage & Linemarking Plan Sheet 7'	Wyndham Prince	3	22 February 2022
Drawing No. L-SD-00 'Cover Sheet'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-01 'Context Plan'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-02 'Site Plan and Adjoining Context Plan'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-03 'Overall Landscape Plan'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-04 'Tree Planting Plan'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-05 'Landscape Plan – Western Central Valley'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-06 'Landscape Plan – Eastern Central Valley'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-07 'Landscape Plan – Northern Open Space'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-08 'CPW Keyline Corridor – Section A'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-09 'CPW Keyline Corridor – Section B'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-10 'CPW Retaining Walls Road 65 – Section C'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-11 'CPW Keyline Corridor + Dam 4 Sectional Elevations'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-12 'Landscape Street Sections'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-13 'Landscape Street Sections'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-14 'Landscape Street Sections'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-15 'Landscape Street Sections'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-16 'Landscape Street Sections'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-17 'Site Sections A and B'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-18 'Site Sections C and D'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-19 'Indicative Planting and Images'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-20 'Indicative Material and Character Images'	Arterra Landscape Architects	A	2 March 2022
Drawing No. L-SD-21 'Path Strategy Plan'	Arterra Landscape Architects	A	2 March 2022

Drawing No. T-22 'Tree Protection and Removal Plan'	Arterra Landscape Architects	A	10 February 2022
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(ii) Grose Vale Road Upgrade Plans

Drawing Number/Name	Prepared By	Issue	Date
Drawing No. 11018512/DA1000 'Cover Sheet'	J Wyndham Prince	3	
Drawing No. 11018512/DA1001 'Layout Plan'	J Wyndham Prince	2	22 February 2022
Drawing No. 11018512/DA1002 'Engineering Plan Sheet 1'	J Wyndham Prince	2	22 February 2022
Drawing No. 11018512/DA1003 'Road Longitudinal Section Sheet 1'	J Wyndham Prince	1	31 January 2022
Drawing No. 11018512/DA1004 'Typical Section and Details'	J Wyndham Prince	2	22 February 2022
Drawing No. 11018512/DA1005 'Pavement Plan Sheet 1'	J Wyndham Prince	2	7 February 2022
Drawing No. 11018512/DA1006 'Pavement Plan Sheet 2'	J Wyndham Prince	2	22 February 2022
Drawing No. 11018512/DA1007 'Soil and Water Management Plan Sheet 1'	J Wyndham Prince	2	22 February 2022
Drawing No. 11018512/DA1008 'Soil and Water Management Plan Notes 2'	J Wyndham Prince	1	31 January 2022
Drawing No. 11018512/DA1009 'Linemarking and Signposting Plan Sheet 1'	J Wyndham Prince	1	31 January 2022
Drawing No. 11018512/DA1010 'Linemarking and Signposting Plan Sheet 2'	J Wyndham Prince	1	31 January 2022
Drawing No. 11018512/DA1011 'Catchment Plan & Drainage Sheet 1'	J Wyndham Prince	1	31 January 2022
Drawing No. 11018512/DA1012 'Road Widening Sheet 1'	J Wyndham Prince	1	31 January 2022

b) Documents Reference:

Document Name/Reference	Prepared By	Issue	Date
'Heritage Interpretation Strategy' (Reference No. SH125)	Urbis	01	July 2016

'Heritage Impact Statement – Southern Valley, Redbank' (Reference No. SH1361)	Urbis	02	10 March 2022
'Aboriginal Heritage Impact Statement'	Kelleher Nightingale Consulting Pty Ltd		31 January 2022
'Construction Noise and Vibration Assessment' Report (Reference No. RWDI#2103115)	RWDI Australia Pty Ltd	A	2 March 2022
'Redbank Southern Valley – Stormwater Management Strategy' (Reference No. 110185-12)	J Wyndham Prince	B	9 February 2022
'Redbank Southern Valley – Biodiversity Development Assessment Report' (Reference No. 18SYD – 18744)	Eco Logical Australia	4	1 March 2022
'Redbank Southern Valley – Riparian Assessment' (Reference No. 21SYD-18744)	Molino Stewart	5	1 March 2022
'Grose Vale Road Upgrade West – Biodiversity Assessment' Report (Reference No. 1327 Grose Vale Road West – Assessment V1)	Molino Stewart	Final	24 February 2022
'Impact Assessment – Amendment – Dam No 6 Removal' (Reference No. 1793dam6c)	Bio Engineered Solutions	C	17 February 2022
'Detailed Site Investigation – Southern Valley' (Reference No. 0484202_S011172 S010943)	ERM	1.0	11 February 2022
'Southern Valley – Redbank Development – Report on Geotechnical Investigation'(Reference No. 12261/35-AA-R2)	Geotechnique Pty Ltd	R2	14 February 2022
'Proposed Dam, Southern Valley – Redbank Development – Geotechnical Recommendations' (Reference No. 12261/35-AB-R1)	Geotechnique Pty Ltd	R1	14 February 2022
'Aboricultural Impact Assessment – Redbank – Southern Valley DA' Report (Reference No. AIA-01)	Arterra Landscape Architects	A	23 February 2022
'Topsoil Management at Redbank'	Arterra Landscape Architects		23 February 2022
'Bushfire Hazard Assessment Report' (Reference No. 21.07.223)	Control Line Consulting		2 July 2021
'Road Safety Audit – Southern Valley, Redbank'	BTE Consulting	2	21 December 2022



(Reference No. BTE-220068- Final_Rev_D)			
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No works other than those approved are permitted by this consent.

**Note:** This consent permits the staging of the development in terms of both Subdivision Works Certificates and Subdivision Certificates. Any applications for a staged Subdivision Works Certificate (construction) or Subdivision Certificate (registration) shall clearly detail the allotments covered and demonstrate the availability of infrastructure and services.

Staged Subdivision Works Certificates and staged Subdivision Certificates can define different lot and road groupings provided infrastructure and services are provided.

## 2. Integrated Development – General Terms of Approval

The following General Terms of Approval, as referred to under Section 4.50 of the *Environmental Planning and Assessment Act 1979*, are attached and form part of the consent conditions for this approval:

- a) Heritage Council – The General Terms of Approval (Reference No. CNR-38729) dated 4 July 2022 are attached and form part of this consent.
- b) NSW Rural Fire Service – The General Terms of Approval (Reference No. DA20220428007370-Original-1) dated 6 September 2022 are attached and form part of the conditions of this consent.
- c) Department of Planning and Environment – Water – The General Terms of Approval (Reference No. IDAS-2022-10292) and dated 7 March 2023 are attached and form part of this consent.

## 3. Appointment of a Principal Certifier and Commencement of Work

Any civil works associated with this consent must not commence before the following matters are addressed:

- a) a Subdivision Works Certificate has been issued;
- b) a Principal Certifier has been appointed;
- c) the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision works are proposed to commence; and
- d) the person having the benefit of the consent has given at least two day's notice to Council of the person's intention to commence the subdivision work.

## 4. Aboriginal Heritage Impact Permit

All works associated with the development must be undertaken in accordance with the relevant Aboriginal Heritage Impact Permits (AHIP) issued by the Office of Environment and Heritage under Section 90 of the *National Parks and Wildlife Act 1974*.

## 5. Section 6.4 Certificates Required

The accredited certifier shall provide copies of all Section 6.4 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

**Note:** A registration fee applies.

**6. Civil Works Specification Compliance**

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Part E Chapter 8 'Redbank at North Richmond'. Inspections shall be carried out and Compliance Certificates issued by Council or an Accredited Certifier.

Where works within the development site relate to existing or proposed future Council infrastructure assets, inspections shall be carried out and Compliance Certificates issued by Council.

**7. Refund of Security Bonds**

Written application to Council for the release of held security bonds may be made upon the completion of the relevant works. Security bonds will be released subject to the works being completed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and to the satisfaction of Council.

**8. Works on Public Land – Not Permitted Without Approval**

No work can be undertaken within public lands (i.e. roads, reserves, parks etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or the preparation of a Traffic Management/Control Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas and comply with any other conditions required by Council.

**9. Roads Act 1993 Approval**

An approval under Section 138 of the Roads Act 1993 is required from the relevant Roads Authority before any work is carried out within a public road.

The contractor undertaking the subdivision construction work is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Development Engineer if it is unclear whether a separate Road Opening Permit is required.

**10. Operations and Maintenance Manual**

One hardcopy set and an electronic file of the operations and maintenance manual for the constructed stormwater quality management system and structures must be submitted to the Council prior to the dedication of land to Council in accordance with the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd and BD NSW (MR) Project O007 Unit Trust dated 20 August 2014 (as updated). The manual shall detail constructed structures, inspection regimes and desired maintenance schedules.

**11. Open Space – Embellishment and Dedication of Open Space**

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

An Assets Register shall be prepared and submitted to Council prior to the dedication of assets to Council. The Assets Register is to consist of the following:

- Asset Handover Report,
- Works As Executed (WAE) drawings,
- Asset Inventory as per template in electronic (Excel) format,
- Electronic DWG/DXF (CAD Files) with projections (GDA 1994 MGA Zone 56),
- Survey data, levels,
- Spatial/GIS data, and
- Financial data.

The Assets Register shall detail all assets within the open space area to be dedicated to Council, including the type, brand/manufacturer, quantity, size, material, colour if relevant and replacement values of the assets.

Data shall be submitted to Council in electronic Excel format with the issue of the WAE drawings. The Excel spreadsheets shall contain information as detailed in Form B of Council's 'Asset Handover Process Procedure'.

### **Prior to Issue of a Subdivision Works Certificate (All Stages)**

The conditions within this section of the consent must be complied with or addressed prior to the issue of any Subdivision Works Certificate relating to the approved development, whether by Council or a Registered Certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Subdivision Works Certificate.

Details demonstrating compliance with the above requirement must be submitted for approval prior to issue of the Subdivision Works Certificate. One set of printed plans and an electronic copy of the plans are required to be submitted with the Subdivision Works Certificate application.

#### **14. Subdivision Works Certificate Required**

Before any works are carried out a Subdivision Works Certificate or Roads Act Approval as relevant must be obtained for this development covering:

- a) Earthworks;
- b) Retaining walls;
- c) Dam decommissioning;
- d) Traffic Control;
- e) Road and associated works;
- f) Driveway crossings;
- g) Stormwater drainage;
- h) Dam interpretation as waterbodies;
- i) Temporary water management facilities (quantity and quality control);
- j) Erosion and sedimentation control; and
- k) Landscaping.

The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included in the consent.

**Note:** If the Subdivision Works Certificate is issued by a Registered Certifier that is not Council it will be necessary to lodge the Subdivision Works Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

#### **15. Compliance Report**

Prior to the issue of a Subdivision Works Certificate, the Applicant or any party acting upon this consent shall submit to the Certifier a report addressing compliance with all relevant conditions required prior to the issue of a Subdivision Works Certificate of this consent.

## 16. Biodiversity – Ecosystem and Species Credits Retirement

Prior to the release of the Stage 1 Subdivision Works Certificate or the removal of any vegetation, the class and number of ecosystem and species credits detailed in Section 9.5 and Appendix E of the 'Redbank Southern Valley – Biodiversity Development Assessment Report' (Reference No. 18SYD – 18744 Rev '4') prepared by Eco Logical Australia and dated 1 March 2022 must be retired to offset biodiversity impacts of the development:

Ecosystem Credit Summary (Number and class of biodiversity credits to be retired)					
Name of Plant Community Type/ID	Name of threatened ecological community	Area of impact	HBT Cr	No HBT Cr	Total credits to be retired
849 – Cumberland Shale Plains Woodland	Cumberland Plain Woodland in the Sydney Basin Bioregion	4.0	31	16	<b>47</b>

849 – Cumberland Shale Plains Woodland	Like-for-like credit retirement options					
	Name of offset trading group	Trading group	Zone	HBT	Credits	IBRA region
	Cumberland Plain Woodland in the Sydney Basin Bioregion. This includes PCT's: 849, 850	-	849_Poor	No	14	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
	Cumberland Plain Woodland in the Sydney Basin Bioregion. This includes PCT's: 849, 850	-	849_Degraded	Yes	31	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.
	Cumberland Plain Woodland in the Sydney Basin Bioregion. This includes PCT's: 849, 850	-	849_DNG	No	2	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo.  or  Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.

Species Credit Summary			
Species	Vegetation Zone/s	Area/Count	Credits
<b><i>Myotis macropus</i></b> / Southern Myotis	849_Poor, 849_Degraded	3.5	<b>32.0</b>

Credit Retirement Options – Like-for-like credit retirement options		
<b><i>Myotis macropus</i></b> / Southern Myotis	Spp	IBRA subregion
	<b><i>Myotis macropus</i></b> / Southern Myotis	Any in NSW

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem and species credits as calculated by the BAM Credit Calculator (BAM-C)<sup>1</sup>.

A Retirement Certificate from the NSW Department of Planning and Environment and/or a Statement confirming payment into the Biodiversity Conservation Fund from the Biodiversity Conservation Trust to demonstrate compliance with this condition must be provided to the Council prior to issue of the Stage 1 Subdivision Works Certificate or the removal of any vegetation.

**17. Department of Planning and Environment – Water – Controlled Activity Approval**

A Controlled Activity Approval must be obtained from the Department of Planning and Environment – Water for this development. The Subdivision Works Certificate plans and documentation must demonstrate that the development satisfies the requirements of the Controlled Activity Approval and any plans endorsed by the Department of Planning and Environment – Water.

Evidence of the Controlled Activity Approval and compliance with the requirements of the Department of Planning and Environment – Water must be provided to the Certifier prior to the release of the Subdivision Works Certificate.

**18. Security Bond**

Prior to the issue of a Subdivision Works Certificate or an approval under the *Roads Act 1993* or *Local Government Act 1993*, a security bond of **\$100,000.00** must be submitted to Council to guarantee the protection of the road pavement and other public assets adjacent to the site.

The bond is to cover any restoration required within Council's roads resulting from deterioration caused by construction traffic through the construction of the development, and failure to complete any works in the public road reserve.

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

The Bond is recoverable upon written application to Council on completion of the works, subject to satisfactory restoration of any damages to public assets. Fees for the lodgement of the bond apply in accordance with Council's Fees and Charges schedule.

Detail satisfying the above criteria must be submitted to the Certifier prior to issue of Subdivision Works Certificate.

**19. Long Service Levy Payment**

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*. Evidence that the levy has been paid is to be submitted to the Certifier prior to the issue of any Subdivision Works Certificate.

**Note:** All building works valued at \$250,000 or above are subject to the payment of a long service levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

**20. Heritage – Heritage Interpretation Implementation Plan**

A detailed site wide Heritage Interpretation Plan that includes the Keyline element corridor, Dam 6, open space areas, Cumberland Plain Woodland and irrigation corridors, must be prepared in accordance with the approved plans, the recommendations of the 'Heritage Interpretation Strategy' (Reference No. SH125) prepared by Urbis and dated July 2016 and Heritage NSW publication 'Interpreting Heritage Places and Items Guidelines' (2005). The Heritage

Interpretation Implementation Plan and supporting plans and documentation shall be submitted to Heritage Council of NSW (or its Delegate) for approval with the Section 60 Application.

The interpretation plan must detail how information on the history and significance of Yobarnie Keyline Farm will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project. Interpretive media may include retention and display of examples of removed fabric, signage, three-dimensional modelling, soundscapes, public art and development of heritage walks.

The approved Heritage Interpretation Plan is to be submitted to the Certifier prior to the Subdivision Works Certificate.

## **21. Dilapidation Survey – Damage to Public Infrastructure**

A Dilapidation Survey and Report (including photographic record) must be prepared detailing the pre-developed condition of public infrastructure (roads, drainage, poles, utility boxes, pits etc.) adjacent to the development (Yobarnie Avenue, Irrigator Drive, Ploughmans Boulevard, Contour Way, Harrington Drive and Grose Vale Road for the length of the overall Redbank site). Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Subdivision Works Certificate. Where Council is not the Certifier, a copy of the Dilapidation Survey and Report must be lodged with Council prior to the issue of the Subdivision Works Certificate.

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

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

## **22. Dilapidation Survey – Private Properties (Neighbouring Properties)**

A Dilapidation Report of adjoining properties, including 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 and 25 Central Close, shall be prepared and submitted to the Certifier prior to the release of the Subdivision Works Certificate. The report shall detail the physical condition of any improvements on these properties (buildings, fences or driveways).

The report is to be prepared by an appropriately qualified person. A copy of the report is to be provided to Council, if Council is not the Certifier, prior to the issue of the Subdivision Works Certificate.

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

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

**Note:** This documentation is for record keeping purposes only, and may be used by an Applicant or affected property owner to assist in any action required to resolve any dispute over

damage to adjoining properties arising from the works. It is in the Applicant's and the adjoining owner's interest for it to be as full and detailed as possible.

### 23. **Construction Management Plan**

A Construction Management Plan shall be submitted to the Certifier prior to the issue of the Subdivision Works Certificate. The Construction Management Plan shall include the following:

- a) Summary: The Plan shall include a concise (maximum three page) summary of key points from all documentation.
- b) Background: The Plan shall provide details of the works including the extent, staging and proposed timing of the works.
- c) Consultation: The Plan shall outline the proposed manner in which adjoining property owners will be kept advised of the timeframes for the completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.
- d) Traffic: A detailed Traffic Management Plan shall be provided in accordance with the 'Traffic Management Plan' condition requirements.
- e) Noise: Details shall be provided to demonstrate how the works will be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority (EPA).
- f) Vibration: Details shall be provided in accordance with the Vibration condition requirements.
- g) Erosion and Sediment Control: Plans detailing the erosion and sediment control measures for the site shall be provided.
- h) Dust: Details shall be provided in accordance with the Dust Management Measures condition requirements.
- i) Waste: Details shall be provided in accordance with the Waste Management Plan condition requirements.
- j) Water Quality Assessment and Monitoring: A report shall be provided detailing planned water quality monitoring targets and procedures.
- k) Heritage and Archaeological Management: Details of any site specific heritage and archaeological management requirements are to be provided.
- l) Ecological Impact Mitigation Measures: Details of any site specific ecological impact mitigation measures are to be provided.

An 'Unexpected Finds Protocol', including stop work procedures, shall also be developed to manage any unexpected archaeological or contamination finds.

### 24. **Traffic Management Plan**

A detailed Traffic Management Plan must be prepared detailing how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:

- a) Construction access to the site is to be solely from Grose Vale Road;
- b) A temporary bitumen sealed haulage road is to be constructed and maintained to the satisfaction of the Principal Certifier from Grose Vale Road for a distance of 50m until the completion of all subdivision work;
- c) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
- d) All loaded vehicles entering or leaving the site must have their loads covered;
- e) The proposed method of access to and egress from the site for vehicles is to be safe and practical.
- f) Approval from the relevant Roads Authority pursuant to the Roads Act 1993 must be obtained for the construction of the new haulage access on Grose Vale Road and associated roadworks required on Grose Vale Road to make construction effective;

- g) Any associated Traffic Control Plans are to be prepared in accordance with the Roads and Maritime Services (Transport For NSW) publication 'Traffic Control at Worksites' prepared by an appropriately qualified person.

Details demonstrating compliance with the above requirements shall be submitted to the Certifier for approval prior to the issue of the relevant Subdivision Works Certificate.

**Note:** The submission of an application and the obtainment of a Road Occupancy Licence from Council's Infrastructure Section will be required for the temporary closure of Grose River Road.

## 25. **Traffic Control Plan**

A Traffic Control Plan prepared in accordance with the Roads and Maritime Services' publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to the release of the Subdivision Works Certificate.

## 26. **Soil and Water Management Plan**

The Applicant must submit to and obtain approval from the Certifier of a Soil and Water Management Plan (SWMP) prior to issue of a Subdivision Works Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and shall contain, but not be limited to:

- a) Clear identification of site features, constraints and soil types;
- b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
- c) Erosion and Sediment Control Plans shall be provided for three phases of construction:
  - (i) prior to commencement of works;
  - (ii) during bulk earthworks;
  - (iii) post drainage construction;
- d) Any temporary sediment basins shall be as a minimum designed to a five day 85<sup>th</sup> percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
- e) Erosion and Sediment Control Plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
- f) A strategy for the progressive re-vegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of the earthworks;
- g) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- h) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- i) Procedures for the re-use, treatment and disposal of water from sedimentation basins; and
- j) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

## 27. **Topsoil Management Plan**

A Topsoil Management Plan shall be prepared by a suitably qualified and experienced environmental consultant and submitted to the Certifier prior to the issue of the Subdivision Works Certificate. The Topsoil Management Plan shall demonstrate the following:

- a) The extent of protected areas where existing topsoil is to be preserved in situ including areas which adjoin the tree protection zones of existing trees being retained.



- b) Confirmation that excavated topsoil will be re-used on-site in accordance with the document 'Topsoil Management at Redbank' prepared by Arterra Landscape Architects and dated 23 February 2022.
- c) That in parkland areas, the topsoil will be spread to a minimum depth of 300mm and that in the road verges the topsoil will be placed at a minimum depth of 150mm, with an additional 8m<sup>2</sup> at 700mm depth for each street tree.

## **28. Construction Water Quality Assessment and Monitoring Plan**

A Construction Water Quality Assessment and Monitoring Plan for construction works shall be prepared by a suitably qualified and experienced environmental consultant and submitted to the Certifier prior to the issue of the Subdivision Works Certificate. The plan shall include:

- a) A detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring will be carried out and procedures for analysing the degree of contamination of potentially contaminated water.
- b) An analysis of potential areas of contaminated soils at the site and measures to control the disturbance of such soils in order to protect water quality.
- c) Assessment of the negative effects of runoff from disturbed areas on local waterways during storm events specifically looking at the size of disturbed areas, volume of runoff, the amount of both coarse and fine material carried by runoff and the size of receiving waterway.
- d) Recommendations to the maximum area of disturbed area that should be permitted at any one time in order safeguard local waterways from permanent adverse effects during construction.

## **29. Vibration Management**

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

A vibration compliance letter from an appropriately qualified acoustic consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifier as part of the Construction Management Plan required prior to the release of the Subdivision Works Certificate. This letter must certify that all plant and equipment operating simultaneously on the site, including all proposed plant and the equipment, will comply with the requirements of this condition.

## **30. Management of Dust**

All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:

- a) Clearly defined stop work thresholds whereby work onsite will be ceased with the exception of water trucks. Thresholds must be provided that relate to velocity and direction of wind;
- b) Dust screen installation and maintenance around the perimeter of the site for the duration of the works;
- c) The use of water trucks to regularly wet down areas;
- d) The stabilisation of stockpiles; and
- e) A definition of the maximum allowable height and batters of stockpiles.

Dust management measures are to be incorporated into the Construction Management Plan to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

## **31. Waste Management Plan**

A Waste Management Plan is required to be prepared:

- a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
- b) identifying the quantity of waste material to be:
  - (i) reused onsite;
  - (ii) recycled onsite and off-site;
  - (iii) disposed of off-site;
- c) if waste materials are to be reused or recycled onsite – specify how the waste material will be reused or recycled onsite; and
- d) if waste materials are to be disposed of or recycled off-site – specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

Garbage receptacles must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacles must have tight fitting lids.

The Waste Management Plan is to be prepared and submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

### 32. **Earthworks – Cut, Fill and Grading**

All earthworks and filling on the site must comply with the following:

- a) No fill material is to be imported to the site. Existing stockpiles and material within the Redbank site are to be used for the earthworks.
- b) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- c) All disturbed areas are to be stabilised/revegetated as soon as practicable after the completion of the earthworks as follows:
  - (i) Minimum 300mm surface layer of topsoil in open space areas,
  - (ii) Minimum 100mm surface layer of topsoil across urban lots,
  - (iii) Minimum 150mm topsoil across road verges.
- d) Where the maximum grade of the fill batter exceeds a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified.

Details, plans and documentation satisfying the above requirements are to be submitted to the Certifier for approval prior to the issue of the Subdivision Works Certificate.

### 33. **Earthworks – Staging**

The approved earthworks and landfilling is to be carried out in stages so as to minimise the area disturbed at any given time. The staging plan for the earthworks is to incorporate measures for the stabilisation of completed areas prior to works commencing in the following stage.

A Staging Plan satisfying the above criteria is to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

### 34. **Retaining Wall Design**

All retaining walls, including footings and ag. lines, must be located wholly within private property where constructed on boundaries with Council land and road reserves.

Where retaining walls are proposed on abutting private lots, either single-tier or two-tier retaining walls may be utilised. The two-tier retaining walls shall have the upper retaining wall wholly

located within the uphill lot, and the lower retaining wall located within the downhill lot, with a suitable offset provided between the faces of the retaining walls.

The uphill lot will have full responsibility for the retention and maintenance of the upper wall, with the downhill lot having full responsibility for the retention and maintenance of the lower wall, as defined by positive covenants in perpetuity.

Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structure. Any retaining walls within Council roads and public reserves must not be visibly higher than 1.6m (top of ground at base to top of wall).

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**35. Structural Engineer's Design – Retaining Walls**

Any retaining walls having a height exceeding 600mm associated with the development are required to be designed by a suitably qualified and practicing structural engineer. The design must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

**36. Dams – Dam Safety Committee – No Declared Dams**

Evidence shall be provided to the Certifier demonstrating that Dam No. 6 will not be classified as a 'declared dam' under Section 4 of the Dams Safety Regulation 2019 prior to the release of the Subdivision Works Certificate.

**37. Dams – Dam Construction Requirements**

The re-interpreted Dam No. 6 is to be designed as a permanent waterbody to satisfy Part D Chapter 6 and Appendix E of the Hawkesbury Development Control Plan 2002. The final design shall comply with the following requirements:

- a) The waterbody shall be benched from shallower to deeper sections;
- b) Planting around the permanent waterbodies shall be extensive and shall enhance their wetland qualities.
- c) Fencing around the permanent waterbodies shall be limited to safety purposes in relation to play areas and shall be implemented in such a manner that it does not cause any adverse visual impact to the setting of the permanent waterbody.

The approved plans and details satisfying the requirements of this condition are to be provided to the Certifier prior to the issue of the Subdivision Works Certificate.

**38. Stormwater – Detailed Drainage Design**

A detailed drainage design of the subdivision must be submitted. The detailed plan must:

- a) be generally in accordance with approved plans under this Development Consent;
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be designed to cater for a minimum of 5 year Average Recurrence Interval (ARI) storm event;
- d) show details of any overflow drainage paths and that they be designed to cater for the 100 year ARI storm event;
- e) stormwater discharge points to swales/drainage channels/watercourses must be protected against erosion; and
- g) comply with the Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Australian Standard AS3500 'Plumbing and Drainage' unless a variation

is specifically noted and approved by the concept drainage plan.

In the event the 100 year ARI overland surcharge flow cannot be contained within the roadway the pipe may be designed for the 20 year ARI.

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**39. Stormwater – Overland Flow**

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above requirements shall be shown in the detailed drainage plan and provided to the Certifier prior to the issue of a Subdivision Works Certificate.

**40. Stormwater – Inter-allotment Drainage**

Any lots that do not drain directly to Council's stormwater drainage systems are to be provided with an easement and inter-allotment drainage system that comply with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Australian Standard AS3500 'Plumbing and Drainage'. Council is to be the party empowered to release, vary or modify the easement.

Grated surface inlet pits, with a minimum size of 450mm by 450mm, shall be constructed at the lowest point of each lot that discharges at the rear into the public reserve. An inter-allotment line is to be provided and is to connect directly to the stormwater pipeline within the public reserve.

The inter-allotment drainage details are to be included in the detailed drainage plan to be provided to the Certifier prior to the issue of a Subdivision Works Certificate.

**41. Stormwater – Water Quality**

Detailed design of the water quality elements, including modelling to demonstrate that the water quality targets required by Section 8.3.5 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 are achieved, is to be provided to the Certifier prior to the release of the Subdivision Works Certificate.

**42. Stormwater – Stormwater Discharge to Natural Watercourse or Legal Point of Discharge**

Stormwater discharge points to a natural watercourse or other legal point of discharge must be protected against erosion. Details demonstrating compliance with these requirements shall be shown in the detailed drainage plan and provided to the Certifier prior to the issue of a Subdivision Works Certificate.

**43. Stormwater – Energy Dissipators**

Energy dissipators shall be designed and constructed at the point of discharge of stormwater from the site, in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and relevant Austroads Guides.

Details demonstrating compliance with the above shall be provided submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate.

**44. Stormwater – Temporary Water Management Facility (Quantity and Quality Control)**

Where required a temporary water management facility is to be provided to manage the stormwater quantity and quality run-off from the development prior to release into downstream receiving waterways. This control is required to mitigate any potential negative impacts on downstream waterways.

To satisfy this requirement the developer must design, construct and maintain a temporary water management facility to control all flows from the development to pre-development condition for all storm events from 1:1 to 1:100 year Average Recurrence Interval (ARI).

In addition, upon 80% of dwelling construction within the development the facility must be upgraded for water quality treatment in addition to water quantity control.

A detailed Water Management Design Report for the temporary water quantity and quality elements is to be provided, together with modelling to demonstrate that the water quantity and quality requirement of the Hawkesbury City Council Development Control Plan 2002 – Appendix E – ‘Civil Works Specification’ are achieved. The summary design details are to be included on the submitted plans for a Subdivision Works Certificate along with an electronic copy of the design models to the Certifying Authority.

The temporary water facility must be retained and maintained by the developer until the permanent Council water management facility is operational.

Detail satisfying the above criteria is to be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**45. Stormwater – Structural Engineer’s Design – Deep Pits**

All pits deeper than 3m must be designed and certified by a suitably qualified and practicing structural engineer and satisfy the requirements of AS3600:2009 ‘Concrete Structures’. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

All pits must have grates in accordance with Council’s Standard Drawings as specified in Hawkesbury Development Control Plan 2002 – Appendix E ‘Civil Works Specification’.

Details demonstrating compliance with these requirements shall be shown in the detailed drainage plan and provided to the Certifier prior to the issue of a Subdivision Works Certificate.

**46. Safer by Design Evaluation**

To address ‘Crime Prevention Through Environmental Design’ principles, minimise the opportunity for crime and ensure public safety, the development shall incorporate the following design changes:

- a) Measures are to be installed to prevent access into large drainage pipe, headwall and pit structures;
- b) Safety fences around stormwater basin/facilities are to be installed; and
- c) Safety fences are to be installed along retaining structures where the vertical drop exceeds 1m.

Details satisfying the above criteria are to be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**47. Public Lighting Design Brief**

The developer must submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council prior to the release of a Subdivision

Works Certificate. The street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the energy provider for approval.

All street lighting must comply with the electricity service provider's Street Lighting Policy and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of a Subdivision Works Certificate.

#### **48. Signposting and Line Marking Plan**

A detailed plan for all signage and linemarking must be approved by the Local Traffic Committee. The approved plan must be submitted with the design plans for the Subdivision Works Certificate.

This plan needs to show street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required; it cannot be painted over.

For existing public roads, signs and line marking may require separate/specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the Council's Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to the issue of a Subdivision Works Certificate.

#### **49. Road Naming Application**

A written application for road naming must be submitted to Hawkesbury City Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Council.

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

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

#### **50. Roads – Infrastructure Upgrades – Grose Vale Road**

The upgrading of infrastructure within the road reserve of Grose Vale Road is required to service the development. This upgrading work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary.

The following upgrading works within Grose Vale Road are required:

- a) Reconstruction of Grose Vale Road to the satisfaction of Council for the section specified on the approved plans (including but not limited to the Landscaping Plans);
- b) The road shoulders are to be sealed and have a minimum width of 2m;
- c) The minimum pavement width for the Grose Vale Road upgrade construction (carriageway – exclusive of road shoulders) must be 7m wide unless specifically approved otherwise by Council in writing;
- d) The northern area of road verge within Grose Vale Road for the remaining length of the development's frontage shall be provided with a maximum 2.5% gradient for a minimum width of 1.5m to allow the future construction of a footpath.

Due to the narrow width of the road reserve a Road Safety Audit must be undertaken on the design which looks at vehicular, cyclist and pedestrian safety. The audit shall be undertaken in accordance with Roads and Maritime Services' (RMS) 'Guidelines for Road Safety Audit Practices' July 2011. Outcomes of the audit are to be incorporated into the design to the satisfaction of Council.

Details satisfying the above requirements are to be included in the plans and documentation submitted to Council for the Local Traffic Committee.

Local Traffic Committee approval is required prior to the release of any Roads Act Approval for Grose Vale Road.

**51. Roads – Road and Drainage Design**

Road and drainage plans must be prepared by a suitably qualified and experienced civil engineer in accordance with Part E Chapter 8 'Redbank at North Richmond' and Appendix E 'Civil Works Specification' of the Hawkesbury Development Control Plan 2002. The plans must be submitted to the Certifier for approval. All road and drainage works must then be constructed in accordance with Council's construction standards at no cost to Council.

All stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS3725 'Design for Installation of Buried Concrete Pipe'.

Details demonstrating compliance with the above requirements is to be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**52. Roads – Kerb Design**

All kerb to be used within the development shall comply with Table 6.9 of Part I of the Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

Details of compliance are to be shown on the plans to be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

**53. Engineer Designed Pavement – Residential**

The vehicle pavement must be designed by a suitably, qualified and practicing civil/geotechnical engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. The pavement must to comply with Australian Standard AS3727 'Guide to residential pavements'.

Details of the above are to be incorporated on plans submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

**54. Roads – Rural Fire Service Requirements**

The roads must be designed to satisfy Condition 3 of the General Terms of Approval (Reference No. DA20220428007370-Original-1) issued by the Rural Fire Service and dated 6 September 2022. Details of compliance are to be shown on the plans to be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

**55. Roads – Road Verge Formation**

The grading, trimming, topsoiling and turfing of the road verges fronting and within the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the road verge area. All retaining walls, associated footings and subsoil drainage must be contained wholly within the private property. Any necessary adjustments or relocation of services is also required to be carried out to the

requirement of the relevant service authority. All service pits and lids must match the finished surface level.

The full road verge between the back of kerb and lot boundary must be turfed, except where varied by the approved civil and landscaping plans.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to the release of the Subdivision Works Certificate.

**56. Roads – Temporary Turning Head/Cul-de-sac Design**

Where required temporary cul-de-sacs with 8.5m turning radius or turning heads in accordance with Council's standard drawing SD7 (as detailed in Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification') must be provided at the end of roads that are to be continued at a later stage. An easement for access is to be created on any lots affected by the temporary turning head.

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

**57. Roads – Road Reserve Backfill**

Backfill of all trenches including sewer that is within the zone of influence of the pavement shall be stabilised sand compacted to 98% standard. Details satisfying this requirement are to be provided on the plans submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

**58. Service Conduits**

Service conduits to each of the new allotments are to be laid in strict accordance with the relevant service authority's requirements. Services must be shown on the engineering plans. All services must be located along the road verge, except for sewer which can be located within new allotments subject to the relevant service authority's requirements and approvals.

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate.

**59. Public Reserves – Physical Barriers**

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

Details demonstrating compliance with the above requirements are to be submitted to Council's Parks and Recreation Section for approval. Evidence of Council's approval of the detailed Landscaping Plan must be provided to the Certifier prior to the release of the Subdivision Works Certificate for landscaping.

**60. Public Reserve – Path Construction**

All paths to be constructed within the public reserves shall be in accordance with Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'. All paths within the public reserves are to be constructed of concrete with steel reinforcement.

**61. Landscaping Plan**

A detailed landscaping plan must be prepared by a suitably qualified architect, landscape designer/architect or professional landscape consultant and provided to Council's Parks and Recreation Section for approval. These plans and strategies are to detail the following:



- a) Street trees are to be provided within the grass verges of the Promenade, Ridgetop and Southern Heights Precincts generally in accordance with:
  - (i) Drawing No's L-SD-03 Rev 'A' 'Overall Landscape Plan', L-SD-04 Rev 'A' 'Overall Tree Planting Plan' and L-SD-19 Rev 'A' 'Indicative Planting and Images' which were prepared by Arterra Design Pty Ltd and dated 2 March 2022,
  - (ii) Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond', and
  - (iii) Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

The trees are to be advanced specimens with a minimum pot size of 45L. Each tree must be provided with appropriate tree root barriers, soil capacity and a minimum 1.2m clear trunk.
- b) Footpaths and shared paths are to be provided in accordance with Drawing No. L-SD-21 'Path Strategy Plan' Rev 'A' prepared by Arterra Landscape Architects and dated 2 March 2022.
- c) The landscaping plans must be updated to incorporate the requirements of the General Terms of Approval (Reference No. CNR-38729) issued by the Heritage Council and dated 4 July 2022. An amended Planting Schedule is to be provided indicating that all Hoop Pines (*Araucaria cunninghamii*) will be installed with a minimum pot size of 300L and an amended landscaping plan is to be provided indicating that the spacing of the Keyline plantings of Hoop Pine around the perimeter path of the larger open space area is to be no closer than the spacing of Keyline plantings of Hoop Pine as street trees.
- d) The batter servicing Sandstone Park shown in Drawing No. L-SD-09 Rev 'A' 'CPW Keyline Corridor – Section B' prepared by Arterra Design Pty Ltd and dated 2 March 2022 shall be fitted with a proprietary erosion control web/geo-fabric and planted with dense native vegetation.
- e) Re-vegetation and mitigation measures are to be implemented in accordance with Section 6 of the 'Redbank Southern Valley – Biodiversity Development Assessment' Report (Reference No. 18SYD – 18744 Rev '4') dated 1 March 2022 and Section 5 of the 'Grose Vale Road Upgrade West – Biodiversity Assessment' Report (Reference No. 1327 Grose Vale Road West – Assessment V1 Rev 'Final') dated 24 February 2022, each of which have been prepared by Molino Stewart. Native vegetation of local provenance shall be used in re-vegetation works.
- f) The open space corridors shall be designed to provide opportunities for fauna movement along the drainage lines, particularly for frog and micro-bat species.
- g) A Micro-Bat Management Plan shall be developed that includes the provision of a minimum of 10 artificial bat roosting boxes within Sandstone Park and Lot 2344.
- h) Design, materials and colours of all fencing, retaining walls, paving, driveways, pathways, maintenance tracks, physical barriers, removable bollards, shelters, seating, decking, parking furniture, street furniture and interpretation signs shall be provided.
- i) All signage shall be designed in accordance with the requirements of Council's Parks and Recreation Section and the approved Heritage Interpretation Implementation Plan.

Evidence of Council's approval of the detailed Landscaping Plan must be provided to the Certifier prior to the release of the relevant Subdivision Works Certificate for landscaping.

## 62. Works Within Road Verge

Infrastructure works are required to be undertaken within the road verges of the development. This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary, and is to include the following:

- a) Construction of paved shared bicycle pathways and/or footpaths in accordance with Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond', Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Drawing No. L-SD-21 'Path Strategy Plan' Rev 'A' prepared by Arterra Landscape Architects and dated 2 March 2022.

- b) The northern area of road verge within Grose Vale and the western road verge of Grose River Road shall be provided with a maximum 2.5% gradient for a minimum width of 1.5m to allow the future construction of a footpath;
- c) Removal of poor quality soil to a depth of 150mm within the road verge and replacement with rich topsoil and placement of turf (couch or buffalo variety);
- d) Street tree planting is to be provided in accordance with the approved Landscape Plans; and
- e) A minimum of four bus stops are to be provided within the Redbank site. The bus stops must be designed to satisfy the 'Bus Stop Wayfinding' Specifications issued by Transport For NSW and the requirements of Busways.

Details satisfying the above requirement must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate for the relevant stage of the development.

#### **63. Roads – Temporary Turning Head/Cul-de-sac Decommissioning**

Where applicable a temporary turning head decommissioning plan must be submitted with details for any temporary infrastructure (road, drainage, utilities, street lights, landscaping, signage etc.) located within the road reserve or associated easement that is to be removed or relocated to a permanent location.

Details satisfying the above requirement must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate for the relevant stage of the development.

#### **64. Stormwater – Temporary Water Management Facility Decommissioning**

Where applicable a water management facility or temporary basin decommissioning plan is required to be submitted to the Certifier. The plan must address dewatering, desilting and sediment waste assessment for contamination and disposal methods.

The plan must provide for the removal of temporary drainage works and the permanent drainage connection to the street drainage system.

Details satisfying the above requirement must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate for the relevant stage of the development.

### **Prior to Commencement of Works (All Stages)**

#### **65. Principal Certifier – Details**

The applicant shall advise Council of the name, address and contact number of the Principal Certifier in accordance with Section 6.6(2)(b) (formerly Section 81A(2)(b)) of the Environmental Planning and Assessment Act 1979.

#### **66. Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier providing name, address and telephone number; and
- b) details of the name, address and licence details of the contractor.

**67. Principal Certifier Site Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifier for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the remediation, building and civil construction work is being carried out, but must be removed when the work has been completed.

**68. Site Meeting – Inspection**

A site meeting with Council's Development Engineer, developer and the contractor must be held prior to the commencement of work on site.

The meeting is to introduce and exchange contacts, establish the inspection regime, notification procedures for inspection, certification requirements and clarify other procedures.

**69. Heritage Council – General Terms of Approval**

An application under Section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Copies of the approved documentation issued by the Heritage Council, including the Section 60 Approval issued under the *Heritage Act 1977*, shall be provided to the Certifier prior to the commencement of any works.

**70. Aboriginal Heritage Impact Permit**

Evidence of the obtainment of Aboriginal Heritage Impact Permits (AHIP) from the Office of Environment and Heritage shall be to be provided to the Certifier prior to the commencement of works.

**71. Photographic Archival Recording**

A photographic archival recording of the site showing the topography of the site with extant keyline features, including Dam No.6, historic irrigation swales and associated dam infrastructure, must be prepared and submitted to Council prior to the commencement of works.

This recording must be undertaken in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006).

**72. Restriction of Site Access**

The site is to be secured by a fence, in accordance with NSW SafeWork requirements, to prevent unauthorised access during the period of all works.

Entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles and to ensure the site manager can control and prevent dumping of waste and potentially contaminated material whilst any fill material is being imported or managed onsite.

**73. Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every

20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be attached to an approved on-site effluent disposal system; or
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

#### 74. **Implementation of Soil and Water Management Plan**

The measures required in the Soil and Water Management Plan (SWMP) approved by the Certifier must be implemented prior to the commencement of works.

The measures required under the SWMP must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively and,
- b) drains, gutters and roads are maintained clear of sediment at all times.

**Note:** It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

#### 75. **Traffic Management Devices**

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management and Control Plans.

#### 76. **Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.

#### 77. **Sydney Water – Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website:

[www.sydneywater.com.au](http://www.sydneywater.com.au)

Following application, a 'Notice of Requirements' will be forwarded detailing water extensions to

be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The 'Notice of Requirements' must be submitted to the Certifier and Principal Certifier prior to the commencement of works.

## **During Construction (All Stages)**

### **78. Construction Hours**

The clearing of land, running of machinery, demolition, excavation, earthworks, civil works, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

### **79. Out of Hours Work Permits**

Where it is necessary for works to occur outside of the hours approved by this consent, an application must be made to Council for a temporary approval for extended hours. If approval is issued the development must be carried out in accordance with any requirements of that approval.

### **80. Inspections by Certifier**

Inspections shall be carried out and Compliance Certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specifications' – Part II, Table 1.1.

Where works within the development site or an adjoining private property, relates to existing or proposed future Council infrastructure assets, inspections shall be carried out and Compliance Certificates issued by Council.

### **81. Implementation of Construction Management Plan**

All aspects of the Construction Management Plan must be implemented and maintained until the completion of works.

### **82. Construction Noise**

The works must be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority (EPA).

### **83. Site Management – Site Management During Construction**

- a) All civil works must incorporate the recommendations of Sections 4.4, 5.3 and 6.3 of the 'Construction Noise and Vibration Assessment' Report (Reference No. RWDI#2103115 Rev 'C') prepared by RWDI Australia Pty Ltd and dated 2 March 2022.
- b) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- c) Waste materials (including excavation, demolition and construction waste materials) must

- be managed on the site and then disposed of at a waste management facility.
- d) Copies of receipts stating the following must be given to the Principal Certifier:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- e) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- f) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- g) All reasonable measures to minimise dust generated during construction are to be implemented.
- h) All loading and unloading associated with construction activity must be accommodated on site.
- i) At the completion of the works, the work site must be left clear of waste and debris.

#### 84. **Site Management – Flora and Fauna**

The following measures are to be undertaken to minimise flora and fauna impacts during construction:

- a) The felling of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for threatened species. Hollows of high quality or with fauna recorded residing within shall be sectionally dismantled and all hollows shall be inspected for occupation, activity and potential for reuse.
- b) If any fauna species, a nest or roost are located during development works, then works should cease until safe relocation can be advised by a fauna ecologist.
- c) Usable sections of cleared trees shall be relocated into Sandstone Park, Lot 2344 or the riparian buffer zone to increase available habitat for ground-dwelling mammals.
- d) A minimum of 10 artificial bat roosting boxes shall be installed within Sandstone Park and Lot 2344.
- d) Mitigation measures are to be implemented in accordance with Sections 8.5 and 8.6 of the 'Redbank Southern Valley – Biodiversity Development Assessment Report' (Reference No. 18SYD – 18744 Rev '4') prepared by Eco Logical Australia and dated 1 March 2022.
- e) Mitigation measures are to be implemented in accordance with Section 6 of the 'Redbank Southern Valley – Biodiversity Development Assessment' Report (Reference No. 18SYD – 18744 Rev '4') dated 1 March 2022 and Section 5 of the 'Grose Vale Road Upgrade West – Biodiversity Assessment' Report (Reference No. 1327 Grose Vale Road West – Assessment V1 Rev 'Final') dated 24 February 2022, each of which have been prepared by Molino Stewart. Native vegetation of local provenance shall be used in re-vegetation works.
- f) The decommissioning and removal of Dam No. 6 shall be undertaken in accordance with the recommendations of the 'Impact Assessment – Amendment – Dam No 6 Removal' (Reference No. 1793dam6c Rev 'C') Report prepared by Bio Engineered Solutions and dated 17 February 2022.

#### 85. **Tree Protection**

Trees identified for retention are to be protected in accordance with the recommendations detailed in Section 3 and Appendix 4.1 of the 'Aboriginal Impact Assessment – Redbank – Southern Valley DA' Report (Reference No. AIA-01 Rev 'A') prepared by Arterra Landscape Architects and dated 23 February 2022.

An AQF Level 5 Consulting Arborist must be engaged to supervise work within the Tree Protection Zones (TPZ), provide advice regarding tree protection and monitor compliance.

A copy of the Aboricultural Impact Assessment – Redbank – Southern Valley DA Report must be available on-site prior to the commencement of works and throughout the entirety of the project. Hold points for the marking, protection, removal, inspection and certification of trees are to be established. Upon the completion of each stage of the tree protection and removal works, the work is to be inspected and certified by the Project Arborist and the next stage may commence.

All tree pruning and works must be undertaken in accordance with Australian Standard AS4373:2007 'Pruning of amenity trees' and NSW WorkCover's 'Code of Practice for the Amenity Tree Industry (1998)'. Tree protection measures must be installed in accordance with Australian Standard AS4970:2009 'Protection of trees on development sites' and the recommendations of the Aboricultural Impact Assessment – Redbank – Southern Valley DA Report.

#### **86. Vegetation Waste**

Vegetation waste resulting from the approved clearing of the site shall be salvaged to be re-used onsite as habitat or chipped and/or mulched. Tree trunks are to be recovered for use as habitat, posts, firewood or other appropriate uses. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

No vegetative material is to be disposed of by burning.

#### **87. Demolition – General**

All demolition works must be carried out in accordance with the following:

- a) All demolition work shall be carried out strictly in accordance with Australian Standard AS2601 'The Demolition of Structures';
- b) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork 'Demolition License' and WorkCover 'Class 2' (Restricted) Asbestos License and comply with WorkCover's 'Guide to Working with Asbestos';
- c) Site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites – Australian Standard AS2601 'The Demolition of Structures';
  - (ii) Construction Sites – Australian Standard AS4687 'Temporary Fencing and Hoardings';
  - (iii) Ongoing Site Safety/Security – Australian Standard AS1725 - 'Chain-link Fabric Security Fencing and Gates';
- d) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- e) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during works. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- f) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- g) Waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- h) no material is to be burnt on site.

#### **88. Asbestos Handling**

If asbestos is encountered during any work, measures must be in place in accordance with WorkCover NSW guidelines and the Occupation Health and Safety Regulation 2001. Work shall

not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS1319 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Hawkesbury City Council on request.

#### **89. Contamination and Remediation Works**

Any remediation work shall be undertaken in accordance with:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- The guidelines (if any) in force under the Contaminated Land Management Act 1997;
- National Environment Protection (Assessment of Site Contamination) Measure;
- Environment Protection Authority's 'Waste Classification Guidelines Part 1: Classifying Waste (2014)'; and
- 'Detailed Site Investigation – Southern Valley' (Reference No. 0484202\_S011172 S010943 Rev '1.0') prepared by ERM and dated 11 February 2022.

A Notice of Remediation must be given to Council at least 30 days before the commencement of any remediation work. The Notice of Remediation must be in writing and be consistent with Section 4.13 of State Environmental Planning Policy (Resilience and Hazards) 2021. The notice must also include contact details of the remediation contractor responsible for ensuring compliance of the remediation work.

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

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

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

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



The Notice of Completion must be prepared by an appropriately qualified person and state that the residential lots are unconditionally suitable for residential use and the open space lots are unconditionally suitable for recreational use.

**90. Classification of Excavated Soils**

Any soils excavated from the subject site are to be classified under the Environment Protection Authority's 'Waste Classification Guidelines Part 1: Classifying Waste (2014)'. Testing is required prior to offsite disposal.

All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with the Waste Classification Guidelines.

Details of any soil excavation, transportation and disposal works must be reported to Council by a suitably qualified consultant. If required this is to be submitted as part of the validation reporting for the development.

**91. Waste Disposal**

All records demonstrating the lawful disposal of waste must be retained and kept readily accessible on the construction site for inspection by regulatory authorities such as Council and the Environmental Protection Authority.

**92. Topsoil and Stockpiles of Materials**

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

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

**93. Earthworks – General Requirements**

All earthworks on site must comply with the following:

- a) No fill material is to be imported to the Redbank site. Existing stockpiles and material within the site are to be used for the earthworks.
- b) The level of fill shall not exceed the levels shown on the approved Development Consent plans. A certificate or Works As Executed Plan prepared by a Registered Surveyor confirming compliance with this requirement is to be submitted to the Principal Certifier upon the completion of the earthworks.
- c) Topsoil shall be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- d) Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place; The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.
- e) Where the maximum grade of the fill batter exceeds a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- f) All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'.
- g) All fill, including existing fill, must be compacted with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'.
- h) All disturbed areas are to be stabilised/revegetated as soon as practicable after the completion of the earthworks as follows:
  - (i) Minimum 300mm surface layer of topsoil in open space areas,

- (ii) Minimum 100mm surface layer of topsoil across urban lots,
  - (iii) Minimum 150mm topsoil across road verges.
- i) The Topsoil Management Plan approved under this consent.

**94. Sandstone – Crushing, Grinding or Separating Works**

The crushing, grinding or separating of sandstone for use in roads must be undertaken in accordance with the recommendations of Sections 4.4, 5.3 and 6.3 of the 'Construction Noise and Vibration Assessment' Report (Reference No. RWDI#2103115 Rev 'C') prepared by RWDI Australia Pty Ltd and dated 2 March 2022.

The crushing of sandstone works shall not exceed a capacity of 150 tonnes per day or 30,000 tonnes per annum.

Any sandstone crushing operations must be undertaken and any resulting material must be stored more than 40m from any waterbodies and 250m from any dwelling houses.

**95. Water Quality Monitoring**

Results from water quality monitoring shall be provided to the Principal Certifier on a monthly basis at a minimum or on request from the Principal Certifier to identify any maintenance required for necessary remedial action to ensure the facilities are operating in accordance with the design.

**96. Road Drainage, Sewer and Service Conduit Crossings**

Drainage lines, sewer lines and services conduit crossings must be placed across carriageways in accordance with the following:

- a) Drainage Lines: Any stormwater drainage crossing of carriageways must be installed prior to placing of the sub-base course pavement material. Any variation to this requirement is subject to prior written approval from the Council.
- b) Sewer and Service Conduits: Sewer lines and services conduit crossings must be placed across the carriageways prior to the placing of any sub-base pavement material. A copy of the services installation plans must be submitted to the Principal Certifier prior to the placement of sub-base pavement material. Any variation to this requirement is subject to prior written approval from the Council.

**97. Effective Construction**

All staged and partial road construction work shall incorporate any necessary service adjustments, temporary drainage, turning head and other ancillary work as required by Council to make the construction effective.

**98. Provision of Sewer**

Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.

**99. Heritage – Unexpected Historical Archaeological Relics**

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

#### 100. **Heritage – Aboriginal Objects**

Should any Aboriginal objects be discovered at any stage during the implementation of this consent which are not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the affected area(s) is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Heritage Council of NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

### **Prior to Issue of a Subdivision Certificate (All Stages)**

#### 101. **Subdivision Certificate – Final Plan of Subdivision and 88B Instrument**

Prior to the release of the Subdivision Certificate it will be required to submit:

- a) four paper prints of the final plan of subdivision prepared to the requirements of NSW Registry Services (formerly known as Land Titles Office) and incorporating Council approved road names;
- b) the original and three paper copies of the 88B Instrument and Administration Sheet; and
- c) all certificates and supplementary information required by this consent.

A Subdivision Certificate Release Fee shall be paid in accordance with Council's adopted Fees and Charges at the time of lodgement of the final plan.

#### 102. **Redbank – Satisfaction of Voluntary Planning Agreement**

All relevant Development Contributions, Bank Guarantees and commitments as required by the Voluntary Planning Agreement (VPA) between Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014 (as updated) are to be provided and associated documentary evidence of same is to be forwarded to Council. The documentation provided to Council is to include:

- a) details of the number of lots for which the Subdivision Certificate is sought;
- b) details of the cumulative number of lots for which Subdivision Certificates have been issued in the Redbank at North Richmond development as a whole; and
- c) an explanation as to how the provisions of the VPA have been satisfied for both (a) and (b) above.

#### 103. **Defects Maintenance Bond**

A defects maintenance bond to the value of **\$100,000.00** must be submitted to Hawkesbury City Council prior to issue of the Subdivision Certificate. The bond will be held for a minimum defect liability period of six months from the date of registration of the Subdivision Certificate at Land Registry Services upon which the road and associated infrastructure is dedicated to Council. The maintenance period may be extended to allow for the completion of necessary maintenance or in the case of bonded works until the completion of bonded works.

The bond is refundable on application to Council and upon satisfactory final inspection.

#### 104. **Security Bond – Temporary Turning Heads (Cul-de-Sacs)**

A security bond must be provided for each temporary turning head constructed in order to guarantee the maintenance and subsequent decommissioning of the temporary turning heads. The security bond must also include the cost of any extension and completion of incomplete infrastructure and landscaping works required along the lot frontages of cul-de-sacs, e.g. footpath/shared pathway, landscaping, street trees, drainage.

A written quotation from a registered contractor with itemised cost break-up of the works is required to be submitted for Council acceptance. Upon Council acceptance, a bond to the value of 150% of the cost of decommissioning works must be submitted prior to issue of Subdivision Certificate.

The bond is refundable upon completion of the works and satisfactory inspection and certification by Council's Development Engineer.

A written application for bond release is required to be submitted upon completion of works.

**105. Completion of Works Required by Subdivision Works Certificate**

All subdivision works for the development must be completed in accordance with the approved Subdivision Works Certificate, approved plans, supporting documentation and to the satisfaction of the Principal Certifier.

**106. Subdivision Certificate Review**

Prior to the submission of a Subdivision Works Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where applicable) must be submitted to Council in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

**107. Compliance Report**

Prior to the issue of a Subdivision Certificate, the Applicant, or any party acting upon this consent, shall submit to the Principal Certifier a report addressing compliance with all relevant conditions required prior to the issue of a Subdivision Certificate of this consent.

**108. Rural Fire Service – General Terms of Approval**

Evidence that the General Terms of Approval (Reference No. DA20220428007370-Original-1) issued by the Rural Fire Service and dated 6 September 2022 have been satisfied shall be provided to the Principal Certifier prior to the issue of a Subdivision Certificate.

**109. Remediation – Notice of Completion**

Where remediation works have been undertaken, a Notice of Completion prepared by an appropriately qualified person must be submitted to the Principal Certifier to confirm the completion of the works.

This Notice of Completion must be provided prior to the issue of a Subdivision Certificate.

**110. Remediation – Validation**

A Validation Report must be prepared by an appropriately qualified person and state that the

- a) residential lots are unconditionally suitable for residential use; and
- b) the reserves and land to be dedicated to Council is unconditionally suitable for recreational use.

This validation must be provided to the Principal Certifier prior to the issue of any Subdivision Certificate.

**111. Works As Executed Plans – Subdivision**

'Works As Executed' Plans must be submitted to the Principal Certifier by a Registered Surveyor prior to the release of the Subdivision Certificate. The Works As Executed dimensions and levels

must be shown in red on a copy of the approved Subdivision Works Certificate plans. As a minimum the plan must show:

- a) compliance with the approved design plans of all road and drainage works within Council land, road reserves and drainage easements (including connection into the subject lots, surface and invert levels of all pits, invert levels and sizes of all pipelines);
- b) certification from a Registered Surveyor that all stormwater pipes and other services are wholly within a road to be registered as a public road or an appropriate easement;
- c) compliance with the approved design plans of paved areas within rights of carriageway and road reserve;
- d) the extent, depth and final levels of filling;
- e) the location of all underground service conduits; and
- f) all deviations from the approved civil engineering plans.

The Works As Executed plan must be provided in a format compatible with the Geographic Information System (GIS) of the Council to assist with the Council asset management database.

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

**112. Confirmation of Pipe Locations**

A letter from a registered surveyor must be provided with the works as executed plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

**113. Temporary Water Management Facility Compliance**

A compliance certificate from a suitably qualified person stating that the temporary water management facility has been constructed and complies with the approved design plan is required to be submitted.

**114. Plan of Management – Temporary Water Management Facility**

A Plan of Management for the temporary water quantity and quality management facilities shall be submitted to and approved by Council. The Plan of Management shall set out all design and operational parameters for the facilities including design levels, hydrologic and hydraulic details, inspection and maintenance regime and procedures.

**115. Lot Drainage to Council Reserve**

The allotments must be provided with drainage infrastructure designed to the satisfaction of Council's engineering standards and as detailed in the Subdivision Works Certificate documentation. The installation of drainage infrastructure shall be completed in accordance with the Subdivision Works Certificate documentation prior to release of the Subdivision Certificate.

**116. Easements and Restrictions**

Lots affected by new easements must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifying Authority and the relevant utility provider prior to release of the Subdivision Certificate.

**117. Positive Covenant Requirements – Stormwater**

A positive covenant with Council shall be created pursuant to Section 88B of the *Conveyancing Act 1919* as follows:

- All future dwellings on the allotments are to have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank or tanks are to have a minimum capacity of 3,000 litres and must be plumbed for at least one domestic internal use (toilet flushing and/or laundry use).

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

**118. Restriction of User Requirements – Vehicular Access**

The creation of a restriction to user with Council is required for Lots 2201 to 2227 pursuant to Section 88B of the *Conveyancing Act 1919* as follows:

- No vehicular access from Grose Vale Road is to be provided to properties adjoining this road. All vehicular access to these properties is to be provided from the northern local road (Road No. 51) only.

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

**119. Restriction of User Requirements – Building Restriction**

The creation of a restriction to user with Council is required for Lots 12201 to 2227 pursuant to Section 88B of the *Conveyancing Act 1919* as follows:

- No buildings, habitable or otherwise, shall be constructed within 5m of the rear boundary of the properties that back onto Grose Vale Road.

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

**120. CCTV Inspection of Stormwater Pipes**

All stormwater pipes within road reserves and within drainage easements that are to become public assets must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines has been completed. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifier. Damaged pipes must either be replaced or repaired to the satisfaction of the Principal Certifier.

**121. Road Infrastructure –Signposting and Line Marking**

All signposting and line marking works are to be completed in accordance with an approved Signposting and Line Marking Plan prior to the release of the Subdivision Certificate for the relevant stage. Line marking works must be completed on both the first layer and second layer of asphalt where applicable.

Shared pedestrian and bicycle paths are to be marked and sign posted in accordance with current Council standards and relevant Australia Standards

**122. Road Infrastructure – Street Lighting**

The street lighting works are to be completed in accordance with the approved plan prior to the issue of a Subdivision Certificate.

**123. Dedication of Splay Corners**

The owner shall dedicate minimum 4m by 4m splay corners at the intersection of all roads to Council. The dedication is to be shown on a plan of subdivision prepared for the property and is to be undertaken at the developer's cost.

The plan of subdivision showing the dedication shall be registered with Land Registry Services prior to the issue of the Subdivision Certificate.

**124. Road Infrastructure – Street Signs**

Street name signs shall be provided at the junction of the new roads prior to the issue of the Subdivision Certificate.

**125. Geotechnical Report**

A suitably qualified Geotechnical Engineer's report must be submitted to the Principal Certifier with the Subdivision Certificate application. The report must include the following:

- a) the classification of the proposed lots in accordance with the Australian Standard AS2870 'Residential Slabs and Footings' or subsequent amendments;
- b) the classification of the lots in relation to risk of slope instability; and
- c) the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

**126. Engineer's Certification**

All retaining walls over 600mm high and structurally designed pits are to be certified on completion by a suitably qualified and experienced Structural Engineer. This certification must be provided to the Principal Certifier prior to the release of the Subdivision Certificate.

**127. Dams – Dam Certification**

The re-interpreted Dam No. 6 as a waterbody is to be certified by a suitably experienced and registered engineer as being structurally sound and constructed in accordance with Part D Chapter 6 and Appendix E of the Hawkesbury Development Control Plan 2002. Details are to be provided to the Principal Certifier prior to the issue of the Subdivision Certificate.

**128. Biodiversity Compliance Certification**

Prior to the issue of a Subdivision Certificate the Applicant must submit the following to Council:

- a) Dam Decommissioning Certificate – Details prepared by the project ecologist outlining fauna rescue and relocation undertaken during the dewatering of the dams.
- a) Tree Removal and Fauna Protection – Details prepared by the project ecologist demonstrating compliance with the re-vegetation and mitigation measures detailed in Sections 8.5 and 8.6 of the 'Redbank Southern Valley – Biodiversity Development Assessment Report' (Reference No. 18SYD – 18744 Rev '4') prepared by Eco Logical Australia and dated 1 March 2022, Section 6 of the 'Redbank Southern Valley – Biodiversity Development Assessment' Report (Reference No. 18SYD – 18744 Rev '4') prepared by Molino Stewart and dated 1 March 2022 and Section 5 of the 'Grose Vale Road Upgrade West – Biodiversity Assessment' Report (Reference No. 1327 Grose Vale Road West – Assessment V1 Rev 'Final') prepared by Molino Stewart and dated 24 February 2022.

**129. Completion of Landscaping**

Landscaping works are to be completed in accordance with the approved landscaping plans, the Heritage Interpretation Plan approved by the Heritage Council, Vegetation Strategy and Plan, Weed Management Strategy and the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.

All landscaping works are to be certified on completion by a suitably qualified and experienced Landscape Architect. This certification must be provided to the Principal Certifier prior to the release of the Subdivision Certificate.

**130. Service Conduits**

Service conduits to each of the new lots, laid in accordance with the relevant service authority's requirements, are required to be provided. The location of services is to be shown on the engineering drawings.

**131. Subdivision Certificate – Sydney Water Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be provided confirming satisfactory arrangements have been made for the provision of water and sewer services to the Principal Certifier prior to issue of the Subdivision Certificate. The certificate must refer to this development consent and the lots covered created under the relevant stage.

**Note:** The certificate must clearly state that water and sewerage services are connected.

**132. Subdivision Certificate – Energy Provider Certificate**

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifier prior to the issue of the Subdivision Certificate.

**133. Subdivision Certificate – Telecommunication Certificate**

Telecommunications infrastructure shall be installed to comply with the following:

- a) the requirements of the *Telecommunications Act 1997*;
- b) for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- c) for a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is to be located underground.

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

A certificate from all relevant service providers that the telecommunications infrastructure is installed in accordance with all applicable legislation shall be submitted to the Principal Certifier.

**134. Environmental Information for Purchasers**

Environmental information shall be developed for inclusion within the Information Packages for purchasers of the properties. This documentation should detail that:

- Companion animals, particularly cats, should be controlled to restrict nocturnal movement so as to prevent predation upon native fauna and competition with the Spotted-tailed Quoll;
- A number of frog species occur onsite, in particular in areas adjacent to Redbank Creek and the former farm dams onsite. Residents should be mindful of chemicals and pesticides entering any watercourses or wetland systems;
- The use of native vegetation for private gardens can provide valuable animal habitat and food sources.

A copy of this information shall be provided to Council prior to the release of the Subdivision Certificate.

**135. Dedication of Land to Council**

Road reserves, including any road widening in Grose Vale Road to provide for a minimum 10m road reserve from the centreline of Grose Vale Road, must be dedicated to Council on the final Subdivision Plans submitted to the Principal Certifier for the Subdivision Certificate.



Any open space reserves shall be embellished and dedicated to Hawkesbury City Council in accordance with the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Halt Pty Ltd and BD NSW (MR) Project 0007 Pty Ltd alf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014.

All road reserves, roads, footpaths and public assets shall be dedicated to Council at no cost.

**136. Completion of Staged Subdivision Works**

All subdivision works for the relevant stage must be completed in accordance with approved plans, specifications and to the satisfaction of Council prior to the issue of the Subdivision Certificate.

**137. Works as Executed Plans for Staged Subdivision Works**

Works as Executed (WAE) plans for the staged subdivision works prepared and certified by a Registered Surveyor must be submitted to the Principal Certifier prior to issue of a staged Subdivision Certificate.

**138. Bond for Temporary Water Management Facility Decommissioning**

A security bond for the decommissioning of a temporary water management facility is required to provide surety to Council that when the permanent street drainage network is constructed downstream and stormwater from the development can be connected to this permanent facility, the temporary facility (including all associates re-work to pits, pipes structure) will be decommissioned.

A written quotation from a registered contractor with detail cost break up of decommissioning work is required to be provided for Council acceptance. Upon Council acceptance, a bond to the value of 150% of the cost of decommissioning works must be submitted prior to the issue of the staged Subdivision Certificate.

The bond is refundable upon completion of the works and satisfactory inspection and certification by Council's Development Engineer.

**139. Completion of Infrastructure Upgrading Works – Grose Vale Road**

All upgrading works to Grose Vale Road must be completed in accordance with plans and specifications, as well as to the satisfaction of Council, prior to issue of the Subdivision Certificate for the 158<sup>th</sup> residential lot.

**140. Completion of Infrastructure Upgrading Works – Provision of Bus Stops**

A minimum of four bus stops are to be provided within the Redbank site in accordance with the approved plans and specifications, as well as to the satisfaction of Council and Busways, prior to issue of the Subdivision Certificate for the 201<sup>st</sup> residential lot.

## Notes

**(i) Operation of Consent**

This consent operates from the determination date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.

**(ii) Compliance with Consent**

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

(iii) **Approvals within the Road Reserve**

Private Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on public roads under the *Roads Act 1993*.

(iv) **Excavation – European Archaeology**

Should any unrecorded objects of European heritage be discovered, works within the vicinity of the object must cease. The discovery must be reported and the advice of a qualified heritage practitioner sought to determine the significance of the object, element or site and provide clear strategies for management. Depending on the significance of the object uncovered, an archaeological assessment and Excavation Permit under the *Heritage Act 1997* may be required before further work can continue.

(v) **Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(vi) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by the works shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required.

The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

The applicant is advised to consult with:

- a) Sydney Water Corporation Limited;
- b) the relevant electricity supply authority;
- c) the relevant gas supply authority; and
- d) the local telecommunications carrier

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

(vii) **Security Bond/ Bank Guarantee Requirement**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of Hawkesbury City Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid;
- Be itemised, if a single security bond is used for multiple items.

A 50% mark will be applied over the Council accepted estimated costs or quotations for any bonded works to account for cost variation and price escalation.

In addition a security administration fee is payable for each security bond in accordance with Council's current fees and charges schedule.

(viii) **Workplace Health and Safety**

All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details can be obtained from the SafeWork website:

<https://www.safework.nsw.gov.au/>

(ix) **Works on Public Land – Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(x) **Incident Reporting – Environmental Management**

The proprietor shall notify, immediately after occurrence, Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.

(xi) **Discovery of Contamination**

Should any new information come to light during the works which has the potential to alter previous conclusions about contamination, the works must cease immediately and contact should be made with Council. Works must not recommence onsite until directed by Council.

(xii) **Acid Sulfate Soils – Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.