

STAGE 4 NORTH WILTON - 103 LOT TORRENS TITLE SUBDIVISION AND ASSOCIATED WORKS - DA/2023/707/1 - 195A AND 195D FAIRWAYS DRIVE WILTON

File Number: DA/2023/707/1#148

Directorate: Director Shire Futures

Panel Reference	PPSSWC-354
DA Number	DA/2023/707/1 (PAN-356045)
LGA	Wollondilly Shire Council
Proposed Development	Torrens title subdivision comprising 103 residential lots and associated earthworks, utilities and infrastructure works, stormwater drainage works and street tree planting
Street Address	Lot: 101 DP:1293737, 195A Fairway Drive WILTON, and Lot: 104 DP: 1293737, 195D Fairway Drive WILTON
Applicant/Owner	Landcom and Bradcorp (Owner) Landcom (Applicant)
Date of DA Lodgement	16 August 2023
Total number of submissions Number of Unique Objections	N/A – None received
Recommendation	Approval
Regional Development Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021	Crown development over \$5 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Coal Mine Subsidence Compensation Act 2017 • Rural Fires Act 1997 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Precincts- Western Parklands City) 2021 • Western City District Plan • Wilton Growth Area Development Control Plan 2021 • North Wilton Precinct Neighbourhood Plan No. 1
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1: WGA DCP 2021 Assessment Table • Attachment 2: Subdivision Plans • Attachment 3: External Authority Comment • Attachment 4: Draft conditions of consent
Clause 4.6 requests	N/A

Summary of key submissions	N/A
Report prepared by	Bridie Riordan
Report date	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? N/A

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 Torrens title subdivision for 103 residential lots, including associated earthworks, utilities, infrastructure, stormwater drainage, and street tree planting. 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)] and the Wilton Growth Area Development Control Plan 2021 (WGA DCP 2021). This application is located south of North Wilton Stage 1 for 197 residential lots which is currently under-construction.

EXECUTIVE SUMMARY

DA/2023/707/1 (PPSSWC-345) was lodged with Council 16 August 2023.

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

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.

The application was referred to the Department of Planning under Appendix 8 of SEPP (PWCP) for arrangements for designated State public infrastructure and a Satisfactory Arrangements Certificate was received.

Council's Strategic, Engineering, Environment, Health and Contributions Departments main concerns centred around compliance with SEPP (Precincts—Western Parkland City) 2021 [SEPP PWCP], and the Wilton Growth Area Development Control Plan 2021 [WGA DCP], specifically to-

- Ensure the road layout provides safe and efficient movement,
- that Water Sensitive Urban Design (WSUD) measures are incorporated to provide irrigation to street trees, and that

- the development was appropriate in terms of location, to impact land use conflict and impact to proposed Hume highway on-ramp (SP2 Land).

Subject to amendments (lot layout and road design) and conditions of consent (including requirement for footpaths either side of road network, additional WSUD measures and the provision of recycled water street tree irrigation) the development is considered appropriate and consistent with the requirements of SEPP (PWCP) and WGA DCP.

The proposal is consistent with State and local legislation and, subject to the proposed consent conditions is recommended for approval. However, it should be noted that, although the parties have largely agreed on the recommended conditions, three conditions remain in contention. These conditions relate to the street tree maintenance strategy and maintenance period associated with street tree irrigation infrastructure. The relevant conditions have been highlighted in the attached draft determination.

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/2023/707/1 for Torrens title subdivision comprising 103 residential lots and associated earthworks, utilities and infrastructure works, stormwater drainage works, and street tree planting be approved subject to conditions in this report.

REPORT

Background

Application Background:

- The application was lodged with Council on 16 August 2023
- The application was exhibited between 24 August 2023 to 7 September 2023, no submissions were received during this period.
- The application was referred internally to Council's Environment, Engineering, Strategic and Environmental Health Department.
- 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.
- A Request for Information (RFI) was issued 21 September 2023. RFI raising concern regarding:
 - o Nature/extent of earthworks proposed,
 - o Road section and hierarchy (including non-compliances with WGA DCP 2021),
 - o Water management (to maximise WSUD outcomes and provide for streetscape irrigation),
 - o Amendments to Acoustic Report (to account for predicted noise levels associated with the on-ramp and rail line),
 - o Walking and cycling links,
 - o Owners consent (for temporary APZ over lot 104),
 - o Permissibility (development encroaches SP2 Regional Road).
- Sydney Regional Panel briefing was held on 25 September 2023.
- Draft environment conditions were provided to the applicant 6 November 2023.
- A site visit with the Panel was undertaken 6 November 2023 during which servicing requirements and the street tree irrigation matter was discussed in further detail. The applicant raised their concern regarding Council's request for passive street tree irrigation via Sydney Water purple pipe.
- A response to Council's RFI and environment conditions was provided 15 November 2023. The response features a reduction in lot yield and amendments to subdivision design to address matters raised by Council.
- TfNSW provided concurrence following review of amended plans which resolved encroachment concerns.

- Following review of amended material and referral responses, contentions remained between Council and the Applicant in relation to compliance with WGA DCP 2021, specifically road layout and provision of WSUD, for passive irrigation to the street trees.
- A meeting was held between Council, 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 to aid development of detailed designs.
- A follow up meeting held between Council and Sydney Water to discuss finer details / process / governance and conditioning associated with street tree irrigation 6 February 2023 and 13 February 2023.
- Subject to conditions, including for passive irrigation and footpaths on either side of the road reserve, the design was considered acceptable in the context and condition set provided to the applicant February 2023.
- To date the parties have largely agreed to condition set with the exception of three conditions – these conditions relate to a street tree maintenance strategy and the maintenance period associated with street tree irrigation infrastructure. The relevant conditions have been highlighted in the draft conditions attached in Annexure 4.

Consultation

Integrated Development Approval Body Considerations

Authority	Outcome
NSW Rural Fire Service	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 issued on October 9, 2023. No concerns raised subject to inclusion of conditions around: <ul style="list-style-type: none"> - provision of Asset Protection Zones (APZs). GTAs requiring the development area and proposed temporary APZ (on lot 104) be managed as an inner protection area (IPA), - provision of access roads in accordance with Table 5.3b of Planning for Bushfire Protection 2019 (PBP 2019), - provision of water, electricity and gas services in accordance with Table 5.3c of PBP 2019.
Subsidence Advisory NSW	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 issued on 30 November 2023. No specific construction requirements listed.

Referrals

Internal:

Referral	Outcome
Contributions Planner	Wollondilly Contributions Plan 2020 authorises Council to require monetary contribution pursuant to Section 7.11 of the Environmental Planning and Assessment Act 1979. Condition provided based on a 103 residential lot subdivision and included within attached determination.
Contamination Officer	Stage 1 DA included for vegetation removal and earthworks for Stage 4. Remediation was required with this DA, which has since been completed and validation report provided to Councils satisfaction. Following review of supporting documentation with this DA, and in light of above, development is considered suitable subject to inclusion of conditions requiring appropriate waste disposal and implementation of an unexpected finds protocol.

Referral	Outcome
Development Engineer	<p>Requested additional information, in relation to:</p> <ul style="list-style-type: none"> - road layout - proposed road sections do not comply with Engineering Design Specification and WGA DCP 2021; footpaths are to be provided on both sides of the roads; turning paths on corners of the loop roads do not allow appropriate garbage truck movements; widening of roads that act as minor collector roads should be considered. - Stormwater – the stormwater management system does not meet the current requirements of the design specification or WGA DCP 2021. While recognising stormwater will be managed per Stage 1 approved Water Cycle Management Strategy (WSMS), development should demonstrate effort to maximise the use of passive irrigation for street trees and other WSUD outcomes in design. - Earthworks – unclear as to the extent of earthworks proposed (conflicting documents). Retaining wall heights exceed 1.0m (WGA DCP 2021 maximum height). <p>In response, the applicant submitted amended subdivision layout and advised:</p> <ul style="list-style-type: none"> - Earthworks - additional earthworks proposed with Stage 4, as Stage 1 did not include benching; a variation to retaining wall height requested, and inclusion of a condition requiring planter boxes for retaining walls with a height exceedance of 1.5m would be accepted. - Road layout - variation to road widths requested, due to steepness of site, and desire to achieve appropriate lot widths, as well as provide seamless transition to Stage 1 (Stage 4 being a continuation of Stage 1 road hierarchy, of which non-compliance road widths were approved, development determined prior to WGA DCP 2021 adoption). Applicant noting that all future road widths moving forward will be consistent with WGA DCP 2021 requirements. <p>Development proposes consistent approach to footpath provision as for Stage 1 (on one side of the road only) to allow transition to Stage 1, connectivity with footpaths and additional area for street trees.</p> <ul style="list-style-type: none"> - Stormwater - Amended civil plans were provided which show grass lined swales and castellated kerb in sections of road 103 for further investigation at design stage. <p>Following review, Council Engineers accepted variations proposed, noting context of the development, reliance on the approved WCMS with Stage 1 (and therefore limited WSUD to be provided within road verges allowing for smaller road reserve widths) and subject to conditions of consent, which included for:</p> <ul style="list-style-type: none"> - additional WSUD in the form of street tree passive irrigation – refer to Environment Section for details, - provision of footpaths on both sides of the road – refer also to SaHIA Section - conditioning retaining wall height be limited.
Environment and Sustainability Officer	<p>Environment conditions were provided to the applicant. The condition set included a requirement for passive irrigation to the street trees in the form of kerb inlets and a recycled water (purple pipe) connection. Following further discussion with the Applicant, Council agreed to remove the kerb inlet conditions but required the retention of conditions related to the recycled water connection, consistent with WGA DCP 2021 and Council's WSUD strategy.</p>

Referral	Outcome
	<p>The applicant expressed concerns about the approach, noting that the WGA DCP 2021 is not a legally binding document, questioning the feasibility of the recycled water connection, and emphasising the need for broader discussions with Council and Sydney Water. The applicant expressed willingness to collaborate on standard approaches in the future and suggested exploring a standpipe (for water connection in the future) as an alternative for this application.</p> <p>Council does not support this approach as the provision of passive irrigation is essential for a reliable and sustainable water source to support the streetscape and to align with broader objectives within the WGA DCP 2021, including canopy cover targets, reduction in heat island effect, and amenity for the area.</p> <p>Further discussions were held between Council, the Applicant, and Sydney Water to address the WGA DCP 2021 requirements for street trees to be serviced by recycled water (purple pipe). Sydney Water's irrigation specialist provided concept plans to the Applicant for detailed exploration.</p> <p>The standpipe option was deemed inappropriate and impractical from a maintenance perspective, leading the applicant to suggest an alternate condition. The alternate condition 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 agreed to with Council. The applicant also requested that the condition require only a trial period for 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 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 following, outlining requirements for Subdivision Works Certificate (SWC) approval, long-term maintenance, and approval authority. These conditions require recycled water provision throughout the entirety of Stage 4 development, as there were considered limited benefits from a trial area, noting also the imminent determination of the DA for Stage 2/3.</p>
Growth Team	<p>Requested the application comply with the Neighbourhood Plan and WGA DCP 2021. The planning with in these documents and the updated structure plan have ensured a positive outcome for Wilton North.</p>
Environmental Health Officer	<p>Requested further information in relation to:</p> <ul style="list-style-type: none"> - Noise: Acoustic Report to consider the impact of the proposed on-ramp, including considerations for traffic volumes, the Maldon/Dombarton rail line, and compliance with WGA DCP to avoid land use conflicts - Servicing: Applicant to provide update on the provision of drinking water and reticulated sewer (noting existing servicing constraints) <p>The applicant submitted a revised Acoustic Report which noted:</p> <ul style="list-style-type: none"> - The Acoustic Report provided modelled of the on-ramp. The modelling concluded that the highway noise dominates over the ramp noise. The ramp noise did not drive any change to the acoustic treatments recommended to the dwellings in the report. - Traffic volume information was based on email correspondence from the traffic consultants. - The proposal is not within 100m of the Maldon-Dombarton rail line and as such does not require any acoustic treatment. - Interface with the Hume Highway is consistent with WGA DCP 2021 requirements.

Referral	Outcome
	<ul style="list-style-type: none"> - The Acoustic Report is consistent with Noise criteria in Development Near Rail Corridors and Busy Roads – Interim Guideline. <p>Regarding servicing, the Applicant advised sewer availability would coincide with the subdivision, and discussions with Council onsite concluded that Council need only be satisfied that adequate arrangements have been made to make the infrastructure available when it is required.</p> <p>No further concerns were raised, subject to conditions requiring compliance with the Acoustic Report (including recommendations regarding 88B restriction for noise-affected lots) and the requirement for an s73 Certificate (demonstrating reticulated sewer and water available) prior to the issue of a Subdivision Certificate.</p>
Social & Health Impact Assessment Group (SaHIA)	<p>The Social and Health Impact Assessment Guidelines specify that, where a Neighbourhood Plan has been approved by Council, DA's for residential subdivision within the WGA do not require a Social and Health Impact Assessment (SHIA). Council has endorsed North Wilton Neighbourhood Plan No.1, so a SHIA was not required.</p> <p>The SaHIA group however requested various changes, such as footpaths on both sides of streets (except where one side is a noise wall or batter), revised driveway locations for improved solar design, consideration of timing of street tree planting, and updates to the Statement of Environmental Effects (SEE) and plans to include details on street lighting, street furniture, pram ramps, and walking/cycling links to the proposed school site.</p> <p>The Applicant supplied amended information to address comments, noting:</p> <ul style="list-style-type: none"> - Agreement to conditioning footpaths either side of the road. - Driveways are located on the low side of the lot. In addition, the road incorporates roll kerb to allow for alternative driveway placement to assist in solar design. - Street trees to be delivered upfront (and include for a maintenance bond) or at a time otherwise requested by Council. - Details regarding lighting and furniture to be provided in SWC. <p>The SaHIA Group raised concerns about the amended material not fully addressing their recommendations, requesting:</p> <ul style="list-style-type: none"> - footpaths, street lighting, street furniture, crossings, and pram ramps be shown on plans. - walking/cycling links to the proposed school site to be shown on plans, - 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. <p>The Assessing Officer, following consultation with Development Engineers, suggested conditioning for footpaths, lighting, street furniture and pram ramps before issuing a SWC. Despite the SaHIA Group's preference for upfront details, it is considered that conditioning before SWC 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 the requirements.</p> <p>Regarding walking/cycling links, an Active Transport Diagram was provided. The development will be conditioned for footpaths on both sides of the road, connecting to the Stage 1 walking network. 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>The applicant elected not to address the SaHIA group's concerns in respect of driveway crossovers and solar access. Notwithstanding these concerns, the assessment officer considers the proposal acceptable in this regard based on:</p> <ul style="list-style-type: none"> • the limited number of lots with driveways in the identified area,

Referral	Outcome
	<ul style="list-style-type: none"> the overall subdivision pattern and other provisions incorporated for solar access (refer to WGA DCP assessment), the existing site constraints, and other development requirements (including extensive street trees in the verge impacting driveway locations).

External:

Referral	Comment
<p>Transport for NSW (TfNSW)</p> <p>Referred under SEPP (Infrastructure and Transport) clause 2.118</p>	<p>TfNSW provided comments 17 November 2023. The comments noted concurrence under clause 2.118 of SEPP (Infrastructure and Transport) was not required as development has been amended to remove lots from SP2 zoned land. The comments also recommended that the consent authority consideration of acoustic treatment, noting residential development will be in proximity to a high-volume freight corridor. Additionally, TfNSW recommended inclusion of conditions around acoustic barriers, traffic signals, structure design and location.</p> <p>Council noted that despite the amendments, the proposal still results in a lot within the SP2 land (residue lot), and earthworks/landscaping within this area.</p> <p>The applicant submitted amended material, including a revised Acoustic Report, emphasising that acoustic barriers were neither required nor proposed. Council's comments and the applicant's amended material were re-referred to TfNSW. Following the review, TfNSW indicated that concurrence was required and provided it on December 4, 2023</p> <p>Concurrence was subject to following conditions included in any determination:</p> <ol style="list-style-type: none"> TfNSW notes the proposal includes a residue lot, part of which is currently zoned SP2. Any development within the SP2 zone is to be restricted to infrastructure and landscape works, subject to TfNSW approval Noting the proposed works relevant to land zoned SP2 along the Hume Highway boundary, in Stage 4, is a continuation of works approved under Stage 1, in the event acquisition of land is required for future road upgrades by TfNSW, all site clearing work must be at no cost to TfNSW. The developer is responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. A Construction Pedestrian Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to TfNSW for approval prior to the issue of a construction certificate. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW via development.sydney@development.nsw.gov.au for approval, prior to the commencement of any works. Please note a plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued. <p>Following further correspondence between the Applicant and TfNSW, Condition 1 and 4 were amended to read as follows:</p> <ol style="list-style-type: none"> TfNSW notes the proposal includes a residue lot, part of which is currently zoned SP2. Any development within the SP2 zone is restricted to infrastructure and landscape works, subject to approval from the relevant consent authority

	4. A Construction Pedestrian Traffic Management Plan (CPTMP) must be prepared to Council's satisfaction. Should Council deem necessary, the CPTMP should be submitted to TfNSW for review.
Endeavour Energy (CI 2.48 Transport and Infrastructure SEPP 2021)	Advice provided and recommended conditions to be included in any determination.
Dept of Planning & Environment Clause 5.1A, Appendix 8 (Precincts—Western Parkland City) 2021	Advised via the Planning Portal that the Department has no comment in regards to this DA.
Dept of Planning & Environment (SAC)	Satisfactory Arrangements Certificate provided 3 November 2023.
Sydney Water	Advised drinking water and recycled water can be provided once lead-in and reticulation mains are delivered by the proponent. However, wastewater services cannot be provided until the delivery of required trunk assets and treatment plant upgrades are completed in c 2027. Proposal will be conditioned to require connection of water and reticulated sewer prior the issue of a subdivision certificate for the development.

1.1 Description of Site and Surrounding Area

The development is located within the southern portion of the North Wilton Precinct. The North Wilton Precinct is a component of the Wilton Growth Area (WGA) located adjacent the Hume Highway and Picton Road. The WGA is identified in SEPP (PWPC) 2021 as a Sydney Regional Growth Centre.

Redevelopment of the broader area is underway, including the approval and registration of lots in the initial stages of South East Wilton, and the approval and construction of the first stage in North Wilton.

This application being 'Stage 4' subdivision of the Precinct and follows on from approved (and currently under construction) 'Stage 1' within the North Wilton Precinct. The development (subdivision, earthworks and associated infrastructure), is located over part of lot 101 DP 1293737, and a temporary Asset Protection Zone (APZ) proposed over lot 104 DP 1293737. The subject sites are identified in Figure 1 – Locality Plan and the area of development shown in Figure 3.

Under the SEPP (PWPC) 2021, lot 101 DP 1293737 is zoned UD Urban Development, and SP2 Infrastructure. It is also identified on Council's GIS system as being bushfire prone and mine subsidence affected. The area of lot 104 DP 1293737 to contain the temporary APZ is zoned UD Urban Development.

The subject lot is mapped under the Cumberland Plain Conservation Plan (CPCP), as 'Urban Capable' land.

The site is currently clear of vegetation and earthworks are underway, approved with Stage 1 DA - DA/2019/617/1.

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



Figure 1: Locality Plan

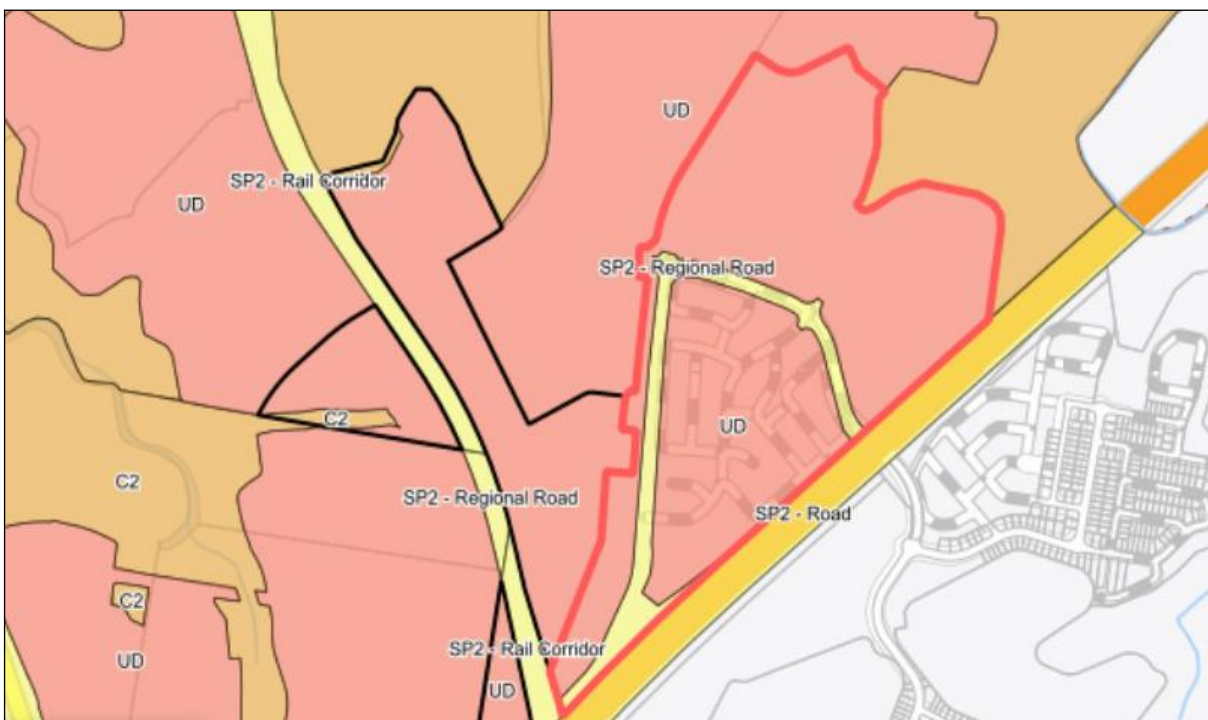


Figure 2: SEPP (PWPC) 2021 Zoning Map



Figure 3: Development Location

1.2 Description of Development

The proposal is for a 103-lot residential subdivision and associated works.

More specifically:

- Torrens title subdivision comprising:
 - o 103 residential lots, lot vary in size from 347m² to 704m²
 - o One (1) super lot with an area of 1,408m²
- Construction and dedication of roads, including construction of temporary turning head
- Landscaping, encompassing street trees and landscaped buffer to the Hume highway
- Infrastructure and service delivery
- Stormwater drainage works. Stormwater proposed to drain to Stage 1 and relies on the WCMS approved with this development.
- Temporary asset protection zone (APZ) provision over lot 104
- Earthworks and benching

Note: Approved DA for Stage 1 (DA/2019/617/1) involved vegetation removal and bulk earthworks in the development area. Refer to the history section of the report for additional details.

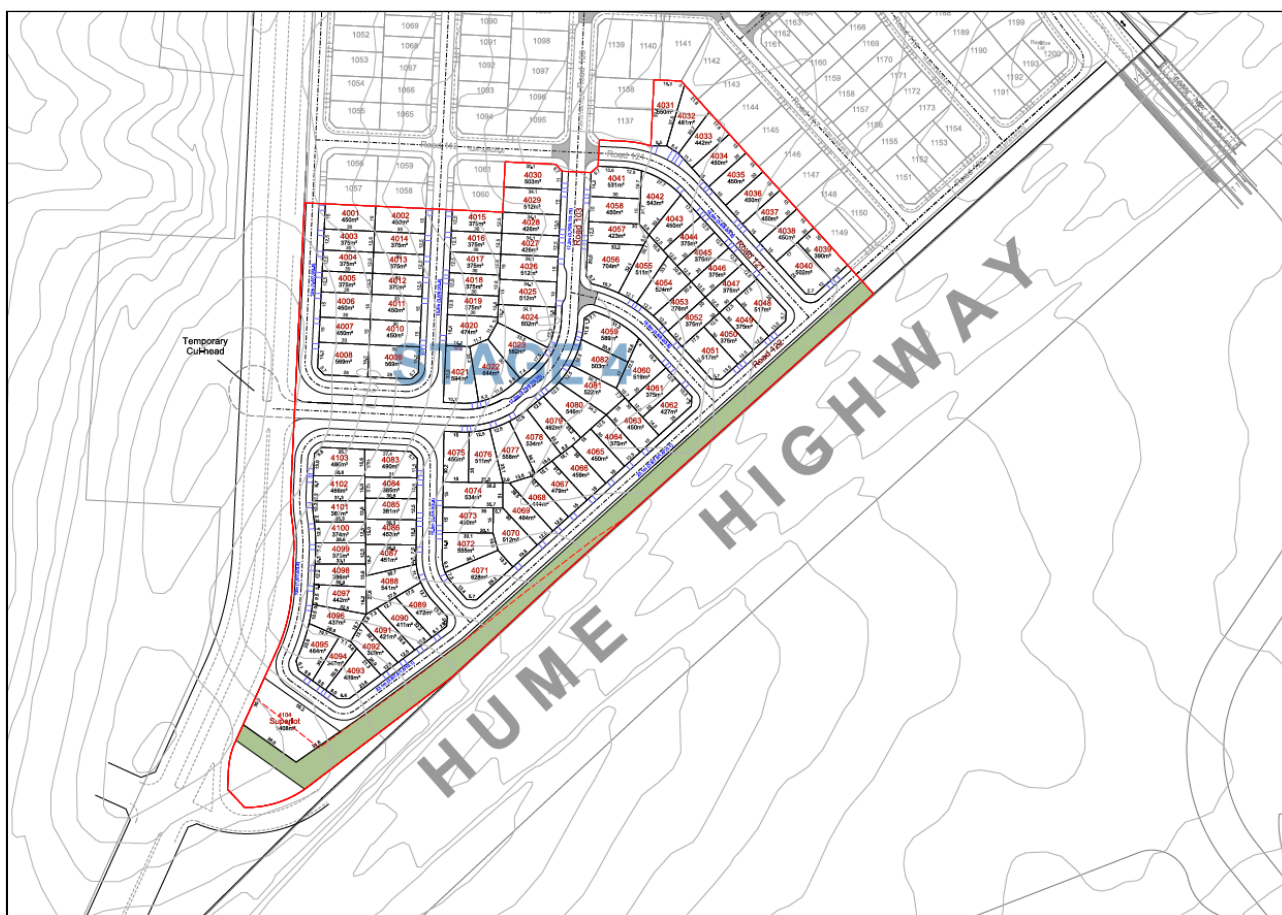


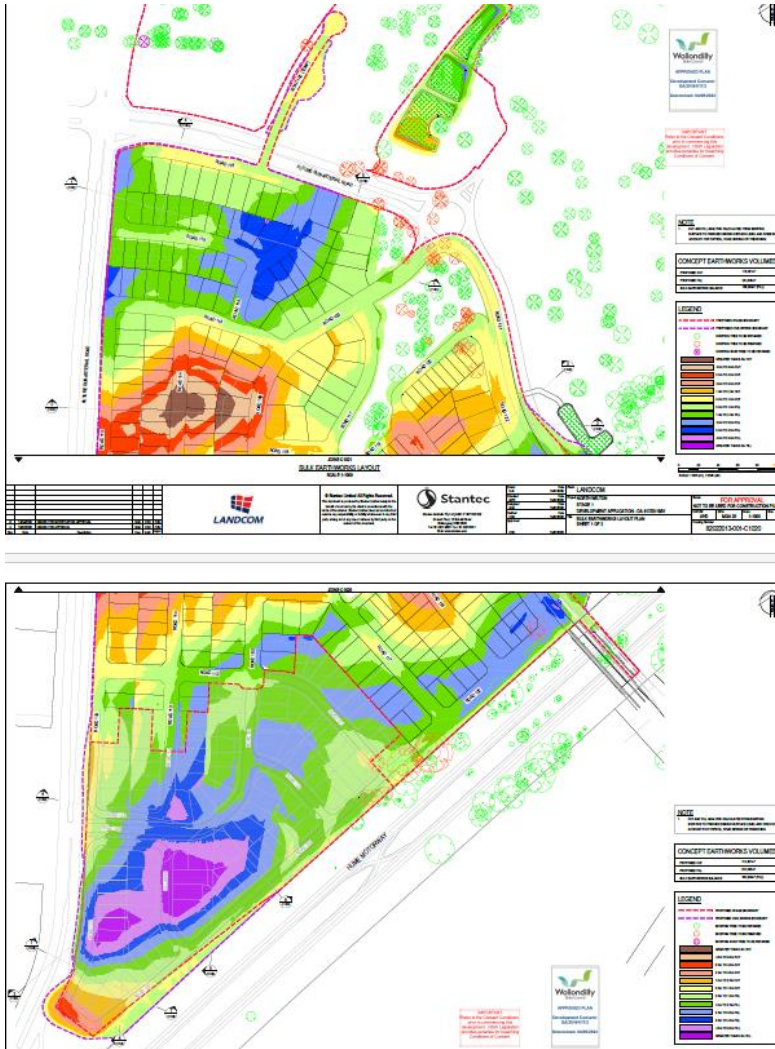
Figure 4: Proposed Subdivision Layout (Revision H)

Development History (Relevant Development Applications Onsite)

DA Number	Description
DA/2019/617/1 and subsequent modifications (referred to as Stage 1)	The Development Application (DA/2019/617/1) for 197 residential lots, one super lot (designated for a future school), and one residue lot, involving earthworks, tree removal, construction, and dedication of roads (including interim access from Niloc Bridge), along with associated public domain landscape works and infrastructure installation, was approved on 30 September 2022. Please refer to the figures below for the overall lot layout and the approved earthworks. Note, the development was approved prior to the finalisation of the WGA DCP 2021 and Neighbourhood Plan No.1 and included approval for vegetation clearance and earthworks for Stage 4.



Figure 5: Stage 1 (Approved)



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

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



Figure 7: Sub-Arterial Road

The sub-arterial road is identified within Wilton 2040 Strategic Plan, the North Wilton Precinct Structure Plan (PSP) and relevant sections of the WGA DCP 2021 and will connect to the proposed new Hume off-ramp, on-ramp, replacement Niloc 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.

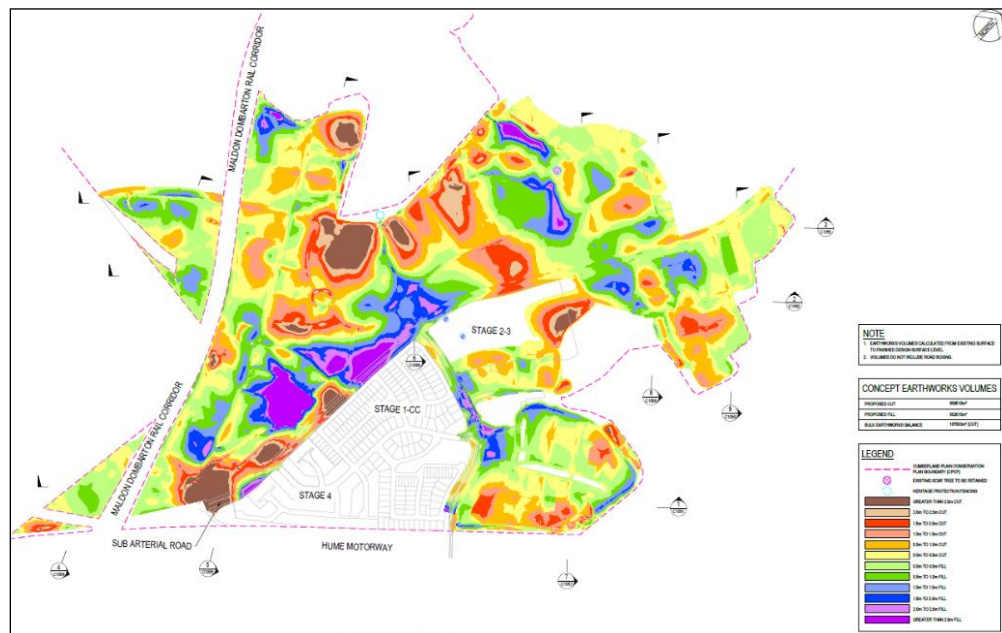


Figure 8: Bulk Earthworks Plan

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 as 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 recommended for approval subject to resolution of the disagreement relating to three of the draft conditions as detailed earlier in the report.

- 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. A Crown development must not be referred to the Minister unless it is first referred to the Regional Panel.
- Subsections 5 to 7 relate failure to determine the application and referral to the Minister or Panel. Council and the Applicant have not invoked clause allowances.

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 \$9,050,862.00 which exceeds the \$5 million threshold for Crown development. The Sydney Western City Central Planning Panel is the relevant consent authority for the DA.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal is considered consistent with relevant chapters and requirements of the SEPP (Biodiversity and Conservation) 2021. The proposed development situated on Certified Urban Capable land, 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
Part 6.1 Preliminary	

Chapter 6 Water Catchment		
Relevant Provisions		Comment
6.1	<p>Land to which Chapter applies</p> <p>This Chapter applies to land in the following catchments—</p> <p>(a) the Sydney Drinking Water Catchment,</p> <p>(b) the Sydney Harbour Catchment,</p> <p>(c) the Georges River Catchment,</p> <p>(d) the Hawkesbury-Nepean Catchment.</p>	Chapter applies to the site, being located in Hawkesbury- Nepean Catchment.
Part 6.2 Development in regulated catchments		
Division 2 Controls on development generally		
6.6	<p>Water quality and quantity</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 neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <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</p>	<p>(a) The proposal is considered to have a neutral impact to water quality subject to conditions.</p> <p>Note – The Water Cycle Management Strategy (WCMS) prepared for Stage 1 subdivision has made provisions for Stage 4 subdivision with two (2) primary discharge locations, an eastern outlet and a western outlet, to two (2) separate tributaries of Allens Creek.</p> <ul style="list-style-type: none"> Western outlet: A water quality treatment train, consisting of a proprietary GPT and a 3,000m² raingarden are proposed for pollutant removal targets prior to discharge to the western outlet of the site. Eastern outlet: A separate interim proprietary GPT and 900m² bioretention raingarden are proposed at the western discharge location of the site (near Hume). These devices will be decommissioned and consolidated within the water management devices in future downstream stages. <p>Subject to appropriate connection and conditions around water quality management during construction phase, proposal is considered appropriate.</p> <p>(b) Noted that the WCMS was approved with Stage 1. Conditions recommended for stormwater management include requirements for hydraulic assessment to ascertain the capacity of existing public or natural drainage infrastructure and any necessities for upgrade, submission of modelling for stormwater quantity and stormwater quality purposes and that property disposal drainage systems shall be designed to cater for 10% AEP.</p> <p>(c) Subject to conditions, stormwater runoff considered appropriately managed</p>

Chapter 6 Water Catchment		
Relevant Provisions		Comment
	<p>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>	<p>(d) WCMS provides for end of line detention prior to discharge. Furthermore, residential sites will incorporate recycled water throughout (purple pipe). As such rainwater tanks have not been included in the water quality strategy. Conditions are proposed to make provision for using recycled water to irrigate the street trees.</p> <p>(e) Subject to appropriate conditions and compliance with WCMS, development is not considered to have significant impact to water table.</p> <p>(f) Subject to appropriate conditions and compliance with WCMS, the cumulative environmental impact of the development can be adequately managed.</p> <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 (approval of Stage 1 WCMS), the development has considered the quantity and quality of water entering a natural waterbody, with the intention to achieve as close as possible, a neutral or beneficial effect.</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>(i) a controlled activity approval under the <i>Water Management Act 2000</i>, or</p> <p>(ii) a permit under the <i>Fisheries Management Act 1994</i>,</p>	<p>Proposal has been considered suitable in terms of aquatic impact.</p> <p>Noting:</p> <ul style="list-style-type: none"> - Site area is certified Urban Capable Land - Does not involve clearing of riparian land - Earthworks and vegetation clearance associated with Stage 1 have been largely completed - WCMS considered appropriate to facilitate the development <p>And subject to inclusion of appropriate conditions in any determination.</p>

Chapter 6 Water Catchment		
Relevant Provisions		Comment
	<p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(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>(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 to any recreation land or foreshores.
6.10	Total catchment management	The WCMS has been considered appropriate to support Stage 4 and Stage 1. Water quantity and quality can be adequately managed subject to conditions.
Division 3 Controls on development in specific areas		
6.11	Land within 100m of natural waterbody	N/A
6.12	Riverine Scenic Areas	N/A
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	Comments
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Part 13.1 Preliminary		
13.1	<p>Land to which Chapter applies</p> <p>(1) This Chapter applies to land shown on the Land Application Map.</p> <p>(2) This Chapter does not apply to land subject to a claim lodged in accordance with the Aboriginal Land Rights Act 1983, section 36.</p> <p>(3) Parts 13.3 and 13.4 do not apply to land acquired or reserved under the National Parks and Wildlife Act 1974.</p>	<p>Development located on land mapped as Certified Urban Capable.</p> <p>Note - vegetation clearance has been completed with Stage 1 (which included for the bulk earthworks for Stage 4) – at the time the former planning provisions (section 5A of the EPA Act and Threatened Species Conservation Act 1995) applied. The development was not considered likely to have significant impact on threatened or migratory biodiversity listed on the TSC/BC Act or EPBC Act and Biodiversity offset not propose.</p>
Part 13.2 Development Controls		
13.6	Koala fences and fauna crossings	
	<p>(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.</p>	N/A – None proposed.
Part 13.3 Development controls—avoided land		
Proposal not located on avoided land		
Part 13.4 Development controls—strategic conservation area		
Proposal not located on strategic conservation land		
Part 13.5 Development on certified urban capable land		
13.15	Asset protection zones	
	<p>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.</p>	Noted, APZ located wholly on land identified as Urban Capable Land
13.16	Mitigation measures	
	<p>(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.</p>	Noted, Development is considered consistent with the Cumberland Plain Conservation Plan Mitigation Measures Guidelines subject to conditions of consent.
	<p>(2) In this section—</p> <p>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.</p>	Noted.

State Environmental Planning Policy (Resilience and Hazards) 2021

Section 1.01 Chapter 4 Remediation of Land	
Relevant Provisions	Comments
4.6 Contamination and remediation to be considered in determining development application	
<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 is considered consistent with the requirements of SEPP (Transport and Infrastructure) Chapter 2 – Infrastructure, Division 5: Electricity Transmission or Distribution, Division 15: Railways and Division 17: Roads and Traffic. Please refer below for details:

Division 5: Electricity Transmission or Distribution	
Clause	Comments
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 15: Railways	
Clause	Comments
2.98	<p>Clause 2.98 'Development adjacent to rail corridors' was considered as the subject site is located adjacent rail corridor (Maldon-Dombarton). The area of the development footprint however is a significant distance from the rail corridor (270m+) and subject to conditions of consent, the proposal is not anticipated to:</p> <p>(a) impact rail safety,</p>

	<p>(b) result in placing of a metal finish on a structure and the rail corridor concerned is used by electric trains</p> <p>(c) result in the use of a crane in air space above any rail corridor</p> <p>(d) impact area within 5m of an exposed overhead electricity power line that is used for the purposes of railways or rail infrastructures facilities.</p> <p>In light of the above, no formal referral considered required to the rail authority, however noted that the rail corridor authority was notified of the proposal regardless, during Council's neighbour notification process, being an adjoining land owner. No submissions provided against the application.</p>
2.100	<p>Additionally, clause 2.100 regarding impact of rail noise or vibration on non-rail development is applicable. The proposal, located outside the 100m proximity to the rail corridor, adheres to noise and vibration guidelines (refer to Development Near Rail Corridors and Busy Road – Interim Guideline) satisfying Council's Environmental Health Officer (EHO) concern and ensuring compliance with the stipulated requirements</p>
Division 17: Roads and Traffic	
Clause	Comments
2.118	<p>Clause 2.118 'Development on proposed classified road' notes that consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—</p> <ul style="list-style-type: none"> (a) <i>subdivision that results in the creation of an additional lot with dwelling entitlements,</i> (b) <i>development with a capital investment value greater than \$185,000,</i> (c) <i>development for the purpose of dwellings that are, or any other building that is, to be held under strata title.</i> <p>The development will result in a 'residue lot' and a level of works (unknown capital investment value) within a proposed classified road.</p> <p>Prior to determination, the application was referred to TfNSW. Following proposal amendments (to remove local road from SP2 land), concurrence has been provided.</p>
2.120	<p>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> <ul style="list-style-type: none"> (a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> (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> <ul style="list-style-type: none"> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> (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>The development is considered to satisfactorily address above, noting:</p> <ul style="list-style-type: none"> (a) the development is not proposed to connect to the Hume Highway, access is provided for via Stage 1 (which has access via Nilloc Bridge). On and off ramps are planned to facilitate Wilton development in future. These however, will likely be the subject of a Part 5 Application and to be assessed by TfNSW. (b) The development as noted above, is not proposed to be connected to the Hume highway, and 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 impact to the safety, efficiency or ongoing operation of the classified road. (c) The development is of a type that is sensitive to noise traffic, however the acoustic report provided is considered appropriate by Council's EHO, and subject to conditions the development is considered suitably designed to mitigate potential noise and vehicle emissions arising from being adjacent a classified road.
2.121	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 1m cut. Referral to TfNSW not required under this clause.
2.122	Relates to traffic generating development. The development is for a development type listed (subdivision) however not to the scale listed in Schedule 3 and proposed for connection via Stage 1.

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 is consistent with the structure plan.</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 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 this objective. The area is 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	The development being Crown development, with CIV over 5 million, the consent authority is the Western Sydney Regional Planning Panel.
1.8 Repeal of other local planning instruments applying to the land	Noted – WLEP 2011 ceases to apply to the land This section does not affect the operation of other provisions of this SEPP
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.
Part 2 Permitted or prohibited development	
2.1 Land use zones	Application includes land zoned: <ul style="list-style-type: none"> - Zone 1 Urban Development (UD) - Zone SP2 Infrastructure (SP2)
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.
Part 4 Principal development standards	
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>Development considered consistent with clause requirements, more specifically:</p> <p><i>(1) 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>Comments:</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 detached dwelling house.</p> <p>This application provides an additional 103 residential lots. This DA is similarly anticipated to provide for detached dwelling houses.</p> <p>Noted there is a further application under assessment at Council (Stage 2/3) which proposes an additional 318 residential lots. The DA is similarly anticipated to provide for detached dwelling houses.</p>

	<p>Should Stage 4 and Stage 2/3 be approved, anticipated dwelling yield (providing 394 lots in total) will remain under 5 600 dwelling count</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>(a) <i>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>(b) <i>residential flat buildings, multi dwelling housing, mixed use development and shop top housing being 25 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land, or</i></p> <p>(c) <i>attached dwellings being 15 or fewer dwellings per hectare of the land or exceeding 45 dwellings per hectare of the land.</i></p> <p><u>Comments:</u> Application proposes allotments to facilitate (2)(a). In this clause density 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: 62341.881m² or 6.23ha, allowing for a minimum 93.51 dwellings and a maximum 155.75 dwellings.</p> <p>Note residue lot and open space along the interface of the Hume Highway 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. Applicant has advised the residue lot is intended for future subdivision following housekeeping to realign SP2 zoned land.</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>Comments:</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>Comments:</u> Noted.</p>
4.6 Exceptions to development standards	None proposed.
Part 5 Miscellaneous provisions	
5.1A Consideration of development applications	<p>In accordance with clause requirements the consent authority has:</p> <ul style="list-style-type: none"> - notified the Planning Secretary about the proposal. No submission/s made from the Planning Secretary for consideration. - reviewed the proposal against the North Wilton structure plan and is satisfied that the proposal is generally consistent. - is satisfied that there is no mining lease, refer to Mine Subsidence GTAs.
5.1 Relevant acquisition authority	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 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 3 November 2023, reference to be included in any determination.</p>	
Part 7 Additional local provisions	
7.1 Public utility infrastructure	Appropriate conditions will apply to ensure connection to electricity, telecommunication facilities, water and reticulated sewer prior to issue of a subdivision certificate.
7.2 Development in Zone C2 Environmental Conservation	None proposed with the DA.
7.3 Subdivision of land adjoining Zone C2 Environmental Conservation	None proposed with the DA.
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><i>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality</i></p>

	<p><u>Comments:</u> Development considered able to be undertaken with limited impact on existing drainage patterns and soil stability, subject to conditions.</p> <p><i>(b) the effect of the development on the likely future use or redevelopment of the land</i></p> <p><u>Comments:</u> Earthworks required to be undertaken to facilitate residential development of land in accordance with precinct structure plan.</p> <p><i>(c) the quality of the fill or the soil to be excavated, or both</i></p> <p><u>Comments:</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><i>(d) the effect of the development on the existing and likely amenity of adjoining properties</i></p> <p><u>Comments:</u> Due to nature and location of the development, impact to the amenity of immediate neighbours considered limited.</p> <p><i>(e) the source of any fill material and the destination of any excavated material</i></p> <p><u>Comments:</u> Fill type to be conditioned to ensure appropriate for the site.</p> <p><i>(f) the likelihood of disturbing Aboriginal objects</i></p> <p><u>Comments:</u> The site is already heavily disturbed with earthworks associated with Stage 1. Stage 1 application was conditioned for stop works in the event of unexpected finds. The likelihood of disturbing Aboriginal objects considered low, however standard conditions (including stop works) to be included in any draft determination.</p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area</i></p> <p><u>Comments:</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><i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</i></p> <p><u>Comments:</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.</p>
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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

LAND USE TABLE

Zone 1- Urban Development

Objectives	Comments
<ul style="list-style-type: none"> To manage the transition of land from non-urban uses to urban uses. 	Complies – The development is located a significant distance from the boundaries to C2 land and vegetation buffer and perimeter road provided to manage transition from SP2 zoned land to UD zone.
<ul style="list-style-type: none"> To encourage the development of well-planned and well-serviced new urban communities in accordance with the North Wilton structure plans. 	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 and engineering plans).
<ul style="list-style-type: none"> To ensure a range of uses, and uses located in a way, that are consistent with the strategic planning for the North Wilton Precinct. 	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"> To safeguard land used for non-urban purposes from development that could prejudice the use of the land for future urban purposes. 	Not inconsistent – Subdivision is located in areas identified for urban purposes in relevant structure plan. Development therefore not considered to impact UD land identified for non-urban purposes.
<ul style="list-style-type: none"> To ensure that land adjacent to environmental conservation areas is developed in a way that enhances biodiversity outcomes for the Precinct. 	N/A – Development not adjacent to any environmental conservation land.

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

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

Permissibility: Subdivision is permitted under clause 2.6.

Zone SP2 - Infrastructure

Objective	Comments
<ul style="list-style-type: none"> To provide for infrastructure and related uses. 	Complies – Plans amended to remove local road and residential lots from SP2 land. It is noted that there remains landscaping, footpath/maintenance track and a residue lot encroaching onto a portion of SP2 land. Works related to SP2 infrastructure, providing for an interface between SP2 infrastructure and residential development (UD) and not anticipated to impact functionality of the area – refer below

<ul style="list-style-type: none"> To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	Complies - Works minor in nature and not anticipated to impact the provision of infrastructure into this area. Concept on-ramp design provided with the application. The proposal was referred to TfNSW who raised no concern subject to conditions of consent.
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Development: The Applicant amended the proposal to remove residential subdivision and local roads from SP2 land. The amended design however contains part of the vegetation buffer, footpath / maintenance track, temporary turning head and a residue lot within part of this area:

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

Permissibility: Development on land considered incidental or ancillary to the Regional Road. Note:

- The turning head provision is only temporary until such time the road is constructed.
- Vegetation buffer and footpath, generally forms part of the typical road section design. Whilst it in parts encroach into this area, the intention is to provide a buffer between the future residential development and infrastructure associated with on ramp (regional road), and can be removed/modified if required with the on ramp design.
- Lot created in SP2 zone is identified as a residue lot, not intended for residential development.

Note - the applicant is seeking to undertake a housekeeping amendment to locate the residue lot in the UD zone in future (applicant advising the area is not considered required for on-ramp provision).

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	Comments
3.1 Earthworks	<p>The application includes additional fill beyond that approved in Stage 1. The Applicant noted natural levels on plans are based on approved earthworks, previous approval did not cover benching, and due to the design's nature and the slopes' steepness, extra fill is necessary for benching.</p> <p>The WGA DCP 2021 requires development be designed to minimise cut and fill, specifying a maximum of 1m excavation or fill from the sites' present surface level. Variations to this maximum may be considered if supporting information demonstrates no adverse impacts on adjoining properties or visual amenity.</p> <p>While cut is compliant with control requirements, the application proposes a variation to fill. While most of the site adheres to the 1m fill limit, approximately 25%</p>

	<p>will exceed it, reaching a maximum fill of 2.5m. The Applicant clarified that this fill is essential for benching and will limit the overall height of retaining walls.</p> <p>Considering the site levels, location (adjacent to Hume, Arterial, and Stage 1), and the stormwater management design, and subject to appropriate conditions (limiting the height of retaining walls and terracing where walls exceed 1.5m through the provision of planter boxes to minimise impact). The development is not anticipated to impact the built environment nor visual amenity. The proposed site grading despite non-compliance, is considered appropriate.</p> <p>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.</p>
3.2 Flooding	<p>The site is not identified as flood liable land and the Water Cycle Management System (WCMS) provided is considered appropriate by Council's Development Engineers for conveyance of major/minor stormwater events.</p>
3.3 Water Cycle Management	<p>The development relies on a WCMS approved in Stage 1, which provides for end of line treatment and incorporates two Gross Pollutant Traps (GPTs) and bioretention basins with filter media surface areas, which will meet water quality targets, as detailed in the supplied technical memo.</p> <p>While it is noted that the current design does not comply with Council's Design and Construction Specifications for WSUD (relying on end-of-line treatment rather than an integrated approach), the proposal has been considered acceptable in this instance, noting Stage 1 and 4 are isolated from wider development of the area, that the design was previously approved with Stage 1 and the design provides satisfactory water quality and quantity treatment outcomes.</p> <p>It is also noted that moving forward however, Council will be requesting adherence to with the listed documents and targets.</p>
3.4 Flora, Fauna and Habitats	<p>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. The proposal is therefore considered appropriate from a biodiversity perspective.</p>
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 is considered appropriate.</p> <p>It is noted that Council's Environment Department have requested some amendments to the proposed tree species. Amended species have been noted to provide a similar canopy, and are considered 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 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. While the development has not provided for an integrated WCMS, subject to conditions – requiring passive street irrigation via Sydney Water recycled water network (purple pipe) – the proposal is considered appropriate. Conditions relating to purple pipe for irrigation will ensure water source is provided for street trees that contributes to street tree overall health and resilience, which will aid in achieving canopy coverage targets.</p>

	These conditions have not been agreed to by the applicant and will require resolution before the application is determined. The relevant conditions have been highlighted in the draft recommended conditions (Annexure 4).
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. Subject to appropriate conditions, no impact anticipated.
3.7 Salinity	The proposal is consistent with section requirements – A Salinity Assessment was provided with the application and to be referenced for compliance in any determination.
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 consistent with section requirements.</p> <p>It is noted that consideration of Aboriginal matters was undertaken with Stage 1 - Stage 1 approval required additional archaeological testing prior to works commencing onsite. This has been completed. During this testing no objects were identified within the area of Stage 4 development. Vegetation clearance and earthworks within the footprint of Stage 4 have since begun.</p> <p>Appropriate conditions to be placed on this determination to ensure stop works protocol in the event of any unexpected finds.</p>
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 north-west until such time this area is developed. In accordance with DCP 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 to 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 concludes that all lots can comply with the noise criteria applicable to the site subject to recommended attenuation measures – refer to Acoustic Report.</p> <p>A landscape barrier is also proposed along the boundary adjacent the Hume highway to assist 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 development does not comply with the typical road sections outlined in the DCP. The control stipulates that:</p> <ul style="list-style-type: none"> - a 'Typical Primary Local Street' should have a road reserve width of 21.5m, incorporating shared paths, WSUD, and pedestrian paths, and - a 'Typical Local Residential Streets' should have a width of 17.2m, accommodating pedestrian paths on both sides, street trees, and WSUD.

	<p>Road 103, is 17.2m, below required 21.5m for Typical Primary Local Streets (-4.3m). Local residential streets are 15.6m and perimeter roads 13m, both below required 17.2m for Typical Local Residential Streets.</p> <p>Council raised concern regarding the road network and design, including the non-compliance with WGA DCP 2021 and suggested widening of roads, amendments to bends to accommodate garbage truck movements and inclusion of pedestrian paths on both sides of the road and additional WSUD within the road network.</p> <p>The Applicant stated the isolated nature of Stage 1 and 4 from the wider development of the area, and that the proposed road widths facilitates integration with Stage 1 road network design, as the development and some of the roads proposed follow through from Stage 1 (approved prior to the adoption of the WGA DCP 2021).</p> <p>Due to low traffic volume the roads should be considered local streets rather than collector roads. Radii of bends amended from a kerb radius of 12m to 15m. Amended civil plans were provided which show grass lined swales and castellated kerb in sections of road 103 for further investigation at design stage.</p> <p>Council acknowledged the isolated nature of the development which follows from Stage 1 and the benefits associated with continuation/coherence in street design, however remains cognisant of negative outcomes that could result from a variation to the WGA DCP 2021 road design. Road widths proposed in the WGA DCP 2021 provide for additional area for footpaths on both sides of the road, WSUD infrastructure within the verge and additional growing area for street trees (noting canopy coverage targets for the area).</p> <p>Following further discussion, the applicant agreed to provide footpath on both sides of the road (to be conditioned) within current proposed road widths. Noting above, and that Stage 4 stormwater drains to Stage 1 catchment (WCMS approved with Stage 1 that does not provide integrated WSUD within the road reserve) and the recommended requirement for connection of purple pipe connection to irrigate street trees (see below section), Council staff have accepted the variation in this instance.</p> <p>Moving forward, Council will be recommending strict compliance with WGA DCP 2023 (including road sections, integrated WSUD within road layout and passive street tree irrigation) unless an alternate design providing for an equal or greater benefit to objectives is proposed.</p>
3.15 Provision of Services	<p>DA considered appropriate in terms of servicing, subject to conditions –</p> <p>The proposal was referred to Sydney Water who advised drinking water and recycled water can be provided once lead-in and reticulation mains are delivered by the proponent. However, wastewater services cannot be provided until the delivery of required trunk assets and treatment plant upgrades are completed in c 2027. The proposal will be conditioned to require connection of water and reticulated sewer prior the issue of a subdivision certificate for the development.</p> <p>Applicant 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.</p> <p>The proposal referred to Endeavour Energy who raised no concerns subject to conditions of consent</p>
3.15 Crime Prevention Through Environmental Design	<p>The development considered broadly complies with the principles of CPTED. It is noted:</p> <ul style="list-style-type: none"> - Landscaping within the streetscape and location of share path/pedestrian paths appropriate and not considered to obstruct passive surveillance; - Lots have been designed to ensure that future dwellings front the street.

	<ul style="list-style-type: none"> - Street lighting design is to be provided to Council for approval prior to the issue of Subdivision Works Certificate to ensure public areas appropriately lit up during the evening.
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	Comments
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 does not comply with WSUD integrated principles, the development however has been considered acceptable in this instance and noting design has provided for water quality targets in Table 2 of the DCP.
4.4 Residential Density Principals	<p>Proposal consistent with controls outlines in this section, providing for a development consistent with the density band and dwelling cap as identified in the SEPP (PWCP). Resultant lots are also considered of a size that can accommodate desired outcome for this density band, as indicated in Table 4, i.e. allow for:</p> <ul style="list-style-type: none"> • <i>Mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.</i> • <i>Focused areas of small lot dwelling houses in high amenity locations</i> • <i>At 20dw/Ha, the occasional manor home on corner lot</i> • <i>Single and double storey dwellings</i> • <i>Mainly suburban streetscapes, the occasional urban streetscape.</i> <p><i>Noting exclusion of dual occupancies and secondary dwellings in contracts of sales to avoid exceedance of dwelling cap.</i></p>
4.5 Block and Lot Layout	<p>Block design is consistent. Noted no laneways proposed or lots directly adjoining the arterial or sub arterial roads.</p> <p>No objection raised to the variation, subject to footpaths to be provided on either side of the road for appropriate pedestrian and cycle movement and provision for street tree irrigation to promote achievement of tree canopy target.</p> <p>In terms of lot layout, lot orientation, and configuration, considered appropriate and consistent with control requirements.</p> <p>Note that one lot is below the minimum frontage width (8.4m instead of the required 9m). The variation has however been considered acceptable, noting lot configuration (average width, depth and overall area can accommodate a dwelling house).</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 to be located a clear distance from intersections.
4.9 Subdivision for attached or abutting dwellings	N/A – subdivision for single dwellings. Residue lots created to be the subject of future DAs.

Part 8: Sustainability and Biodiversity	
8.1 Sustainability	
Section	Comments
8.1.2.1 Tree Canopy Cover	Requires consideration of retention of existing trees for tree canopy coverage and provision of suitable species to support tree canopy coverage. Development has been considered suitable subject to conditions.
8.1.2.2 Energy Efficiency and Reduction in Carbon Emissions	<p>Requires new development consider maximising solar access and consideration of sustainable building materials in design.</p> <p>Subdivision considered appropriate in terms of solar access (50% lots provided east-west orientation, and those north-south provide for lot widths/depths in excess of DCP 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 particularly WSUD.</p> <p>Future development will be required to consider requirements of the WGA DCP and any developer Design Guidelines (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"> 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). 2. Directly connect street trees to the recycled water network for irrigation. <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 – refer to condition of consent.</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 internet services prior to lot registration, ensure Council owned street lighting and provision of recycled water for street tree irrigation.

8.3 Biodiversity	<p>Considered consistent with section requirements. Noting:</p> <ul style="list-style-type: none"> - Development not considered to impact waterways subject to appropriate conditions. - The subject site is clear of vegetation, removing the need for development to consider retention of trees or location to minimise/avoid impact to native vegetation. - WCMS is considered appropriate to minimise impact on the biodiversity values of conservation areas.
8.3.3.4 Additional Controls for Subdivision	The development, subject to conditions (including weed eradication and pest management), 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	Comments
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 proposed, application has demonstrated key principles achieved.
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.	Generally consistent. It is noted that WSUD has not been integrated throughout the development, as required by Part 8 - refer to comments provided previously in this report – however proposal has been considered suitable in the context and will provide for a level of WSUD infrastructure 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 implemented in consultation with the Environment and Heritage Group	Noted - Site however is clear of vegetation.
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.	Complies:

	<ul style="list-style-type: none"> No open space proposed in Stage 4, consistent with Figure 3. Noise mounds provided for in Stage 4, consistent with Figure 3.
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.	Complies - As above, no open space required in Stage 4.
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	Variation – Refer to previous comments in report.
2.4 Tree Canopy Cover	
Controls	Comments
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 replacement of some species, alternate species are not expected to negatively impact coverage (alternate species considered more appropriate to the locality, resilient and of 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"> a. Canopy area for trees proposed for their growth at 5, 10, 15 and 20 years b. Site area c. Trees located within road reserves and trees located within rear and front setback of lots as per DCP d. Total tree canopy coverage (%) at 5, 10, 15 and 20 years across the development site e. Total tree canopy coverage (%) at 5, 10, 15 and 20 years across the road reserves 	
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.	Applicant proposes the provision of canopy coverage in part through Council 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 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 on neighbouring lot 104 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.	The proposal only includes for a temporary APZ to the west and no trees proposed to be planted in this area. NSW RFS require the rest of the development be managed as an IPA. Certification from a Bushfire Consultant will be required at the Subdivision Certificate stage, certifying the development is consistent the RFS GTAs.
2.5 Grey Grid	
Controls	Comments
1. The pedestrian and cycle network is to be consistent with Figure 4.	Complies - pedestrian/cycle path to be provided per plan. Condition to also be included in the Notice of Determination requiring provision of pedestrian paths on both sides of all roads (except those sides which do not front residential lots).
2. Off road pedestrian and cycle links are to be integrated with open space, special urban areas and conservation areas.	Noted, not required with this stage.
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.	Noted, not required with this stage (site does not abut bushland area). Noted however a cycle/maintenance track (3m) will be provided along the Hume Highway prior to vegetation buffer.
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: <ol style="list-style-type: none"> Achievement of the objectives of this Section and those of Section 3.14 Movement. Achievement of the 40% canopy cover in accordance with Section 2.4 Canopy Cover of this Part. Provision of adequate pedestrian and cycle infrastructure. Achievement of adequate vehicle movement commensurate to the street type 	<p>Applicant has requested variation to road reserve widths – refer to section 3.14 movement in Parts 1-8 of the WGA DCP 2021.</p> <p>Council has agreed to variation to street widths, subject to conditions, including requirement for:</p> <ul style="list-style-type: none"> - Footpaths on either side of the road for appropriate pedestrian and cycle movement - Provision of passive street tree irrigation, to ensure a resilient street trees, to support canopy coverage targets.
6. Principles of CPTED (Crime Prevention through Environmental Design) to be	Proposal considered appropriate in this regard:

incorporated in the design of the access and movement system.	<ul style="list-style-type: none">- Lots containing appropriate frontage to streetscape and will result in dwellings addressing streetscape.- Corner lots of an appropriate size to ensure future dwelling address both street frontages- Maintenance track/cycle path located to be largely visible from the public domain.- Street lighting plan to be conditioned to ensure appropriate lighting provided in public areas.
2.6 Bushfire Management and Evacuation	
Control	Comments
1. Emergency access to be located consistent with the location nominated in the Neighbourhood Plan at Figure 2.	Emergency access (purple arrow) was originally proposed in this area with Stage 1. Stage 1 was subsequently modified to remove this emergency access (considered unnecessary by applicant's Bushfire Consultants). The application was referred to NSW RFS who agreed to the emergency accessway removal. Stage 4 was referred to NSW RFS, no requirement for provision of this access was required.
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	
2.7 Contaminated Land	
Controls	Comments
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	Comments
1. Maximise opportunities to retain mature trees through the considered design of roads and lot	N/A - Vegetation already removed from the site with Stage 1 Approval.
2. Open space will be located to benefit from established tree canopy.	N/A - No open space proposed with this application.
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">• Detailed engineering design;	N/A - As above, vegetation removed from the site.

<ul style="list-style-type: none"> Detailed tree survey and assessment, including current health and likely survival; and, Road and lot/dwelling alignment. 	
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, vegetation mounding proposal along the Hume Highway to limit visual impact to and from the highway. Conditions also included in regards to retaining wall height to minimise any visual impact associated.
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"> Lot siting and orientation, Landscaping design, Roof pitch and design, Colour palette. 	Complies, subdivision design has considered lot siting, orientation and landscaping to limit visual impact of the development.
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.	Development anticipated onsite low density residential in nature. Dwellings not anticipated to dominate the skyline.
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	
N/A – Development in Stage 4 is not adjacent C2 Land.	
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"> A maximum batter of 1:3. A variety of vegetation to provide visual screening. A 2.5m path, to be used for active transport and maintenance. 	Complies: <ul style="list-style-type: none"> Proposal provides for a maximum batter of 1:3 A variety of vegetation to provide visual screen A 2.5m path to be used for active transport and maintenance.
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	Comments

1. The residential dwelling target for North Wilton is 5,600	Noted, subdivision will not result in dwelling exceeding cap, refer to earlier comments.
2. Dwelling yields proposed in each subdivision application will be tracked against those in the Neighbourhood Plan.	Noted.
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).	<p>Proposal is above indicative stage yield identified in Figure 8, proposing 103 lots, above the indicated 91 lots for the stage.</p> <p>Despite variation, the overall target of 5,600 dwellings for North Wilton is not considered compromised.</p> <p>It is also noted that target for the neighbourhood plan of 699 dwellings is also considered achievable.</p> <p>While Stage 1 was approved below indicative yield – 197 in lieu of 199 lots and Stage 2/3 DA is proposing 318 lots, below indicative yield of 409, Stage 2/3 development contains residue lots identified for medium density, and the shortfall in dwellings anticipated to be delivered in these areas.</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 State Planning Agreement is in the process of being novated to Landcom.

1.4 Impact of the Development

Head of Consideration	Comments
Natural Environment	The site is clear of vegetation and earthworks underway with Stage 1 approval. 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 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 requirements of SEPP (PWCP) and objectives of the WGA DCP 2021. In light of above, and subject to conditions (providing for recycled water to streetscape, footpaths either side of the road, and a design per Council's Engineering 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,

Head of Consideration	Comments
	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) 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. It is therefore of critical importance that the applicant be required to maintain the irrigation system for 5 years as recommended. Negotiations are also currently underway between Sydney Water and Council to discuss the long-term infrastructure and water provision arrangements.

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 the Torrens title subdivision comprising 103 residential lots and associated earthworks, utilities and infrastructure works, stormwater drainage works, and street tree planting at Lot: 101 DP: 1293737, 195A Fairway Drive WILTON and Lot: 104 DP 1293737, 195D Fairway Drive WILTON. <i>Condition reason: To ensure all parties are aware of the approved development description and development address.</i>
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

Plan title	Plan Reference	Drawn by	Date of plan
Stage 4 Subdivision Plan North Wilton	LANWN-3-007-1, Revision H	Design and Planning	21/02/2024
Cover Page	82022013-006-C1000, Revision B	Stantec	10/11/2023
Layout Plan and Drawing Schedule	82022013-006-C1001, Revision B	Stantec	10/11/2023
General Notes	82022013-006-C1002, Revision B	Stantec	10/11/2023
Bulk Earthworks Layout Plan	82022013-006-C1005, Revision B	Stantec	10/11/2023
Bulk Earthworks Sections Sheet 01 of 04	82022013-006-C1006, Revision A	Stantec	10/11/2023
Bulk Earthworks Sections Sheet 02 of 04	82022013-006-C1007, Revision A	Stantec	10/11/2023
Bulk Earthworks Sections Sheet 03 of 04	82022013-006-C1008, Revision A	Stantec	10/11/2023
Bulk Earthworks Sections Sheet 04 of 04	82022013-006-C1009, Revision A	Stantec	10/11/2023
General Arrangement Key Plan	82022013-006-C1010, Revision B	Stantec	10/11/2023
General Arrangements Sheet 1 of 3	82022013-006-C1011, Revision B	Stantec	10/11/2023
General Arrangements Sheet 2 of 3	82022013-006-C1012, Revision B	Stantec	10/11/2023
General Arrangements Sheet 3 of 3	82022013-006-C1013, Revision B	Stantec	10/11/2023
Typical Road Cross Section Sheet 1 of 2	82022013-006-C1020, Revision B	Stantec	10/11/2023
Typical Road Cross Section Sheet 2 of 2	82022013-006-C1021, Revision B	Stantec	10/11/2023
Road Long Section Sheet 1 of 7	82022013-006-C1030, Revision B	Stantec	10/11/2023
Road Long Section Sheet 2 of 7	82022013-006-C1031, Revision B	Stantec	10/11/2023
Road Long Section Sheet 3 of 7	82022013-006-C1032, Revision B	Stantec	10/11/2023
Road Long Section Sheet 4 of 7	82022013-006-C1033, Revision B	Stantec	10/11/2023
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Road Long Section Sheet 7 of 7	82022013-006-C1036, Revision B	Stantec	10/11/2023
Catchment Layout Plan	82022013-006-C1050, Revision B	Stantec	10/11/2023
Soil and Water Management Plan Bulk Earthworks Phase	82022013-006-C1060, Revision B	Stantec	10/11/2023
Soil and Water Management Plan Post Civil Works Phase	82022013-006-C1061, Revision B	Stantec	10/11/2023
Soil and Water Management Details Sheet 1 of 2	82022013-006-C1062, Revision B	Stantec	10/11/2023
Soil and Water Management Details Sheet 2 of 2	82022013-006-C1063, Revision B	Stantec	10/11/2023
Hume Motorway Sections Sheet 1 of 3	82022013-006-C1070, Revision B	Stantec	10/11/2023
Hume Motorway Sections Sheet 2 of 3	82022013-006-C1071, Revision B	Stantec	10/11/2023
Hume Motorway Sections Sheet 3 of 3	82022013-006-C1072, Revision B	Stantec	10/11/2023
Vehicle Turning Path	82022013-006-C1080, Revision B	Stantec	10/11/2023
Cover Sheet	A210261 ST4M-L0000 Issue A	Group GSA	15/11/2023
Tree Canopy Analysis	A210261 ST4M-L0001 Issue A	Group GSA	15/11/2023
Streetscape Rendered Plan	A210261 ST4M-L0002 Issue A	Group GSA	15/11/2023
Streetscape Road Hierarchy Plan	A210261 ST4M-L0003 Issue A	Group GSA	15/11/2023
Streetscape General Arrangement Plan_1	A210261 ST4M-L2001 Issue A	Group GSA	15/11/2023
Streetscape General Arrangement Plan_2	A210261 ST4M-L2002 Issue A	Group GSA	15/11/2023
Streetscape General Arrangement Plan_3	A210261 ST4M-L2003 Issue A	Group GSA	15/11/2023
Streetscape Planting Palette	A210261 ST4M-L5000 Issue A	Group GSA	15/11/2023
Vegetation Buffer to Hume Highway Planting Palette_1	A210261 ST4M-L5001 Issue A	Group GSA	15/11/2023
Vegetation Buffer to Hume Highway Planting Palette_2	A210261 ST4M-L5002 Issue A	Group GSA	15/11/2023
Streetscape Typical Sections_1	A210261 ST4M-L6001 Issue A	Group GSA	15/11/2023
Approved Documents			
Document title	Reference/Revision	Prepared by	Date of documents
Statement of Environmental Effects	Final	Design and Planning	31 July 2022

	Bushfire Assessment	23084	Peterson Bushfire	1 August 2023
	Stage 4 – Water Quality Tech Memo	-	Stantec	25 July 2023
	Report on Phase 2 Salinity Assessment	86437.02, R.002.Rev2	Douglas Partners	1 November 2019
	Report on Geotechnical Investigation	86437.02, R.001.Rev2	Douglas Partners	1 November 2019
	Report on Detailed Site Investigation (Contamination)	206812.00, R.001Rev1	Douglas Partners	1 September 2022
	Traffic Impact Assessment	Revision B	WSP	27 July 2023
	Aboriginal Cultural Heritage Due Diligence Assessment	Version 2.0	Kayandel Archaeological Services	1 November 2019
	Road Traffic Noise Assessment	TM624-03D03 Stage 4 (r2) Issue 3	Renzo Tonin and Associates	29 November 2023
	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.	Potential Neighbour Disturbance/ Neighbour Notification			
	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.	Unexpected Finds			
	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>			
5.	Removal of Waste Materials			
	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: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)			
	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>
6.	Design Specification 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: Roads to meet Council's specifications</i>
7.	Public Works 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>
8.	Public Roads Public roads must be designed and constructed in accordance with Councils 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>
9.	Splay Corners 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>
10.	Public Access 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 4 Engineering Plans, 82022013, by Stantec. <i>Condition reason: To ensure adequate access to each lot.</i>
11.	Connection to Adjoining Stages <ol style="list-style-type: none"> If at the time of the application for the Subdivision Works Certificate there is no Subdivision Certificate issued in relation to adjoining stages (ie Sub-Arterial Road DA/2019/662/1), the Engineering Design plans must include details of temporary vehicle turning areas suitably sized to allow a 9.4 metre Waste Recovery Vehicle to make a 180° turn with no reversing manoeuvring. Temporary vehicle turning areas must be constructed of full depth pavement with a minimum 50mm Asphaltic Concrete wearing course. Appropriate traffic restrictions must be implemented to prevent parking within the turning areas; or If at the time of the application for the Subdivision Works Certificate, a Subdivision Certificate has been issued in relation to adjoining stages, the Engineering Design plans must include details of proposed road connection with the road(s) within the adjacent stages. <i>Condition reason: The design must accommodate turning movements for Waste Recovery Vehicles</i>
12.	Public Roads All Public Roads shall be provided with appropriate signage and pavement marking to ensure the creation of safe and functional streets through control of the movement of traffic as follows: <ol style="list-style-type: none"> For roads with a carriageway width of 7.6m or less (generally one sided road sections of Roads 122), kerb side stopping restrictions must be established adjacent to the kerb where there are no residential lots front the road. Restrictions must be in the form of a 'C3' yellow pavement line supported by R5-400 signage. For horizontal or vertical curves where the sight distance is less than the Stopping Sight Distance for a 60km/h road or a curve of less than radius 50m, the curve must be fitted with Divided Barrier line (BB) along the centreline.

	<i>Condition reason: Linemarking and signage shall allow for safe vehicular movements.</i>
13.	Temporary No Parking Signage
	Kerb side parking restrictions must be established through the installation of R5-40 No Parking symbolic signage at all temporary or permanent Turning Heads or the termination of future through roads.
	<i>Condition reason: Any temporary turning heads must allow movement for waste recovery vehicles.</i>
14.	Footpaths
	To ensure the provision of adequate pedestrian facilities:
	<ul style="list-style-type: none"> a. Footpaths must be constructed, as generally shown in the approved North Wilton Stage 4 Engineering Plans, 82022013, prepared by Stantec, in accordance with Council's Design and Construction Specification. b. Footpaths are to be provided on both sides of the road, where there are lots fronting. These include Road 103, Road 113, Road 121, Road 122, Road 123. Footpath is not required adjacent to the Hume Highway or Sub-Arterial Road. Road 113 shall be connected to Stage 1. c. Pedestrian kerb ramps to be provided at all intersections. Kerb ramps must be constructed using coloured concrete in accordance with Council's standard drawings. d. Footpath surface and grades must comply with the relevant sections of AS1428 for Access and Mobility.
	<i>Condition reason: Footpaths to provide appropriate connections for pedestrian movements.</i>
15.	Property Entrances
	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.
	<i>Condition reason: To ensure protection of road and other public assets</i>
16.	Public Lighting
	Street Lighting must be provided using LED Lighting within the subdivision roads to comply with the current Australian Standards.
	<i>Condition reason: Lighting must comply with relevant Australian Standards.</i>
17.	Public Lighting
	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.
	<i>Condition reason: Public lighting assets shall be dedicated to Council.</i>
18.	Road Drainage and Stormwater Management
	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.
	<i>Condition reason: Stormwater to be managed in accordance with the relevant specifications.</i>
19.	Road Drainage and Stormwater Management

	<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"> 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. 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. 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. <p><i>Condition reason: Stormwater shall be managed with consideration for existing infrastructure.</i></p>
20.	<p>Stormwater Management</p> <p>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.</p> <p><i>Condition reason: Stormwater management must be in accordance with Council's specifications.</i></p>
21.	<p>Stormwater Management</p> <p>Stormwater management measures must be implemented as generally outlined in the Preliminary Stormwater Management Plan "Stage 4 DA – Water Quality Tech Memo" prepared by Stantec, dated July 25, 2023.</p> <p><i>Condition reason: Stormwater to be appropriately managed.</i></p>
22.	<p>Stormwater Management</p> <p>Public stormwater management infrastructure must be contained within land managed by Wollondilly Shire Council.</p> <p><i>Condition reason: Public stormwater shall be managed in public land</i></p>
23.	<p>Stormwater Management</p> <p>Swales shall be provided along Road 103 between Chainage 630 and 700 to add additional Water Sensitive Urban Design (WSUD) measures.</p> <p><i>Condition reason: Stormwater design to consider the Wollondilly Water Sensitive Urban Design Guidelines.</i></p>
24.	<p>Property Stormwater Disposal</p> <p>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.</p> <p><i>Condition reason: To ensure adequate stormwater management.</i></p>
25.	<p>Property Stormwater Disposal</p> <p>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.</p> <p><i>Condition reason: To ensure adequate stormwater management.</i></p>
26.	<p>Flooding</p>

	<p>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.</p> <p><i>Condition reason: To minimise flooding impact on any future lots.</i></p>
27.	<p>Earthworks</p> <p>This consent does not permit encroachment onto adjoining lands, or fill placed near boundaries.</p> <p><i>Condition reason: To ensure adequate management of earthworks.</i></p>
28.	<p>Earthworks</p> <p>Site re-grading must be undertaken to ensure on-lot grades provide for economical building lots and minimise future cut and fill requirements.</p> <p><i>Condition reason: To ensure adequate management of earthworks.</i></p>
29.	<p>Retaining Walls</p> <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 the Landscape Plan 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>
30.	<p>Retaining Walls</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>
31.	<p>Retaining Walls</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>
32.	<p>Street Tree Irrigation</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>
33.	<p>General Compliance</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>

	<i>Condition reason: To ensure subcontractors aware of obligations.</i>	
34.	Erosion and Sediment Control	
	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.	
	<i>Condition reason: To minimise water quality impacts.</i>	
35.	Erosion and Sediment Control	
	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.	
	<i>Condition reason: To minimise water quality impacts.</i>	
36.	Soil Management	
	Any stripped topsoil is to be stored appropriately on site for reuse in landscaped areas for the final rehabilitation of the site.	
	<i>Condition reason: Preservation of topsoil and site soil profiles.</i>	
37.	Landscaping	
	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.	
	If the required plants are not available at the time of planting alternative species or container sizes may be approved by Council.	
	A list of the suitable alternative species and sizes is to be provided to Council's Manager Waste and Environmental Services for consideration and approval prior to planting.	
38.	All tree stock and planting holes are to be inspected by Council's Tree Management Officer prior to installation.	
	Note – no substitute species are to be planted without Council's written approval.	
	<i>Condition reason: Ensure landscaping is undertaking appropriately including availability of stock.</i>	
38.	Landscaping	
	Maintenance requirements are to be undertaken in accordance with the following:	
	Watering frequency:	
	<ol style="list-style-type: none"> 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. 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'. 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'. 	
	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

Notes -

- b) Delete a watering if rainfall in the 48 hours prior to the scheduled watering exceeds 50mm.
- c) 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.
- d) Monitor the irrigation regularly – especially in heavy clay soils where poor drainage can pose a major problem.
- e) Watering frequency and volumes are to be adjusted in accordance with notes b) and c) above.

The following items are to be undertake on a monthly basis as required

- Ensure approved mulch is maintained to a depth of 100mm and not piled against tree trunk.
- Ensure surround of tree or planting bed is free from weeds and grass.
- Ensure stakes and guards installed and allow free movement of trees stunk while providing support in strong winds.
- 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.
- 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.

The following items are to be undertake on an annual basis as required and at completion of maintenance period

- Crown lifting to maintain a ratio of approximately 30% clear trunk and 70% foliage.
- Formative pruning in accordance with AS4373-2007 section 7.2.5 to be undertaken by a minimum AQF3 qualified arborist.
- 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.

Condition reason: To provide for the health of trees and encourage survival.

39.	**Acoustic Measures**		
	Development shall take place in accordance with the submitted Acoustic Report "North Wilton Stage 4 Road Traffic Noise Assessment", refTM624-03F03 Stage 4 (r2) Fifth Issue, prepared by Renzo Tonin & Associates and dated 29 November 2023., except as modified by Council and/or any conditions of this consent.		
	Condition reason: To protect the amenity of the area.		
40.	**General Terms of Approval - NSW Rural Fire Service**		
	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 DA20230831003854 and dated 9 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, the proposed development site and the temporary asset protection zones (APZs) identified on the plans prepared by Peterson Bushfire (*Figure 4: Bushfire Hazard Analysis and Asset Protection Zone (APZ)*, Report Ref: 23084, Dated 01 August 2023). must be provided on the site. The temporary APZ can become extinguished once the affected land is cleared for development as part of adjoining future stages. The APZs are to be maintained as an inner protection area.

When establishing and maintaining an inner protection area the following requirements apply in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- 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.

Access – Public Roads

The intent of measure is to provide safe operational access to structures and water supply for emergency

- (2) Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019:
- 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;

	<ul style="list-style-type: none"> 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. <p>Water and Utility Services</p> <p><i>Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i></p> <p>(3) The provision of water, electricity and gas services must comply with the following in accordance with Table</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014-The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used; all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and above-ground gas service pipes are metal, including and up to any outlets.
	<p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i></p>
41.	<p>General Terms of Approval - Subsidence Advisory NSW</p> <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 TSUB23-00402 and dated 30 November 2023. The GTAs are replicated below:</p> <p>GENERAL</p> <p><u>Plans, Standards and Guidelines</u></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/2023/707/1 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>
42.	<p>Other Approvals – Transport for NSW</p> <p>The development shall be constructed, completed and managed in accordance with and comply with the requirements and conditions from Transport for NSW, reference SYD23/01198/01 dated 4 December 2023, except as modified by conditions from TfNSW reference SYD23/01198/02 dated 20 December 2023. The conditions replicated below:</p> <ol style="list-style-type: none"> (1) TfNSW notes the proposal includes a residue lot, part of which is currently zoned SP2. Any development within the SP2 zone is restricted to infrastructure and landscape works, subject to approval from the relevant consent authority (2) Noting the proposed works relevant to land zoned SP2 along the Hume Highway boundary, in Stage 4, is a continuation of works approved under Stage 1, in the event acquisition of land is required for future road upgrades by TfNSW, all site clearing work must be at no cost to TfNSW. (3) The developer is responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. (4) A Construction Pedestrian Traffic Management Plan (CPTMP) must be prepared to Council's satisfaction. Should Council deem necessary, the CPTMP should be submitted to TfNSW for review. (5) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW via development.sydney@development.nsw.gov.au for approval, prior to the commencement of any works. Please note a plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued. <p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i></p>
43.	<p>Other Approvals – Sydney Water</p> <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 209798 and dated 4 October 2023. The conditions replicated below:</p> <p><u>Prior to the issue of an Occupation/Subdivision Certificate:</u></p> <ol style="list-style-type: none"> (1) Section 73 Compliance Certificate <p>A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extension, adjustment or connection to our mains. Make early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an occupation or subdivision certificate will be issued.</p> <p>Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.</p> <p>Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.</p>

	<p><u>Prior to the issue of a Construction Certificate/Complying Development Certificate:</u></p> <p>(2) Building Plan Approval</p> <p>The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in@ to apply.</p> <p>Sydney Water recommends developers apply for Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.</p> <p>(3) Tree Planting</p> <p>Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.</p> <p>For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.</p> <p>For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.</p>
	<p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i></p>
<p>44.</p>	<p>Other Approvals – Endeavour Energy</p> <p>The development shall be constructed, completed and managed in accordance with and comply with the recommended conditions from Endeavour Energy dated 18 September 2023. The conditions replicated below:</p> <p>(1) Dial Before You Dig : Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.</p> <p>(2) Modifications: Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.</p> <p>(3) Network and Design: Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.</p> <p>(4) Network Connection: Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</p>
	<p><i>Condition reason: To ensure compliance with the Approval issued by the relevant external agencies.</i></p>

SUBDIVISION WORK

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Condition	
45.	Design Plans <p>Before the issue of a 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.</p> <p><i>Condition reason: As the Roads and Public Asset Authority, Council is to review public infrastructure.</i></p>
46.	Public Infrastructure Review <p>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> <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"> • Engineering Design plans showing all public drainage infrastructure to be provided for the control and treatment of stormwater. • Traffic Plan showing all proposed signage and delineation for roads, shared pathways, intersection treatments and bus stops. • Landscape Plan showing the proposed location and species of street trees and landscape features at intersections and within Round-about central islands. • Public Lighting concept plan and details. <p><i>Condition reason: As the Roads and Public Asset Authority, Council is to review public infrastructure.</i></p>
47.	Street Lighting Approval <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>
48.	Roadworks <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>
49.	Earthworks and Filling <p>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>
50.	Stormwater Management <p>Before the issue of a 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.</p> <p><i>Condition reason: Stormwater design to be in accordance with Council's specifications</i></p>
51.	Stormwater Management <p>Before the issue of a Subdivision Works Certificate, 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.</p>

	<i>Condition reason: Stormwater design to be in accordance with Council's specifications</i>
52.	Stormwater Management
	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>
53.	Soil Stabilisation
	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>
54.	Sediment and Erosion Control
	A staged Erosion and Sediment Control Plan is to be prepared and provided to Council's Manager Waste and Environmental Services for 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>
55.	Street Furnishing
	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: <ul style="list-style-type: none"> i. Designed to reinforce the distinct identity of the development; ii. Coordinated in design and style; iii. Located to minimise visual clutter and obstruction of the public domain; and iv. Of a colour and construction agreed by Council.
	<i>Condition reason: Compliance with WGA DCP 2021.</i>
56.	Lighting Plan
	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.
	<i>Condition reason: To ensure appropriate light is provided for public safety</i>
57.	Waste Management Plan
	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.
	<i>Condition reason: To ensure waste management measures are planned for and implemented during the carrying out of site work.</i>
58.	Erosion and Sediment Control
	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>
59.	Landscape Plan

	<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"> - Provide for tree species list for Council Approval - Indicate root directing planters - Show planting detail - Specific mulch type - Specify turf varieties - Show maintenance requirements to Council's specifications <p><i>Condition reason: To ensure resilient landscaping provided.</i></p>
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BEFORE SUBDIVISION WORK COMMENCES

Condition	
60.	<p>Subdivision Works Certificate Required</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>
61.	<p>Toilet Facilities</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>
62.	<p>Garbage Bin</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>
63.	<p>Fence</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>

64.	<p>Construction Environmental Management Plan</p> <p>Before commencement of any subdivision works, a Construction Environmental Management Plan 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"> a. Provisions for public safety; b. Pedestrian and vehicular site access points and construction activity zones; c. Details of construction traffic management; d. Details of bulk earthworks to be carried out; e. Details of Erosion and Soil Management; to include: <ul style="list-style-type: none"> • Suitably Qualified Professional in Sediment and Erosion Control to be engaged, at no cost to Council, 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. • The Audit Report is to be supplied to the Principal Certifier within 2 weeks of completion of the site inspections, with the subject heading containing: DA Number - Erosion and Sediment Control Audit Report - month – year f. Details of Stockpile Management; g. Details of site Stabilisation; h. The location of site storage areas and sheds; i. The equipment used to carry out works; j. Hours of work; k. Contact details of Contractors and display of details to the public; l. The location of a garbage container with a tight-fitting lid; m. Dust, noise and vibration control measures; n. The location of temporary toilets; o. The protective measures for the preservation of trees on-site. <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: To ensure construction appropriately managed.</i></p>
65.	<p>Traffic Management</p> <ul style="list-style-type: none"> a. Before commencing 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. b. Before Commencing 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. c. 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 <p><i>Condition reason: To ensure safe traffic movements.</i></p>
66.	<p>Sediment and Erosion Control</p> <p>The installation of the erosion and sediment control devices identified on the staged Erosion and Sediment Control Plan be completed prior to any activities/works taking place on the site. These devices:</p> <ul style="list-style-type: none"> a. Are to be maintained so as to prevent the discharge of silt into adjoining rivers, creeks, streams, gutters or drains. b. Must be continually maintained and updated in accordance with changing site conditions and works stages. c. Are to be maintained for the full period of construction and beyond this period where necessary. <p><i>Condition reason: Controls are to minimise impact to the environment.</i></p>

DURING SUBDIVISION WORKS

Condition	
67.	<p>Construction Hours</p> <p>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.</p> <p><i>Condition reason: To protect the amenity of the surrounding area.</i></p>
68.	<p>Compliance with Approved Plans and Specification</p> <p>Works must be carried out in accordance with the plans and specifications to which the Subdivision Works Certificate relates.</p> <p><i>Condition reason: To ensure works are carried out on site in accordance with the Subdivision Works Certificate.</i></p>
69.	<p>Construction Environmental Management Plan</p> <p>All works are to be design and carried out in accordance with the approved Construction Environmental Management Plan.</p> <p><i>Condition reason: To ensure appropriate site management.</i></p>
70.	<p>Stormwater Management</p> <p>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.</p> <p><i>Condition reason: To ensure the development complies with the approved plans and referenced documents.</i></p>
71.	<p>Earthworks</p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development):</p> <ul style="list-style-type: none"> 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 b. Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and 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. 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. <p><i>Condition reason: To ensure earthworks are appropriately sourced, managed and/or disposed.</i></p>
72.	<p>Historical Relics</p> <p>Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit—</p> <ul style="list-style-type: none"> a. all work must stop immediately in that area, and b. the Office of Environment and Heritage must be advised of the discovery. <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> <p><i>Condition reason: To ensure the impact on any unexpectedly discovered historical relics are appropriately considered.</i></p>
73.	<p>Aboriginal Heritage</p>

	<p>If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work-</p> <ul style="list-style-type: none"> a. all excavation or disturbance of the area must stop immediately, and 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. <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> <p><i>Condition reason: To ensure the impact on any unexpected Aboriginal object are appropriately considered.</i></p>
74.	<p>Road Management Permit</p> <p>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:</p> <ul style="list-style-type: none"> a. Construction entrance permit for internal works and, b. Road opening and occupancy permit for road works. <p><i>Condition reason: Works must be completed in accordance with the Roads Act 1993.</i></p>
75.	<p>Street Tree Irrigation</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> <ul style="list-style-type: none"> a. The extent of irrigation network; b. Design and installation specifications; c. Control nodes / solenoids; d. Remote access and monitoring; e. Irrigation outputs; f. Operating conditions and requirements; g. Maintenance and auditing schedule. <p><i>Condition reason: To ensure appropriate measures in place for street tree irrigation</i></p>
76.	<p>Street Tree Irrigation</p> <p>Before the installation of any Street Tree Irrigation infrastructure, detailed design plans for the Street Tree Irrigation System based on the Street Tree Irrigation Report must be submitted to Wollondilly Shire Manager of Waste and Environmental Services Wollondilly Shire Council for approval.</p> <p><i>Condition reason: To ensure compliance with WGA DCP 2021 and Wollondilly Water Sensitive Urban Design Guidelines</i></p>
77.	<p>Civil Contractor</p> <p>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.</p> <p><i>Condition reason: To ensure construction to appropriate standard.</i></p>
78.	<p>Critical Stage Inspections</p> <p>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.</p> <p><i>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></p> <p><i>Condition reason: As the road and asset authority, Council is to inspect assets that will become public</i></p>

79.	Test Reports
	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>
80.	Test Reports
	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>
81.	Stormwater CCTV
	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>
82.	Site Filling
	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>
83.	ADAC and WAE
	Certified "Works as Executed" details from a Registered Surveyor is to be submitted to Council in:
	<ul style="list-style-type: none"> d. an XML format in accordance with the ADAC requirements as set out in the Wollondilly Shire Council Design and Construction Specifications. e. 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.
84.	Design Deviations
	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>
85.	Soil and Water Management
	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>
86.	Soil and Water Management
	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>
87.	Soil and Water Management
	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>
88.	Soil and Water Management
	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>
89.	Soil and Water Management
	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>
90.	Soil and Water Management
	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.
	Any sediment or turbid water leaving the site is to be reported to Council within 48 hours of the event taking place.
	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.
	Reports are to be emailed to Council@wollondilly.nsw.gov.au with the subject heading containing: DA Number - Erosion and Sediment Control incident report - date - month – year
	<i>Condition reason: To minimise water quality impacts.</i>
91.	Protection from Damage
	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.
	<i>Condition reason: Construction works should have minimal impact to existing assets.</i>
92.	Earthworks
	Earthworks must be conducted and supervised in accordance the requirements of AS3798 Guidelines on earthworks for commercial and residential developments.
	<i>Condition reason: Works must be done in accordance with relevant Australian Standards.</i>
93.	Earthworks
	Earthworks associated with road formation must be conducted in accordance with Wollondilly Shire Council's Construction Specifications C213.
	<i>Condition reason: Works must be in accordance with relevant specifications.</i>
94.	Earthworks
	There must be no encroachment onto adjoining lands by fill placed near boundaries.
	<i>Condition reason: Downstream properties should not be negatively impacted.</i>

95.	Earthworks
	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.
	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.
	<i>Condition reason: Fill must be clean and free of contamination.</i>
96.	Street Tree Irrigation
	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 works done in accordance with approved plans and to appropriate standard.</i>

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition	
97.	Compliance with Consent/Determination
	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>
98.	Sydney Water
	<ul style="list-style-type: none"> 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. 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.
	<i>Condition reason: To ensure adequate services available to the development.</i>
99.	Services
	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:
	<ul style="list-style-type: none"> a. Water - section 73 certificate from Sydney Water, b. Sewerage - section 73 certificate from Sydney Water, <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"> c. Electricity Supply Authority - written confirmation from Endeavour Energy that suitable arrangements have been made. d. Telecommunication Provider - written confirmation from Telstra Australia or NBN Co. that arrangements have been made.

	<i>Condition reason: To ensure new developments are appropriately serviced.</i>
100. Alteration of Services	
	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.
	<i>Condition reason: To ensure resulting boundaries do not impact existing utilities.</i>
101. Underground Power and Services	
	All power and services provided to the development within the site shall be underground.
	<i>Condition reason: To ensure services and power are provided underground for improved visual, maintenance, safety and weather protection outcomes.</i>
102. Landscaping	
	Landscaping is to be installed in accordance with the Landscape Plan approved by Council prior to issue of Subdivision Certificate.
	<i>Condition reason: To ensure Landscaping installed per approval requirements.</i>
103. Bushfire	
	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.
	<i>Condition reason: To ensure subdivision is compliant with Planning for Bushfire Protection 2019</i>
104. Reinstatement of Disturbed Areas	
	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.
	<i>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</i>
105. Plan of Subdivision and 88B Requirements	
	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> i. A restriction is to be placed on lots requiring future residential dwellings comply with the noise control treatment recommendations identified in the Road Traffic Noise Assessment Report, refTM624-03F03 Stage 4 (r2), Issue Revision 3, prepared by Renzo Tonin & Associates and dated 29 November 2023. ii. A restriction is to be placed on the proposed development site and the temporary asset protection zones (APZs) identified on the plans prepared by Peterson Bushfire (<i>Figure 4: Bushfire Hazard Analysis and Asset Protection Zone (APZ)</i>, Report Ref: 23084, Dated 01 August 2023). must be provided on the site. The APZs are to be maintained as an inner protection area. The temporary APZ can become extinguished once the affected land is cleared for development as part of adjoining future stages. iii. Easements covering all interallotment drainage lines.

	<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>
106.	<p>Damage as a Result of Development</p> <p>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>
107.	<p>Road Authority and Asset Managers</p> <p>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: To ensure orderly and proper dedication of land as Public Road.</i></p>
108.	<p>Stormwater Management and Treatment Infrastructure</p> <p>Before issue any subdivision certificate for Stage 4, all relevant stormwater infrastructure in Stage 1 to be completed to the extent where it can service Stage 4 and to the satisfaction of Council prior to the issue of Subdivision Certificate for Stage 4.</p> <p><i>Condition reason: Stage 4 stormwater network flows into Stage 1 stormwater network.</i></p>
109.	<p>Asset Management</p> <p>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: To ensure development allows for asset management measures</i></p>
110.	<p>Public Road Streetscape</p> <p>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.</p> <p><i>Condition reason: To ensure development appropriate for ongoing maintenance.</i></p>
111.	<p>Public Roads</p> <p>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.</p> <p><i>Condition reason: To ensure development allows for asset management measures</i></p>
112.	<p>Practical Completion</p> <p>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.</p> <p><i>Condition reason: All works must be satisfactorily completed</i></p>
113.	<p>Defect Liability Bond</p> <p>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.</p>

	<i>Condition reason: Bonds to be provided to cover required maintenance</i>																					
114.	Street Tree Bond 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>																					
115.	Verge Bond 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>																					
116.	Street Tree and Irrigation Infrastructure Mapping 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>																					
117.	Street Tree Protection Before the issue of Subdivision Certificate, the person or entity having the benefit of this consent must prepare a written Street Tree Protection Strategy, 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: 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; b. promote and educate on the benefits of street trees; c. provide physical protections to street trees and irrigation infrastructure; and d. inspect and replace/rectify damage as soon as it occurs. <i>Condition reason: To provide clear measures for the protection of street trees.</i>																					
118.	Contributions - Section 7.11 Contributions Plan: Wollondilly Local Contributions (2020) Area: B – Wilton Growth Area Development type: 103-Lot Residential Subdivision <table><tr><th>Category</th><th>Per Lot</th><th>Total</th></tr><tr><td>Roads & transport</td><td>\$4,176</td><td>\$429,819</td></tr><tr><td>Open Space</td><td>\$19,002</td><td>\$1,955,455</td></tr><tr><td>Community Facilities</td><td>\$6,353</td><td>\$656,316</td></tr><tr><td>Car Parking</td><td>\$0</td><td>\$0</td></tr><tr><td>Plan Management</td><td>\$469</td><td>\$48,410</td></tr><tr><td>TOTAL AMOUNT PAYABLE</td><td>\$30,000</td><td>\$3,090,000</td></tr></table> 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 contributions@wollondilly.nsw.gov.au . <i>Condition reason: To demonstrate compliance and ensure fees are paid in accordance with the Wollondilly Contributions Plan (2020).</i>	Category	Per Lot	Total	Roads & transport	\$4,176	\$429,819	Open Space	\$19,002	\$1,955,455	Community Facilities	\$6,353	\$656,316	Car Parking	\$0	\$0	Plan Management	\$469	\$48,410	TOTAL AMOUNT PAYABLE	\$30,000	\$3,090,000
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119.	Satisfactory Arrangement Certificate
	The Director General's Certification relating to the State Infrastructure Contributions (Satisfactory Arrangements for designated State Public Infrastructure) dated 3 November 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>
120.	Street Addressing
	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>
121.	Road Naming
	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	
122.	Street Tree Irrigation Maintenance
	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 ongoing operation of street tree irrigation system.</i>
123.	Street Tree Maintenance
	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"> a. Regular watering to ensure establishment of the plant or tree; b. Replacement of any diseased, dead or significantly damaged plant or tree; b. 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.
	<i>Condition reason: To ensure ongoing survival of public landscaping.</i>
124.	Street Tree Protection
	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>

125.	Defect Liability
	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.
	<i>Condition reason: To ensure and defects are rectified.</i>
126.	Defect Liability
	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.
	<i>Condition reason: To ensure and defects are rectified.</i>

ATTACHMENTS

- Attachment 1: Assessment Against Wilton Growth Area Development Control Plan 2021**
- Attachment 2: Subdivision Plans**
- Attachment 3: External Authorities**