

**DA/2022/1279 - STAGE 2/3 NORTH WILTON - 195A, 195B AND 195C FAIRWAYS DRIVE, WILTON**

**File Number:** DA/2022/1279/1#313

**Directorate:** Director Shire Futures

<b>Panel Reference</b>	PPSSWC-301
<b>DA Number</b>	DA/2022/1279/1 (PAN-293356)
<b>LGA</b>	Wollondilly Shire Council
<b>Proposed Development</b>	Staged residential subdivision consisting of 318 residential lots, 4 superlots, 7 residue lots and associated works
<b>Street Address</b>	Lot: 101 DP 1293737, Lot: 102 DP 1293737 and Lot 103 DP 1293737, 195A Fairway Drive WILTON, 195B Fairway Drive WILTON, 195C Fairway Drive WILTON (at the time of lodgement known as Lot: 1 DP: 1280088, Lot: 2 DP: 1280088 Lot: 3 DP: 1280088)
<b>Applicant/Owner</b>	Landcom
<b>Date of DA Lodgement</b>	15 December 2022
<b>Total number of submissions</b>	None
<b>Number of Unique Objections</b>	
<b>Recommendation</b>	Approval
<b>Regional Development Schedule 6 of the SEPP (State and Regional Development ) 2011</b>	Regional development under schedule 6 being Crown development over \$5 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• Coal Mine Subsidence Compensation Act 2017</li> <li>• Rural Fires Act 1997</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 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 (Precincts- Western Parklands City) 2021</li> <li>• Western City District Plan</li> <li>• Wilton Growth Area Development Control Plan 2021</li> <li>• North Wilton Precinct Neighbourhood Plan No. 1</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1: Subdivision Plans</li> <li>• Attachment 2: External Authority Comment</li> <li>• Attachment 3: 4.6 Request</li> <li>• Attachment 4: WGA DCP 2021 Assessment Table</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• Clause 4.6 application per Appendix 8 of State Environmental Planning Policy (Precincts- Western Parklands City) 2021</li> <li>• The clause 4.6 application relates to clause 4.3A(2)</li> <li>• The site is zoned UD Urban Development</li> </ul>

<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	Bridie Riordan
<b>Report date</b>	4 March 2024

**Summary of s4.15 matters**

Have all recommendation in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? ☒

**Legislative clauses requiring consent authority satisfaction**

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

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? ☒

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? ☒

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Summary of s4.15 matters**

Have draft conditions been provided to the applicant for comment? ☒

*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*

**DEVELOPMENT SUMMARY**

The Development Application (DA) seeks approval for a staged Torrens title subdivision consisting of 318 residential lots, 4 superlots, 7 residue lots and associated works. The proposal is in the North Wilton Precinct within the Wilton Growth Area (WGA), development in this area is guided by the State Environmental Planning Policy (Precincts - Western Parklands City) 2021 [SEPP (PWCP) 2021] and the Wilton Growth Area Development Control Plan 2021 (WGA DCP 2021). This application covers an area north of the already approved and under-construction Stage 1 in North Wilton for 197 residential lots.

**EXECUTIVE SUMMARY**

DA/2022/1279/1 (PPSSWC-301) was lodged with Council 12 December 2022.

The application was exhibited in accordance with the Wollondilly Shire Community Participation Plan. No submissions were received during the notification period.

The application is integrated development and has obtained General Terms of Approval under section 100B of the Rural Fires Act 1997 and Section 22 of the Coal Mine Subsidence Compensation Act 2017.

Transport for NSW (TfNSW) has provided concurrence and Endeavour Energy provided conditions in accordance with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The application was referred to Sydney Water for comments (due to known sewer and water capacity issues) and subject to conditions, Council is satisfied that arrangements for servicing will be made prior to the issue of a Subdivision Certificate.

A Satisfactory Arrangements Certificate was received from the Department of Planning, Housing and Infrastructure under Appendix 8 of SEPP (PWCP) 2021 for arrangements for designated State public infrastructure.

Council's Strategic, Engineering, Environment, Health and Contributions Departments' concerns centred around compliance with SEPP (PWCP) 2021 and the WGA DCP 2021. The concerns related to the road layout providing safe and efficient movement, inadequate provisions for Water Sensitive Urban Design (WSUD), appropriate open space areas and consistency with the minimum dwelling density requirements.

Subject to:-

- amendments that included lot layout, road design and provision of an integrated stormwater system to incorporate WSUD requirements
- review of a clause 4.6 request (in relation to dwelling density)

- conditions of consent (additional WSUD measures and the provision of recycled water street tree irrigation) and
- an undertaking (Applicant provided written confirmation that the double playing field originally anticipated in Neighbourhood Plan No.1 will be provided instead within Neighbourhood Plan No.2)

the development is considered appropriate in the context and consistent with the requirements of SEPP (PWCP) 2021 and WGA DCP 2021, subject to the conditions in the draft conditions of consent attached.

Council and the applicant have largely agreed on the recommended conditions with the exception of conditions relating to:

- street tree maintenance strategy,
- maintenance period associated with street tree irrigation infrastructure,
- provision of additional WSUD measures,
- requirement for koala fencing,
- requirement for 3m sharepaths either side of the sub-arterial.

The relevant conditions have been highlighted in the recommended conditions of consent.

Under s4.33 of Division 4.6 of the Environmental Assessment Act 1979, a consent authority (other than the Minister) cannot impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

## RECOMMENDATION

That Development Application DA/2022/1279/1 for staged residential subdivision consisting of 318 residential lots, 4 superlots, 7 residue lots and associated works, be approved subject to the conditions in this report.

## REPORT

### Background

#### Application History

- The application was lodged with Council 15 December 2022.
- The application was exhibited between 10 January 2023 to 8 February 2023, no submissions were received during this period.
- The application was referred internally to Council's Development Engineers, Sustainability and Environment Team, Strategic Planners, Environmental Health Officer, Recreation Planner, Contributions and Waste Teams.
- The application was referred externally to NSW Rural Fire Service (RFS), Transport for NSW (TfNSW), Mine Subsidence Advisory, Sydney Water, Endeavour Energy and the Department of Planning and Environment (DPE).
- Two requests for information (RFI's) were sent to the applicant based on a preliminary assessment and referral responses (dated 7 February 2023 and 12 April 2023). These raised concern around the provision of open space, traffic arrangement, stormwater management, water sensitive urban design (WSUD), compliance with SEPP (PWCP)2021 and compliance with the WGA DCP 2021.
- Discussions and workshops took place with the applicant to resolve a number of issues, including Council's expectations with incorporating WSUD within the subdivision design. As part of this discussion, a joint site inspection to nearby greenfield subdivisions was undertaken with Applicant's experts and Council staff to explore and review WSUD in this context.
- Sydney Regional Panel briefing held 8 May 2023.
- The applicant provided a formal response to the RFI's 21 September 2023.
- While the amended material has resolved a number of Council's concerns and move the proposal into closer alignment with Council's WSUD targets, there remained concerns from internal departments and a further RFI was issued 9 October 2023. The key contentions centred around the amount and usability of open space, the proposed single rather than double playing fields, the water quantity target provided, integration of the recycled water pipe (purple pipe) into streetscape

irrigation design, the subdivision design in terms of accessibility, amenity and solar access, compliance with SEPP (PWPC) 2021 density provisions and compliance with WGA DCP 2021 regarding lighting, retaining walls and shared path provisions.

- A site visit with the Panel was undertaken on 6 November 2023 during which servicing requirements, open space provision and the street tree irrigation were discussed in further detail.
- A meeting was held between Council, the Applicant and Sydney Water to discuss recycled water irrigation for street trees on 17 December 2023. Agenda items included irrigation of streetscape and landscaping and standard Design Specifications. Concept plans were provided to the applicant from Sydney Water following to aid development of detailed designs.
- The Applicant responded to the remaining contentions on 19 January 2024
- The application was renotified 23 January 2024 to 31 January 2024 – no submissions were received.
- A follow up meeting held between Council and Sydney Water to discuss finer details / process / governance and conditioning associated with street tree irrigation was held on 6 February 2023 and 13 February 2023.
- Following review of materials, written confirmation from the Applicant advising they would provide the double playfield intended for Neighbourhood Plan No.1 within Neighbourhood Plan No.2, and subject to conditions, proposal was considered appropriate.
- Report drafted for Panel meeting 4 March 2024.
- Agreement has not been reached between Council and the applicant in respect of all the recommended conditions. The relevant conditions that have not been agreed on have been highlighted in the attached draft notice of determination.

## Consultation

Integrated referrals:

Authority	Outcome
NSW Rural Fire Services (RFS)	<p>The application required approval under section 100B of the Rural Fires Act 1997 specifically regarding bushfire safety for the subdivision of land designated for residential use. General Terms of Approval (GTAs) were provided on October 9, 2023.</p> <p>No concerns raised subject to inclusion of conditions around:</p> <ul style="list-style-type: none"> <li>- Asset Protection Zones (APZ) at the issue of subdivision certificate release all residential lots to be managed as IPA.</li> <li>- Requirement for neighbouring properties to the west (residue lot and lot 102) to be managed as an APZ until such time as they are developed.</li> <li>- Landscaping be compliant with Planning for Bushfire Protection measures.</li> <li>- Access and road construction to be per Table 5.3b of Planning for Bushfire Protection 2019 (PBP 2019).</li> <li>- Provision of water and utility services to comply with Table 5.3c of PBP 2019.</li> </ul>
Subsidence Advisory NSW	<p>The application necessitated approval under Section 22 of the Coal Mine Subsidence Compensation Act 2017 for surface improvements or land subdivision within a mine subsidence district. GTAs provided on 4 October 2023, reference TSUB23-00318. No specific construction requirements listed.</p>

Internal referrals:

Referral	Outcome
Development Engineer	<p>Council's Development Engineers raised concerns around non-compliance with road reserve widths as outlined in Section 3.14.2 of the WGA DCP 2021, road layout and traffic arrangements, and aspects of the pedestrian/cycle green path network. Additionally, there were concerns related to stormwater management proposed, compliance with WSUD requirements and meeting pre and post development flow rates (refer also to Environment comments).</p>

Referral	Outcome
	<p>Following ongoing discussions and workshops between the parties, an amended proposal was submitted to Council, and included:</p> <ul style="list-style-type: none"> <li>- Comments in response to road cross sections and amended road reserve layout – the Applicant asserting road reserves compliant with WGA DCP 2021 however provided for amendments to the road layout to provide for alternate verge, with a 5.4m verge on one side, 5.6m verge on the opposite side. The cross sections are proposed to alternate down the road, creating a meandering road alignment. These however were not applied to perimeter roads, or those adjacent to the sub arterial road.</li> <li>- Amendments to the road layout for traffic arrangements per Council comments</li> <li>- Provision of WSUD measures within road reserve, however noting that pre and post development flow rates unachievable.</li> </ul> <p>Despite some disagreement on the appropriate road reserve widths and sections, given the lack of clear direction in WGA DCP 2021 on road classification types, the amended design which incorporated WSUD, street trees, suitable footpaths, and traffic safety measures, is deemed acceptable subject to conditions, despite maintaining the same overall road reserve widths as originally proposed.</p> <p>Regarding stormwater management, while the proposal does not strictly comply with WGA DCP 2021 in terms of pre and post development flow rates, the development is considered acceptable. This decision considered site constraints, maximise integration of WSUD within the street system, and limitations associated with recycled water connection onsite (which restricted potential for rainwater tank retention on individual residential lots).</p> <p>Considering the above factors and subject to the outlined conditions, the development is deemed appropriate by the Council Engineers.</p>
Environment and Sustainability	<p>Council's Environment and Sustainability Department requested a staged Sediment and Erosion Control Plan, amendments to the Landscape Plan (including integration with the stormwater design), and adjustments to the Water Cycle Management Strategy (WCMS) to comply with the Council's adopted Integrated Water Management Policy, Integrated Water Management Strategy, WSUD Guidelines for Developers, and the WGA DCP 2021. As part of this integrated WCMS, the applicant is required to provide passive irrigation of the street trees, including a connection to the recycled water network (purple pipe) per WGA DCP 2021 requirements.</p> <p>Following ongoing discussions and workshops between the parties, an amended proposal has been submitted to Council, and included a revised WCMS, which provided for a combination of grass-lined swales within the verge, castellated kerbs, street tree blister inlets / pits, median swales and traditional end-of-line bioretention and raingardens. The applicant noted that due to recycled water provision to the subdivision, rainwater tanks will not be provided on residential lots. Furthermore, due to limited storage/detention availability in lieu of rainwater tanks, they cannot achieve Council's required volume reduction target. Stream Erosion Index has however been met at all outlets.</p> <p>Amended Civil, Landscape and Sediment Erosion Plan also provided to address Council comments. The Applicant has expressed their concern regarding recycled water provision to street trees, noting that the WGA DCP 2021 is not a statutory document, questioning the feasibility of the recycled water connection, and emphasized the need for broader discussions with Council and Sydney Water.</p> <p>Further discussions were held between the Council, the Applicant, and Sydney Water to address the WGA DCP 2021 requirements for street trees to be serviced by</p>

Referral	Outcome
	<p>recycled water (purple pipe). Sydney Water's irrigation specialist has since provided concept plans to the applicant for detailed exploration.</p> <p>Moving forward, the applicant suggested a condition that called for a collaborative approach with Sydney Water and Council to explore recycled water for street tree irrigation in the subdivision design. However, should efforts be unsuccessful within a reasonable timeframe, an alternate arrangement is to be made with Council. The Applicant also requested trialling the irrigation to a street or block to better understand and address potential challenges.</p> <p>The proposed condition was considered problematic in terms of outcome, as it did not guarantee a clear, reliable water source to the streetscape. Council and Sydney Water had additional meetings to discuss conditions, including provision, maintenance, and governance requirements. A set of conditions was provided to the Applicant subsequently, outlining requirements for Subdivision Works Certificate (SWC) approval, long-term maintenance, and approval authority. The Applicant agreed to the condition set in relation to recycled water provision to the street tree network, with the exception of the condition requiring a 5-year maintenance period.</p> <p>Regarding the variation to the volume reduction target, Council's Environment Team has considered the variation acceptable in this instance, subject to additional passive irrigation via the stormwater network (to increase efforts to maximise stormwater usage/retention). Conditions in relation to koala fencing have not been agreed to by the Applicant.</p> <p>In light of above, and subject to conditions (including those around increased passive stormwater irrigation and purple pipe irrigation), the proposal is considered acceptable by Council's Environment and Sustainability Department.</p>
Recreation Planner	<p>Recreation Team noted that while it is understood that the detailed design for the public open space and embellishments is proposed to be provided in a separate embellishment DA, clarity is sought on the below key items:</p> <ul style="list-style-type: none"> <li>- amount of public open space (and usability) proposed, noting the usability of 'open space area 5' appears compromised by a detention basin,</li> <li>- confirmation that a double playing field will be accommodated within 'open space area 4',</li> <li>- confirmation that the playing fields meet the minimum field dimensions required by the sporting code's State Sporting Organisation,</li> <li>- confirmation that the playing fields will accommodate more than one code of sport, and</li> <li>- confirmation that there is sufficient size to enable the delivery of all ancillary infrastructure to the playing fields (i.e. sufficient parking, amenities building, passive recreational infrastructure etc).</li> </ul> <p>The applicant in response, provided amended plans to remove the basin from open space area 5 and provided for calculations in relation to open space provision. In terms of the double playing field, it was noted:</p> <ul style="list-style-type: none"> <li>- the area (m2) of residue lot for the double playing field park is larger than identified in the Contributions Plan,</li> <li>- Concept plans show a double field can be accommodated, albeit not best/most functional design (due to site terrain and retaining walls of significant height would be required between the fields which would also impact the type of sports that could be played here), and a single playing field with additional multi use activities provided for is considered the preferred design.</li> </ul>



Referral	Outcome
	<ul style="list-style-type: none"> <li>- Neighbourhood Plan No.2 progressing currently could identify more suitable area to accommodate double playing field</li> <li>- Landcom will ensure that all open space proposed under Neighbourhood Plan No.2 is appropriate and sustainable for the demand that would be generated by the overall North Wilton development. The Plan will be requiring endorsement from Council before it can proceed to be formally adopted by DPE as part of the WGA DCP 2021.</li> </ul> <p>Council's Recreation Team on review noted the intent for this public open space is always to provide a double playing field arrangement. Given the siting of the sewer pump station and its associated access roadway, the ability for the site to function effectively as a double sports field location is severely compromised. The proposed arrangement around the pump station and road will set the 2 playing fields 3m in height apart, is not satisfactory or fit for purpose. As such, Recreation Team considers the best outcome at this point in time to be as follows:</p> <ul style="list-style-type: none"> <li>o Provision of one playing field at this location to the rear of the site with the more passive recreational opportunities relocated to the top/roadside of the site for improved natural surveillance and access. Such passive recreational facilities should include those identified in Group GSA's 'Open space - Sport field - Option 1 Concept Plan'.</li> <li>o A written commitment from Landcom that a suitable site for a replacement double playing field will be provided in Neighbourhood Plan 2, that: - is 'unencumbered by topography/level changes and has the desired dimensions' as per Landcom's response to RFI (Page 4, point 7); ensures a side-by-side arrangement double playing field that meets the minimum field dimensions required by the sporting code's State Sporting Organisation; provides enough space to include ancillary infrastructure to the playing fields including car parking for minimum 100 car spaces, amenities and multipurpose building for club activities.</li> </ul> <p>The Applicant agreed to the abovementioned approach and provided letter of commitment to Council.</p>
Contributions Planner	<p>Council's Contributions Department raised concerns as follows:</p> <ul style="list-style-type: none"> <li>- Open space appears to show only one playing field, while it is understood that this is likely indicative, it will landlock the site. The Applicant needs to confirm that there is space for two fields as per the North Wilton Precinct Plan.</li> <li>- The developer is required to address in perpetuity maintenance for all stormwater facilities and any managed land (APZ) outside of the contributions plan.</li> <li>- A Council Resolution from August 23, 2022, mandates developers to either provide ongoing maintenance or contribute financially to achieve the 40% tree canopy target.</li> <li>- Super lots intended for future medium density cannot be on-sold to a third party not part of the future North Wilton VPA</li> <li>- Unidentified land, possibly part of the road corridor with existing trees, must be included in the 40% tree canopy maintenance provision.</li> <li>- Areas labelled as open space on the development fringes are often dominated by stormwater facilities, road reserve, and asset protection zones, requiring clarification.</li> </ul> <p>The Applicant provided additional information in response to Council's concerns:</p>

Referral	Outcome
	<ul style="list-style-type: none"> <li>- Open Space Provision: The single playing field in the plan aligns with the Contributions Plan, and due to various constraints (size, location, facilities, slope), having a double field is impractical.</li> <li>- Maintenance and Stormwater Facilities: A draft Voluntary Planning Agreement (VPA) addresses maintenance concerns. Landcom proposes to maintain stormwater facilities for 20 years, and APZ areas in open space or road reserve will eventually become Council-owned. The team aims to design APZ areas in open space with minimal impact</li> <li>- Council Resolution of Tree Canopy: The Council resolution is not a statutory requirement and suggests a street tree maintenance and pruning bond for a 5-year period instead of the 40% tree canopy target</li> <li>- Superlots: Landcom commits to maintenance responsibilities for planning agreement obligations, regardless of future superlot purchasers.</li> <li>- Park Residue Lot: The application provides a residue lot for the park, with embellishment subject to a future application. Concept plans show a double field is possible but may not be the most functional design.</li> <li>- Neighbourhood Plan No.2: Landcom is progressing with this plan, potentially identifying a more suitable area for a double playing field. The applicant assured that all proposed open spaces under this plan will meet the demands of the overall North Wilton development, requiring Council endorsement before formal adoption by the Department of Planning, Housing and Infrastructure as part of the WGA DCP 2021.</li> </ul> <p>Following a review, Council's Contributions Team noted that the concern remains, noting the open space (and the lack of a double playing field) is not consistent with the Contributions Plan. While the physical provision of sports fields is not subject to the DA, the understanding that it is required and needs to be clarified.</p> <p>Noting also Recreation Team's comments (refer to above section), the Applicant provided a letter of commitment to Council dated 22 February 2024 in which the Applicant provided a commitment to providing a double playing field in lieu of the one required in Neighbourhood Plan No.1.</p> <p>Subject to above and inclusion of 7.11 conditions, the proposal is considered acceptable. It is however, recommended for future consideration; the Applicant provides an overarching masterplan / open space strategy for the entire Wilton North Precinct, in line with an Amendment to the Wollondilly Contributions Plan 2020 to allow for a suitable site for a future double playing field and to gain certainty for all future open sites identified in the Strategy/Contributions Plan.</p> <p>This strategy will provide assurance for all future spaces to be 'unencumbered by topography/level changes and has the desired dimensions' as per Landcom's response to RFI (Page 4, point 7); ensures a side-by-side arrangement double playing field that meets the minimum field dimensions required by the sporting code's State Sporting Organisation; provides for enough space to include ancillary infrastructure to the playing fields including car parking for minimum 100 car spaces, amenities and multipurpose building for club activities.</p>
Environmental Health Officer	<p>Contamination: No concern with contamination, subject to standard conditions (unexpected finds and removal of waste) included in any determination</p> <p>Servicing: The development will be required to obtain a s73 certificate from Sydney Water demonstrating appropriate sewer and water services available prior to works commencing onsite. Any determination to be conditioned accordingly</p> <p>Acoustic: Mitigation measures are consistent with DoP Guidelines and considered appropriate in the context subject to conditions.</p>



Referral	Outcome
Strategic Growth Team	<p>Advised:</p> <ul style="list-style-type: none"> <li>- North Wilton Precinct Structure Plan (PSP): An amendment to the PSP occurred on 1 May 2022 as a result of the Cumberland Plain Conservation Plan and a further amendment on 1 September 2023 to create alignment between the endorsed Neighbourhood Plan No.1 (included changed locations of playing-fields and medium density).</li> <li>- Neighbourhood Plan: Council considered the North Wilton Neighbourhood Plan No.1 on 23 August 2022 at its Ordinary Meeting which included changed locations of playing-fields and medium density. The Neighbourhood Plan was endorsed with amendments, and adopted by DPE and included in the WGA DCP 2021.</li> </ul> <p>During Council workshops and WSUD tour, the Council's Strategic Team also highlighted the importance of walkability and accessibility in the development design, conscious of potential negative impacts of WSUD on these objectives. It was requested that, should a central median swale be proposed, mid-block and intersection-accessible crossings be delivered.</p> <p>Following the review of the Applicant's amended RFI package (which included the amended proposal with WSUD incorporated), the Strategic Growth Team noted:</p> <ul style="list-style-type: none"> <li>- that the proposal is considered consistent with the updated PSP and Neighbourhood Plan No.1, and Strategic Alignment with Wilton 2040 is maintained.</li> <li>- concerns with WSUD changes have been addressed by narrow (2.5m) grass verge swales, which support canopy coverage, retention of water in the landscape, while maintaining narrow streets that reduce traffic speeds and enable better accessibility throughout the local street network for pedestrians and cyclists, particularly for younger, older, and less mobile people. It is however recommended that for the central median swale, mid-block and intersection accessible crossings be delivered.</li> <li>- The shared-path on sub-arterial roads is also supported, (previously on-road bike lanes were considered unsuitable for traffic speed on these roads.</li> <li>- It is recommended driveways be mirror-reversed/fixed to southern and western lot boundaries.</li> </ul> <p>Conditions regarding appropriate crossings / accessibility to be included in determination. In terms of driveway comments, the Applicant was made aware of above comments however sought to maintain design as proposed noting that a number of factors influenced the location of driveways across the Stage 2-3 development area. These includes:</p> <ul style="list-style-type: none"> <li>- Topography: where practical, driveways will be located on the low side of lots.</li> <li>- Street Design: the introduction of swales and blisters along the length of streets within the subdivision has necessitated shifting need to locate some driveways in areas away from the locations in order to promote the introduction of larger tree species, as well as enable the swales to operate as intended.</li> <li>- Street Trees: with the above in mind, the location of driveways has been important in facilitating the location and quantum of trees in the streetscape.</li> </ul> <p>In light of the above, approach considered appropriate by Assessing Officer.</p>
Social & Health Impact	<p>The Social and Health Impact Assessment Guidelines specify that, where a Neighbourhood Plan has been approved by Council, development applications for residential subdivision within the Wilton Growth Area do not require a Social and</p>

Referral	Outcome
	<p>Health Impact Assessment. As Council has endorsed North Wilton Neighbourhood Plan No.1, so an assessment is not required for this development application.</p> <p>However, the SaHIA Group requested several changes including:</p> <ul style="list-style-type: none"> <li>- Ensure footpaths on both sides of every street, except where one side has a noise wall or batter.</li> <li>- Designate 3m-wide shared paths around the superlots to support more pedestrian and cyclist movements.</li> <li>- Update the SEE to include street lighting details. Plans should display lighting locations and ensure coverage of footpaths and shared paths.</li> <li>- Include street furniture details in the SEE. Landscape Plans should show furniture locations, with seating provided at regular intervals.</li> <li>- Place pram ramps on desire lines and raise crossings where possible. Update the Landscape Plan and/or Civil Engineering Plan accordingly.</li> <li>- Clearly depict walking and cycling links to the proposed school site on the Landscape and/or Civil Engineering Plan.</li> </ul> <p>Amended information received, Applicant noting:</p> <ul style="list-style-type: none"> <li>- Footpaths are shown on the Civil and Landscape Plans.</li> <li>- Active Transport Plan shows walking/cycling connectivity and connectivity to the school. The superlots generally have good access to shared paths as shown in the Plan. Road No. 02 between superlot 2085 and Lots 2086 and 2109 has also been widened to include a shared path to tie in with the active transport network envisaged.</li> <li>- Street furniture will be indicated in the detailed design plans (Subdivision Works Certificate stage).</li> </ul> <p>The SaHIA Group raised concerns about the amended material not fully addressing their recommendations, requesting:</p> <ul style="list-style-type: none"> <li>- Footpaths, street lighting, street furniture, crossings, and pram ramps be shown on plans.</li> <li>- Consider public transport connections, active transport provisions, and the road network design to encourage residents to use active transport. Include safe bus stop locations with vehicular and pedestrian access in plans for access to schools, houses, and local centres.</li> <li>- Crossovers amended as these dictate garage locations. Specifically, driveway locations entering the northern points of proposed lots, especially those oriented east-west, could hinder direct access to natural light.</li> <li>- Consider the impact of the development on urban heat - A lighter colour scheme is recommended to be adopted in the design (e.g. roads, car parks).</li> </ul> <p>The Assessing Officer, following consultation with Development Engineers, suggested a condition be imposed to require lighting, street furniture and pram ramps before issuing a SWC. Despite the SaHIA Group's preference for upfront details, it is considered that a condition remains consistent with the intent and objectives of the WGA DCP 2021 – i.e. allowing for Council input/approval prior to construction, noting the development is considered able to accommodate requirements.</p> <p>Regarding public transport connection, an Active Transport Diagram was provided. Bus route to be provided per plan and details supplied at SWC stage for Engineering determination. The proposal aligns with Council's Design Specifications, the WGA DCP 2021, and Neighbourhood Plan No. 1. Considering the above, no additional details were deemed necessary in this regard.</p> <p>In terms of driveway crossovers and solar access, the Applicant was made aware of the SaHIA group's concerns. Based on previous comments and considering the</p>

Referral	Outcome
	<p>limited number of lots with driveways in the identified area, the overall subdivision pattern and provisions incorporated for solar access (refer to WGA DCP 2021 assessment), existing site constraints, and development requirements (including WSUD within verges), the application is considered acceptable in this regard.</p> <p>Regarding urban heat, the proposal is deemed appropriate. Extensive collaboration between parties resulted in an integrated approach to stormwater management and passive irrigation within road reserves. The development design contributing to a more resilient streetscape and supporting the target canopy coverage of 40% in 15 years, will contribute towards reduction of urban heat island effect. While road base specifications will be required to follow engineering standards, the WGA DCP 2021 provides controls on dwelling materials and roof colour schemes, further mitigating negative impacts associated with urban heat at future house DA stage.</p>
Waste	Included with Engineering comments.

## External

Referral	Comment
TfNSW (clause 2.122 of SEPP (Infrastructure and Transport)).	<p>TFNSW requested provision of additional information 6 April 2023. Seeking below:</p> <ul style="list-style-type: none"> <li>- Traffic Impact Assessment (TIA) to accurately reflect approved Pembroke/Picton layout</li> <li>- safety risks associated with proposed round-about design</li> <li>- details in relation to sub arterial road proposed connection point</li> <li>- concerns regarding proposed Sub Arterial and Hume entry ramp connection (queue lengths)</li> <li>- concerns regarding proposed signalised treatment of Niloc bridge and general arrangement of sub arterial road.</li> </ul> <p>Amended proposal received and referred to TfNSW. Amended material included:</p> <ul style="list-style-type: none"> <li>- TIA incorporation of current Picton/Pembroke configuration,</li> <li>- Noted amendments to the round-about are being undertaken with sub arterial road construction certificate (CC)</li> <li>- Noted that the connection of the north-south sub arterial to Picton Road is planned under Wilton 2040 and does not form part of the application</li> <li>- Noted that design of the intersection of the north-south sub arterial and Hume Motorway entry ramp will be reviewed when modelling becomes available, however this does not form part of stage 2-3 DA</li> <li>- Agreed to east-west and school road intersection changes</li> <li>- North-south sub arterial and east-west sub arterial, the Applicant would review on G3M model results when available however this is a separate matter to DA at hand</li> <li>- Part 5 REF application for entry/exit ramps and new bridge and future development stages to use G3M model to be provided by TfNSW and justification provided for the appropriateness of the current modelling</li> <li>- temporary signals to be provided until Niloc Bridge upgrade</li> </ul> <p>TfNSW advised on 14 February 2024, that amended material addressed TfNSW concerns and no objections to the proposal or conditions required.</p>
Cubbitch Barta Native Title Claimants	No comments received.
Sydney Water	In principle, Sydney Water noted no objection to the proposed development. As part of the Bingara Gorge acquisition, Sydney Water is arranging to service a

	<p>certain number of developments within the Bingara Gorge catchment under a Service Delivery Agreement (SDA). This includes 619 lots proposed by Landcom. The subject DA, any previous and future applications from Landcom within Wilton North will be accounted for against the 619 yields.</p>
<p>Endeavour Energy (CI 2.48 Transport and Infrastructure SEPP 2021)</p>	<p>Comments and conditions provided.</p>
<p>Dept of Planning &amp; Environment (General)</p> <p>Clause 5.1A, Appendix 8 (Precincts—Western Parkland City) 2021</p>	<p>Development referred as per clause 5.1A of Appendix 8 of SEPP (PWCP) 2021. Clause require the consent authority refer and consider any comments from the Planning Secretary.</p> <p>The Department advised:</p> <p><i>While the DA is not consistent with the current North Wilton Precinct Structure Plan (PSP) dated 1 May 2022, the Department raises no concerns in relation to Council proceeding to determine the DA as the Department will continue to work with Council to align the PSP to the final NP.</i></p> <p><i>This work can proceed once the final NP is provided by Council for inclusion in the Wilton Growth Area Development Control Plan.</i></p> <p><i>It should also be noted that the Department recently exhibited changes to the SEPP controls to provide for more flexibility in determining consistency of a proposal in the Wilton Growth Area with the relevant PSP. Council will be kept informed as this amendment progresses.</i></p> <p>It is noted that at the time of lodgement, the SEPP prohibited consent from being issued if the application was not consistent with PSP. Amendments to the SEPP referenced above have since been adopted, as has the new PSP. In light of the amendments and development consistency with new PSP, there are no impediments to determination under clause 5.1A.</p>
<p>NSW Education and School Infrastructure (CM: ~4#24)</p>	<p>Requested referral, and on receipt noted the proposed school site appears consistent with the WGA DCP 2021 and requested Council consideration of the below conditions in any consent:</p> <p><i>School Infrastructure NSW proposes the following Development Application consent conditions for Council's consideration:</i></p> <ul style="list-style-type: none"> <li>• <i>Prior to the issue of a Construction Certificate(s) or if any change to the approved plans concerning the School site is made, the Applicant shall obtain School Infrastructure NSW written agreement to:</i> <ul style="list-style-type: none"> <li>• <i>The location and details of the road network and signals;</i></li> <li>• <i>The location and details of above and inground services, including but not limited to trunk service connections;</i></li> <li>• <i>Any proposed burdening of land (easements, covenants, caveats, restrictions, interests on Title, etc) to cadastral lots adjacent or within the proposed School site;</i></li> <li>• <i>That traffic and transport requirements have been coordinated with School Infrastructure NSW plans for the proposed School site.</i></li> </ul> </li> </ul> <p>Condition was originally included in draft determination but not agreed to by the Applicant. Following review, Council agreed to remove the condition, noting referral is not a concurrence authority or owner of the site. The conditions also pertains to commercial arrangements outside of the DA process.</p>
<p>Dept Planning, Housing and Infrastructure (SAC)</p>	<p>Satisfactory Arrangements Certificate issued 15 March 2023.</p>



## 1.1 Description of Site and Surrounding Area

The development is located within the southern portion of the North Wilton Precinct, over part of Lot 101 DP 1293737, Lot 102 DP 1293737 and Lot 103 DP 1293737, known as 195A, 195B and 195C Fairway Drive, Wilton - Lots are identified in Figure 2 and the area of development (development footprint) shown above in Figure 1.

The North Wilton Precinct is a component of the Wilton Growth Area bounded by the Hume Highway to the northeast and southeast, and Picton Road to the southwest and northwest. The Wilton Growth Area is identified in SEPP (PWPC) 2021 as a Sydney regional growth centre. Redevelopment of the wider area has commenced, with approval and registration of lots within the first stages of South East Wilton and construction underway with Stage 1 of North Wilton.

Under the SEPP (PWPC) 2021, the site is zoned UD Urban Development, C2 Environmental Conservation and SP2 Infrastructure. Works associated with this application are located only in portion of the site zoned UD and SP2.

The subject sites are identified as being bushfire prone and mine subsidence affected.

The subject lots are mapped under the Cumberland Plain Conservation Plan (CPCP), as 'Avoided' and 'Urban Capable' land, the mapping following SEPP (PWPC) 2021 zoning boundaries – Avoided land being C2 and Urban Capable land being UD and SP2.

The site consists of undulating undeveloped land, historically used for grazing purposes. The site contains scattered vegetation in the Urban Capable land, however vegetation becoming denser within that part of the site identified as "Avoided Land" and towards surrounding watercourses

Access to the site is currently via a bridge over the Hume Highway, known as Niloc Bridge and connects the development to Bingara Gorge to the south east.

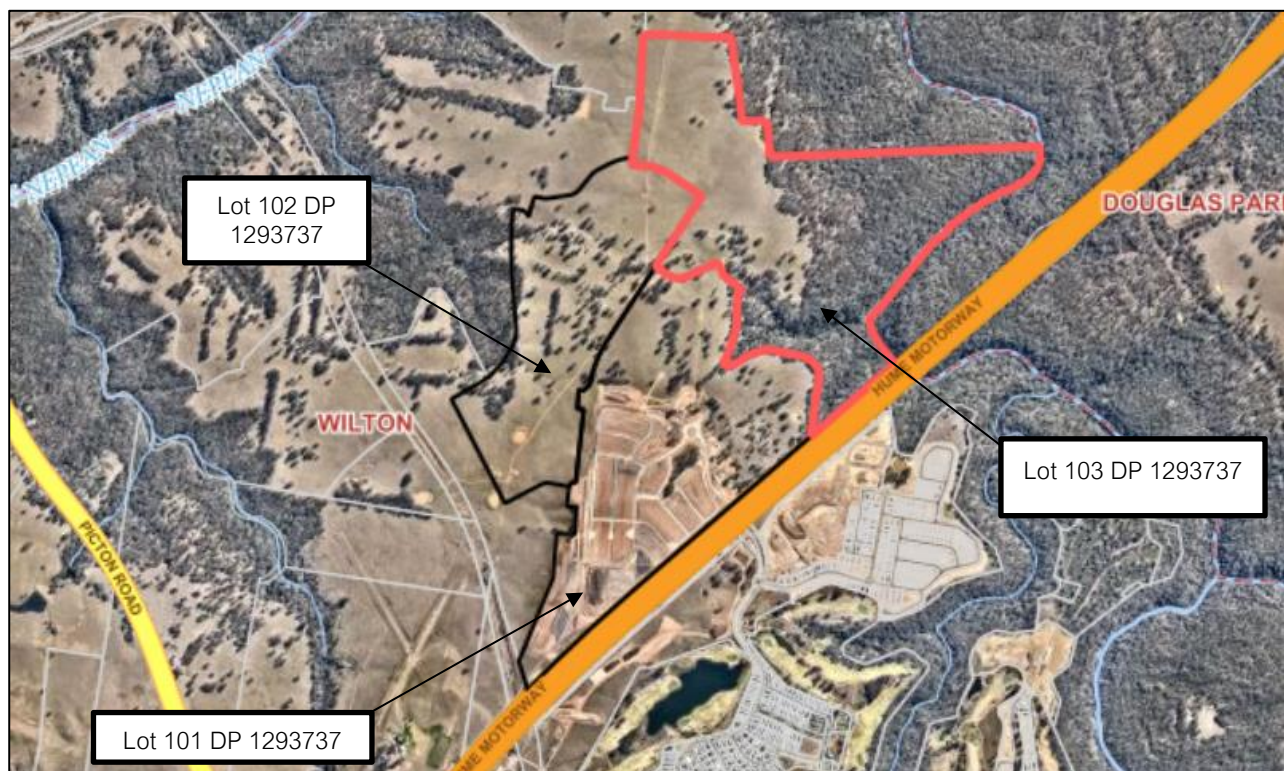


Figure 1: Aerial photography of the subject sites

## 1.2 Description of Development

The application seeks approval for a Torrens title subdivision and associated works.

More specifically:

- Torrens title subdivision in two stages (known as Stage 2 and 3) to create:
  - 318 residential allotments
  - 4 superlots, intended for future higher density residential design (lots 2085, 3050, 3049 and 3048)
  - 7 residue lots, intended for open space and amenities (lots 2149, 2150, 2151, 2152, 3175 2153 and 3176)
- Construction of Water Cycle Management infrastructure, including:
  - Treatment devices: Gross pollutant Traps, Bioretention Basins, swales and tree pits
  - Recycled water supply to residential sites
- Construction of the local road network and a portion of the north-south sub-arterial road. The development to be provided connection to wider area via Niloc Bridge.
- Construction of pedestrian paths and sharepaths
- Grading and retaining walls – interallotment grading with walls vary from to maximum 1.5m.
- Landscaping, including:
  - Street trees
  - Landscape buffer to the Hume highway
- Delivery of essential infrastructure and services associated with the delivery of new homes

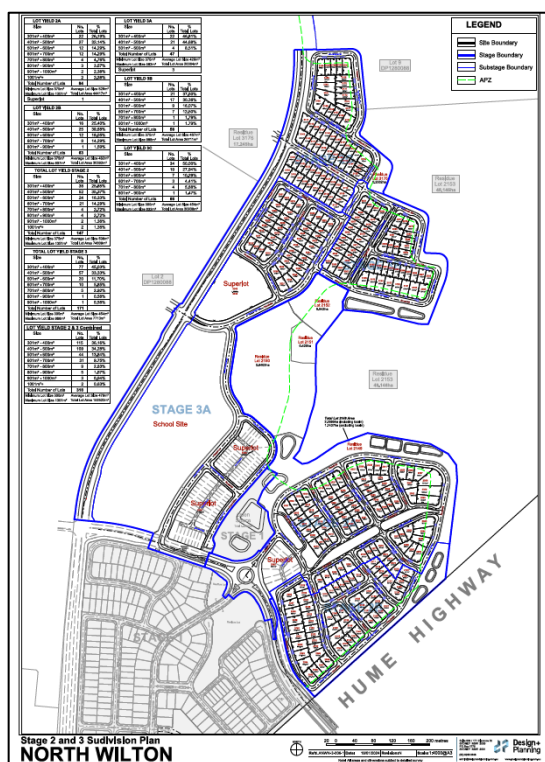


Figure 2: Subdivision Plan



Figure 3: Landscape Plan

Note:

- Earthworks and tree removal within the development footprint have been approved under a previous Development Application (DA) for the bulk earthworks of the wider area – refer to the History section of the report for details
- The Statement of Environmental Effects (SEE) notes the embellishment of the open spaces will be the subject of a future DA.

#### Development History (Relevant Development Applications Onsite)

DA Number	Description
-----------	-------------



DA/2019/617/1  
(referred to as  
Stage 1)

The Development Application (DA/2019/617/1) for 197 residential lots, one superlot (designated for a future school), and one residue lot, involving earthworks, tree removal, construction, and dedication of roads (including interim access from Nilloc Bridge), along with associated public domain landscape works and infrastructure installation, was approved on 30 September 2022. Refer to the figure below for the overall lot layout:

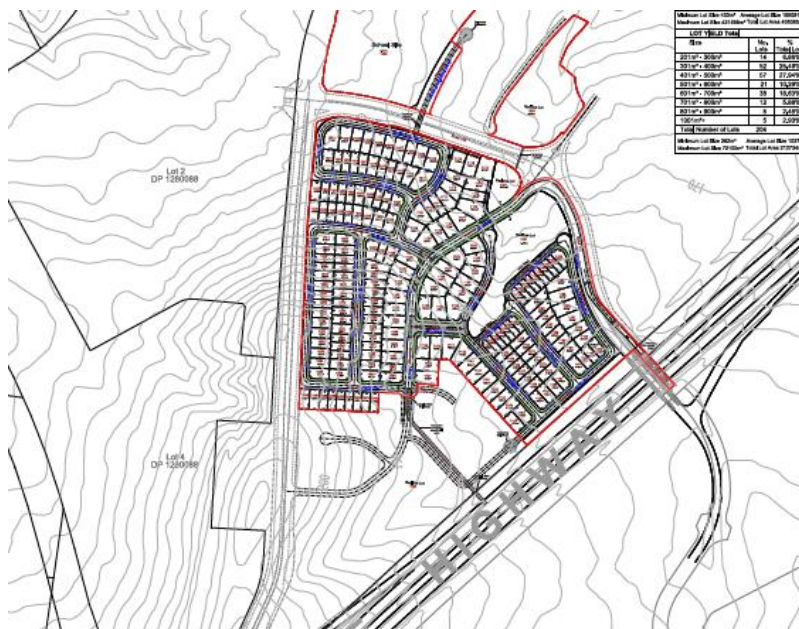


Figure 4: Stage 1 (Approved)

Development approved prior to the finalisation of the WGA DCP 2021 and Neighbourhood Plan No.1.

DA/2019/662/1  
(referred to as  
Arterial Road)

The Development Application (DA/2019/662/1) for a portion of the sub-arterial road surrounding Stage 1 and proposed Stage 4 was approved on 31 March 2023. The configuration is generally depicted in the figure below.



Figure 5: Sub-Arterial Road

The sub-arterial road is identified within Wilton 2040 Strategic Plan, the North Wilton Precinct Structure Plan and relevant sections of the Wilton Development Control Plan and will connect to the proposed new Hume off-ramp, on-ramp, replacement Nilloc bridge and internal new road network in the area.

DA/2022/1047/1  
(Bulk Earthworks)

The Development Application (DA/2022/1047/1) for the bulk earthwork in the southern portion of the North Wilton Precinct (including the area for the sub-arterial road), was

approved 12 January 2024. The proposed configuration is generally depicted in the figure below.

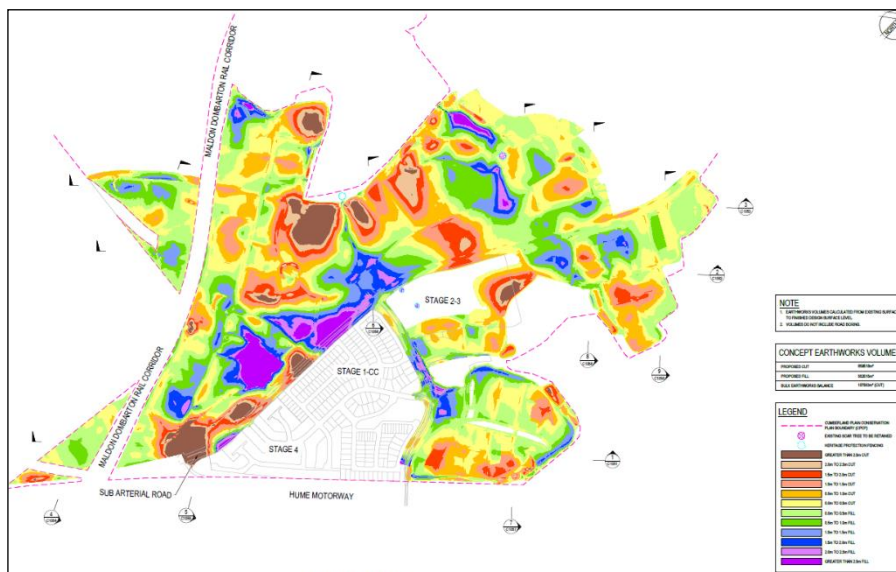


Figure 6: Proposed Bulk Earthworks Plan

### 1.3 Section 4.15 Evaluation

## Environmental Planning and Assessment Act 1979

## Crown Development

The DA was submitted on behalf of the Crown.

Supplied Statement of Environmental Effects (SEE) notes that the applicant is a State-Owned Corporation, and as such section 4.46 of the Act applies.

Section 4.33 of the Act outlines the procedures for the determination of Crown development applications, note:

- The consent authority, excluding the Minister, is restricted from refusing consent to a Crown development application without the Minister's approval or imposing conditions without the approval of either the applicant or the Minister.

In this case, the application is not recommended for refusal however all the recommended conditions have not been agreed to.

- If the consent authority fails to decide on a Crown development application within the specified timeframe, the applicant or the authority may refer it to the Minister or the applicable Sydney district or regional planning panel. In this instance, the applicant or consent authority has not referred the matter.
- Note that a Crown development must not be referred to the Minister unless it is first referred to the Regional Panel.
- Note that a decision by the Regional Panel is taken for all purposes to be a decision of Council.
- Subsections 5 to 7 relate failure to determine the application and referral to the Minister or Panel. These clauses have not been invoked.

### 1.3.1 Provisions of Relevant Environmental Planning Instruments

Instrument		Instrument	
------------	--	------------	--

State Environmental Planning Policy (Resilience and Hazards) 2021	X	State Environmental Planning Policy (Transport and Infrastructure) 2021	X
State Environmental Planning Policy (Biodiversity and Conservation) 2021	X	State Environmental Planning Policy (Planning Systems) 2021	X
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	X	State Environmental Planning Policy (Industry and Employment) 2021	X

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

In accordance with Schedule 6 Regionally Significant Development of the SEPP, the proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) of \$37,883,169 which exceeds the \$5 million threshold for Crown development. The Sydney Western City Planning Panel is the relevant consent authority for the DA.

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

The proposal has been considered consistent with relevant chapters and requirements of the SEPP (Biodiversity and Conservation) 2021. The proposed development is situated on Certified Urban Capable land and subject to conditions, adheres to guidelines regarding Asset Protection Zones and Mitigation Measures outlined in the Cumberland Plain Conservation Plan. The proposed development, subject to conditions, is also considered to adhere to regulations to protect water quality, aquatic ecology, scenic areas, and overall catchment management. Compliance table for Chapter 6 (Water Catchment) and Chapter 13 (Strategic Conservation Planning) provided below:

Chapter 6 Water Catchment		
Relevant Provisions		Comment
<b>Part 6.1 Preliminary</b>		
6.1	Land to which Chapter applies  This Chapter applies to land in the following catchments— (a) the Sydney Drinking Water Catchment, (b) the Sydney Harbour Catchment, (c) the Georges River Catchment, (d) the <b>Hawkesbury-Nepean Catchment</b> .	Chapter applies to the site, being located in Hawkesbury- Nepean Catchment.
<b>Part 6.2 Development in regulated catchments</b>		
<b>Division 2 Controls on development generally</b>		
6.6	Water quality and quantity  (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following -  (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,  (b) whether the development will have an adverse impact on water flow in a natural waterbody,	(a) The proposal is considered to have neutral or beneficial effect. Raingardens, swales and GPTs have been provided to ensure the water quality of the existing waterways is protected. Refer to WCMS, which provides modelling to demonstrate that the proposed treatment train achieves the NorBE requirements for TSS, TN and TP and the 90% GP reduction target required by WGA DCP 2021.  Appropriate conditions around water quality management will be imposed for the construction phase.  (b) To minimise any nuisance or hazards damage to downstream properties standard conditions for stormwater management will apply to any consent to ensure:

Chapter 6 Water Catchment	
Relevant Provisions	Comment
<p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p> <p>Note—</p> <p>Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p>	<ul style="list-style-type: none"> <li>the capacity of the existing piped drainage system or natural drainage infrastructure can cater for the stormwater generated by the proposal. Any amplification or augmentation will be at the applicant's cost</li> <li>computer modelling for stormwater quantity and quality be submitted for approval prior to issue of Subdivision Works Certificate</li> <li>property stormwater disposal must be designed to cater for the 10% AEP.</li> </ul> <p>Subject to compliance with the recommended conditions, the development is considered acceptable in the context. Furthermore, the WCMS has demonstrated the proposal is consistent with WGA DCP 2021 stream Erosion Index of 1:1 and the proposal will not present a significant departure from pre and post development flow rates.</p> <p>Notwithstanding the proposal in its current form does not comply with Council's WSUD pre and post development runoff range, consideration has been given to site constraints, the proposed infrastructure (recycled water connection to residential development therefore limiting ability for rainwater tanks), and subject to conditions, and noting Applicant's intention of further exploration of water detention under the playing field with park embellishment DA, Council's Environment team considered the approach acceptable in the circumstances.</p> <p>(c) Refer above, increased stormwater runoff anticipated, appropriate conditions will apply to minimise the likely impact.</p> <p>(d) Complies, the WCMS provides integrated approach to stormwater management and a level of retention within the network prior to discharge.</p> <p>Residential sites will incorporate recycled water throughout (purple pipe) for reuse onsite and conditions proposed to also make provision for recycled water to the street tree network for passive irrigation.</p> <p>(e) Subject to appropriate conditions and compliance with WCMS, development is not considered to have significant impact to the level and quality of water table.</p> <p>(f) Subject to appropriate conditions and compliance with WCMS, the cumulative environmental impact of the development is considered adequately managed.</p>



Chapter 6 Water Catchment		
Relevant Provisions		Comment
		<p>(g) Development, subject to conditions (including sediment and erosion and compliance with WCMS) is considered appropriate to protect quality of ground water.</p> <p>Council is satisfied that subject to conditions, and noting existing framework, the development has considered the effect on the quality of water entering a natural waterbody, and will be as close as possible to neutral or beneficial, and the impact on water flow in a natural waterbody will be minimised.</p>
6.7	<p>Aquatic ecology</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p style="padding-left: 40px;">(i) a controlled activity approval under the <a href="#">Water Management Act 2000</a>, or</p> <p style="padding-left: 40px;">(ii) a permit under the <a href="#">Fisheries Management Act 1994</a>,</p> <p>(c) whether the development will minimise or avoid—</p> <p style="padding-left: 40px;">(i) the erosion of land abutting a natural waterbody, or</p> <p style="padding-left: 40px;">(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p>	<p>Proposal has been considered suitable in terms of aquatic impact.</p> <p>Noting:</p> <ul style="list-style-type: none"> <li>- Site area is certified Urban Capable Land</li> <li>- Does not involve clearing of riparian land</li> <li>- Earthworks and vegetation clearance associated with approved bulk earthworks DA for the wider area.</li> <li>- WCMS considered appropriate to facilitate the development.</li> </ul> <p>And subject to inclusion of appropriate conditions in any determination.</p>

Chapter 6 Water Catchment		
Relevant Provisions		Comment
	<p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>	
6.8	Flooding	The site is not identified as flood liable land in Council's adopted flood studies and would not be considered 'flood liable land' under clause 6.8.
6.9	Recreation and public access	The development is not considered to impact public access to recreational land. Note - the site is not adjacent recreation land or foreshores.
6.10	Total catchment management	The WCMS has been considered appropriate to support Stage 2 and Stage 3. Water quantity and quality is to be managed subject to conditions.
Division 3 Controls on development in specific areas		
6.11	Land within 100m of natural waterbody	N/A
6.12	<b>Riverine Scenic Areas</b>	Outside Riverine Scenic Areas
6.13	Hawkesbury-Nepean conservation area sub-catchments	Development not located within a sub catchment area.
Division 4 Controls on development for specific purposes		
6.21	Stormwater management	Development consent sought for stormwater works. Works will not result in untreated water entering into a natural water body.

Chapter 13 – Strategic Conservation Planning		
Relevant Provisions		Comment
Part 13.1 Preliminary		
13.1	<p>Land to which Chapter applies</p> <p>(1) This Chapter applies to land shown on the <a href="#">Land Application Map</a>.</p> <p>(2) This Chapter does not apply to land subject to a claim lodged in accordance with the <a href="#">Aboriginal Land Rights Act 1983</a>, section 36.</p> <p>(3) Parts 13.3 and 13.4 do not apply to land acquired or reserved under the <a href="#">National Parks and Wildlife Act 1974</a>.</p>	<p>Development located on land mapped as Certified Urban Capable.</p> <p>Note - vegetation clearance approved with bulk earthworks DA.</p>
Part 13.2 Development Controls		
13.6	<b>Koala fences and fauna crossings</b>	



	(1) Development involving the erection, maintenance or modification of a fauna crossing or koala fence may be carried out by or on behalf of a public authority without development consent if the crossing or fence is consistent with the Cumberland Plain Conservation Plan.	N/A – None proposed.
<b>Part 13.3 Development controls—avoided land</b>		
Proposal does not include for works located on avoided land.		
<b>Part 13.4 Development controls—strategic conservation area</b>		
Proposal not located on strategic conservation land		
<b>Part 13.5 Development on certified urban capable land</b>		
13.15	<b>Asset protection zones</b>	
	Development consent must not be granted to development involving an asset protection zone on certified urban capable land unless the asset protection zone is located wholly on certified urban capable land.	Noted, APZ located wholly on land identified as Urban Capable Land
13.16	<b>Mitigation measures</b>	
	(1) Development consent must not be granted to development on certified urban capable land unless the consent authority has considered whether the development is consistent with the Cumberland Plain Conservation Plan Mitigation Measures Guideline.	Noted. Mitigation Guidelines do not apply to Wilton Growth Area. This has been confirmed by the Department. Instead the WGA DCP 2021 applies to the subject site as it forms part of rezoned land in Wilton North under the SEPP (PWCP) 2021  The development has been considered consistent with the WGA DCP 2021 subject to conditions.
	(2) In this section—  Cumberland Plain Conservation Plan Mitigation Measures Guideline means the document titled “Cumberland Plain Conservation Plan Mitigation Measures Guideline” published by the Department on the commencement of this Chapter and available on the NSW planning portal.	Noted.

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

Section 1.01 Chapter 4 Remediation of Land	
Relevant Provisions	Comment
<b>4.6 Contamination and remediation to be considered in determining development application</b>	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and,</p> <p>(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</p> <p>(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.</p>	<p>The consent authority has considered contamination and is satisfied that the site is suitable for the proposed development –</p> <p>A Detailed Site Investigation (DSI) was provided with the application. The DSI Report found that the potential for contamination constraints at the site was considered low.</p> <p>Subject to conditions, no concerns raised by Council's Contamination Officer.</p>
<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	

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

The proposal has been considered consistent with the requirements of SEPP (Transport and Infrastructure) Chapter 2 – Infrastructure, Division 5: Electricity Transmission or Distribution and Division 17: Roads and Traffic. Please refer below for details:

Division 5: Electricity Transmission or Distribution	
Clause	Comment
2.48	Clause 2.48 'Determination of development applications – other development' applies, being development within or immediately adjacent to an easement for electricity purposes and development involving the placement of power lines underground. In accordance with subclause (2) the electricity supply authority (Endeavour Energy) was notified. In accordance with subclause (2) the consent authority is to take into consideration any response to the notice that is received within 21 days after the notice is given. No concerns raised subject to inclusion of conditions
Division 17: Roads and Traffic	
Clause	Comment
2.120	Development requires consideration against clause 2.120 'Development with frontage to classified road'. In accordance with subclause (2), the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

	<p>(a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p>(b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <ul style="list-style-type: none"> <li><i>(i) the design of the vehicular access to the land, or</i></li> <li><i>(ii) the emission of smoke or dust from the development, or</i></li> <li><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></li> </ul> <p>(c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p> <p>The development is considered to satisfactorily address the points mentioned above, noting:</p> <p>(a) Considered acceptable – access for Stage 2 is provided via Stage 1, which has access over Niloc Bridge and into Bingara Gorge. Stage 3 is also intended to connect to Stage 2, 1, and the sub-arterial road. However, it is noted that registration will not be possible until the planned on and off ramps to facilitate the Wilton development are provided, consistent with State Voluntary Planning Agreement (VPA) requirements. This infrastructure will likely be the subject of a Part 5 Application and assessed by TfNSW.</p> <p>(b) The development, as noted above, is not proposed to be connected to the Hume Highway. Due to the nature of the development (residential subdivision), scale, location, and proposed access arrangement, and subject to conditions of consent (stormwater management, sediment and erosion controls, etc.), the development is not anticipated to have an impact on the safety, efficiency, or ongoing operation of the classified road.</p> <p>(c) The development is of a type that is sensitive to traffic noise. Council's Environmental Health Officer (EHO) has reviewed the Acoustic Report and considered that, subject to conditions, the proposed subdivision is suitably designed to mitigate potential noise and vehicle emissions arising from being adjacent to a classified road</p>
2.121	<p>Relates to the penetration of ground to a depth of at least 3m below existing ground level in or immediately adjacent rail corridors. Development involves maximum cut of 1m. Referral to TfNSW not required under this clause.</p>
2.122	<p>Relates to traffic generating development. The development is considered traffic generating – being a development type listed (subdivision) and a scale listed in Schedule 3 column 2 (200 or more allotments where the subdivision includes the opening of a public road).</p> <p>In accordance with 2.122(4) before determining a development application for development to which this section applies, the consent authority must:</p> <ul style="list-style-type: none"> <li><i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i></li> <li><i>(b) take into consideration—</i> <ul style="list-style-type: none"> <li><i>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i></li> <li><i>(ii) the accessibility of the site concerned, including—</i> <ul style="list-style-type: none"> <li><i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></li> <li><i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></li> </ul> </li> <li><i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i></li> </ul> </li> </ul> <p>Requirements of the clause met. Council referred the proposal to TfNSW and concerns raised were addressed to the satisfaction of TfNSW (refer to 'Consultation' section of the report). The consent authority has also considered the accessibility of the site and potential traffic, safety, road and parking implications. The development has been considered consistent with Council's</p>

	Design Specifications and WGA DCP 2021, and appropriate in terms of considerations above, subject to conditions.
--	--

### State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Chapter 3 outlines the regulatory framework for growth centres in the Sydney region. The chapter applies to the site, being a site within a designated growth centre. The proposal has been considered consistent with requirements of the SEPP (PWPC) 2021, refer to below assessment against Appendix 8, applicable to the Wilton Growth Area, North Wilton Precinct.

APPENDIX 8 – North Wilton Precinct Plan	
Part 1 Preliminary	
1.2 Aims of Precinct Plan	<p>The proposal has been considered consistent with the aims of the Plan</p> <p><i>(a) to rezone land to allow for development to occur in the manner envisaged by the North Wilton structure plans,</i></p> <p><u>Comment:</u> Site already rezoned per North Wilton Structure Plan.</p> <p><i>(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,</i></p> <p><u>Comment:</u> Proposal to provide a range of residential lots to cater for diverse housing needs and increase housing stock in the area.</p> <p><i>(c) to guide the bulk and scale of future development within the North Wilton Precinct consistent with the North Wilton structure plans,</i></p> <p><u>Comment:</u> Proposal provides for a subdivision design consistent with PSP and Neighbourhood Plan No.1.</p> <p><i>(d) to protect and enhance conservation areas and areas of significant native vegetation and habitat, as well as to establish development controls that require the impact of development on native flora and fauna (including koalas) to be assessed,</i></p> <p><u>Comment:</u> Development located in appropriate area and provide for appropriate mitigation measures to safeguard these requirements.</p> <p><i>(e) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the North Wilton Precinct.</i></p> <p><u>Comment:</u> Application does not compromise objective, a DA for the subdivision of an area identified for residential subdivision within the structure plan.</p>
1.3 Land to which Precinct Plan applies	Subject sites are land to which this clause applies located within mapped North Wilton Precinct.
1.5 Notes	Notes in the precinct plan are provided for guidance and do not form part of the plan
1.6 Consent Authority	Due to development being Crown, with CIV over 5 million, the consent authority is the Western Sydney Regional Planning Panel in this instance.
1.8 Repeal of other local planning instruments applying to the land	<p>Noted – WLEP 2011 ceases to apply to the land</p> <p>This section does not affect the operation of other provisions of this SEPP</p>

1.8A Savings provision relating to pending development application	N/A – application was lodged after adoption.
1.9 Application of SEPPs	Noted. This Precinct Plan is subject to the provisions of any State Environmental Planning Policy that prevails over this precinct plan as provided by section 3.28 of the Act.
1.9A Suspension of covenants, agreements and instruments	No restrictions or 88B on file.
<b>Part 2 Permitted or prohibited development</b>	
2.1 Land use zones	Application includes land zoned: <ul style="list-style-type: none"> <li>- Zone 1 Urban Development (UD)</li> <li>- Zone SP2 Infrastructure (SP2)</li> <li>- Zone C2 Environmental Conservation (C2)</li> </ul>
2.3 Zone Objectives and Land Use Table	Requires consent authority to have regard to the objectives in the zone – refer to assessment below.
2.5 Additional permitted uses for particular land	N/A - None indicated in Schedule 1.
2.6 Subdivision	Development consent sought for subdivision.
2.7 Demolition	None proposed with this application.
<b>Part 4 Principal development standards</b>	
4.1 minimum lot size	Clause notes that the size of any lot resulting from any such subdivision of land to which this section applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The minimum lot size map does not specify a minimum lot size for the subject site - refer below to clause 4.3A Residential Density.
4.3A Residential density	<p>(1) <i>The consent authority must not grant development consent to development that results in more than 5,600 dwellings on the land to which this Precinct Plan applies.</i></p> <p><u>Comment:</u> To date 197 residential lots have been approved within the North Wilton Precinct (within the Stage 1). Each lot is anticipated to contain a separate detached dwelling house.</p> <p>This application proposes an additional 318 residential lots. The DA is similarly anticipated to provide for separate detached dwelling houses on these lots.</p> <p>Noted there is a further application under assessment at Council (Stage 4) which proposes an additional 103 residential lots. The DA is similarly anticipated to provide for separate detached dwelling houses.</p> <p>Should Stage 4 and Stage 2/3 be approved, anticipated dwelling yield will remain under 5 600 dwelling count (providing an additional 394 lots, and when combined with Stage 1, there will be 618 in total).</p> <p>(2) <i>The consent authority must not grant development consent to development on land if the development will result in the density of—</i></p> <p><i>(a) dwelling houses and dual occupancies being 15 or fewer dwellings per hectare of the land or exceeding 25 dwellings per hectare of the land, or</i></p> <p><i>(b) residential flat buildings, multi dwelling housing, mixed use development and shop top housing being 25 or fewer dwellings per</i></p>

	<p>hectare of the land or exceeding 45 dwellings per hectare of the land, or</p> <p>(c) attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land.</p> <p><u>Comment:</u> The application proposes allotments to facilitate (2)(a). In this clause <b>density</b> means the ratio of the number of dwellings to the area of the land to be occupied by the development, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land used for non-residential purposes.</p> <p>For this development, the area of land to be occupied for the development (consistent with above requirements) was calculated at: 21.8603ha, <u>allowing for a minimum 327.9 dwellings and a maximum 546.5 dwellings.</u></p> <p>Note the residue lots and open space were excluded from calculations, as it is understood this land is not intended to be used at this stage of the development for residential purposes.</p> <p>The development does not comply providing 318 lots, a shortfall of 9.9 (10) lots, representing 14.5 lots per hectare, or a 3% variation to the minimum requirement.</p> <p>A 4.6 variation request has been submitted and considered acceptable in the circumstances, refer to below table for details.</p> <p>(3) <i>Subsection (2) does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied that the subdivision does not also involve the creation of additional dwelling entitlements.</i></p> <p><u>Comment:</u> subdivision will not result in the creation of individual dwellings on separate lots.</p> <p>(4) <i>This section has effect despite anything to the contrary in any other provision of this Precinct Plan.</i></p> <p><u>Comment:</u> Noted.</p>
4.6 Exceptions to development standards	<p>Applicant seeks to utilise this clause, noting noncompliance with clause 4.3A (2).</p> <p>Note: The Department of Planning and Environment's reformed <i>Guide to Varying Development Standards</i> came into effect on 1 November 2023, however as DA/2022/1279/1 was lodged prior to this date, the Planning Circular PS 20-002 dated 5 May 2020, and <i>A Guide on Varying Development Standards 2011</i> remains in effect for this application.</p>
<b>Part 5 Miscellaneous provisions</b>	
5.1A Consideration of development applications	<p>In accordance with clause requirements the consent authority has:</p> <ul style="list-style-type: none"> <li>- notified the Planning Secretary about the proposal. No submission/s made from the planning secretary for consideration.</li> <li>- reviewed the proposal against the North Wilton Precinct Structure Plan and is satisfied the proposal is generally consistent.</li> <li>- is satisfied there is no mining lease, refer to Mine Subsidence GTAs.</li> </ul>
5.1 Relevant acquisition authority	<p>The site contains SP2 'Classified Road' land, the acquisition authority is identified as Transport For NSW - The objective of this section is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated</p>



	acquisition provisions). TfNSW was notified of the proposal and raised no concerns subject to conditions – refer to 'SEPP (infrastructure and Transport)' and 'Consultation' sections of this report.
5.2 Classification and reclassification of public land	N/A
5.4 Controls relating to miscellaneous permissible uses	None evoked.
5.6 Architectural roof features	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage Conservation	Note: Subject site not identified as containing items listed in Schedule 5 or as being in a conservation area.
5.11 Bush fire hazard reduction	Noted.
5.12 Infrastructure development and use of existing buildings of the Crown	Noted.
Part 6 Urban release areas	
<p>Part 6 was applicable to the development at the time of lodgement and the development required arrangements for designated State public infrastructure be made prior to granting of development consent.</p> <p>This part has since been repealed, replaced with the Housing and Productivity Contribution (1 October 2023). The Ministerial Direction states that the Order however does not apply to a development consent granted to a pending development application.</p> <p>A Satisfactory Arrangements Certificate being issued by the Department 15 March 2023, reference to be included in any determination.</p>	
Part 7 Additional local provisions	
7.1 Public utility infrastructure	<p>Development requires provision of public utility infrastructure. 7.1 notes development on land to which this Precinct Plan applies unless the council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>Following referral response from Endeavour Energy and Sydney Water, and subject to conditions, the development is considered suitable and Council is satisfied that arrangements for servicing will be made prior to the issue of a Subdivision Certificate.</p>
7.2 Development in Zone C2 Environmental Conservation	None proposed with the DA.
7.3 Subdivision of land adjoining Zone C2 Environmental Conservation	Development involves subdivision adjacent c3 land. In accordance with clause provisions Council is satisfied appropriate arrangements have been made for the revegetation and rehabilitation of that land within Zone C2 Environmental Conservation. A Vegetation Management Plan has been supplied with the application and will be required to be implemented within adjacent C2 Land and include for ongoing monitoring and management of that land.

7.4 Earthworks	<p>As per subclause (2) development consent is required for these works.</p> <p>As per subclause (3) before granting consent for earthworks, the consent authority is to consider:</p> <p>(a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality</i></p> <p><u>Comment:</u> Development considered able to be undertaken with limited impact on existing drainage patterns and soil stability, subject to conditions.</p> <p>(b) <i>the effect of the development on the likely future use or redevelopment of the land</i></p> <p><u>Comment:</u> Earthworks required to be undertaken to facilitate residential development of land in accordance with precinct structure plan.</p> <p>(c) <i>the quality of the fill or the soil to be excavated, or both</i></p> <p><u>Comment:</u> Any excavated soil to be removed from the site will be conditioned to be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</p> <p>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties</i></p> <p><u>Comment:</u> Due to nature and location of the development, impact to the amenity of immediate neighbours considered limited.</p> <p>(e) <i>the source of any fill material and the destination of any excavated material</i></p> <p><u>Comment:</u> Fill type to be conditioned to ensure appropriate for the site.</p> <p>(f) <i>the likelihood of disturbing Aboriginal objects</i></p> <p><u>Comment:</u> The site is will be heavily disturbed with earthworks DA. Earthworks DA was conditioned for stop works in the event of unexpected finds. The likelihood of disturbing unknown Aboriginal objects considered low with this DA, however standard conditions (including stop works) to be included in any draft determination.</p> <p>(g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area</i></p> <p><u>Comment:</u> Development not considered to result in adverse impacts on watercourses, drinking catchment or environmentally sensitive areas, subject to conditions – refer also to comments under ‘SEPP (Biodiversity and Conservation) 2021’.</p> <p>(h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</i></p>
----------------	--

	<u>Comment:</u> Conditions have been included in determination to ensure compliance with engineering design specifications, fill location, sediment and erosion control implementation and auditing, stormwater management, and unexpected finds protocols in order to minimise impacts of the proposal.
7.5 Location of sex services premises	N/A – none proposed
7.6 Restricted premises	N/A – none proposed
7.7 Retail premises	N/A – none proposed

4.6 Assessment	
Subclause	Council Comment
<p>4.6(1) <i>The objectives of this clause are as follows—</i></p> <p>a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>b) <i>to achieve better outcomes for a development by allowing flexibility in particular circumstances.</i></p>	<p>There is merit to applying flexibility in this circumstance, noting:</p> <ul style="list-style-type: none"> <li>- The extent of the variation is numerically low and indiscernible from streetscape and wider area.</li> <li>- There are sufficient environmental planning grounds to justify contravening the development standard; and</li> <li>- The contravention is in the public interest because it is consistent with the objectives of the zone and assumed objectives relating to the development standard.</li> </ul>
<p>4.6(2) <i>Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.</i></p>	<p>Development Standards' are defined under Section 4(1) of the <i>Environmental Planning &amp; Assessment Act 1979</i> as follows:</p> <p><i>“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:</i></p> <p>...</p> <p><i>(d) the character, location, siting, bulk, scale, shape, size, height, <b>density</b>, design or external appearance of a building or work...”</i></p> <p>[Emphasis added by Council]</p> <p>The dwelling density bands specified by CI 4.3A of the SEPP (PWCP) 2021 therefore clearly a development standard. The development standard is not a prohibition.</p>
<p>4.6(3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—</i></p> <p><i>(a) compliance with the development standard is unreasonable or unnecessary in the circumstance, and.</i></p>	<p>A written request to vary the standard has been provided in which the Applicant assessed the proposal against 4.6(3)(a).</p> <p>It is noted the below decisions by NSW Land Environment Court assisted in understanding parameters for contravention to a development standard:</p> <ol style="list-style-type: none"> <li>1. <i>Wehbe v Pittwater Council</i> [2007] NSW LEC 827;</li> <li>2. <i>Four2Five Pty Ltd v Ashfield Council</i> [2015] NSWLEC 1009;</li> </ol>

(b) there are sufficient environmental planning grounds to justify contravening the development standard.	<p>3. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (Initial Action);</p> <p>A detailed assessment against subclause (a) and (b) is provided below.</p>				
<p><b>(3)(a) that compliance with the development standard is unreasonable or unnecessary</b></p> <p><u>Comment:</u> The LEC has held that there are at least five different ways, an applicant might establish that compliance with a development standard is unreasonable or unnecessary (Wehbe v Pittwater Council [2007]). For an application to be upheld it is sufficient to demonstrate that it satisfies only one of the five ways.</p> <p>The five ways are:</p> <ol style="list-style-type: none"> <li>1. <b>The objectives of the development standard are achieved notwithstanding non-compliance with the standard;</b></li> <li>2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.</li> <li>3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;</li> <li>4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable and unnecessary; and</li> <li>5. The zoning of the land is unreasonable or inappropriate.</li> </ol> <p>In this circumstance, the Applicant requests consideration under the <b>first test</b>. It is noted however that there are no objectives listed under clause 4.3A.</p> <p>The Applicant has assumed that the underlying intent or purpose of the density clause (similar to the provisions under other SEPPs relevant to Growth Areas) is to:</p> <ul style="list-style-type: none"> <li>• <i>Ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,</i></li> <li>• <i>Ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.</i></li> </ul> <p>The applicant also reviewed the proposal against the objectives of residential density under the WGA DCP 2021 (which supports the SEPP development standards), including:</p> <ul style="list-style-type: none"> <li>• <i>Ensure that resulting lots have a practical and efficient layout to meet the intended land use.</i></li> <li>• <i>Encourage a variety of lot sizes, type and design to promote housing choice, create attractive streetscapes with distinctive characters, enhance walkability and improve access to services.</i></li> <li>• <i>Ensure that subdivision proposals are responsive to constraints of the land and maintain streetscape integrity.</i></li> </ul> <p>Refer to Attachment 3 for a detailed Applicant's 4.6 written request.</p> <p>The above approach was considered acceptable, and Council staff have also reviewed the proposal against the Precinct Structure Plan (PSP) and assessment against objectives of clause 1.2 Aims of the Precinct Plan, objectives of clause 4.1 Minimum Subdivision Lot Size of the Precinct Plan, and the objectives of relevant sections of the WGA DCP 2021 and Neighbourhood Plan No. 1 (which refers and support SEPP density requirements).</p> <p>It is noted that the PSP and objectives within the Precinct Plan would have informed development of clause 4.3A, and relevant sections of WGA DCP 2021 and Neighbourhood Plan No.1 have been developed to flow on from, and support the intent of clause 4.3A. The review of the relevant sections of the Plan and documents is therefore considered to provide a reasoned basis regarding the intent of the clause.</p> <table border="1" data-bbox="167 1982 1428 2076"> <tr> <td colspan="2" data-bbox="167 1982 1428 2033">SEPP (PWCP) 2021</td></tr> <tr> <td data-bbox="167 2033 703 2076">Objectives considered:</td><td data-bbox="703 2033 1428 2076">Council Comment</td></tr> </table>		SEPP (PWCP) 2021		Objectives considered:	Council Comment
SEPP (PWCP) 2021					
Objectives considered:	Council Comment				

1.2 Aims of the Precinct Plan	Proposal considered consistent with the aims of the precinct plan, refer to earlier section of the report for detailed assessment.
<p>4.1 Minimum Subdivision Lot Size</p> <p>(1) The objectives of this section are as follows—</p> <p>(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,</p> <p>(b) to encourage the efficient use of land for residential purposes.</p>	<p>While the site is not identified as containing a minimum lot size, the objectives of this clause were considered, noting that density bands act similarly to minimum lot size, in determining density of residential development, albeit providing for more flexibility than traditional minimum lot size maps.</p> <p>Following review, the proposal was considered consistent with the objectives -</p> <p>(a) Lots proposed are considered appropriate for low density residential development while also providing for an arrangement considered to have provided appropriate buffers to noise sources, bushfire threat and environmental areas.</p> <p>(b) The design is considered an efficient use of area, providing for residential development with the required infrastructure and safety measures to support it, consistent with supplied reports, the Neighbourhood Plan No.1 and WGA DCP 2021. It is also noted that the variation in dwelling density is not anticipated to impact development ability to provide for the identified dwelling numbers within Neighbourhood Plan No.1 (refer to Neighbourhood Plan No.1 assessment).</p>
WGA DCP 2021	
Objectives considered	Council Comments
<p>4.4 Residential Density Principles</p> <p>1. Ensure that resulting lots have a practical and efficient layout to meet the intended land use.</p> <p>2. Encourage a variety of lot sizes, type and design to promote housing choice, create attractive streetscapes with distinctive characters, enhance walkability, and improve access to services.</p> <p>3. Ensure that subdivision proposals are responsive to constraints of the land and maintain streetscape integrity</p>	<p>The development was also considered against the WGA DCP 2021 objectives relating to Residential Density Principles, noting that these were developed under the framework provided by the SEPP (PWCP) 2021 and considered to assist in guiding understanding/intent of the density band requirements.</p> <p>Following review, the proposal was considered consistent with the objectives -</p> <p>1. The lots are considered to have practical and efficient layout to meet intended low-density residential use. Each lot complying with WGA DCP 2021 minimum lot width and depth. Due consideration has also been given to solar orientation, setback requirements (making provisions for APZ and noise) and buffers to avoided land.</p> <p>2. Proposal provides a range of lot shapes and sizes, considered able to accommodate a range of housing designs. Streetscapes are also considered appropriate, proposal providing for footpaths on both sides of the road, street blocks of appropriate length and landscape to contribute to walkability and amenity of the area.</p> <p>3. Proposal considered to respond to characteristics of the land and surrounds – providing for appropriate APZ around the subdivision for bushfire protection</p>

	purposes, appropriate distances from noise sources and providing buffer to avoided land. Integrity of the streetscape has been considered retained, as noted in comments above, proposal providing for appropriate infrastructure and landscaping within streets and blocks and lots of a size/nature anticipated by the WGA DCP 2021.
Neighbourhood Plan No.1	
Objectives considered	Council Comment
2.9 indicative lot yield	<p>a. While the proposal provides for a minor variation to the SEPP density targets, the development is consistent with the finer grain plan in Neighbourhood Plan No.1 and despite variation, is not anticipated to impact the developments ability to achieve the identified 699 lots within Plan No.1, refer to (c) for details.</p> <p>b. As above, the proposal provides a range of lot shapes and sizes, considered able to accommodate a range of housing designs. Streetscapes are also considered appropriate, proposal providing for footpaths on both sides of the road, street blocks of appropriate length and landscape to contribute to walkability and amenity of the area.</p> <p>c. The proposal is not anticipated to impact developments ability to achieve the nominated overall precinct dwelling capacity or the Neighbourhood Plan No.1 identified dwelling capacity.</p> <p>More specifically:</p> <p>To date 197 lots have been approved with Stage 1. Should Stage 4 (under assessment) and Stage 2/3 be approved, there will be a total of 618 residential lots approved in Neighbourhood Plan No.1.</p> <p>Figure 8 in the Neighbourhood Plan indicates 699 residential dwellings in Neighbourhood Plan No.1.</p> <p>It is noted that stage 2/3 development contains residue lots identified for medium density development (2.629 hectares), consistent with the PSP, and the shortfall of 81 dwellings is anticipated to be delivered in these areas (per SEPP requirements medium density for the area to contain between 66 and 118 dwellings).</p> <p>d. The subdivision does not include development of medium density lots, however residue lots have been created in accordance with adopted PSP near to open space areas.</p>

The development has been considered consistent with the PSP, and the objectives of the Precinct Plan and the objectives of relevant sections of the WGA DCP 2021 and Neighbourhood Plan No.1 – aspects which inform and flow on from clause 4.3A.



<p>Due to reasons outlined above, the written request is considered consistent with the intent of cl 4.3A notwithstanding non-compliance, and is therefore considered to satisfy 4.6(3)(a) - that compliance with a development standard is unreasonable or unnecessary.</p>	
<p><b>(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.</b></p>	
<p>The environmental planning grounds to justify the proposed variation are as follows:</p> <ul style="list-style-type: none"> <li>- The nature/extent of the variation is such that it will be indiscernible from the streetscape and not anticipated to impact the local character of the area (3% variation to the minimum 15 dwellings per hectare).</li> <li>- The proposal is permitted in the zone and consistent with zone objectives (refer below).</li> <li>- The proposal considered to respond to site constraints and characteristics of the land and surrounds – providing for appropriate APZ around the subdivision for bushfire protection purposes, appropriate distances from noise sources and providing buffer to avoided land.</li> <li>- The development as proposed is not anticipated to impact the ability to achieve the intended planned density for Neighbourhood Plan No.1 notwithstanding minor variation.</li> </ul> <p>Due to reasons outlined above the application is considered consistent with subclause 4.6(3)(b), demonstrating there are sufficient environmental planning grounds to justify contravening the development standard.</p>	
<p>(4) Development consent must not be granted for development that contravenes a development standard unless—</p> <p>(a) the consent authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subsection (3), and</li> <li>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</li> </ul> <p>(b) the concurrence of the Planning Secretary has been obtained.</p>	<p>Complies</p> <p>4.6(4)(a)(i) Written request received and addressing the matters as required in subclause (3).</p> <p>4.6(4)(a)(ii) The proposal is considered to be in the public interest, the development designed to consider amenity, safety and environmental protection, while creating a development consistent with the zone objectives (refer to below section of the report).</p> <p>4.6(4)(b) Council can assume the concurrence of the Secretary for cl 4.6 variations to vary a development standard. Further information is available in the Department's Circular PS 20-002.</p>
<p>(5) In deciding whether to grant concurrence, the Planning Secretary must consider—</p> <p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p> <p>(b) the public benefit of maintaining the development standard, and</p> <p>(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.</p>	<p>4.6(5)(a) The contravention does not raise any matters of significance having regard to State or regional environmental planning.</p> <p>4.6(5)(b) There is limited public benefit in maintaining the development standard given that there are no unreasonable impacts that will result from the variation to the density band, while there are sufficient environmental planning grounds to justify contravening the development standard. The extent of the departure from the density band, is insignificant and the resultant outcome provides for an allotment arrangement sensitive to site</p>

	conditions, while maintaining anticipated dwelling count in the area.  4.6(5)(c) Not applicable
(6) Development consent must not be granted under this section for a subdivision of land in Zone C2 Environmental Conservation if— (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	N/A
(7) The consent authority must keep a record of its assessment carried out under subsection (3).	Noted.
(8) This section does not allow development consent to be granted for development that would contravene any of the following: (a) <i>a development standard for complying development,</i> (b) <i>a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <a href="#">State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</a> applies or for the land on which such a building is situated,</i> (c) <i>section 5.4,</i> (d) <i>section 7.1.</i>	None proposed.

**LAND USE TABLE****Zone 1- Urban Development**

Objectives	Comment
<ul style="list-style-type: none"> <li>To manage the transition of land from non-urban uses to urban uses.</li> </ul>	Complies – The development is designed to manage the transition between urban and non-urban purposes. Proposal providing for perimeter road and open space along C2 boundary, separating residential development from environmental land.
<ul style="list-style-type: none"> <li>To encourage the development of well-planned and well-serviced new urban communities in accordance with the North Wilton structure plans.</li> </ul>	Complies – Development design is considered consistent with objectives of the WGA DCP 2021 and relevant structure plans. Development to be connected to essential services, and provide for active transport throughout (refer to landscape, engineering and active transport plans).
<ul style="list-style-type: none"> <li>To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the North Wilton Precinct.</li> </ul>	Not inconsistent – Development provides for subdivision of the area. While anticipated lots will be for residential

	use, they could also accommodate a range of uses permitted within the zone.
<ul style="list-style-type: none"> <li>To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes.</li> </ul>	Not inconsistent – Subdivision is located in areas identified for urban purposes within the PSP. Development therefore not considered to impact UD land identified for non-urban purposes.
<ul style="list-style-type: none"> <li>To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct.</li> </ul>	Complies – development adjacent to environmental conservation area. Development designed to provide a buffer between the residential lots and environmental land, and subject to suitable conditions and implementation of the VMP, the development is considered to enhance biodiversity outcomes for the precinct.

Development: Residential subdivision, roads and infrastructure located on land zoned UD.

Permitted with consent: Any development not specified in item 2 or 4.

Permissibility: Development is for subdivision of the site for residential development is permitted under clause 2.6. Residential development permitted in the zone with consent.

### Zone SP2 - Infrastructure

Objective	Comment
<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> </ul>	Complies – Development includes a portion of the North-South sub-arterial road and temporary access to stage 3A over SP2 land (connect Road 14 to the round-about). Works intended as interim arrangement until sub arterial provided for along this area.
<ul style="list-style-type: none"> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	Complies – Sub-arterial proposed is infrastructure anticipated in the area. In terms of interim access arrangements for Stage 3A, access arrangement temporary in nature until this portion of the sub arterial road is constructed. Development was furthermore referred to TfNSW who raised no concern subject to conditions of consent.

Development: Temporary access roads and portion of sub-arterial road

Permitted with consent: The purpose shown on the Land Zoning Map (Regional Road), including any development that is ordinarily incidental or ancillary to development for that purpose.

Permissibility: Development for portion of the sub-arterial road considered for the purpose shown on the map. Temporary access is considered incidental or ancillary to development for that purpose. Providing interim arrangements until the east-west portion of the sub-arterial road has been constructed (DA/2019/662/1).

### Zone C2 – Environmental conservation

Objective	Comment
<ul style="list-style-type: none"> <li>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values</li> </ul>	

<ul style="list-style-type: none"> <li>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul>	Complies – no subdivision works proposed within this zone, and subject to suitable conditions, no impact anticipated.
--	---

Development: None proposed within this area.

### 1.3.2 Provisions of Relevant Draft Environmental Planning Instruments

None applicable

### 1.3.3 Provisions of Relevant Development Control Plans

Wilton Growth Area Development Control Plan Part 1 -8	X
North Wilton Precinct Schedule	X
North Wilton Precinct Schedule 2- Neighbourhood Plan No.1	X

#### Wilton Growth Area Development Control Plan Parts 1 - 8

The proposal has been considered consistent with the objectives in the WGA DCP Part 1-8, subject to conditions. A summary of the relevant sections is provided below, including details of any variations. For a full assessment against controls see Attachment 1.

Part 3 General Controls	
Section	Comment
3.1 Earthworks	Majority of bulk earthworks to be completed with DA/2022/1047/1. Minor site grading and benching associated with the application, considered minor in nature. Subject to appropriate conditions, including fill type, compaction, and conditions around the height and nature of retaining walls, the extent of earthworks has been considered acceptable by Council and aligns with the requirements of this section.
3.2 Flooding	The site is not identified as flood liable land and the Water Cycle Management System (WCMS) provided was considered appropriate by Council's Development Engineers for conveyance of major/minor stormwater events.
3.3 Water Cycle Management	<p>Following ongoing discussions and workshops between the parties, an amended proposal was submitted to Council, and included a revised WCMS, which provided for combination of grass-lined swales within the verge, castellated kerbs, street tree blister inlets / pits, median swales and traditional end-of-line bioretention and raingardens.</p> <p>The revised Water Cycle Management System (WCMS) has been considered designed in accordance with Council's Design and Construction Specifications for drainage and water sensitive urban design. In terms of volume reduction, while the Applicant has sought to achieve Council targets, this has not been met with the current design. The Applicant noted that due to recycled water provision to the subdivision, rainwater tanks will not be provided on residential lots, and due to limited storage/detention availability in lieu of rainwater tanks, Council's required volume reduction target cannot be achieved. Stream Erosion Index however has been met at all outlets.</p> <p>Council's Environment Team has considered the variation acceptable in this instance, subject to conditions requiring additional passive irrigation via the stormwater network in the form of kerb inlets (to increase efforts to maximise stormwater usage/retention). These conditions have not been agreed to by the Applicant.</p>
3.4 Flora, Fauna and Habitats	The site is clear of vegetation (clearance associated with Stage 1) and identified as Urban Capable under the CPCP. Subject to conditions, limited impact on flora

	and fauna habitat anticipated and the proposal has been considered appropriate from a biodiversity perspective.
3.5 Retention and Planting of Street Trees and Landscaping	<p>The DA included a Tree Canopy Analysis within the Landscape Plan which indicates alignment with the Neighbourhood Plan strategy to deliver 40% tree canopy coverage. Calculations for overall coverage rely on those trees associated with the subdivision (within the road reserve) and those required to be planted on each residential lot in accordance with WGA DCP 2021 (two per site). Subject to specified conditions, the proposed plan has been considered appropriate.</p> <p>It is noted that Council's Environment Department have requested some amendments to the proposed tree species. Amended species will provide a similar canopy, and be more appropriate to the environment, providing greater resilience. Consequently, these conditions are not expected to have a negative impact on the targeted goals for canopy coverage.</p> <p>This section also provides for requirements around existing tree retention, street tree integration into the Water Management Strategy and requires Council consider whether an efficient water source for trees has been incorporated into the development design.</p> <p>It is noted that no vegetation clearance is proposed with the DA, (vegetation clearance approved with bulk earthworks), however those trees nominated for retention with bulk earthworks DA have been incorporated into the subdivision design - existing trees have been retained around the perimeter of the development in open spaces and windrows.</p> <p>Street trees considered to have appropriate water source subject to conditions, water to be provided per WCMS and via the recycled water network (purple pipe). Conditions relating to purple pipe for irrigation will ensure water source is available and contributes to street tree overall health and resilience, which will aid in achieving canopy coverage targets. Refer to recommended conditions.</p>
3.6 High Value Waterways and Riparian Areas	The proposal is consistent with section requirements – the development is not located in an area identified as containing riparian areas, High Value Waterways or waterways of Strahler Order 2 and higher, and subject to appropriate conditions, no impact anticipated.
3.7 Salinity	Salinity Assessment provided with the application identifies the soils as non-saline to slightly saline, non-aggressive to steel and non-aggressive to mildly aggressive to concrete. In addition, soils were non-sodic to highly sodic. In accordance with recommendation in the report, further reporting on management strategies for service installation, civil construction and residential construction should be completed prior to construction so that adequate durability requirements can be specified. Appropriate conditions have been recommended.
3.8 Site Contamination	The site is consistent with section requirements and considered appropriate for intended land use.
3.9 Aboriginal Cultural Heritage	<p>The proposal is considered consistent with section requirements. Consideration of Aboriginal matters were undertaken with the bulk earthworks DA.</p> <p>An Aboriginal Heritage Cultural Assessment Report by Kelleher Nightingale Consulting Pty Ltd was provided with the bulk earthworks DA and found items within Stage 2/3, these items were investigated and considered to have low significance. An Aboriginal Heritage Impact Permit (AHIP) is conditioned to be acquired for all identified sites with the exception of WJ-ST-01 (Scar tree located within proposed school site) prior to impact with the bulk earthworks.</p> <p>As this application will not be able to commence works until completion of bulk earthworks, the matter will be addressed in accordance with earthworks consent conditions.</p>



	Appropriate conditions to be placed on this determination however, to ensure protection fencing remain around WJ-ST-01 for the duration of the subdivision works and stop works in the event of any unexpected finds.
3.10 Non-Aboriginal Heritage	N/A - None identified onsite.
3.11 Bushfire Hazard Management	The proposal is consistent with section requirements. The proposal is consistent with Planning for Bushfire Protection 2019 and GTAs issued by the NSW RFS. A temporary APZ is required (Bushfire Assessment Report and RFS GTAs) to be provided adjacent the development to the west until such time this area is developed. In accordance with WGA DCP 2021 controls and RFS GTAs, conditions have been included requiring this be provided as a restriction on title.
3.12 Odour, Noise and Air Quality	<p>The development is adjacent the Hume Highway and proposed sub-arterial road.</p> <p>The proposed development is not anticipated to result in atmospheric pollutants, however noise impacts are associated with Hume Highway and sub-arterial road.</p> <p>An Acoustic Report was provided with the DA which concluded that all lots can comply with the noise criteria applicable to the site subject to recommended attenuation measures.</p> <p>A landscape barrier is proposed along the boundary adjacent the Hume Highway to address in air pollutants, noise and odour dispersion from nearby sources of air pollution noise, and/or odour, consistent with control 3 and the Neighbourhood Plan No.1.</p> <p>No concerns raised by Council's EHO subject to conditions.</p>
3.13 Waste Management	Subject to conditions, the proposal is considered consistent with section requirements.
3.14 Movement	<p>The control requires the development comply with sections set out in Figure 4 – 6, relevant sections include:</p> <ul style="list-style-type: none"> <li>- Typical sub Arterial Road: 31.2 m road reserve, to incorporate 2 X 7m carriageways, 2 X 3m sharepaths, landscaping and WSUD</li> <li>- Typical Collector Road: 22.8m road reserve, to incorporate 2X 1.5m share path, cycle zone, landscaping and WSUD</li> <li>- Typical Primary Local Streets: 21.5m road reserve, to incorporate 3m share path, 1.5m pedestrian path, landscaping and WSUD.</li> <li>- Typical Local Residential Streets - 16.8m road reserve, to incorporate 2 X 1.5m pedestrian paths, landscaping and WSUD.</li> <li>- Typical Local Street: 17.2m road reserve, incorporate 2 X 1.5m pedestrian paths, landscaping and WSUD.</li> </ul> <p>The proposed extension to the north-south sub-arterial road was considered compliant with Typical Sub Arterial Road Section, following receipt of amended plans removing on road cycle path (as requested by Council's Strategic Planners and Development Engineers).</p> <p>Amended development provided for a road reserve of 32.4m, appropriate carriageway and medium widths, and share paths either side of the road at 2.5m. Proposal considered appropriate subject to conditions requiring the shared paths be increased to 3m.</p> <p>The Applicant adopted Perimeter, Primary Local Street, and Local Street for the blueprint for the majority roads within stages 2 and 3. Originally Council sought amended plans and road reserve widening to provide for a subdivision with clear hierarchy, from Collector to Typical Local Street. Following further discussions between the parties, the Applicant, submitted an amended design, while largely retaining road reserve widths, the amended materials have made provision for:</p> <ul style="list-style-type: none"> <li>- WSUD within the road reserves.</li> </ul>

	<ul style="list-style-type: none"> <li>- Amendments to cross sections to provide a cross section that takes on the components of the Typical Local Residential Street. Amended cross sections provide an alternating verge, with a 5.4m verge on one side, 5.6m travel lane, 2.1m parking lane and 4.6m verge on the opposite side of the street. The proposed cross sections will alternate down the street creating a meandering road alignment.</li> <li>- Amendments to road bends and traffic management signalling.</li> </ul> <p>Following review, and acknowledging ambiguity in WGA DCP 2021 road descriptions (unclear on what constitutes a Typical Primary Local Street, Typical Local Residential Street and Typical Local Street), development was considered appropriate in the context.</p> <p>The development area is also identified as containing a bus route in Neighbourhood Plan No.1 along road 14 (fronting school site) and the sub-arterial road. Road designs have been considered appropriate subject to conditions.</p>
3.15 Provision of Services	<p>DA considered appropriate in terms of servicing, subject to conditions. More specifically:</p> <ul style="list-style-type: none"> <li>- The proposal was referred to Sydney Water who advised in principle, no objection to the proposed development and that as part of the Bingara Gorge sewage treatment plant acquisition, Sydney Water is arranging to service a certain number of developments within the Bingara Gorge catchment under a Service Delivery Agreement (SDA). This includes 619 lots proposed by Landcom. The subject DA, any previous and future applications from Landcom within Wilton North will be accounted for against the 619 yields. A 73 certificate will be required to be provided to Council confirming appropriate sewer/water arrangements have been made prior to Subdivision Certificate release.</li> <li>- The Applicant has noted that discussions with NBN have commenced for the provision of the infrastructure from the outset. Conditions will be included on any determination requiring connection prior to Subdivision Certificate release.</li> <li>- The proposal referred to Endeavour Energy who raised no concerns subject to conditions of consent.</li> </ul>
3.15 Crime Prevention Through Environmental Design	<p>The development is considered to broadly comply with the principles of CPTED. It is noted:</p> <ul style="list-style-type: none"> <li>- Landscaping within the streetscape and location of share path/pedestrian paths appropriate and not considered to obstruct passive surveillance.</li> <li>- Lots have been designed to ensure that future dwellings front the street.</li> <li>- Lots provided which front public open space.</li> <li>- Street lighting design is to be provided to Council for approval prior to the issue of SWC to ensure public areas appropriately lit up during the evening.</li> </ul>
3.17 Development near or on Gas Easements	N/A - Precinct outside area of gas pipeline easement
3.18 Development Near Wells and Drill Holes	N/A – development outside areas identified as containing wells and drill holes.
3.19 Development Near the Maldon – Dombarton Freight Rail Corridor	Development for residential subdivision which is anticipated to contain dwelling houses, however is located in excess of 100m from the Maldon-Dombarton Freight Rail Corridor therefore requirements for noise consideration are not triggered. Refer to previous comments in the report.

3.20 Signage, Street Furniture and Lighting	Proposal conditioned for provision of street furniture and lighting in accordance with section requirements. Details to be provided to Council prior to issue of SWC.
---	---

Part 4: Subdivision	
Section	Comment
4.1 Earthworks	Considered appropriate subject to conditions.
4.2 Flooding	Site not flood liable land.
4.3 Water Cycle Management	Proposal accompanied by concept stormwater design, as discussed within the 'General' section, this strategy has been considered appropriate subject to conditions of consent.
4.4 Residential Density Principals	<p>While development proposed is below the density bands identified in SEPP (PWCP) 2021, development has been shown to be consistent with the objectives of this section, sympathetic to site attributes while also providing for the density planned for in finer grain documents – refer to Neighbourhood Plan No.1.</p> <p>Resultant lots are also considered of a size that can accommodate desired outcome for this density band, as indicated in Table 4, this is to allow for:</p> <ul style="list-style-type: none"> <li>• <i>Mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.</i></li> <li>• <i>Focused areas of small lot dwelling houses in high amenity locations</i></li> <li>• <i>At 20dw/Ha, the occasional manor home on corner lot</i></li> <li>• <i>Single and double storey dwellings</i></li> <li>• <i>Mainly suburban streetscapes, the occasional urban streetscape.</i></li> </ul>
4.5 Block and Lot Layout	<p>Street design consistent with control requirements, noted no laneways proposed with the application, or lots directly adjoining the arterial or sub arterial roads.</p> <p>In terms of lot layout, lot orientation, and configuration, considered appropriate and consistent with control requirements.</p>
4.6 Battle-Ave Lots	N/A - None proposed with the application
4.7 Zero Lot Lined Lot Development	N/A – None proposed with this application
4.8 Corner Lots	Complies with requirements – considered a suitable size to allow dwellings to positively address both street frontages and wide enough to allow driveways allocated a clear distance from intersections.
4.9 Subdivision for attached or abutting dwellings	N/A – subdivision residential in nature, residue lots created to be the subject of future DAs.

Part 8: Sustainability and Biodiversity	
8.1 Sustainability	
Section	Comment
8.1.2.1 Tree Canopy Cover	<p>Requires consideration of retention of existing trees for tree canopy coverage and provision of suitable species to support tree canopy coverage. Note:</p> <ul style="list-style-type: none"> <li>- Proposal has been designed to incorporate trees being retained with bulk earthworks DA</li> <li>- Subject to conditions, species considered suitable.</li> </ul>
8.1.2.2 Energy Efficiency and	Requires new development consider maximising solar access and consideration of sustainable building materials in design.

Reduction in Carbon Emissions	<p>Subdivision considered appropriate in terms of solar access (approximately 50% lots provided for generally in an east-west orientation, and those north-south provide for lot widths/depths in excess of WGA DCP 2021 requirements).</p> <p>In terms of building materials, the Applicant has advised development to have 6 Star Green Star Community rating. The development will also be conditioned to be constructed per Engineering Design Specifications.</p> <p>Future development will be required to consider requirements of the WGA DCP 2021 and any developer Design Guidelines (it is understood these will incorporate Star rating requirements).</p>
8.1.2.4 Integrated Water Cycle Management	<p>Section requires new developments to be appropriately plumbed to support Integrated Water Cycle Management principles, with the priority of usage for non-potable uses placed on recycled water.</p> <p>In an area where a recycled water scheme is provided or planned for:</p> <ol style="list-style-type: none"> <li>1. All developments must be designed to connect to recycled water and use this source for all non-potable end uses including but not limited to toilet flushing, washing machines and on lot outdoor uses (garden irrigation).</li> <li>2. Directly connecting street trees to the recycled water network for irrigation.</li> </ol> <p>The subdivision proposes connection of recycled water (purple pipe) to residential allotments for all non-potable end uses.</p> <p>Council advised the Applicant of the requirement to connect recycled water (purple pipe) to street trees per point 2. This will allow for resilient streetscape, and contribute to canopy targets and allow for additional offload of recycled water into the street system.</p> <p>Following discussions between Council and Sydney Water, conditions were developed requiring this connection and incorporated into the draft determination – these have been agreed to with the exception of the infrastructure maintenance period. Council has sought to have the infrastructure maintenance period align with the tree protection maintenance period due to the associated interdependence.</p>
8.1.2.5 Active Transport	Complies with requirements, cycle and pedestrian paths provided have been considered appropriate.
8.2 Smart Places	Development considered consistent with section requirements, to be conditioned to: ensure all lots are provided with internet services prior to lot registration, ensure Council owned street lighting and provision of recycled water for street tree irrigation.
8.3 Biodiversity	<p>The development is considered consistent with section 8.3.2 Biodiversity Planning Principles, noting:</p> <ul style="list-style-type: none"> <li>- Development not considered to impact waterways subject to appropriate conditions.</li> <li>- Suitable buffer areas to C2 land provided for.</li> <li>- Vegetation clearance approved with bulk earthworks DA, trees identified for retention in bulk earthworks DA have been incorporated into the subdivision design (no additional clearance associated with this DA).</li> <li>- WCMS is considered appropriate to minimise impact on the biodiversity values of conservation areas.</li> </ul> <p>In terms of section 8.3.4 Koala Protection koala protection, it is noted:</p> <ul style="list-style-type: none"> <li>- Open space and perimeter roads provided as a buffer to C2 land,</li> <li>- APZ contained wholly within UD zoned land</li> <li>- Amended Landscape Plan to be provided prior to issue of a SWC, Council to ensure species selected exclude koala feed tree species</li> </ul>

	<p>This section also requires certified land adjacent to koala habitat where a koala exclusion fence is not installed, the following development controls apply:</p> <ul style="list-style-type: none"> <li>- <i>Manage roadside vegetation and landscaping adjacent to koala habitat to minimise the height of ground cover and increase the visibility of any roadside fauna.</i></li> <li>- <i>Install road design structures such as underpasses, fauna bridges and overpasses for the protection of koalas and maintain by the proponent for a time period consistent with any approval conditions. Reference RMS Biodiversity Guidelines.</i></li> <li>- <i>Deliver dog containment fencing in accordance with the approved Neighbourhood Plan fencing strategy within open space and public recreation areas.</i></li> <li>- <i>Incorporate dog containment fencing in the design of each residential lot.</i></li> </ul> <p>As the proposal has not adequately addressed above, a condition has been included to provide koala fencing. It is noted that this condition has not been agreed to by the Applicant. Council is seeking further guidance from the Department as to the intent for Wilton.</p>
8.3.3.4 Additional Controls for Subdivision	The development, subject to conditions, is considered consistent with CPCP requirements.

#### North Wilton Precinct Schedule

The proposal has been considered consistent with the listed figures outlines in the North Wilton Precinct Schedule. Refer to Attachment 1 for a full assessment against controls.

#### North Wilton Precinct Schedule 2- Neighbourhood Plan No.1

The proposal has been considered generally consistent with the controls and requirements in the North Wilton Precinct Schedule 2- Neighbourhood Plan No.1. Refer to summary below and Attachment 1 for full details

North Wilton Precinct Schedule 2 – Neighbourhood Plan No.1	
2.2 Neighbourhood Plan No.1	
Controls	Comment
1. All development is to be undertaken in accordance with the Neighbourhood Plan at Figure 2 subject to compliance with the objectives and development controls set out in this Part of the DCP.	Complies
2. Where variation from the Neighbourhood Plan is proposed, the applicant is to demonstrate that the proposed development is consistent with the Development Principles for the Neighbourhood set out in Section 2.1.	Noted, where variations are proposed, application has demonstrated key principles maintained.
3. Development must be in accordance with Part 8 of the Wilton Growth Area DCP 2021 in relation to Sustainability and Biodiversity objectives and controls.	Complies subject to conditions.
4. Where a recycled water network is provided, all lots must be serviced by dual reticulation (potable and recycled).	Complies - Proposed with the application.
5. Where wildlife is present, appropriate protection measures are developed and	Noted - Site is clear of vegetation.



implemented in consultation with the Environment and Heritage Group																
2.3 Green and Blue Grid																
Controls	Comments															
1. Open space is to be provided in accordance with the Green and Blue Grid Plan at Figure 3.	<p>Generally consistent. open space locations and areas generally consistent with those nominated within Figure 3.</p> <p>It is noted open space area 4 is identified for double playing fields. Following further investigation this site has been considered unsuitable for double playing fields and the Applicant has provided confirmation this shortfall will be provided in subsequent stages – refer to Recreation and Contributions Teams comments.</p>															
2. The size of open space is to be consistent with Figure 3. Where variations are sought, additional information and justification is to be provided that support the proposed variation.	<p>Complies with the exception of open space area 4 (double playing field park) which provides for an area of 3.6402 instead of 3.74ha.</p> <table><tr><td>Park</td><td>Indicative area per Figure 3</td><td>Provided area</td></tr><tr><td>3</td><td>2.82 ha (excluding WSUD)</td><td>Provides 1.7437ha (excluding WSUD) to be incorporated into Open Space area of 1.448 ha (excluding WSUD) provided with stage 1 = 3.164ha</td></tr><tr><td>Park 4</td><td>3.74ha</td><td>3.6402ha</td></tr><tr><td>Park 5</td><td>0.92ha</td><td>0.942ha</td></tr><tr><td>Park 6</td><td>0.25 ha</td><td>0.2502ha</td></tr></table> <p>Variation considered acceptable in the instance – Variation is minor, park 3, 5 and 6 exceed the requirements. Upon further investigations, the parks were considered inappropriate for the anticipated double playing field and associated facilities (due to area, configuration and slope of the land). The Applicant has provided a written undertaking confirming their intention to provide this infrastructure in a more appropriate area in Neighbourhood Plan No. 2 (currently being developed).</p>	Park	Indicative area per Figure 3	Provided area	3	2.82 ha (excluding WSUD)	Provides 1.7437ha (excluding WSUD) to be incorporated into Open Space area of 1.448 ha (excluding WSUD) provided with stage 1 = 3.164ha	Park 4	3.74ha	3.6402ha	Park 5	0.92ha	0.942ha	Park 6	0.25 ha	0.2502ha
Park	Indicative area per Figure 3	Provided area														
3	2.82 ha (excluding WSUD)	Provides 1.7437ha (excluding WSUD) to be incorporated into Open Space area of 1.448 ha (excluding WSUD) provided with stage 1 = 3.164ha														
Park 4	3.74ha	3.6402ha														
Park 5	0.92ha	0.942ha														
Park 6	0.25 ha	0.2502ha														
3. WSUD is to be consistent with Section 3.3 of the DCP. Where variations are sought, additional information and justification is to be provided that support the proposed variation and achieve the objectives of Section 3.3	Complies, WSUD considered appropriate subject to conditions.															
2.4 Tree Canopy Cover																

Controls	Comment
1. 40% tree canopy cover to be achieved within 15-20 years.	Tree canopy analysis indicates alignment with the neighbourhood plan strategy to deliver 40% tree canopy coverage within 15-20 years. While conditions have been included for an amended Landscape Plan, alternate species agreed to by the parties are not expected to negatively impact coverage (alternate species would be considered more appropriate to the locality, resilient and will be required to have a similar canopy size).
2. All applications must demonstrate how 40% tree canopy cover can be demonstrated across the development site by providing a tree canopy analysis plan which provides calculations for the following: <ul style="list-style-type: none"> <li>a. Canopy area for trees proposed for their growth at 5, 10, 15 and 20 years</li> <li>b. Site area</li> <li>c. Trees located within road reserves and trees located within rear and front setback of lots as per DCP</li> <li>d. Total tree canopy coverage (%) at 5, 10, 15 and 20 years across the development site</li> <li>e. Total tree canopy coverage (%) at 5, 10, 15 and 20 years across the road reserves</li> </ul>	
3. Driveways are encouraged to be set to assist with the siting of trees within the streetscape.	Complies – Driveway are set with design.
4. Demonstration in the development application of other innovative approaches towards achieving 40% tree canopy cover is encouraged.	The Applicant proposes the provision of canopy coverage in part through trees within Council's road reserve and in part on private lots. Approach considered acceptable in the context.
5. For land that is affected by APZ, the requirements of Planning for Bushfire Protection 2019 (PBP) must be applied, including the relevant tree canopy requirements in Inner and Outer Protection Areas.	Noted - No concerns raised by the Applicant's Bushfire Consultant or the NSW RFS subject to conditions of consent.
6. When demonstrating the achievement of 40% canopy cover, land affected by APZ should be removed from any calculation.	Noted - Proposal does not include APZ within canopy coverage analysis.
7. Tree species proposed within APZs are to be appropriate for the risk level. Consultation between the appointed bushfire consultant and the landscape architect or arborist is to be undertaken.	Noted, Landscape plan will be revised for the purposes of replacement species. Determination to be conditioned to ensure proposal consistent with NSW RFS GTAs.
2.5 Grey Grid	
Controls	Comments
1. The pedestrian and cycle network are to be consistent with Figure 4.	Pedestrian / Cycle Green Path provided in part – future Park embellishment DAs to contain further connection points.
2. Off road pedestrian and cycle links are to be integrated with open space, special urban areas and conservation areas.	Complies, those sections applicable to Stages to be delivered.

3. Pedestrian and cycle routes and facilities in public spaces are to be safe, well lit, clearly defined, functional and accessible to all.	Conditioned to comply. Street lighting plan to be provided with SWC.
4. Pedestrian and cycle shared paths and facilities within the bushland area are to provide access to the wider community. Pedestrian and cycle shared paths are to be a minimum width of 2.5m.	Complies.
5. Streets are to be designed in accordance with Section 3.14 Movement of the DCP. Alternate street type designs are permitted, subject to negotiation with the relevant consent authority. Where alternate street type designs are proposed, they must demonstrate the following: <ul style="list-style-type: none"> <li>a. Achievement of the objectives of this Section and those of Section 3.14 Movement.</li> <li>b. Achievement of the 40% canopy cover in accordance with Section 2.4 Canopy Cover of this Part.</li> <li>c. Provision of adequate pedestrian and cycle infrastructure.</li> <li>d. Achievement of adequate vehicle movement commensurate to the street type</li> </ul>	Street design considered appropriate, refer to earlier comments in the report.
6. Principles of CPTED (Crime Prevention through Environmental Design) to be incorporated in the design of the access and movement system.	Proposal considered appropriate in this regard: <ul style="list-style-type: none"> <li>- Lots containing appropriate frontage to streetscape and will result in dwellings addressing streetscape.</li> <li>- Corner lots of an appropriate size to ensure future dwelling address both street frontages</li> <li>- Maintenance track/cycle path located to be largely visible from the public domain.</li> <li>- Street lighting plan to be conditioned to ensure appropriate lighting provided in public areas.</li> </ul>
2.6 Bushfire Management and Evacuation	
Control	Comment
1. Emergency access to be located consistent with the location nominated in the Neighbourhood Plan at Figure 2.	Further information was sought as to the provision of the Emergency Access Link (brown arrow) shown within Figure 2.  The Applicant noted that this link is to be provided at the time of Open Space Embellishment DA. The open space will provide for pathways capable of being utilised by services and emergency vehicles.
2. Emergency access location and configuration is to be considered and proposed as part of subdivision development applications where required.	
3. Emergency access for each subdivision development application to be negotiated and agreed with RFS.	

4. Consideration to be given to suitable locations for emergency access to be provided for people from elsewhere in the Shire relocating to Wilton during major fire events	The current subdivision design does not rely on this access for compliance with PBP 2019. The proposal is considered appropriate.
2.7 Contaminated Land	
Controls	Comment
1. Detail site investigations and appropriate control measures for the area identified in the Land Contamination Plan at Figure 5, will be undertaken as part of the development application.	DSI provided with the application, threat of contamination considered low. The site is considered suitable for intended residential land use, refer to comments throughout report.
2.8 Residential Controls	
2.8.2 Lot design	
Control	Comment
1. Maximise opportunities to retain mature trees through the considered design of roads and lot	N/A – No vegetation removal associated with this DA
2. Open space will be located to benefit from established tree canopy.	Complies – trees nominated for retention with bulk earthworks to provide for established tree canopy in open space.
3. The removal of trees, as a result of detailed design, is to be supported by evidence that demonstrates that it is not possible to be retained, including: <ul style="list-style-type: none"> <li>Detailed engineering design;</li> <li>Detailed tree survey and assessment, including current health and likely survival; and,</li> <li>Road and lot/dwelling alignment.</li> </ul>	N/A - No vegetation removal associated with this DA. Vegetation removal considered appropriate with bulk earthworks DA.
4. Tree planting is to be proposed at a minimum in accordance with Section 5.10 of the DCP.	Complies
2.8.3 Prominent Sites	
Controls	Comments
1. Development in or on higher elevations are to be designed to be sensitive to the scenic and visual qualities of the area.	Complies, <ul style="list-style-type: none"> <li>- Vegetation mounding proposed along the Hume Highway to limit visual impact to and from the highway.</li> <li>- Conditions also included in regards to retaining wall height to limit any visual impact associated.</li> </ul>
2. During planning phase, consideration is given to one or more of the following elements in minimising visual impact; <ul style="list-style-type: none"> <li>Lot siting and orientation,</li> <li>Landscaping design,</li> <li>Roof pitch and design,</li> </ul>	Complies, subdivision design has considered lot siting, orientation and landscaping to limit visual impact of the development.

• Colour palette.	
3. Use of vegetation to soften the visual landscape.	As above.
4. Development in higher elevations to ensure that no building elements dominate the skyline.	Low density residential development anticipated within the development site. Dwellings not anticipated to dominate the skyline. Residue lots for medium density residential are considered in appropriate locations and consistent with the PSP. Medium density development to be considered in greater detail with future DA.
5. Construction of buildings in prominent site are to be single storey in appearance	Not considered necessary in the context.
2.8.4 Residential lot adjacent to the land zoned C2 Environmental Conservation	
Controls	Comments
1. Each allotment to have a build area of approximately 280m <sup>2</sup> outside of APZ affected land	Complies – lots accommodating APZ have been provided sufficient area to build outside APZ.
2. Despite any provisions in the main part of the DCP, land affected by APZ can be utilised for the purposes of private open space. Appropriate fencing and landscaping is to be used to create private open space areas.	Noted.
3. A perimeter road is to be provided for all lots that front the C2 Environment Conservation land (refer to Figure 6). The road is to be consistent with the requirements of Planning for Bushfire Protection 2019.	Complies – No concerns raised by NSW RFS subject to conditions
2.8.5 Acoustic amenity and Precinct Interface	
Controls	Comments
1. The interface with the Hume Highway boundary is to be consistent with the following: <ol style="list-style-type: none"> <li>A maximum batter of 1:3.</li> <li>A variety of vegetation to provide visual screening.</li> <li>A 2.5m path, to be used for active transport and maintenance.</li> </ol>	Complies: <ul style="list-style-type: none"> <li>- Proposal provides for a maximum batter of 1:3</li> <li>- A variety of vegetation to provide visual screen</li> <li>- A 2.5m path to be used for active transport and maintenance.</li> </ul>
Development of land affected by noise is to be consistent with the noise criteria in Development Near Rail Corridors and  Busy Roads - Interim Guideline (Department of Planning 2008).	Complies, refer to Acoustic Report.
2.9 Indicative Staging and Yield	
Controls	Comment
1. The residential dwelling target for North Wilton is 5, 600	Noted. Development will not result in cap exceedance.



2. Dwelling yields proposed in each subdivision application will be tracked against those in the Neighbourhood Plan.	Proposal is below indicative stage yield identified in Figure 8, <ul style="list-style-type: none"> <li>- proposing 147 lots in Stage 2, below indicated 213 lots for the stage.</li> <li>- proposing 171 lots in Stage 3, below indicated 196 lots for the stage</li> </ul>
3. Dwelling yields may be 'traded' between sub-precincts if it meets the overall targets and objectives of the DCP and Neighbourhood Plan. Where variation to the indicative stage yield is proposed, an applicant is to demonstrate that the overall dwelling target of 5,600 dwellings for the Neighbourhood Plan area can still be achieved (refer to Figure 8).	Despite variation, the overall target of 5,600 dwellings for North Wilton is not considered compromised. <p>More specifically:</p> <p>To date 197 lots have been approved with Stage 1.</p> <p>Should Stage 4 (under assessment) and Stage 2/3 be approved, there will be 618 residential lots approved in Neighbourhood Plan No.1.</p> <p>Figure 8 indicating 699 anticipated in Neighbourhood Plan No.1.</p> <p>It is noted that stage 2/3 development contains residue lots identified for medium density development (2.629 hectares), and the shortfall in dwellings anticipated to be delivered in these areas (per SEPP requirements area to contain between 66 and 118 dwellings).</p>

#### 1.3.4 Draft and/or Planning Agreements Entered or Offered to Enter into

The Applicant is currently in negotiations with Council regarding a Voluntary Planning Agreement that encompasses the delivery of infrastructure including stormwater facilities and open space within the Neighbourhood Plan 1 area. Council is yet to accept a letter of offer.

A State Planning Agreement has been entered into by the Minister for Planning and Bradcorp, to enable provision of public infrastructure including delivery of roads, public transport and social infrastructure. The following is included in the State Planning Agreement:

- Delivery of works, including Freeway Access Works (Northern ramps- north on ramp, direct access / bridge/ pedestrian / cycle over highway lights, duplicate bridge, sub-arterial (A)) by the 300thlot, sub-arterial (B) by the 1,250<sup>th</sup> lot and the creation of the 11ha lake by the 3000thlot.
- The dedication of land for Northern Ramps, Land for Sub-Arterial, Land for Primary School (3ha in size)
- Payment of monetary contributions towards construction of Hume Highway Interchange, public transport, social infrastructure and funding for a Wilton Business Development Officer.

#### 1.4 Impact of the Development

Head of Consideration	Comments
Natural Environment	The site has been approved for vegetation clearance and earthworks with bulk earthworks DA. The site is also identified as Urban Capable under the CPCP. In light of above, and subject to appropriate conditions (around mitigation measures, stormwater management, WSUD and sediment and erosion controls), the development is not anticipated to have adverse impacts on the natural environment.
Built Environment	The subdivision pattern has been considered appropriate in the context, and consistent with the PSP and objectives of the SEPP (PWCP) 2021 and WGA DCP 2021. In light of above, and subject to conditions (providing for recycled water to streetscape, and a design per Council's Engineering

Head of Consideration	Comments
	Design Specification) the proposal is not considered to adversely impact the built environment.
Social Impacts	The proposal is considered to have positive social benefits. Providing for additional housing stock in the area within a community planned to achieve a 6 Star Green Star Community rating, which demonstrates global standards of liability, resilience, inclusion, affordability and environmental quality.
Economic Impacts	The development will contribute to the local economy with creation of jobs during construction and, future increase in population within Wilton will have flow on economic impact to the local businesses. Additionally, payment of development contributions which will be used to fund upgrades for community services.

### 1.5 Sustainability of the Site

The proposed development is in the public interest as it is consistent with the aims and objectives of the relevant planning legislation, including, but not limited to, the SEPP (PWCP) 2021 and WGA DCP 2021.

### 1.6 Submissions

None

### 1.7 The Public Interest

The development has been considered to be in the public interest.

- The development is considered consistent with State and Local Legislation.
- The proposed development is generally consistent with the WGA DCP 2021
- The development will provide for additional housing stock in the area
- Development providing for residential development within proximity to planned recreation areas, commercial areas and transport options.

### Financial Implications

There are financial implications for Council associated with the proposed subdivision.

Contributions for the provisions or improvements of amenities or services are payable under s 7.11 of the EP&A Act.

In addition, there is a Voluntary Planning Agreement that encompasses the delivery of infrastructure including stormwater facilities and open space within the Neighbourhood Plan 1 area. Council is yet to accept a letter of offer.

The proposed recycled water network to irrigate street trees will have financial implications due to ongoing maintenance and potential water costs for irrigating the street trees at initial stages. Negotiations are currently underway between Sydney Water and Council to discuss this infrastructure and water provision arrangements.

The proposed koala fencing will have financial implications to Council following land dedication due to ongoing maintenance obligations.

A State Planning Agreement has been entered into by the Minister for Planning and Bradcorp, to enable provision of public infrastructure including delivery of roads, public transport and social infrastructure. The State Planning Agreement is in the process of being novated to Landcom.

## Recommended Conditions of Consent

GENERAL CONDITIONS				
Condition				
1.	Approved Development			
	Development Consent is granted for a staged residential subdivision consisting of 318 residential lots, 4 superlots, 7 residue lots and associated works at Lot: 101 DP 1293737 and Lot: 103 DP 1293737, 195A Fairway Drive WILTON, 195C Fairway Drive WILTON			
	Condition reason: To ensure all parties are aware of the approved development description and development address.			
2.	Approved Plans and Supporting Documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved Plans			
	Title	Author	Reference	Date
	Stage 3 and 3 Subdivision Plan, North Wilton	Design and Planning	LANWN-3-006-1, Revision N	19/01/2024
	Stage 2A- Plan of Proposed Subdivision, North Wilton	Design and Planning	LANWN-8-001-1, Revision C	19/01/2024
	Stage 2B – Plan of Proposed Subdivision, North Wilton	Design and Planning	LANWN-8-002-1, Revision C	19/01/2024
	Stage 3A – Plan of Proposed Subdivision, North Wilton	Design and Planning	LANWN-8-003-1, Revision C	19/01/2024
	Stage 3B – Plan of Proposed Subdivision, North Wilton	Design and Planning	LANWN-8-004-1, Revision C	18/01/2024
	Stage 3C – Plan of Proposed Subdivision, North Wilton	Design and Planning	LANWN-8-005-1, Revision C	19/01/2024
	General Arrangement Key Plan	Stantec	82022013-004-C1040, Revision D	18/01/2024
	General Arrangement Layout Plan Sheet 1 of 14 – Sheet 14 of 14	Stantec	82022013-004-C1041 - 82022013-004-C1054 Revision D	18/01/2024
	Road Hierarchy Plan	Stantec	82022013-004-C1055 Revision D	18/01/2024
	Typical Road Sections Sheet 1 of 4 – Sheet 4 of 4	Stantec	82022013-004-C1060 - 82022013-004-C1063 Revision D	18/01/2024
	Road Long Sections Sheet 1 of 27 – Sheet 27 of 27	Stantec	82022013-004-C1070 - 82022013-004-C1096 Revision D	18/01/2024
Stormwater External Catchment Layout Plan	Stantec	82022013-004-C1100 Revision D	18/01/2024	

Raingarden Basin Layout Sheet 1 of 4 - 4 of 4	Stantec	82022013-004-C1110 - 82022013-004-C1113 Revision D	18/01/2024
Hume Motorway Section Layout	Stantec	82022013-004-C1130 Revision D	18/01/2024
Hume Motorway Sections Sheet 1 of 2 - 2 of 2	Stantec	82022013-004-C1131 - 82022013-004-C1132 Revision D	
Wilton North, Active Transport Diagram	-	-	-
Cover Sheet	Group GSA	A210261 ST2/3-L0000, Issue C	08/09/2023
Tree Canopy Analysis_01	Group GSA	A210261 ST2/3-L0001, Issue C	08/09/2023
Tree Canopy Analysis _02 Stage 3	Group GSA	A210261 ST2/3-L0002, Issue C	08/09/2023
Tree Canopy Analysis_03 Stage 2A, 2B	Group GSA	A210261 ST2/3-L0003, Issue C	08/09/2023
Streetscape Rendered Plan _01	Group GSA	A210261 ST2/3-L0004, Issue C	08/09/2023
Streetscape Rendered Plan _02	Group GSA	A210261 ST2/3-L0005, Issue C	08/09/2023
Streetscape Road and Path Hierarchy Plan _01	Group GSA	A210261 ST2/3-L1001, Issue C	08/09/2023
Streetscape Road and Path Hierarchy Plan _02	Group GSA	A210261 ST2/3-L1002, Issue C	08/09/2023
Streetscape General Arrangement Plan _1	Group GSA	A210261 ST2/3-2001, Issue C	08/09/2023
Streetscape General Arrangement Plan _2	Group GSA	A210261 ST2/3-2002, Issue C	08/09/2023
Streetscape General Arrangement Plan _3	Group GSA	A210261 ST2/3-2003, Issue C	08/09/2023
Streetscape General Arrangement Plan _4	Group GSA	A210261 ST2/3-2004, Issue C	08/09/2023
Streetscape General Arrangement Plan _5	Group GSA	A210261 ST2/3-2005, Issue C	08/09/2023
Streetscape General Arrangement Plan _6	Group GSA	A210261 ST2/3-2006, Issue C	08/09/2023
Streetscape General Arrangement Plan _7	Group GSA	A210261 ST2/3-2007, Issue C	08/09/2023
Streetscape General Arrangement Plan _8	Group GSA	A210261 ST2/3-2008, Issue C	08/09/2023
Streetscape General Arrangement Plan _9	Group GSA	A210261 ST2/3-2009, Issue C	08/09/2023
Streetscape General Arrangement Plan _10	Group GSA	A210261 ST2/3-2010, Issue C	08/09/2023
Streetscape General Arrangement Plan _11	Group GSA	A210261 ST2/3-2011, Issue C	08/09/2023

Streetscape General Arrangement Plan _12	Group GSA	A210261 ST2/3-2012, Issue C	08/09/2023
Streetscape General Arrangement Plan _13	Group GSA	A210261 ST2/3-2013, Issue C	08/09/2023
Streetscape General Arrangement Plan _14	Group GSA	A210261 ST2/3-2014, Issue C	08/09/2023
Stage 2 Road Reserve Areas	Group GSA	A210261 ST2/3-2015, Issue C	08/09/2023
Streetscape Planting Palette_01	Group GSA	A210261 ST2/3-L5001, Issue C	10/09/2023
Streetscape Planting Palette_02	Group GSA	A210261 ST2/3-L5002, Issue C	10/09/2023
Streetscape Planting Palette_03	Group GSA	A210261 ST2/3-L5003, Issue C	10/09/2023
Streetscape Typical Sections_1	Group GSA	A210261 ST2/3-L6001, Issue C	10/09/2023
Streetscape Typical Sections_2	Group GSA	A210261 ST2/3-L6002, Issue C	10/09/2023
Streetscape Typical Sections_3	Group GSA	A210261 ST2/3-L6003, Issue C	10/09/2023
Streetscape Typical Sections_4	Group GSA	A210261 ST2/3-L6004, Issue C	10/09/2023
Stage 2 and 3 Subdivision Plan – Road Reserve and Open Space	Design and Planning	LAWN-3-006-4, Revision 0	27/02/2024

Approved documents			
Title	Author	Reference	Date
Statement of Environmental Effects	Planning and Design	Final	20/12/2022
Clause 4.6 Variation Request	Planning and Design	Revision B	17/01/2024
North Wilton – Stage 2 & 3 Water Cycle Management Study	Stantec	304800288	18/01/2024
Report on Salinity Investigation and Management Plan	Douglas Partners	206812.07.R.001.Rev2	04/08/2022
Report on Detailed Site Investigation (Contamination)	Douglas Partners	206812.00.R.001.Rev1	01/09/2022
North Wilton Development Stage 2 and 3 Transport Impact Assessment	WSP	Revision A	19/12/2022
North Wilton Stages 2 and 3 – Response to Wollondilly Shire Council's letter of 7 February 2023	WSP	PS135057-WSP-P&M-MEM-001_Council_Response	1/09/2023



	Bushfire Protection Assessment for the Proposed Stage 2 & Stage 3 of Subdivision of Lot 1 and Lot 3 in DP 1280088	Australian Bushfire Protection Planners Pty Limited	Final	29/11/2022
	Road and Traffic Noise Assessment	Renzo Tonin & Associates	TM624-02F01 Stage 2 and 3 (r0)	20/12/2022
In the event of any inconsistency between the approved plans and documents, the approved Plans prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.				
<i>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</i>				
3.	<b>Potential Neighbour Disturbance/ Neighbour Notification</b>			
	Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.			
	<i>Condition Reason: To ensure neighbours are notified of potential disturbance activities.</i>			
4.	<b>Bulk Earthworks - DA/2022/1047/1</b>			
	Works associated with this approval are not to commence until finalisation of bulk earthworks within the development footprint as approved with DA/2022/1047/1, to the satisfaction of Council.			
	<i>Condition reason: To ensure orderly development of the site.</i>			
5.	<b>Unexpected Finds</b>			
	Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.			
	In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.			
	<i>Condition reason: To ensure there is no unacceptable risk to human health or the environment.</i>			
6.	<b>Removal of Waste Materials</b>			
	Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: <a href="http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm">www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm</a> )			
	Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.			
	<i>Condition reason: To comply with the NSW EPA Waste Classification Guidelines.</i>			
7.	<b>Stormwater Runoff</b>			
	Provision shall be made for stormwater runoff management to prevent the escape of contaminated runoff from the property.			
	<i>Condition reason: To ensure any contaminated material is appropriately contained.</i>			
8.	<b>Acoustic Measures</b>			

	Acoustic controls shall be implemented to the development in accordance with the recommendations of "North Wilton, Stages 2 and 3 Road Traffic Noise Assessment", Ref: TM624-02F01 Stage 2 and 3(r0), prepared by Renzo Tonin & Associates and dated 20 December 2022.
	<i>Condition reason: To protect the amenity of the area.</i>
9.	<b>Design Specification</b>
	All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification; specifically, D01 and D02 for Road Design, D05 for Stormwater Design and D09 for Pathway Design. The requirements of the Design Specification must take preference over any stamped or endorsed plans issued with this consent.
	<i>Condition reason: Infrastructure to meet Council's specifications</i>
10.	<b>Public Works</b>
	All roadworks, drainage works, dedications of land as required by this consent shall be undertaken at no cost to Wollondilly Shire Council.
	<i>Condition reason: Works are to be paid for by the developer.</i>
11.	<b>Public Roads</b>
	Public roads must be designed and constructed in accordance with Council's Design and Construction Specification. Flexible pavement designs must include asphaltic wearing surfaces, a minimum 40mm thick.
	<i>Condition reason: Roads to meet Council's specifications</i>
12.	<b>Public Roads</b>
	Roads 08 and 09 are to be embellished with appropriate signage and delineation to ensure the one lane one way divided road operations are clearly identified.
	<i>Condition reason: To ensure roads are adequately managed.</i>
13.	<b>Splay Corners</b>
	The development must make provision for splay corners, a minimum 4m x 4m, to be dedicated as public road at the junction of all new road intersections to ensure intersection sight distances can be maintained.
	<i>Condition reason: Sight distance at intersections must be provided.</i>
14.	<b>Public Access</b>
	The Development must make provision for the construction of suitable public roads to ensure all lots will have access to an appropriate public road network. The creation of public roads must be carried out generally in accordance with the approved North Wilton Stage 2 & 3 Engineering Plans, 82022013-004, by Stantec.
	<i>Condition reason: To ensure adequate access to each lot.</i>
15.	<b>Retaining Walls</b>
	Retaining walls located within the road reserve must be constructed of material to provide an 80-year design life and be constructed clear of property boundaries. Generally retaining walls shall have a maximum height of 1.50m. Retaining walls located adjacent to public access areas, footpaths etc must be fitted with appropriate handrails.
	<i>Condition reason: Height of retaining walls should not be of nuisance to the public.</i>
16.	<b>Footpaths</b>

	<p>To ensure the provision of adequate pedestrian facilities:</p> <ol style="list-style-type: none"> <li>Footpaths must be constructed, as generally shown in the approved North Wilton Stage 2 &amp; 3 Engineering Plans, 82022013-004, prepared by Stantec, in accordance with Council's Design and Construction Specification.</li> <li>Footpaths are to be provided on both sides of the road, where there are lots fronting.</li> <li>Pedestrian kerb ramps to be provided at all intersections and on desire lines where possible. Kerb ramps must be constructed using coloured concrete in accordance with Council's standard drawings.</li> <li>Footpath surface and grades must comply with the relevant sections of AS1428 for Access and Mobility.</li> </ol> <p><i>Condition reason: Footpaths to provide appropriate connections for pedestrian movements.</i></p>
17.	<p><b>Property Entrances</b></p> <p>To ensure the protection of road and public assets within the road verge, all lots must be allocated a vehicle property entrance location and a kerb and footway crossing to be constructed of concrete, a minimum 3m wide, from the road to the front property boundary in accordance with Council's standard drawings.</p> <p><i>Condition reason: To ensure protection of road and other public assets</i></p>
18.	<p><b>Public Lighting</b></p> <p>Street Lighting must be provided using LED Lighting within the subdivision roads to comply with the current Australian Standard 1158.</p> <p><i>Condition reason: Lighting must comply with relevant Australian Standards.</i></p>
19.	<p><b>Public Lighting</b></p> <p>All Public Lighting is to be vested in Council as a public asset. As such, the lighting must be designed with separate servicing conduit and electrical supply. Light pole footings must be designed for future multi-function poles.</p> <p><i>Condition reason: Public lighting assets shall be dedicated to Council.</i></p>
20.	<p><b>Road Drainage and Stormwater Management</b></p> <p>Road drainage must be collected and conveyed to a point suitable for integration with the natural or constructed stormwater drainage system. Road drainage must be designed to cater for the 10% AEP critical storm event in accordance with the Wollondilly Shire Council Design Specification.</p> <p><i>Condition reason: Stormwater to be managed in accordance with the relevant specifications.</i></p>
21.	<p><b>Road Drainage and Stormwater Management</b></p> <p>To ensure existing public or natural drainage infrastructure has sufficient capacity to receive stormwater discharge from the development:</p> <ol style="list-style-type: none"> <li>A hydraulic assessment of the existing public or natural drainage infrastructure must be undertaken to determine any upgrade requirements to ensure there is no adverse flooding impact on upstream and downstream drainage or infrastructure.</li> <li>The person or entity having the benefit of this consent must, at no cost to Council, carry out any necessary amplification or upgrading of existing downstream drainage.</li> <li>Where any drainage or drainage structure in which Council has an interest traverses private property, the person or entity having the benefit of this consent shall, at no cost to Council, create and vest in Council drainage easements over the structure. Council drainage easements are to be a minimum 3.0 metre wide but may need to be wider depending on the size of the infrastructure.</li> </ol>

	<i>Condition reason: Stormwater shall be managed with consideration for existing infrastructure.</i>
<b>22.</b>	<b>Stormwater Management</b>
	Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events. Stormwater must be managed in accordance with the Wollondilly Shire Council Design Specification D5.
	<i>Condition reason: Stormwater management must be in accordance with Council's specifications.</i>
<b>23.</b>	<b>Stormwater Management</b>
	Stormwater management measures, including water sensitive urban design elements, must be implemented as generally outlined in the submitted plans and the Water Cycle Management Strategy prepared by Stantec.
	<i>Condition reason: Stormwater to be appropriately managed.</i>
<b>24.</b>	<b>Stormwater Management</b>
	Public stormwater management infrastructure must be contained within land managed by Wollondilly Shire Council.
	<i>Condition reason: Public stormwater shall be managed in public land.</i>
<b>25.</b>	<b>Property Stormwater Disposal</b>
	All newly created lots must have adequate stormwater disposal provision for future dwelling connection. Property disposal drainage systems must be designed to cater for the 10% AEP storm event using percentage impervious figures as outlined in the Wollondilly Shire Council Design Specification.
	<i>Condition reason: To ensure adequate stormwater management.</i>
<b>26.</b>	<b>Property Stormwater Disposal</b>
	In relation to interallotment drainage, an interallotment drainage system must be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system must be gravity flow and located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. A pit must be provided in each lot for the interallotment drainage system for future dwelling connection. Defined overland flow paths must be provided to safely convey runoff from storm events up to the 1% AEP.
	<i>Condition reason: To ensure adequate stormwater management.</i>
<b>27.</b>	<b>Flooding</b>
	Newly created lots must not be subject to defined overland flow paths unless associated with a local interallotment drainage system. Road drainage and overland flow paths must not be directed through private lots.
	<i>Condition reason: To minimise flooding impact on any future lots.</i>
<b>28.</b>	<b>Earthworks</b>
	This consent does not permit the encroachment, onto adjoining lands, or fill placed near boundaries.
	<i>Condition reason: To ensure adequate management of earthworks.</i>
<b>29.</b>	<b>Earthworks</b>
	Site re-grading must be undertaken to ensure on-lot grades provide for economical building lots and minimise future cut and fill requirements.
	<i>Condition reason: To ensure adequate management of earthworks.</i>
<b>30.</b>	<b>Retaining Walls</b>

	<p>The maximum height of retaining walls, within proposed lots, is generally to be 1.0m. Where site slopes require greater wall heights, any retaining walls that exceed 1.5m, are to incorporate a raised landscape bed in front of the wall, so as to provide the appearance of terracing. The height of the landscaped bed is generally to be half the height of the retaining wall up to a maximum of 1.2m above finished ground levels at the bottom of the retaining wall.</p> <p>The planting species for the landscaped bed are to include species selection that achieve a mature height at least the height of the retaining wall above the landscaped bed. The landscaped beds are to be a minimum width of 1m, and increased in width where taller planting is required in front of the retaining wall.</p> <p>Details of species and soil type to be included in a Landscape Plan and submitted with the Subdivision Works Certificate, and planting beds to be made ready for planting by future owners.</p> <p><i>Condition reason: To minimise the visual impact of retaining walls.</i></p>
31.	<p><b>Retaining Walls</b></p> <p>Retaining walls between lots are to be located within the property boundary of the benefitting lot.</p> <p><i>Condition reason: To allow maintenance of retaining walls when required.</i></p>
32.	<p><b>Retaining Walls</b></p> <p>Retaining walls that front a public place or Road must be finished with anti-graffiti coating.</p> <p><i>Condition reason: To minimise maintenance requirements for retaining walls.</i></p>
33.	<p><b>Street Tree Irrigation</b></p> <p>Provision must be made of a recycled water irrigation system providing irrigation to all street trees and other landscaping within Public Roads and Public open space.</p> <p><i>Condition reason: To ensure compliance with Wilton Growth Area Development Control Plan 2021 (WGA DCP 2021) and Wollondilly WSUD Guidelines.</i></p>
34.	<p><b>General Compliance</b></p> <p>The beneficiary of this consent and their subcontractors must read, understand and follow all conditions within this consent and provide relevant inductions to all site personnel to ensure compliance with these conditions during all site works.</p> <p><i>Condition reason: To ensure subcontractors aware of obligations.</i></p>
35.	<p><b>Erosion and Sediment Control</b></p> <p>Erosion and Sediment Control Plans, controls and maintenance must align with requirements from Managing Urban Stormwater: Soils and construction - Volume 1 Landcom 2004 or alternative document meeting or exceeding these standards.</p> <p><i>Condition reason: To minimise water quality impacts.</i></p>
36.	<p><b>Erosion and Sediment Control</b></p> <p>Erosion and sediment control devices are to be inspected during and after rainfall events to check for maintenance requirements and ensure no negative water quality impacts or sediment leaving the works site.</p> <p><i>Condition reason: To minimise water quality impacts.</i></p>
37.	<p><b>Soil Management</b></p> <p>Topsoil is to be stripped and stored appropriately on site for reuse in landscaped areas for the final rehabilitation of the site. Topsoil is not to be mixed with any other material unless ameliorating the media to benefit landscaping and improve environmental outcomes.</p>



	<i>Condition reason: Preservation of topsoil and site soil profiles.</i>																						
38.	<b>Landscaping</b>																						
<p>The beneficiary of this consent must take all reasonable measures to source quality stock of the approved species, including pre ordering early in the development process to ensure availability.</p> <p>If the required plants are not available at the time of planting alternative species or container sizes may be approved by Council.</p> <p>A list of the suitable alternative species and sizes is to be provided to Council for consideration and approval prior to planting.</p> <p>All tree stock and planting holes are to be inspected by Council's Tree Management Officer prior to installation.</p> <p>Note – no substitute species are to be planted without Council's written approval.</p>																							
<i>Condition reason: Ensure landscaping is undertaken appropriately including availability of stock.</i>																							
39.	<b>Landscaping</b>																						
<p>Maintenance requirements are to be undertaken in accordance with the following:</p> <p>Watering frequency:</p> <ol style="list-style-type: none"><li>1. Water trees on arrival Water trees immediately after unloading at the rate of 50% of the rootball volume, e.g. 100L for 200L trees, 250L for 500L trees. If trees are not planted straight away, water – very slowly, to ensure it penetrates - at the rate of 25% of rootball volume daily until planted.</li><li>2. Water trees immediately after planting As soon as trees have been planted, water in at the rate of 50% of rootball volume to ensure the rootball is fully 'wetted-up'.</li><li>3. Irrigate in accordance with the Watering Frequency Table at the rate of 50% of rootball volume to ensure the rootball is fully 'wetted-up'.</li></ol>																							
<table><tr><td>Time of year</td><td colspan="3">Water Frequency</td></tr><tr><td></td><td>1st month</td><td>2nd and 3rd Month</td><td>Balance of maintenance period</td></tr><tr><td>Sep-Feb</td><td>4 x per week (e.g. Mon/Wed/Fri/Sat)</td><td>3 x per week (e.g. Mon/Wed/Fri)</td><td>2 x per week (e.g. Mon/Thu)</td></tr><tr><td>Mar-May</td><td>3 x per week (e.g. Mon/Wed/Fri)</td><td>2 x per week (e.g. Mon/Thu)</td><td>1 x per week</td></tr><tr><td>Jun-Aug</td><td>2 x per week (e.g. Mon/Thu)</td><td>1 x per week</td><td>1 x per fortnight</td></tr></table>				Time of year	Water Frequency				1st month	2nd and 3rd Month	Balance of maintenance period	Sep-Feb	4 x per week (e.g. Mon/Wed/Fri/Sat)	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)	Mar-May	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)	1 x per week	Jun-Aug	2 x per week (e.g. Mon/Thu)	1 x per week	1 x per fortnight
Time of year	Water Frequency																						
	1st month	2nd and 3rd Month	Balance of maintenance period																				
Sep-Feb	4 x per week (e.g. Mon/Wed/Fri/Sat)	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)																				
Mar-May	3 x per week (e.g. Mon/Wed/Fri)	2 x per week (e.g. Mon/Thu)	1 x per week																				
Jun-Aug	2 x per week (e.g. Mon/Thu)	1 x per week	1 x per fortnight																				
<p>Notes -</p> <p>a) Delete a watering if rainfall in the 48 hours prior to the scheduled watering exceeds 50mm.</p>																							

	<p>b) Less water may be required for drought tolerant species or more water for species with high water demands. Similarly, rainfall and soil/site drainage may result in lesser or higher water demands.</p> <p>c) Monitor the irrigation regularly – especially in heavy clay soils where poor drainage can pose a major problem.</p> <p>d) Watering frequency and volumes are to be adjusted in accordance with notes b) and c) above.</p> <p>The following items are to be undertake on a monthly basis as required</p> <ul style="list-style-type: none"> <li>• Ensure approved mulch is maintained to a depth of 100mm and not piled against tree trunk.</li> <li>• Ensure surround of tree or planting bed is free from weeds and grass.</li> <li>• Ensure stakes and guards installed and allow free movement of trees stunk while providing support in strong winds.</li> <li>• Any pest or disease is treated using appropriate methods and products for use in public areas in accordance with Council's pesticide notification plan and any legislative requirements. Note – non-chemical treatments are preferred by Council where practical.</li> <li>• Any missing, dead or significantly damaged trees are to be replaced with like for like species and in original specified container size. Note – these trees are to be street tree (single central trunk) form and self-supporting.</li> </ul> <p>The following items are to be undertake on an annual basis as required and at completion of maintenance period</p> <ul style="list-style-type: none"> <li>• Crown lifting to maintain a ratio of approximately 30% clear trunk and 70% foliage.</li> <li>• Formative pruning in accordance with AS4373-2007 section 7.2.5 to be undertaken by a minimum AQF3 qualified arborist.</li> <li>• Slow release fertilizer (low phosphorus native suitable type) to be applied as per manufacturers recommendations at beginning of growing season (October to February) each year.</li> </ul> <p>Condition reason: To provide for the health of trees and encourage survival.</p>
40.	<p><b>Removal of agricultural animals</b></p> <p>In accordance with the approved Vegetation Management Plan, cattle and any other agricultural animals which may remain within the site in the interim period until future development within the site is undertaken are to be excluded from accessing and damaging any area of vegetation within the VMP Area.</p> <p>Once construction work commences, the goats will need to be removed from the area of construction.</p> <p>Condition reason: To avoid agricultural animals impacting the 'avoided lands' that are protected for biodiversity reasons.</p>
41.	<p><b>Koala Fencing</b></p> <p>Koala fencing in accordance with the <i>CPCP Koala Fencing Guidelines</i> is to be installed on all certified land adjacent to mapped koala corridors under the CPCP prior to the issue of a Subdivision Certificate for the relevant stage. Temporary koala-proof fencing will be acceptable during construction stages where permanent fencing installation is delayed. If koala fencing is not considered feasible to install at some locations due to site-specific conditions, the beneficiary of this consent is to collaborate with Council to agree on alternative measures consistent with Section 8.3.4.2.1 of the Wilton Development Control Plan.</p> <p>Condition reason: Protection of koala corridors.</p>
42.	<p><b>Asset Protection Zones</b></p> <p>Asset Protection Zones are to be located wholly within certified urban capable land.</p> <p>Condition reason: Avoid encroachment of APZ into 'avoided land'</p>
43.	<p><b>General Terms of Approval - NSW Rural Fire Service</b></p>

The development shall be constructed, completed and managed in accordance with and comply with the requirements of NSW Rural Fire Services General Terms of Approval (GTAs), reference DA20230110000138-CL55-2 dated 11 October 2023. The GTAs are replicated below:

#### **Asset Protection Zones**

***Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

- (1) At the issue of a subdivision certificate and in perpetuity, the proposed residential lots must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an inner protection area, 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 2 m above the ground;
  - tree canopies should be separated by 2 to 5 m;
  - preference should be given to smooth-barked and evergreen trees;
  - large discontinuities or gaps in the shrubs layer 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;
  - 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
  - leaves and vegetation debris should be removed regularly
- (2) At the issue of a subdivision certificate, and until neighbouring lands are developed, the property must be managed for a distance of 100 metres from the proposed residential lots into the portion of Residue Lot 2091 located to the West of the proposed development and Lot 2//DP1280088 as an inner protection area (IPA). The IPA must comprise:
  - 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 2 m above the ground;
  - tree canopies should be separated by 2 to 5 m;
  - preference should be given to smooth-barked and evergreen trees;
  - large discontinuities or gaps in the shrubs layer 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;
  - 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
  - leaves and vegetation debris should be removed regularly.
- (3) Landscaping within the required asset protection zones 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.

#### ***Access – Public Roads***

***The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.***

(4) Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length,
- incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary
- access must be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays
- with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to
- carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

(5) Perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- 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 maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

(6) 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**

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

(7) The provision of water, electricity and gas services 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 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;



	<ul style="list-style-type: none"> <li>all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</li> <li>connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and</li> <li>above-ground gas service pipes are metal, including and up to any outlets.</li> </ul>
	<i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i>
44.	<b>General Terms of Approval - Subsidence Advisory NSW</b> <p>The development shall be constructed, completed and managed in accordance with and comply with the requirements of Subsidence Advisory NSW General Terms of Approval (GTAs), reference TSUB23-00318 and dated 4 October 2023. The GTAs are replicated below:</p> <p><b>GENERAL</b></p> <p><b><u>Plans, Standards and Guidelines</u></b></p> <p>(1) These General Terms of Approval (GTAs) only apply to the subdivision development described in the plans and associated documentation relating to DA/2022/1279/1 and provided to Subsidence Advisory NSW.</p> <p>Any amendments or subsequent modifications to the development renders these GTAs invalid.</p> <p>(2) This approval expires 5 years after the date the approval was granted if building, engineering or construction work relating to the application has not physically commenced on the land.</p> <p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i></p>
45.	<b>Other Approvals – Sydney Water</b> <p>The development shall be constructed, completed and managed in accordance with and comply with the requirements and recommended conditions in Attachment 1 from Sydney Water reference 204491 and dated 20 February 2023. The conditions replicated below:</p> <p>(1) Section 73 Compliance Certificate</p> <p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.</p> <p>Applications must be made through an authorised Water Servicing Coordinator. For help either visit <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> &gt; Plumbing, building and developing &gt; Developing &gt; Land</p> <p>(2) Building Plan Approval</p> <p>The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.</p> <p>The Tap in™ service provides 24/7 access to a range of services, including:</p> <ul style="list-style-type: none"> <li>building plan approvals</li> <li>connection and disconnection approvals</li> <li>diagrams</li> </ul>

- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tapin/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

### (3) Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
  - Wastewater pipes larger than 300mm in size
  - Pressure wastewater pipes
  - Drinking water or recycled water pipes
  - Our property boundary
  - An easement in our favour
  - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
  - Construction of a retaining wall over, or within the zone of influence of our assets
  - Excavation of a basement or building over, or adjacent to, one of our assets
  - Dewatering – removing water from solid material or soil.
  - The detailed review is to ensure that:
    - our assets will not be damaged during, or because of the construction of the development
    - we can access our assets for operation and maintenance
    - your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

### (4) Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the

	developer or Council for their removal.
	<i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i>
<b>46.</b>	<b>Other Approvals – Endeavour Energy</b>
	The development shall be constructed, completed and managed in accordance with and comply with the recommended conditions from Endeavour Energy dated 12 January 2023. The conditions replicated below:
	<ul style="list-style-type: none"> <li>(1) Asset Planning: Applicants should not assume adequate supply is immediately available to facilitate their proposed development.</li> <li>(2) Network Asset Design: Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.</li> <li>(3) Network Connection: Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</li> </ul>
	<i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i>

## SUBDIVISION WORK

### PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Condition	
<b>47.</b>	<b>Salinity Report</b>
	A Salinity Investigation and Management Plan is to be prepared by a suitably qualified professional to inform management strategies for service installation, civil construction and residential construction. Management strategies are to be incorporated into the proposal design.
	<i>Condition reason: As soils that are slightly saline and mildly aggressive to concrete have been identified, the durability requirements should be assessed prior to construction so that adequate durability requirements can be specified.</i>
<b>48.</b>	<b>Design Plans</b>
	Before the issue of Subdivision Works Certificate, Engineering Design Plans for all road works and other infrastructure to be vested in Council shall be submitted to Council, as the Roads Authority and future asset owner, for design review and comments. Review comments should be included in the final design plans for issue of Subdivision Works Certificate.
	<i>Condition reason: As the Roads and Public Asset Authority, Council is to review public infrastructure.</i>
<b>49.</b>	<b>Sharepaths</b>
	Before the issue of a Subdivision Works Certificate, the Certifier must ensure the subdivision works certificate plans and specifications detail the following required amendments to the approved Civil design plans prepared by Stantec:
	<ul style="list-style-type: none"> <li>1. Shared use Pathways on the sub arterial road (Road 108) must be increased to a minimum 3.0 metres wide</li> </ul>
	<i>Condition reason: To ensure compliance with WGA DCP 2021 and subdivision connectivity with the wider area.</i>
<b>50.</b>	<b>Public Infrastructure Review</b>
	Before issue of Subdivision Works Certificate, a public infrastructure review must be undertaken by Wollondilly Shire Council, as the future Roads Authority and asset manager for all infrastructure to be vested in Council.

	<p>Comments and recommendations from the review will be issued by Wollondilly Shire Council and must be incorporated in the final design plans for issue of the Subdivision Works Certificate.</p> <p>To facilitate the review process, the person or entity having the benefit of this consent must submit the following engineering design plans and reports for all road, drainage, landscaping and other public infrastructure to Wollondilly Shire Council:</p> <ul style="list-style-type: none"> <li>• Engineering Design plans showing all public drainage infrastructure to be provided for the control and treatment of stormwater.</li> <li>• Traffic Signage and Linemarking Plan showing all proposed signage and delineation for roads, shared pathways, divided roads, intersection treatments and bus stops.</li> <li>• Landscape Plan showing the proposed location and species of street trees and landscape features at intersections and within Round-about central islands.</li> <li>• Public Lighting design plan and details.</li> </ul> <p><i>Condition reason: As the Roads and Public Asset Authority, Council is to review public infrastructure.</i></p>
51.	<p><b>Street Lighting Approval</b></p> <p>Before issue of Subdivision Works Certificate, the person or entity having the benefit of this consent must make application to Wollondilly Shire Council, Manager Assets Transport an Engineering for a public lighting design brief that outlines the lighting levels for all roads and public spaces.</p> <p><i>Condition reason: To ensure street lighting provided per Council requirements.</i></p>
52.	<p><b>Street Tree Irrigation</b></p> <p>The person or entity having the benefit of this consent must submit a Street Tree Irrigation Report, for approval by Wollondilly Shire Manager of Waste and Environmental Services, on the use of recycle water irrigation within the public road reserve during works. The report must outline:</p> <ol style="list-style-type: none"> <li>a. The extent of irrigation network;</li> <li>b. Design and installation specifications;</li> <li>c. Control nodes / solenoids;</li> <li>d. Remote access and monitoring;</li> <li>e. Irrigation outputs;</li> <li>f. Operating conditions and requirements;</li> <li>g. Maintenance and auditing schedule.</li> </ol> <p><i>Condition reason: To ensure appropriate measures in place for street tree irrigation</i></p>
53.	<p><b>Roadworks</b></p> <p>Notwithstanding the conditions requiring roadworks as set out in this consent, the extent of all roadworks and traffic management treatment measures is subject to the review and recommendation of Wollondilly Shire Council. Plan review fees will be payable in accordance with the current Wollondilly Shire Council Fees and Charges.</p> <p><i>Condition reason: As the Roads and Public Asset Authority, Council is to review public infrastructure.</i></p>
54.	<p><b>Sub Arterial Road Intersections</b></p> <p>If there are no operational signals on the Sub Arterial Road at the time of dedication of the public road, a priority intersection shall be established to ensure safe movement of vehicles. This could include sign posting, line marking, road barriers and other measures to direct traffic. A traffic management plan shall be approved by Wollondilly Shire Council for the temporary traffic management.</p> <p><i>Condition Reason: To ensure there are temporary traffic controls in place until signals are installed.</i></p>
55.	<p><b>Earthworks and Filling</b></p> <p>Before issue of Subdivision Works Certificate, a cut and fill plan must be submitted with the Engineering design plans for approval that details the exact extent and depth of proposed cut and fill.</p> <p><i>Condition reason: To ensure extent of works appropriate and consistent with conditions of consent.</i></p>
56.	<p><b>Stormwater Management</b></p>

	Before issue of Subdivision Works Certificate, computer modelling of all stormwater drainage, both water quantity and quality measures, must be submitted with the Engineering Design plans for approval by the nominated Certifier.
	<i>Condition reason: Stormwater design to be in accordance with Council's specifications.</i>
<b>57.</b>	<b>Stormwater Management</b>
	Details of the stormwater quality treatment system and computer modelling must be submitted with the Engineering Design plans for approval by the nominated Accredited Certifier.
	<i>Condition reason: Stormwater design to be in accordance with Council's specifications.</i>
<b>58.</b>	<b>Stormwater Management</b>
	Landscaping of WSUD infrastructure to be designed in accordance with Council's WSUD guidelines using the species list and densities provided.
	<i>Condition reason: Stormwater to be managed in accordance with Council's WSUD Guidelines.</i>
<b>59.</b>	<b>Soil Stabilisation</b>
	Before issue of Subdivision Works Certificate, a Soil Stabilisation Strategy must be prepared to detail the measures to progressively stabilise the earthworks, and control erosion and sediment pollution from the development.
	<i>Condition reason: Controls are to minimise impact to the environment.</i>
<b>60.</b>	<b>Erosion and Sediment Control</b>
	Before issue of Subdivision Works Certificate, Erosion and Sediment Control Plans must align with Managing Urban Stormwater: Soils and construction - Volume 1 Landcom 2004.
	<i>Condition reason: Controls are to minimise impact to the environment.</i>
<b>61.</b>	<b>Sediment and Erosion Control</b>
	A staged Erosion and Sediment Control Plan is to be prepared and provided for Council approval prior to any site works commencing that covers construction stages to final vegetation and establishment. Erosion and Sediment Control Plans must be kept up to date to reflect changing site conditions or development impacts. The Erosion and Sediment Control Plan is to be developed by a Certified Professional in Erosion and Sediment Control (CPESC).
	<i>Condition reason: Current soil and water management plan is not staged and requires changes/additions to minimise water quality impacts.</i>
<b>62.</b>	<b>Erosion and Sediment Control</b>
	Any erosion and sediment control basins must have water treated to 30ppm Total Suspended Solids prior to discharge off site. Any discharge locations must be clearly marked on sediment and erosion control plans prior to the issue of a Subdivision Works Certificate. Discharges must be supervised or set up in a manner to prevent sediment being discharged off site.
	<i>Condition reason: To minimise water quality impacts.</i>
<b>63.</b>	<b>Water Sensitive Urban Design</b>
	Amendments to the Civil Engineering Plans are to be prepared and provided for Council approval to indicate additional water sensitive urban design infrastructure in the form of curb inlets with infiltration pits/trenches are to be implemented to support all street trees.
	<i>This is a requirement to fulfil the objectives in the Wilton DCP regarding the 3.3.1 Water Cycle Management.</i>
	<i>This is also a requirement to ensure a resilient/healthy canopy within the development can be retained into the future under a changing climate.</i>
<b>64.</b>	<b>Landscape Plan</b>

	<p>An amended Landscape Plan is to be provided to Council's Manager Waste and Environmental Services for approval prior to the issue of a Subdivision Works Certificate. The amended Landscape Plan is to</p> <ul style="list-style-type: none"> <li>- Provide for tree species list for Council Approval</li> <li>- Indicate root directing planters</li> <li>- Show planting detail</li> <li>- Specific mulch type</li> <li>- Specify turf varieties</li> </ul> <p>Show maintenance requirements to Council's specifications</p> <p><i>Condition reason: To ensure resilient landscaping provided.</i></p>
<b>65.</b>	<p><b>Street Furnishing</b></p> <p>Street furniture is to be shown on the Landscape Plan for Council's Manager Development Services approval prior to the issue of a Subdivision Works Certificate. Street furniture is to be provided at regular intervals and is to be:</p> <ul style="list-style-type: none"> <li>i. Designed to reinforce the distinct identity of the development;</li> <li>ii. Coordinated in design and style;</li> <li>iii. Located to minimise visual clutter and obstruction of the public domain; and</li> <li>iv. Of a colour and construction agreed by Council.</li> </ul> <p><i>Condition reason: Compliance with WGA DCP 2021.</i></p>
<b>66.</b>	<p><b>Lighting Plan</b></p> <p>Street lighting is to be shown on the Landscape/Civil plan for Council's Manager Development Services Approval prior to the issue of a Subdivision Works Certificate. The plan shall detail the location of street lighting and demonstrating adequate light cover for footpaths and shared paths.</p> <p><i>Condition reason: To ensure appropriate light is provided for public safety</i></p>
<b>67.</b>	<p><b>Waste Management Plan</b></p> <p>Prior to the issue of a Subdivision Works Certificate, a comprehensive Waste Management Plan identifying the method of collecting, managing and disposing of waste generated by the development including waste from clearing works, remediation works and demolition works is to be provided to the principal certifier for approval.</p> <p><i>Condition reason: To ensure waste management measures are planned for and implemented during the carrying out of site work.</i></p>

## BEFORE SUBDIVISION WORK COMMENCES

Condition	
<b>68.</b>	<p><b>Subdivision Works Certificate Required</b></p> <p>Works shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Subdivision Works Certificate by Council or a nominated Certifier.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</i></p>
<b>69.</b>	<p><b>Toilet Facilities</b></p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</i></p>



70.	<p><b>Garbage Bin</b></p> <p>A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.</p> <p><i>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</i></p>
71.	<p><b>Fence</b></p> <p>An appropriate fence preventing public access to the construction site shall be erected and maintained for the duration of works.</p> <p><i>Condition reason: To restrict public access to the site.</i></p>
72.	<p><b>Construction Environmental Management Plan</b></p> <p>Before commencement of any subdivision works, a <b>Construction Environmental Management Plan</b> must be prepared, and provided to the satisfaction of the Principal Certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>a. Provisions for public safety;</li> <li>b. Pedestrian and vehicular site access points and construction activity zones;</li> <li>c. Details of construction traffic management;</li> <li>d. Details of bulk earthworks to be carried out;</li> <li>e. Details of Erosion and Soil Management; to include: <ul style="list-style-type: none"> <li>• Certified Professional in Erosion and Sediment Control (CPESC), to undertake Audit(s) on the Soil and Water Management measures implemented on site during construction works. Audits shall be undertaken every 3 months and the reports provided to Council.</li> <li>• The Audit Report is to be supplied to council within 2 weeks of completion of the site inspections. Reports are to be emailed to Council@wollondilly.nsw.gov.au with the subject heading containing: DA Number - Erosion and Sediment Control Audit Report - month – year</li> </ul> </li> <li>f. Details of Stockpile Management;</li> <li>g. Details of site Stabilisation;</li> <li>h. The location of site storage areas and sheds;</li> <li>i. The equipment used to carry out works;</li> <li>j. Hours of work;</li> <li>k. Contact details of Contractors and display of details to the public;</li> <li>l. The location of a garbage container with a tight-fitting lid;</li> <li>m. Dust, noise and vibration control measures;</li> <li>n. The location of temporary toilets;</li> <li>o. The protective measures for the preservation of trees on-site.</li> </ul> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p><i>Condition reason: Condition reason: To ensure construction appropriately managed.</i></p>
73.	<p><b>Traffic Management Plan</b></p> <ul style="list-style-type: none"> <li>a. Before commencement of any subdivision works, the Principal Contractor must submit to the Principal Certifier, a "Traffic Management Plan" that details proposed construction traffic movements and suitable safety measures that will be implemented whenever work is being undertaken in the public road.</li> <li>b. Before commencement of any subdivision works, a Road Management Permit, in accordance with Section 138 of the Roads Act must be obtained from Wollondilly Shire Council as the Road Authority.</li> <li>c. Before commencement of any subdivision works, a traffic management plan for the road haulage route must be submitted to Wollondilly Shire Council. The report must be accompanied by a dilapidation report along the proposed haulage route to record the condition of the existing road network.</li> </ul> <p><i>Condition reason: To adequately manage construction traffic.</i></p>

74.	<b>Sediment and Erosion Control</b>
	Before commencement of any subdivision works, erosion and sediment control devices are to be installed as identified on the Soil and Water Management Plan. These devices: <ul style="list-style-type: none"> <li>- Are to be maintained for the full period of construction and beyond this period where necessary.</li> <li>- Are to be maintained so as to prevent the discharge of silt into adjoining rivers, creeks, streams, gutters or drains.</li> <li>- Must be continually maintained and updated in accordance with changing site conditions and works stages.</li> </ul>
	<i>Condition reason: Controls are to minimise impact to the environment.</i>
75.	<b>Tree Protection</b>
	Tree protection fencing, erected as near as practicable to the edge of the Tree Protection Zones, should be used to protect trees to be retained during construction works. Where works are required that encroach into TPZs of trees to be retained, additional protection measures, which include trunk and low branch guards, and ground protection measures should be implemented in accordance with Australian standard AS 4970 – 2009 Protection of Trees on Development Sites.
76.	<b>Heritage Protection - Fencing</b>
	The boundaries of Aboriginal sites WJ-ST-01 (AHIMS 52-2-4081), should be demarcated with protective fencing and identified as environmentally sensitive “no-go zones” during construction works.
77.	<b>Heritage Protection – Identification</b>
	The location of Aboriginal sites WJ-ST-01 (AHIMS 52-2-4081), should be included on construction environmental management plans (or similar) and identified as environmentally sensitive “no-go zones” during construction works.
78.	<b>Heritage Protection – Site Induction</b>
	All site workers are to be inducted as to appropriate site protection measures for Aboriginal WJ-ST-01 (AHIMS 52-2-4081).

## DURING SUBDIVISION WORKS

Condition	
79.	<b>Construction Hours</b>
	Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
	<i>Condition Reason: To protect the amenity of the surrounding area.</i>
80.	<b>Compliance with Approved Plans and Specification</b>
	Works must be carried out in accordance with the plans and specifications to which the Subdivision Works Certificate relates.
	<i>Condition Reason: To ensure works are carried out on site in accordance with the Subdivision Works Certificate.</i>

81.	<b>Construction Environmental Management Plan</b>
	All works are to be design and carried out in accordance with the approved Construction Environmental Management Plan.
	<i>Condition reason: To ensure appropriate site management.</i>
82.	<b>Stormwater Management</b>
	Stormwater and surface water runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
	<i>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</i>
83.	<b>Earthworks</b>
	Any earthworks (including any structural support or other related structure for the purposes of the development):
	<ul style="list-style-type: none"> <li>a. Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and</li> <li>b. Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>c. That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</li> <li>d. Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.</li> </ul>
	<i>Condition reason: To ensure earthworks are appropriately sourced, managed and/or disposed.</i>
84.	<b>Historical Relics</b>
	Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit—
	<ul style="list-style-type: none"> <li>(a) all work must stop immediately in that area, and</li> <li>(b) the Office of Environment and Heritage must be advised of the discovery.</li> </ul> <p><i>Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.</i></p>
	<i>Condition reason: To ensure the impact on any unexpectedly discovered historical relics are appropriately considered.</i>
85.	<b>Aboriginal Heritage</b>
	If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—
	<ul style="list-style-type: none"> <li>a. all excavation or disturbance of the area must stop immediately, and</li> <li>b. the person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.</li> </ul> <p><i>Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.</i></p>
	<i>Condition reason: To ensure the impact on any unexpected Aboriginal object are appropriately considered.</i>

86.	<b>Road Management Permit</b>
	All works within or adjacent to a public road must have a current Road Management Permit issued by Wollondilly Shire Council or the relevant Road Authority for the duration of works. Permits may include: <ul style="list-style-type: none"> <li>a. Construction entrance permit for internal works and,</li> <li>b. Road opening and occupancy permit for road works.</li> </ul>
	<i>Condition reason: Works must be completed in accordance with the Roads Act 1993.</i>
87.	<b>Street Tree Irrigation</b>
	Before the installation of any Street Tree Irrigation infrastructure, detailed design plans for the Street Tree Irrigation System must be submitted to Wollondilly Shire Council for review.
	<i>Condition reason: To ensure compliance with WGA DCP 2021 and Wollondilly Water Sensitive Urban Design Guidelines</i>
88.	<b>Civil Contractor</b>
	All construction works to create public and Council assets must be undertaken by suitably qualified and experienced Civil Contractors. All contractors must have appropriate levels of insurance and quality systems for the level of works being performed.
	<i>Condition reason: To ensure appropriate quality of works and insurance.</i>
89.	<b>Critical Stage Inspections</b>
	While subdivision works are being carried out, the work must not continue after each critical stage inspection, as determined by the Principal Certifier, unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the related construction certificate.
	Note: It is the responsibility of the applicant or contractor to notify the Council when inspections are required. Failure to notify may lead to additional work being required prior to issue of Certificate of Practical Completion. A minimum of 24 hours' notice is required for inspections.
	<i>Condition reason: As the road and asset authority, Council is to inspect assets that will become public.</i>
90.	<b>Test Reports</b>
	The applicant must provide test reports on all asphaltic concrete works in public roads including certification of material, thickness, compaction and Benkelman Beam Test from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.
	<i>Condition reason: Reports must show compliance with relevant Australian Standards and Council Specifications.</i>
91.	<b>Test Reports</b>
	All test results as required by the Wollondilly Shire Council Construction Specification must be provided to Council during construction on request or, where not requested, supplied prior to issue of the Certificate of Practical Completion.
	<i>Condition reason: Reports must show compliance with relevant Australian Standards and Council Specifications.</i>
92.	<b>Stormwater CCTV</b>
	All piped drainage to be vested in Council must be inspected by CCTV recording before the final inspection for the Certificate of Practical Completion.
	<i>Condition reason: Reports must show compliance with relevant Australian Standards and Council Specifications.</i>
93.	<b>Site Filling</b>
	A report on the site filling is to be submitted by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
	<i>Condition reason: Plans must show works are generally in accordance with the approved plans</i>

94.	<b>ADAC and WAE</b>
	Certified “Works as Executed” details from a Registered Surveyor is to be submitted to Council in: <ul style="list-style-type: none"> <li>a. an XML format in accordance with the ADAC requirements as set out in the Wollondilly Shire Council Design and Construction Specifications.</li> <li>b. a red markup on the approved plans showing all levels, constructed elements and volumes of the works conducted as set out in the Wollondilly Shire Council Design and Construction Specifications.</li> </ul>
	<i>Condition reason: Plans must show works are generally in accordance with the approved plans</i>
95.	<b>Design Deviations</b>
	All changes or deviations of constructed elements from the design levels or dimensions must be checked and certified satisfactory by suitably qualified professional.
	<i>Condition reason: Plans must show works are generally in accordance with the approved plans</i>
96.	<b>Soil and Water Management</b>
	The person or entity having the benefit of this consent must ensure adjoining roads and properties are not impacted by dust, mud, sediment, soil or any other material created from the construction works.
	<i>Condition reason: Construction works should have minimal impact on the general public and environment.</i>
97.	<b>Soil and Water Management</b>
	All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised prior to the release of a subdivision certificate.
	<i>Condition reason: Construction works should have minimal impact on the general public and environment.</i>
98.	<b>Soil and Water Management</b>
	A stabilised vehicle access, wheel wash or other control measure must be installed on the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network. Where sediments, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation must be undertaken as soon as practicable.
	<i>Condition reason: Construction works should have minimal impact on the general public and environment.</i>
99.	<b>Soil and Water Management</b>
	Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
	<i>Condition reason: Construction works should have minimal impact on the general public and environment.</i>
100.	<b>Soil and Water Management</b>
	Stockpiles of materials must be covered, grassed or actively managed to limit the dispersal of material from the site. Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
	<i>Condition reason: Construction works should have minimal impact on the general public and environment.</i>

101.	<p><b>Erosion and Sediment Control</b></p> <p>Erosion and sediment control devices are to be inspected during and after rainfall events to check for maintenance requirements and ensure no negative water quality impacts or sediment leaving the works site.</p> <p>Any sediment or turbid water leaving the site is to be reported to Council within 48 hours of the event taking place.</p> <p>The Erosion and Sediment Control Incident Report is to consist of rainfall event details, estimated volume of sediment or turbid stormwater discharges from site, what attributed to the pollution incident, any remediation that was undertaken or planned and what measures will be implemented to prevent/minimise the occurrence in future.</p> <p>Reports are to be emailed to <a href="mailto:Council@wollondilly.nsw.gov.au">Council@wollondilly.nsw.gov.au</a> with the subject heading containing: DA Number - Erosion and Sediment Control incident report - date - month – year</p> <p><i>Requirement to minimise water quality issues from works.</i></p>
102.	<p><b>Protection from Damage</b></p> <p>All reasonable efforts must be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway must be at the applicant's expense. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.</p> <p><i>Condition reason: Construction works should have minimal impact to existing assets.</i></p>
103.	<p><b>Earthworks</b></p> <p>Earthworks must be conducted and supervised in accordance the requirements of AS3798 Guidelines on earthworks for commercial and residential developments.</p> <p><i>Condition reason: Works must be done in accordance with relevant Australian Standards.</i></p>
104.	<p><b>Earthworks</b></p> <p>Earthworks associated with road formation must be conducted in accordance with Wollondilly Shire Council's Construction Specifications C213.</p> <p><i>Condition reason: Works must be in accordance with relevant specifications.</i></p>
105.	<p><b>Earthworks</b></p> <p>There must be no encroachment onto adjoining lands by fill placed near boundaries.</p> <p><i>Condition reason: Downstream properties should not be negatively impacted.</i></p>
106.	<p><b>Earthworks</b></p> <p>Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014. Any imported fill will require validation report to be sent to Council before use on site.</p> <p>The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council Officers on request.</p> <p><i>Condition reason: Fill must be clean and free of contamination.</i></p>
107.	<p><b>Earthworks</b></p> <p>All earthworks must make provision for the management of stormwater runoff from the site to ensure no adverse impact on adjoining roads and properties.</p> <p><i>Condition reason: Downstream properties should not be negatively impacted.</i></p>



108.	<b>Street Tree Irrigation</b>
	Before the issue of Practical Completion, the Street Tree Irrigation System must be inspected by Council for official asset handover,
	<i>Condition reason: To ensure continued management of irrigation systems.</i>
109.	<b>Tree protection</b>
	Stock piling of building materials and waste material is to be located outside of Tree Protection Zones of trees to be retained.
	<i>Condition reason: Tree protection</i>
110.	<b>Dam Dewatering</b>
	The dewatering protocol outlined below is to be followed for infill of the dams within the development site.
	<ul style="list-style-type: none"> <li>i. Stage 1 – pump out water to an appropriate depth for salvage of wildlife by a suitably qualified and experienced ecologist.</li> <li>ii. Stage 2 – Relocate any salvaged non-pest fauna species to a predetermined, suitable location nearby</li> <li>iii. Commence excavating and backfilling of the waterbody</li> <li>iv. Provide a brief report to Council summarising the findings.</li> </ul> <p>Prior to dewatering the dam, it must be confirmed to be free of Priority aquatic weeds as defined in the Greater Sydney Regional Strategic Weed Management Plan and/or Biosecurity Act 2015. Inspection by a suitably qualified contractor or consultant is to be undertaken and written confirmation, including photographic evidence, is to be provided to Council. Alternatively, inspection can be undertaken by a Council Officer with delegation under the Biosecurity Act 2015 which will be subject to a fee as determined by Council's approved Fees and Charges.</p>
	<i>Condition reason: Minimise harm to fauna occupying the dams and minimise the spread of aquatic weeds</i>

## BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition	
111.	<b>Compliance with Consent/Determination</b>
	The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
	<i>Condition reason: To ensure that the development has been undertaken in accordance with the approved documentation.</i>
112.	<b>Sydney Water</b>
	<ul style="list-style-type: none"> <li>a. Written evidence of suitable arrangements with Sydney Water, (Section 73 Compliance Certificate), for the supply of water and sewerage services to the development is to be submitted to the Principle Certifying Authority prior to the issue of a Subdivision Certificate.</li> <li>b. A Subdivision Certificate shall not be issued, unless the method of sewage disposal is by gravity or pressure reticulated mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.</li> </ul>
	<i>Condition reason: To ensure adequate services available to the development.</i>
113.	<b>Services</b>

	<p>Prior to the issue of a Subdivision Certificate, evidence shall be submitted to the principal certifier demonstrating that utilities and services have been installed in accordance with the requirements of the following service providers:</p> <ul style="list-style-type: none"> <li>a. Water - section 73 certificate from Sydney Water,</li> <li>b. Sewerage - section 73 certificate from Sydney Water,</li> </ul> <p>A Subdivision Certificate shall not be issued, unless the method of sewage disposal is by gravity reticulated mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.</p> <ul style="list-style-type: none"> <li>c. Electricity Supply Authority - written confirmation from Endeavour Energy that suitable arrangements have been made.</li> </ul> <p>Telecommunication Provider - written confirmation from Telstra Australia or NBN Co. that arrangements have been made.</p> <p><i>Condition reason: To ensure new developments are appropriately serviced.</i></p>
<b>114.</b>	<p><b>Alteration of Services</b></p> <p>Prior to the issue of a Subdivision Certificate, any required alteration to, or relocation of, utility services on, or adjacent to, the subdivision, have been completed.</p> <p><i>Condition reason: To ensure resulting boundaries do not impact existing utilities.</i></p>
<b>115.</b>	<p><b>Underground Power and Services</b></p> <p>All power and services provided to the development within the site shall be underground.</p> <p><i>Condition reason: To ensure services and power are provided underground for improved visual, maintenance, safety and weather protection outcomes.</i></p>
<b>116.</b>	<p><b>Landscaping</b></p> <p>Landscaping is to be installed in accordance with the Landscape Plan approved by Council prior to issue of Subdivision Certificate.</p> <p><i>Condition reason: To ensure Landscaping installed per approval requirements.</i></p>
<b>117.</b>	<p><b>Bushfire</b></p> <p>Prior to the issue of Subdivision Certificate Certification from a qualified Bushfire Consultant is to be provided confirming the conditions in this consent have been complied with.</p> <p><i>Condition reason: To ensure subdivision is compliant with Planning for Bushfire Protection 2019</i></p>
<b>118.</b>	<p><b>Reinstatement of Disturbed Areas</b></p> <p>The disturbed areas associated with the subdivision works shall be reinstated to the satisfaction of the principal certifier prior to the issue of a Subdivision Certificate.</p> <p><i>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</i></p>
<b>119.</b>	<p><b>Plan of Subdivision and 88B Requirements</b></p> <ul style="list-style-type: none"> <li>a. Submission to Council of an electronic copy of the Linen Plan of Subdivision (400 dpi flat file) for certification by the Chief Executive Officer prior to lodgement at NSW Land Registry Services. A fee for the release of the Subdivision Certificate applies.</li> <li>b. Before the issue of a Subdivision Certificate, a Section 88B instrument, in accordance with the Conveyancing Act, must be submitted to the satisfaction of Council that creates the following Easements, Restrictions and Positive Covenants:</li> </ul>

	<p>i. A restriction is to be placed on lots requiring future residential dwellings comply with noise control treatment recommendations as identified in the Road Traffic Noise Assessment Report, refTM624-02F01 Stage 2 and 3 (r0), Issue Revision 1, prepared by Renzo Tonin &amp; Associates and dated 20 December 2022.</p> <p>ii. A restriction is to be placed on the residential lots requiring they be managed as an inner protection area in accordance with the requirements of Appendix 4 of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>iii. A restriction is required to be placed on residue lot 3176 (previously known as 2091) and Lot 102 DP 1293737 (previously known as Lot 2//DP1280088) requiring the property be managed as an inner protection area (IPA) for a distance of 100 metres from the proposed residential lots.</p> <p>The temporary APZ can become extinguished once the affected land is cleared for development as part of adjoining future stages.</p> <p>iv. Easements covering all interallotment drainage lines.</p> <p>Terms of Easements, Restrictions and Positive Covenants must be taken from Council's standard recitals and a provision included that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council.</p> <p>c. Existing restriction and easements to be marked on the plan.</p> <p><i>Condition reason: To ensure appropriate restrictions, easements and covenants are registered on title.</i></p>
120.	<p><b>88B Instrument</b></p> <p>Before issue of a subdivision certificate, submission of a Section 88B instrument in accordance with the Conveyancing Act, must be provided that creates a Positive Covenant over all lots with Basin infrastructure (Residue Lot 2149), requiring maintenance of the treatment facilities in accordance with the Maintenance Management Plan for the operation, maintenance and inspection of the Stormwater management and treatment infrastructure (Detention Basin, Bio Retention Basin and pollutant trap infrastructure). The terms of the Positive covenant must include the provisions for regular recording and reporting to Council on the maintenance and works performed. Council must be the Authority to release vary or modify the restriction.</p> <p><i>Condition reason: Positive covenant required in accordance with the Conveyancing Act.</i></p>
121.	<p><b>Damage as a Result of Development</b></p> <p>Before issue of a subdivision certificate, any damage to the Council footway, road or other land must be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.</p> <p><i>Condition reason: Existing public assets must be protected.</i></p>
122.	<p><b>Road Authority and Asset Managers</b></p> <p>Before issue of a subdivision certificate, a Plan of Survey must be prepared, that is suitable for registration with the NSW Land Registry Services, for the land to be dedicated to Council as Public Road and must bear the Council approved road name and statement of intent to dedicate the land as Public Road.</p> <p><i>Condition reason: Plan of Survey required for registration.</i></p>
123.	<p><b>Asset Management</b></p> <p>Before issue of a subdivision certificate, where assets to be vested in Wollondilly Shire Council traverse private land, appropriate easements are to be provided. Drainage easements must be a minimum 3-metre-wide but may need to be wider depending on the size of the infrastructure.</p> <p><i>Condition reason: Easements required in accordance with the Conveyancing Act.</i></p>
124.	<p><b>Public Road Streetscape</b></p>

	Before issue of a subdivision certificate, the road verge must be established with a suitable low maintenance grass species from the back of the kerb to the road reserve boundary. Planted grass must provide coverage over the planted area to the satisfaction of Wollondilly Shire Council.
	<i>Condition reason: To stabilise the road reserve from erosion.</i>
<b>125.</b>	<b>Public Roads</b>
	Before issue of a subdivision certificate, submission of a Section 88B instrument in accordance with the Conveyancing Act or Transfer Granting Easement must be provided that creates a public Right of Carriageway, under Schedule 4A of the Act, over that part of any public access areas, including temporary turning heads, constructed within adjoining stages or lots.
	<i>Condition reason: Easements required in accordance with the Conveyancing Act.</i>
<b>126.</b>	<b>Practical Completion</b>
	Before issue of a subdivision certificate, a Certificate of Practical Completion must be issued by Council for all works associated with the development including Subdivision Works and works within a public road.
	<i>Condition reason: All works must be satisfactorily completed.</i>
<b>127.</b>	<b>Basin Management Plan</b>
	Before issue of a subdivision certificate, the person or entity having the benefit of this consent shall prepare and submit to Council a Maintenance Management Plan for the operation, maintenance and inspection of any Stormwater management and treatment infrastructure (e.g. Detention Basin or Bio-Retention Basin and pollutant trap infrastructure), for a period of 10 years from the date of Certificate of Practical Completion.
	<i>Condition reason: Ensure appropriate basin management.</i>
<b>128.</b>	<b>Defect Liability Bond</b>
	Before issue of a subdivision certificate, a Defects Liability Period bond is to be lodged with Council, being no less than 10% of the estimated cost of public road infrastructure works, for a minimum 12 month period, from the date of registration of public roads, to cover the rectification of any defects.
	<i>Condition reason: Bonds to be provided to cover required maintenance</i>
<b>129.</b>	<b>Street Tree Bond</b>
	Before issue of a subdivision certificate, a street tree maintenance and pruning bond is to be lodged with Council, being no less than 50% of the estimated cost of street tree planting works, for a minimum 5 year period, to cover the rectification of any street tree maintenance, replacement or pruning works.
	<i>Condition reason: Bonds to be provided to cover required maintenance</i>
<b>130.</b>	<b>Verge Bond</b>
	Before issue of a subdivision certificate, a road verge establishment bond is to be lodged with Council, being no less than 10% of the estimated cost of verge turf costs, for a minimum 12-month period, to cover the rectification of any road verge establishment works.
	<i>Condition reason: Bonds to be provided to cover required maintenance.</i>
<b>131.</b>	<b>Street Tree and Irrigation Infrastructure Mapping</b>
	Before the issue of Subdivision Certificate, an ADAC file for the street tree irrigation system and street tree location shall be submitted to the satisfaction of Council that maps all irrigation assets and street trees.
	<i>Condition reason: To ensure infrastructure location is known for future development/maintenance purposes</i>
<b>132.</b>	<b>Street Tree Protection</b>

	<p>Before the issue of Subdivision Certificate, the person or entity having the benefit of this consent must prepare a written <b>Street Tree Protection Strategy</b>, on the measures proposed to protect street trees and associated irrigation systems from damage for a period of 5 years from the date of subdivision registration. The strategy should include measures to:</p> <ul style="list-style-type: none"><li>a. ensure all purchases, land owners and builders are informed of their obligations to protect and ensure no impact on existing landscape infrastructure within the frontage of the property;</li><li>b. promote and educate on the benefits of street trees;</li><li>c. provide physical protections to street trees and irrigation infrastructure; and</li><li>d. inspect and replace/rectify damage as soon as it occurs.</li></ul>																					
	<i>Condition reason: To provide clear measures for the protection of street trees.</i>																					
133.	<p><b>Water Sensitive Design Education</b></p> <p>Water Sensitive Urban Design Signage is required to provide the local community an understanding and appreciation of the water quality management on the development site. A minimum of 3 signs to the below specification are required to be installed prior to issue of Subdivision Certificate. Signage design, location and materials must be approved by WSC prior to installation.</p> <p>Signs must be at least 400 x 600mm landscape format and include:</p> <ul style="list-style-type: none"><li>• A simple, stylised diagram of the water quality treatment process.</li><li>• Information on the receiving waterway and local biodiversity this asset is protecting.</li><li>• Relationship to other treatment measures upstream and downstream (if any).</li><li>• If available, annual quantities of pollutants removed.</li><li>• How the community can help maintain and improve water quality.</li><li>• The WSC logo.</li></ul>																					
	<i>Condition reason: Community education around water management.</i>																					
134.	<p><b>Koala Habitat Protection</b></p> <p>Permanent koala fencing is installed adjacent to koala corridors, <u>unless</u> an agreement with Council has been made on alternative measures.</p>																					
	<i>Condition reason: Koala protection</i>																					
135.	<p><b>Section 7.11 – Local Infrastructure Contributions</b></p> <p>Contributions Plan: Wollondilly Local Contributions (2020)</p> <p>Area: B – Wilton Growth Area</p> <p>Development type: 318 Residential Lot Subdivision</p> <table><tr><th>Category</th><th>Per Lot</th><th>Total</th></tr><tr><td>Roads &amp; transport</td><td>\$4,176</td><td>\$1,327,968</td></tr><tr><td>Open Space</td><td>\$19,002</td><td>\$6,042,636</td></tr><tr><td>Community Facilities</td><td>\$6,353</td><td>\$2,020,254</td></tr><tr><td>Car Parking</td><td>\$0</td><td>\$0</td></tr><tr><td>Plan Management</td><td>\$469</td><td>\$149,142</td></tr><tr><td><b>TOTAL AMOUNT PAYABLE</b></td><td><b>\$30,000</b></td><td><b>\$9,540,000</b></td></tr></table> <p>These figures are reviewed quarterly in accordance with the provisions of the Wollondilly Contributions Plan (2020) and an updated figure must be obtained from Council at least 5 working days prior to time of payment by contacting <a href="mailto:contributions@wollondilly.nsw.gov.au">contributions@wollondilly.nsw.gov.au</a>.</p>	Category	Per Lot	Total	Roads & transport	\$4,176	\$1,327,968	Open Space	\$19,002	\$6,042,636	Community Facilities	\$6,353	\$2,020,254	Car Parking	\$0	\$0	Plan Management	\$469	\$149,142	<b>TOTAL AMOUNT PAYABLE</b>	<b>\$30,000</b>	<b>\$9,540,000</b>
Category	Per Lot	Total																				
Roads & transport	\$4,176	\$1,327,968																				
Open Space	\$19,002	\$6,042,636																				
Community Facilities	\$6,353	\$2,020,254																				
Car Parking	\$0	\$0																				
Plan Management	\$469	\$149,142																				
<b>TOTAL AMOUNT PAYABLE</b>	<b>\$30,000</b>	<b>\$9,540,000</b>																				

	<i>Condition reason: to ensure the adequate provision of public facilities required as a result of the development</i>
<b>136.</b>	<b>Satisfactory Arrangement</b>
	The Director General's Certification relating to the State Infrastructure Contributions (Satisfactory Arrangements for designated State Public Infrastructure) dated 15 March 2023 form part of this development consent.
	Prior to the release of any Subdivision Certificate, the persons having benefit of this consent, must provide Council with documentary evidence that works and/or payment of monetary contributions have been undertaken and/or paid in full.
	<i>Condition reason: To ensure Satisfactory arrangements in place for designated State public infrastructure.</i>
<b>137.</b>	<b>Street Addressing</b>
	Prior to the issue of a Subdivision Certificate for the development an application for an additional street address shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.
	<i>Condition reason: To ensure the development complies with the NSW Address Policy.</i>
<b>138.</b>	<b>Road Naming</b>
	Prior to the issue of a Subdivision Certificate, an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.
	<i>Condition reason: To ensure the development complies with the NSW Address Policy.</i>

## OCCUPATION AND ONGOING USE

Condition	
<b>139.</b>	<b>Street Tree Irrigation Maintenance</b>
	For a period of 5 years from the date of registration of any public roads, the person or entity having the benefit of this consent is liable for the maintenance and rectification of defects that become apparent in the Street Tree Irrigation system infrastructure.
	<i>Condition reason: To ensure support of Street Tree Canopy cover.</i>
<b>140.</b>	<b>Street Tree Maintenance</b>
	For a period of 5 years from the date of registration of the subdivision, the person or entity having the benefit of this consent is liable for the inspection and maintenance of any street tree or landscaping element within public land. Inspection and Maintenance must include: <ul style="list-style-type: none"> <li>a. Regular watering to ensure establishment of the plant or tree;</li> <li>b. Replacement of any diseased, dead or significantly damaged plant or tree;</li> <li>c. Pruning of street trees to ensure establishment of a suitable tree canopy involving crown lifting for line of sight and clearance for garbage collection and formative pruning to promote good branch structure.</li> </ul>
	<i>Condition reason: To ensure street trees are suitable for the road reserve.</i>
<b>141.</b>	<b>Street Tree Protection</b>
	For a period of 5 years from the date of registration of any public roads or land, the person or entity having the benefit of this consent must implement the Street Tree Protection Strategy, as approved by Council. The protection measures outlined in the strategy must be implemented and managed for the 5 year period.
	<i>Condition reason: to ensure the obligations for tree canopy cover within the subdivision can be achieved through street tree establishment.</i>
<b>142.</b>	<b>Basin Maintenance within Road Reserves.</b>



	<p>In relation to the inspection and maintenance of the proposed detention and bio retention system and associated landscaping located within the road reserve associated with Road 02 and Road 23, and in the absence of any other formal agreement with Council, Landcom shall:</p> <ol style="list-style-type: none"> <li>inspect and maintain, at no cost to Council, the infrastructure for a period of ten (10) years after the issue of a Certificate of Practical Completion for the system. Maintenance shall be performed in accordance with the Maintenance Management Plan, to be finalised prior to issue of the letter of Practical Completion;</li> <li>ensure any maintenance contracts or assignment of works between the Developer and a third party are approved in writing by the Manager Assets, Transport and Engineering;</li> <li>ensure inspection and maintenance works are performed by suitably experienced, qualified and insured persons in accordance with any Council approval;</li> <li>supply the Manager Assets, Transport and Engineering with an annual maintenance report outlining the dates and type of works undertaken and report on any major defects or repair works required;</li> <li>obtain a Road Management Permit prior to undertaking any maintenance works;</li> <li>ensure the infrastructure is fully cleaned, restored and any repairs made to the satisfaction of Manager Assets, Transport and Engineering prior to maintenance hand over to Council;</li> <li>lodge a maintenance and cleaning bond with Council, in accordance with the Fees and Charges policy, for the 10 year maintenance period. Maintenance cost will be determined from the schedule of works in the Maintenance Management Plan.</li> </ol> <p>The total bond amount held at any time may be reviewed and agreed to the satisfaction of the Manager Assets, Transport and Engineering.</p> <p>The review periods will shall not be less than two (2) years from the commencement of the maintenance period or from the last bond review.</p> <p>The minimum bond amount held shall not be less than \$5,000. Any retained bond will be returned on satisfactory maintenance handover of the infrastructure.</p> <p><i>Condition reason: To ensure appropriate maintenance of infrastructure.</i></p>
143.	<p><b>Defect Liability</b></p> <p>For a period of 12 months from the date of registration of any public roads, the person or entity having the benefit of this consent is liable for the correction and rectification of defects that become apparent in any infrastructure or subdivision assets that are vested in Council.</p> <p><i>Condition reason: To ensure and defects are rectified.</i></p>
144.	<p><b>Defect Liability</b></p> <p>For a period of 12 months from the date of any Certificate of Practical Completion, the person or entity having the benefit of this consent is liable for the correction of any defects that become apparent in any existing public infrastructure upgrade works.</p> <p><i>Condition reason: To ensure and defects are rectified.</i></p>
145.	<p><b>Water Quality Monitoring</b></p>

	<p>Install and monitor for a period of 3 years from the date of Subdivision Certificate, IOT enabled water quality sensors and monitors at selected discharge points, and provide data from those sensors to Council. Traditional monitoring program is to be implemented to validate IOT monitoring data.</p> <p>Monitor and analyse this data and make it available to Council to demonstrate attainment of required water quality outcomes for the site. After 3 years, sensors and future water quality monitoring to be handed over to Council.</p> <p><i>Condition reason: To monitor the water quality being directed to receiving waterways.</i></p>
--	--

## ATTACHMENTS

1. **Attachment 1: Subdivision Plans**
2. **Attachment 2: External Authority Comments**
3. **Attachment 3: Clause 4.6 Variation Statement**
4. **Attachment 4: Wilton Growth Area Development Control Plan 2021 Assessment**