**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**General Conditions**

|  |  |
| --- | --- |
| 1 | **Approved Plans and Supporting Documentation**  |
| The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:a)    Plans Reference:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Drawing Reference No.** | **Drawing Description** | **Prepared By** | **Issue No.** | **Date** |
| 190087-06-DA-C05.21 | Land Zoning Plan (Masterplan) | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-C01.01 | Cover Page | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-C01.21 | Specifications Notes | Enspire Solutions | 2 | 29/08/2023 |
|  190087-06-DA-C01.41 | General Arrangement Plan | EnspireSolutions | 3 | 29/08/2023 |
|  190087-06-DA-C01.42 | Road Hierarchy Plan | Enspire Solutions | 2 | 29/08.2023 |
|  190087-06-DA-C01.43 |  Staging Plan | Enspire Solutions |  1 |  26/05/2023 |
|  190087-06-DA-C01.51 | Road Typical Sections | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C02.01 | Establishment and Demolition Plan Sheet 01 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C02.02 | Establishment and Demolition Plan Sheet 02 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C02.03 | Establishment and bulk Demolition Plan Sheet 03 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C02.04 | Establishment and Demolition Plan Sheet 04 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C03.01 | Erosion and Sediment Control Plan Sheet 01 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.02 | Erosion and Sediment Control Plan Sheet 02 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.03 | Erosion and Sediment Control Plan Sheet 03 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.04 | Erosion and Sediment Control Plan Sheet 04 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.21 | Erosion and Sediment Control Details | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.31 | Sediment Basin Plan and Details Sheet 01 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.32 | Sediment Basin Plan and Details Sheet 02 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C03.33 | Sediment Basin Plan and Details Sheet 03 | Enspire Solutions  | 3 | 29/08/2023 |
| 190087-06-DA-C04.01 | Bulk Earthworks Plan Sheet 01 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C04.02 | Bulk Earthworks Plan Sheet 02 | EnspireSolutions | 5 | 29/08/2023 |
| 190087-06-DA-C04.03 | Bulk Earthworks Plan Sheet 03 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C04.04 | Bulk Earthworks Plan Sheet 03 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C05.01 | Grading and Stormwater Management Plan Sheet 0 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C05.02 | Grading and Stormwater Management Plan Sheet 02 | Enspire Solutions | 5 | 29/08/2023 |
| 190087-06-DA-C05.03 | Grading and Stormwater Management Plan Sheet 03 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C05.04 | Grading and Stormwater Management Plan Sheet 04 | Enspire Solutions | 4 | 29/08/2023 |
| 190087-06-DA-C05.11 | Site Sections Sheet 01 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.12 | Site Sections Sheet 02 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.13 | Site Sections Sheet 03 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.14 | Site Sections Sheet 04 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.15 | Site Sections Sheet 05 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.16 | Site Sections Sheet 05 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.16 | Site Sections Sheet 06 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.17 | Site Sections Sheet 07 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.18 | Site Sections Sheet 08 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C05.19 | Site Sections Sheet 09 | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C22.01 | Post-Development Catchment Plan | Enspire Solutions | 3 | 29/08/2023 |
| 190087-06-DA-C22.11 | Erosion and Sediment Control Catchment Plan | Enspire Solutions | 3 | 29/08/2023 |
| No reference | Landscape Masterplan | Taylor Brammer | E | 19.06.23 |
| Precinct A | Dam Dewatering Plan | Ecological Australia | Version 1 | 10 July 2020 |
| Precinct B | Dam Dewatering Plan | Ecological Australia | Version 1 | 10 July 2020 |
| Precinct C | Dam Dewatering Plan | Ecological Australia | Version 1 | 10 July 2020 |
| Precinct D | Dam Dewatering Plan | Ecological Australia | Version 1 | 10 July 2020 |
|  |  |  |  |  |

b)    Document Reference:

|  |  |  |  |
| --- | --- | --- | --- |
| **Document Title** | **Reference** | **Prepared By** | **Date** |
|  Statement of Environmental Effects |  GLN 11918 |  GLN Planning |  30.6.23 |
|  Civil and stormwater Strategy |  190087 |  Enspire Solutions |  2.06.23 |
| Preliminary Dam Break Assessment |  NL202217 | Northrop | 21.05.21 |
| Stormwater Quantity and Floodplain |  NL202217, Rev B | Northrop | 19.05.23 |
| Preliminary Site Assessment (PSI) | JBS&G 54042 - 112716 | JBS&G | 16.12.23 |
| Vegetation Management Plan | 21HAR-18541, v6 | Eco Logical Australia | 6.02.23 |
| Remedial Action Plan – Precinct A | 54396/130725, Rev 5 | JBS&G | 16.12.22 |
| Remedial Action Plan – Precinct B | 54396/137222 | JBS&G | 16.12.22 |
| Remedial Action Plan – Precinct C and D | 54396/143829, Rev 3 | JBS&G | 19.12.22 |
| Bushfire Review of APZ and BAL including Figure 1 (APZ Plan) and Figure 2 (BAL Plan). | N/A | Peterson Bushfire | 14.8.20 |
| Biodiversity Development Assessment Report | 23SYD 5876 | Eco Logical Australia | 30.06.23 |
| Aboriginal Cultural Heritage Assessment | 1749, v1.0 | Kelleher Nightingale Consulting Pty Ltd |  Dec 21 |
| Geotechnical and Salinity Assessment | 13429-1-AA-R3 | Geotechnique Pty Ltd | 2.02.23 |
| Geotechnical Assessment – Precinct A and B | 13429/2-AA | Geotechnique Pty Ltd | 28.05.21 |
| Geotechnical Assessment – Precinct C and D | 13429/3-AA | Geotechnique Pty Ltd | 22.03.22 |
| Traffic Assessment | No reference | JMT Consulting | 18.01.21 |
| Internal Intersections Advice | No reference | JMT Consulting | 23.05.22 |
| Waste Management Plan | 20-0110, Rev 1 | Orion Consulting | 9.08.21 |
| Infrastructure Services Assessment | 80215086, v3 | Cardno | 20.11.18 |
| Interim Audit Advice | RS 147 | Ramboll | 28/02/2023 |

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.**Note:**   Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:(i)    any amendments made by Council on the approved plans or documents;(ii)    any notes, markings, or stamps on approved plans or documents; and(iii)    any conditions contained in this consent.  |
| **Condition reason:** To ensure the work is carried out in accordance with the approved plans.  |
| 2 | **Integrated Development - General Terms of Approval**  |
| The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval [delete or add relevant authorities]:1. NSW RFS – The General terms of approval, reference DA20230912004036-Original-1 and dated 27/10/2023 are attached and form part of this consent.
2. Water NSW – The General terms of approval, reference IDAS1152020 and dated 09/11/2023 are attached and form part of this consent.
3. Heritage NSW – The General terms of approval, reference DOC23/831458-25 dated 14/11/2023 are attached and form part of this consent.
4. DPE Water – The General terms of approval, reference IDAS-2023-10576 dated 30/11/2023 are attached and form part of this consent.
 |
| **Condition reason:** To ensure compliance with relevant NSW Government Agency conditions.  |
| 3 | **Part 6 Certificates Required**  |
| The accredited certifier must provide copies of all Part 6 Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council within seven days of issuing the certificate.**Note:**    A registration fee applies. |
| **Condition reason:** Statutory requirement.  |
| 4 | **Prescribed Conditions - Compliance with National Construction Code**  |
| All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia). |
| **Condition reason:** Statutory requirement.  |
| 5 | **Remediation of Contaminated Land**  |
| The site is to be remediated and validated in accordance with the following Site Remediation Action Plans prepared by JBS&G and the Letter of Interim Advice prepared by Ramboll, Reference: RS 147, Dated: 28/02/2023.

|  |  |  |
| --- | --- | --- |
| Stage | Reference | Date |
| A | 54396/130725 | 16 December 2022 |
| B | 54396/137222 | 16 December 2022 |
| C&D | 54396/143829 | 19 December 2022 |

Any remediation work carried out shall be conducted in accordance with the criteria detailed in the statutory and recommended guidelines in force under Section 105 of the Contaminated Land Management Act 1997. The guidelines are available on the NSW Environment Protection Agency (EPA) website under Statutory Guidelines.Any variations to the proposed Remedial Action Plan shall be approved in writing by a NSW EPA Accredited Site Auditor and Hawkesbury City Council prior to the commencement of such work.Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation), a Site Audit Statement and a Site Audit Report from a NSW EPA Accredited Site Auditor is to be submitted to and approved by Hawkesbury City Council . The Site Audit Statement must clearly indicate that the site is suitable for the proposed use. Conditions on the Site Audit Statement must form part of this development consent.Where the Site Audit Statement is subject to conditions that require ongoing review by the Site Auditor or Council these must be reviewed and approved by Hawkesbury City Council before the Site Audit Statement is issued.Prior to the exportation of waste (including fill or soil) from the site, the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines.**Note:** These guidelines are available on the NSW EPA website. |
| **Condition reason:** To ensure that the land is suitable for the proposed land use.  |
| 6 | **Concept Staged Development**  |
| Consent is given for the approved masterplan development:* Concept land use design for the master planned community including the allocation of residential, open space, conservation and infrastructure.
* Concept public domain landscape design including open space and streets.
* Indicative residential lot yield ranges by development precinct.
* Integrated water cycle management strategy.
* Contamination management strategy.
* Road hierarchy plan.
* Vegetation management plan.

This consent endorses the documents submitted and approved, however the delivery of further development in accordance with this masterplan is to be the subject of subsequent development applications.This consent only approves the following stage 1 works:* Demolition of all structures on the site and all improvements to the land within precincts C & D.
* Demolition of all poultry sheds within precinct B.
* Dewatering of all dams on the site except the small dam along Currency Creek within precinct D.
* Remediation works.
* Bulk earthworks including the precinct A lake.
* Removal of trees and vegetation require to facilitate the earthworks and remediation.
* Establishment of asset protection zones.
 |
| **Condition reason:** To ensure consistency in future development applications  |
| 7 | **Green Travel Plan** |
| A green travel plan per NSW TFNSW letter dated 5 December 2023, ref: SYD23/01027/02, is to be submitted to the satisfaction of TFNSW prior to the issue of the first residential subdivision certificate within he Jacaranda Precinct. |
| **Reason:** to comply with TFNSW requirements. |
| 8 | **Native Vegetation and Habitat**  |
| The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans and documents per Condition 1 of this consent.Additionally, all measures contained within table 22 of BDAR Report prepared by EcoLogical dated 30 June 2023 (rev: 2) are to be continually managed and adhered to. |
| **Condition reason:** To ensure vegetation loss is minimised.  |
| 9 | **Retirement of Biodiversity Credits**  |
| The NSW Biodiversity Conservation Act 2016 requires that a condition to require credits is to be complied with before any development that would impact on biodiversity values is carried out (BC Act s7.13(5)). Evidence that credit obligations have been met must be provided to Council prior to the commencement of any works. A private certifier cannot assume the role of the consent authority in confirming compliance with offset conditions. The following credits are required to be retired.

|  |  |
| --- | --- |
| Development Stage area | Biodiversity Credit Type |
| HN528 | HN526 | Southern Myotis Species | Dural Land Snail |
| Stage 1 Area | 98 HN528 | 42 HN526 | 38 Credits to be retired from on-site conservation measures 66 credits to be retired from off-site credits held   | 0 |
| Stage 2 Area | 0 |
| Stage 3 Area | 184 HN528 | 0 | 11 Credits to be retired from on-site conservation measures 77 credits to be retired from offsite credits held | 0 |
| Stage 4 Area | 15 |
| Total | 282 | 42 | 192 | 15 |
| 324 |

Biodiversity credits are to be retired on a precinct-by-precinct basis prior to any works commencing within the associated precincts outlined in staging plan prepared by Enspire solutions (ref: 190087-06-DA-C01.43 revision: 2).Like for like credit obligations may be achieved through either:* The purchase and retirement of credits

Evidence must be provided in the form of a credit retirement report issued by the NSW Office of Environment and Heritage (OEH) confirming credit transactions. The credit transaction must correspond to the require like for like credit from an appropriate location.* Payment into the Biodiversity Conservation Fund (BCF) administered by the Biodiversity Conservation Trust (BCT)

Evidence must be provided in the form of a section 6.33 Statement confirming payment into the biodiversity conservation fund issued by the biodiversity conservation trust. The payment transaction must correspond to the appropriate class and number of credits required. |
| **Condition reason:** To ensure credits are appropriately retired.  |
| 10 | **Carrying out of remediation works**  |
| The removal and handling of contaminated land are to be guided by the approved documentation per condition 1 of this consent. |
| **Condition reason:** To ensure remediation works remain consistent with approved documentation.  |
| 11 | **Waste Management**  |
| The approved waste management plan prepared by Orion Consulting dated 09/08/2021 (Rev 1) is to be kept on site and adhered to throughout the life of stage 1 works. |
| **Condition reason:**  |
| 12 | **Works within the Road Reserve**  |
| To undertake works within the road reserve approval under section 138 of the Roads Act 1993 must be obtained from Council for local and regional roads or from TFNSW for State roads.Note: private accredited certifiers do not have any authority to issue engineering approvals or carry out inspections for works on public roads under the Roads Act 1993 |
| **Condition reason:** Statutory requirement |
| 13 | **Internal Roads – Design Requirements** |
| All provisions for internal roads must comply with the Planning for Bush Fire Protection 2019 (or be otherwise supported by the Rural Fires Service in a Bushfire Safety Authority), Section 3.1.1 of the Jacaranda Development Control Plan and Hawkesbury Development Control Plan, Appendix E: Civil Works Specification.Details demonstrating compliance with the above requirement are to be submitted to Council for all subdivision Development Applications. |
| **Condition reason:** To ensure suitable road layout provided and in compliance with relevant standards.  |
| 14 | **Stormwater quantity control – Design Requirements** |
| All provisions for stormwater quantity control must comply with the Section 2.2.6 of the Jacaranda Development Control Plan and Hawkesbury Development Control Plan, Appendix E: Civil Works Specification to avoid the incidence of flooding on the downstream drainage system and properties.Details demonstrating compliance with the above requirement are to be submitted to Council for all subdivision Development Applications. |
| **Condition reason:** To ensure suitable stormwater drainage system provided and in compliance with relevant standards.  |
| 15 | **Flood planning – Design Requirements** |
| All provisions related to flood planning must comply with Hawkesbury Local Environmental Plan, Council Flood Policy and Section 2.2.4 Flooding of the Jacaranda Development Control Plan.Details demonstrating compliance with the above requirement are to be submitted to Council for all subdivision Development Applications.  |
| **Condition reason:** To ensure suitable flood planning control provided and in compliance with relevant standards.  |
| 16 | **Road Design – Swept Path Analysis** |
| The submission of future Development Application with road works are to be supported with a swept path analysis.The swept plan analysis must be prepared by a suitably accredited professional to the satisfaction of Council, to ensure swept path of ‘design’ and ‘check’ vehicles in accordance with Austroads and Council standard are not superimposed on the plans at all intersections and bends.Details demonstrating compliance with the above requirement must be submitted as part of the lodgement of the subsequent future development application for subdivision for consent authority consideration, prior to the determination of a subdivision development consent. |
| **Condition reason:** To ensure suitable road layout provided and in compliance with relevant standards.  |
| 17 | **Bus Stops location**  |
| An indicative plan denoting location of potential bus stops are to be submitted to the satisfaction of Council prior to the submission of any new Development Applications for subdivision. |
| **Condition reason:** To ensure a suitable public transport - bus route network can be provided.  |
| 18 | **Unexpected finds**  |
| If unexpected contaminated soil and/or groundwater is encountered during any works, the approved unexpected finds protocol prepared by JBS&G (ref: 64904-152128, dated 19/06/2023) are to be strictly adhered to. |
| **Condition reason:** To ensure unexpected finds are appropriately handled.  |
| 19 | **Intersection Treatment - Western Intersection of Spinks Road**  |
| Provision of road intersection treatment at the western end of intersection of Spinks Road/Road No. 1 is to be confirmed prior to the submission of any development applications related to subdivision works on precinct D. **Note:** Councils’ preference is that a roundabout be provided to this interface, however alternative option for equivalent measures may be considered with suitable justification. |
| **Condition reason:** To ensure a suitable roads intersection treatment with safe, convenient, and clear access to the Jacaranda development at the western interface to Spinks Road, are be provided.  |
| 20 | **Traffic Calming Devices Design** |
| Traffic calming device designs for the proposed internal road network and intersections with existing public road networks must be prepared to the satisfaction of Council. The design must be carried out by a suitably accredited professional to demonstrate compliance with Section 3.1.1 Street Hierarchy, Layout and Design, O.4 of the Jacaranda Development Control Plan, with respect to measures for traffic calming. Where traffic calming controls are proposed, driveway locations to residential lots fronting the road with proposed traffic calming controls are to be nominated to ensure there are no conflicts between the driveways and traffic calming controls.Details demonstrating compliance with the above requirement must be submitted as part of the lodgement of the subsequent future development applications for subdivision for consent authority consideration, prior to the determination of a subdivision development consent. The Traffic Calming Device Designs need only relate to the Precinct the works are proposed within and may need to be updated where required to ensure consistency with other works in precincts.**Note:** The traffic calming device design plan is also required for future approval by the Local Traffic Committee. |
| **Condition reason:** To ensure suitable traffic calming devices are provided, as per Jacaranda DCP Section 3.1.1 Street Hierarchy, Layout and Design, O.4.  |
| 21 | **Road Safety Audit** |
| A preliminary/concept Road Safety Audit of the proposed internal road network and including intersections with existing public road network must be prepared to the satisfaction of Council. The audit must be carried out by an independent accredited Road Safety Auditor to identify any road safety related issues which may include an amended design plan to address issues for report close off. Details demonstrating compliance with the above requirement must be submitted as part of the lodgement of the subsequent future development application for subdivision for consent authority consideration, prior to the determination of a subdivision development consent. The preliminary/concept Road Safety Audit need only relate to the roads proposed under the future Development Application and may need to be updated where required to ensure consistency with other works in precincts**Note:** The audit report and amended design plan is also required for future approval by the Local Traffic Committee. |
| **Condition reason:** To ensure suitable traffic calming devices are provided, as per Jacaranda DCP Section 3.1.1 Street Hierarchy, Layout and Design, O.4.  |
| 22 | **Security Bond/ Bank Guarantee Requirements** |
| A security bond may be submitted in lieu of a cash bond. The security bond must:1. be in favour of Hawkesbury City Council;
2. be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
3. have no expiry date;
4. reference the development application, condition and matter to which it relates;
5. be equal to the amount required to be paid; and
6. be itemised, if a single security bond is used for multiple items.
 |
| **Condition reason:** To protect public assets. |
| 23 | **Works Must Not Commence Until a Subdivision Works Certificate is Issued**  |
| Any civil works or preparatory work (including earthworks or tree and/or vegetation removal but excluding dam dewatering, remediation, demolition and any artefact salvage) associated with this consent must not commence until: 1. a Subdivision Works Certificate is obtained from either Council or an Accredited Certifier;
2. the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision work is proposed to commence; and
3. the person having the benefit of the consent has given at least two day's notice to Council of the person's intention to commence the subdivision work.

**Note:**    If the Subdivision Works Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Subdivision Works Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgment). |
| **Condition reason:** Statutory requirement |
| 24 | **Subdivision Civil Works Specification Compliance** |
| All civil construction works associated with Stage 1 required by this consent shall be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*. Inspections shall be carried out and compliance certificates issued by Council.  |
| **Condition reason:** To ensure bulk earthworks are carried out in accordance with approved documentation.  |
| 25 | **Works on Public Land - Not Permitted Without Approval** |
| No work can be undertaken within public lands (i.e. Roads, Parks, Reserves) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas and comply with any other conditions required by Council |
| **Condition reason:** Statutory requirement |
| 26 | **Excavation – Archaeology**  |
| All persons responsible for the management of the site must ensure that all staff, contractors and others involved in construction and maintenance related actives on site are aware of the statutory legislation protecting sites or places of significance including the *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010*, under the *National Parks and Wildlife Act 1974*.If any Aboriginal or European object (including evidence of habitation or remains) is uncovered during the course of the work: 1. all work must stop immediately in that area; and
2. the NSW Office of Environment and Heritage and Council must be advised of the discovery.

**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 work can continue.If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*. |
| **Condition reason:** Statutory requirement |
| 27 | **Tree Removal - Approved Works**  |
| Approval is granted for the removal of trees required for the construction of subdivision infrastructure works (road, drainage, sewerage, others service installations) and other approved earth works as shown on the approved plan.All other trees not affected by the subdivision work are to remain and are to be protected during construction. Waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.No vegetative material is to be disposed of by burning on-site |
| **Condition reason:** To ensure tree removal works in accordance with approved plan |

**Before issue of a Subdivision Works Certificate**

|  |  |
| --- | --- |
| 28 | **Subdivision Works Certificate** |
| Subdivision works are not to commence until Subdivision Works Certificate has been issued by the Certifier. One set of printed and one electronic copy of set of the plan (High Resolution PDF) is required to be submitted with the Subdivision Works Certificate application.The Subdivision Works Certificate application shall include a consent condition compliance checklist. The checklist must list all consent conditions that are required to be satisfied prior to the issue of Subdivision Works Certificate and a response statement as to how the application complies with the consent. |
| **Condition reason:** To ensure works are completed in accordance with this consent.  |
| 29 | **Safety Fencing** |
|  The site is to be secured by a fence in accordance with SafeWork NSW requirements, to prevent unauthorized access during the period of all works. |
| **Condition reason:** To ensure public safety during works.  |
| 30 | **Construction Environment Management Plan**  |
| All Subdivision Works Certificate Applications are to be accompanied by a Construction Environmental Management Plan, prepared specifically for the proposed works relevant to the subdivision stage. The Construction Environment Management Plan must address the following matters:1. **Summary**

Provide a concise summary of key points from all documentation.1. **Background**

Provide details of the proposed works including the extent, staging and proposed timing of the works.1. **Consultation**

The manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.1. **Noise**

Details in relation to how works will be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority. Outside of standard work hours for float deliveries will need to have RMS written approval and Council and affected neighbours must be notified in writing.1. **Dust**

Details in accordance with the Dust Management Measures condition requirements.1. **Vibration**

A Vibration Compliance Letter in accordance with the relevant vibration condition requirements.1. **Traffic**

A Detailed Traffic Management Plan (for internal and external to site) in accordance with the Traffic Management Plan condition requirements. This needs to consider site access and delivery routes with respect to the surrounding road network.1. Detailed Soil and Water Management Plan and Sediment and Erosion Control plan in accordance with the Soil and Water Management Plan condition requirements.
2. A report clearly detailing planned water quality monitoring proposed for the development in accordance with the requirements of the Water Quality Assessment and Monitoring condition.
3. Any specific Heritage and Archaeological Management relating to the works.
4. Any specific Ecological Impact Mitigation Measures relating to the works.
5. Public and Private asset protection plan/measures, dilapidation survey condition requirement.
6. Stockpile management, both temporary and non-temporary.
7. Tree/ vegetation protection.
8. Fauna (and fauna habitat) protection, recovery and relocation.
9. Dam dewatering (water quality, contamination and aquatic fauna) if relevant to the works.
10. all measures to protect and minimise impacts to the natural features on the property, including native vegetation, fauna and waterways, during construction. The CEMP is to include relevant measures described by these consent conditions and the recommendations outlined in the Biodiversity Development Assessment Report prepared by EcoLogical dated 30 June 2023 (Ref: 23SYD 5876, rev: 2).

The CEMP is to be approved by Council prior to the commencement of any works, including clearing works. **Note: CEMP’s may be required to be updated to ensure consistency with works in other precincts.** |
| **Condition reason:** To ensure continual performance of public road and private land.  |
| 31 | **Works on Adjoining Land** |
| Where the works included in the scope of this approval extend into adjoining private land, such as the removal of fences, earthworks or the removal of vegetation, written consent from all affected adjoining property owners must be obtained and submitted to Certifier prior to issue of a Subdivision Works Certificate |
| **Condition reason:** To protect adjoining properties.  |
| 32 | **Stormwater Discharge Acceptance** |
| The stormwater discharge location associated with the Lake in Precinct A must be positioned to coincide with the existing Dam weir. Future development applications are to demonstrate that pre-development flow rates affecting downstream properties will not be exceeded. |
| **Condition reason:** To protect adjoining properties.  |
| 33 | **Security Bond for Public Asset Protection** |
| A security bond must be submitted to Council to guarantee the protection of the road pavement and other public assets impacted by works authorised under any Subdivision Works Certificate Application. The Security Bond amount must relate reasonably to the Public Assets likely to be affected by the works and must not exceed a $100,000.00 aggregate amount for works over Precincts A & B and similarly a $100,000.00 aggregate amount for works over Precincts C & D.The Bond is fully refundable upon written application to Council on completion of the subdivision works, subject to satisfactory restoration of any damages to public assets to the satisfaction of Council Development Engineer. Fees for the lodgement of the bond applies in accordance with Council’s Annual Fees and Charges schedule.Detail satisfying the above criteria must submitted to the Principal Certifier prior to issue of Subdivision Works Certificate.**Note: Pre and Post subdivision works** dilapidation survey may be used to identify any damage to existing public assets. |
| **Condition reason:** To protect Council public assets/ properties.  |
| 34 | **Earthworks – Staging** |
| The earthworks shall be completed in stages where required to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.The staging plan, satisfying the above criteria, must be submitted to the Certifier for approval prior to issue of the Subdivision Works Certificate.**Note**: Bulk earthworks may be completed in one stage providing works are undertaken generally in accordance with the approved plans. |
| **Condition reason:** To ensure continual performance of public road and private land |
| 35 | **Stormwater Discharge to Natural Watercourse or Legal Point of Discharge** |
| Stormwater discharge point to the natural watercourse or other legal point of discharge must be protected against erosion.Details demonstrating compliance with this requirement must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate. |
| **Condition reason:** To ensure stormwater performance. |
| 36 | **Overland Flow Path - Fence Requirements**  |
| Open type fences only are to be constructed across the overland flow path passing through the site and are to be of a height and type so as to:1. not restrict the flow of water;
2. not cause an accumulation of debris; and
3. make provision for stormwater flows up to the 1 in 100 year Average Recurrence Interval (ARI) storm event.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Subdivision Works Certificate. |
| **Condition reason:** To ensure the performance of flow paths. |
| 37 | **Overland Flow** |
| The development must not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:a) water flowing from the property must not be redirected or concentrated to adjoining properties;b) water flowing into the property from adjoining lots shall not be impeded or diverted; andc) water flow shall follow the natural flow directions without increasing velocity.Details satisfying the above criteria shall be provided to the Certifier prior to the issue of a Subdivision Works Certificate. |
| **Condition reason:** To protect adjoining properties. |
| 38 | **Water Quality and Energy Dissipators** |
| Water quality control devices and energy dissipators proposed under any Subdivision Works Certificate shall be designed and constructed at the point of discharge of stormwater from the site, in accordance with *Hawkesbury Development Control Plan Appendix E Design and Civil Works Specification*, and relevant Austroads GuidesDetails demonstrating compliance with the above shall be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate. |
| **Condition reason:** To protect adjoining properties. |
| 39 | **Traffic Management Plan** |
| A detailed Traffic Management Plan in support of the works proposed under any Subdivision Certificate Application must be submitted to the Certifier prior to the issue of any Subdivision Works Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:1. a temporary bitumen sealed haulage road is to be constructed and maintained to the satisfaction of the Certifier to a distance of 30metres along the main construction access route to the development from the public road until the completion of all subdivision work;
2. the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
3. all loaded vehicles entering or leaving the site must have their loads covered;
4. the proposed method of access to and egress from the site for vehicles is to be safe and practical; and
5. any associated Traffic Management Plans prepared by an appropriately qualified person in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites'.

Details demonstrating compliance with the above requirement is to be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate for the relevant subdivision stage. |
| **Condition reason:** To ensure the continual performance of road networks. |
| 40 | **Soil and Water Management Plan** |
| The applicant must submit to and obtain approval from the Certifier of a Soil and Water Management Plan (SWMP) prior to issue of a Subdivision Works Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and shall contain, but not be limited to:1. clear identification of site features, constraints and soil types;
2. details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
3. erosion and sediment control plans shall be provided for three phases of construction:
4. prior to commencement of works;
5. during bulk earthworks;
6. post drainage construction;
7. any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
8. Erosion and Sediment Control Plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
9. a strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
10. identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
11. measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
12. procedures for the re-use, treatment and disposal of water from sedimentation basins; and
13. a program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

Details satisfying the above criteria are to be submitted to the Certifier prior to issue of a Subdivision Works Certificate for the relevant subdivision stage. |
| **Condition reason:** To protect surrounding amenity. |
| 41 | **Asbestos Material Survey** |
| A report must be prepared by a suitably qualified person in relation to the existing building fabric to be demolished and/or disturbed identifying the presence or otherwise of asbestos. If asbestos material is present the report shall make recommendations as to the work required to safely address the hazard.Any demolition works or other works identified in the report as having to be carried out must be undertaken in accordance with the recommendations of the report and the following:a) the removal of asbestos must be undertaken by a Safe Work NSW licensed contractor;b) all removal must be in strict accordance with the requirements of the Safe Work NSW in relation to the removal, handling and disposal of material containing asbestos and any Work Safe Australia requirements;c) during the removal of any asbestos a sign stating "DANGER ASBESTOS REMOVAL IN PROGRESS" must be erected in a visible position at the boundary of the site; andd) waste disposal receipts must be provided to the Certifier as proof of correct disposal of asbestos laden waste.The report must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate for the relevant subdivision stage. The Certifier must ensure that the report and other plans, referenced on and accompanying the issued Subdivision Works Certificate, fully satisfy the requirements of this condition. |
| **Condition reason:** To ensure the safe removal of asbestos. |
| 42 | **Waste Management Plan Required** |
| A waste management plan is required to be prepared:1. identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
2. identifying the quantity of waste material to be:

(i) reused on-site;(ii) recycled on-site and off-site;(iii) disposed of off-site;1. if waste materials are to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site; and
2. if waste materials are to be disposed of or recycled off-site - specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

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.Details satisfying the above criteria are to be submitted to the Certifier prior to issue of a Subdivision Works Certificate for the relevant subdivision stage. |
| **Condition reason:** To ensure the adequacy of waste removal. |
| 43 | **Safety by Design Evaluation** |
| To minimise the opportunity for crime and public safety and in accordance with 'Crime Prevention Through Environmental Design' principles, the development shall incorporate the following design changes:1. Install measures to prevent access into large drainage pipe, headwall and pit structures;
2. Perimeter safety fence around stormwater basin (during construction only); and
3. Safety fence along retaining structures where vertical drop exceeds 1.0 m.

Details satisfying the above criteria are to be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate. |
| **Condition reason:** To prevent unauthorized access to assets. |
| 44 | **Dilapidation Report - Private Property (Neighbouring Buildings)** |
| A dilapidation report of adjoining dwellings and structures within 25m of any work zone detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Accredited Certifier that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of any Subdivision Works Certificate for the relevant subdivision stage.**Note**:       This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible. |
| **Condition reason:** To protect adjoining properties.  |
| 45 | **Dilapidation Survey - Damage to Public Infrastructure** |
| A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of surrounding public infrastructure on Spinks Road, James Street and Derby Place (road, drainage, poles, utility boxes, pits, etc.). Particular attention must be paid to accurately recording any pre-development damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.Specifically, dilapidation report must include construction machinery access and fill haulage routes.Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of a Subdivision Works Certificate for the relevant subdivision stage.**Note:** The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition. |
| **Condition reason:** To protect Council public assets/properties.  |
| 46 | **Construction Water Quality Assessment and Monitoring Plan** |
| A Construction Water Quality Assessment and Monitoring Plan for construction works must be prepared by a suitably qualified and experienced consultant and submitted prior to the issue of a Subdivision Works Certificate. The plan shall include;1. Detailed description of runoff water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring will be carried out and procedures for analysing the degree of contamination of potentially contaminated water.
2. An analysis of potential areas of contaminated soils at the site and measures to control the disturbance of such soils in order to protect water quality.
3. Assessment of the negative effects of runoff from disturbed areas on local waterways during storm events specifically looking at the size of disturbed areas, volume of runoff, the amount of both coarse and fine material carried by runoff and the size of receiving waterway.
4. Recommendations to the maximum area of disturbed area that should be permitted at any one time in order safeguard local waterways from permanent adverse effects during construction.

Details demonstrating compliance with the above requirement is to submitted to the Certifier prior to issue of a Subdivision Works Certificate for the relevant subdivision stage. |
| **Condition reason:** To protect environment and public assets/properties.  |
| 47 | **Road Construction - Temporary Turning Heads** |
| If and where required, a temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/when they are developed. The cul-de sac must be designed in accordance with Hawkesbury Development Control Plan 2002 - Appendix E - ‘Civil Works Specification’.Easement for access must be created on lots affected by the temporary turning heads. Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Subdivision Works Certificate for the relevant subdivision stage. |
| **Condition reason:** To protect environment and public assets/properties.  |
| 48 | **Shoring & Adequacy of Adjoining Property**  |
| Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:a)       protect and support the building, structure or work from possible damage from the excavation; andb)      where necessary, underpin the building, structure or work to prevent any such damage.Note:  This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying. |
| **Condition reason:** To protect adjoining property  |
| 49 | **Long Service Levy Payment** |
| The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Subdivision Works Certificate. **Note:** All building works in excess of $250,000.00 are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most Councils. |
| **Condition reason:** Statutory requirement |

**Before Subdivision work commences**

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| 50 | **Commencement of Subdivision Work - Appointment of a Principal Certifier** |
| Any civil works associated with this consent must not commence before the following matters are addressed:1. a Subdivision Works Certificate has been issued;
2. a Principal Certifier has been appointed;
3. the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision work is proposed to commence; and
4. the person having the benefit of the consent has given at least two days’ notice to Council of the person's intention to commence the subdivision work.
 |
| **Condition reason:** Statutory requirement |
| 51 | **Notice of Commencement** |
| No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two (2) days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:1. details of the appointment of a Principal Certifier (PC) providing name, address and telephone number; and
2. details of the name, address and licence details of the contractor.
 |
| **Condition reason:** Statutory requirement |
| 52 | **Pre-commencement Site Meeting** |
| A site meeting with Council’s Development Engineer, Developer and the contractor must be held prior to the commencement of work on site.The meeting is to introduce and exchange contacts, establish inspection regime, notification procedure for inspection, certification requirements and clarify other procedures. |
| **Condition reason:** As per Council DCP requirement. |
| 53 | **Protection of Adjoining Public Land** |
| The public land adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like.No access for vehicles, machinery or goods to the site shall be gained across public land (other than the road reserve) without a prior written approval from Council. |
| **Condition reason:** To protect public land. |
| 54 | **Restriction of Site Access to Prevent Unauthorised Material** |
| The construction site entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site. |
| **Condition reason:** To prevent unauthorized access. |
| 55 | **Toilet Facilities**  |
| Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: 1. be a standard flushing toilet connected to a public sewer, an approved on-site effluent disposal system or temporary chemical closet that is regularly maintained; and
2. provide appropriate facilities for the disposal of sanitary items within the toilet.
 |
| **Condition reason:** To ensure adequacy of toilet facilities. |
| 56 | **Site to be Maintained Clean and Tidy During Construction** |
| The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:1. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
2. Construction operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
3. Construction waste must not be burnt or buried on site. All waste must be contained and removed to an authorised Waste Disposal Depot.
 |
| **Condition reason:** To protect local amenity. |
| 57 | **Restriction of Site Access – Fencing** |
| Any works area area within the Site is to be secured by a fence, in accordance with Safe Work NSW requirements, to prevent unauthorised access during the period of all works.The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site. |
| **Condition reason:** To prevent unauthorized access. |
| 58 | **Construction Noise** |
| The works must be undertaken in accordance with the *Interim Construction Noise Guideline* published by the NSW Environment Protection Authority and the recommendations of the Noise Impact assessment report submitted with the application. |
| **Condition reason:** To protect local amenity. |
| 59 | **Vibration Impacts** |
| All plant and equipment to be used or installed on the premises must comply with the vibration limits specified in 'Assessing Vibration: a technical guideline' prepared by the NSW Environment Protection Authority at the boundary of any affected receiver.A certificate from an appropriately qualified person must be submitted to the Principal Certifier prior to the commencement of work, certifying that all plant and equipment on the site, together with the proposed plant and equipment, will comply with the requirements of this condition.. |
| **Condition reason:** To protect local amenity. |
| 60 | **Demolition – General** |
| All demolition works must be carried out in accordance with the following:1. all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
2. demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current Safe Work NSW 'Demolition License' and Safe Work NSW 'Class 2' (Restricted) Asbestos License and comply with Safe Work NSW 's 'Guide to Working with Asbestos';
3. site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
4. Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
5. Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
6. Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
7. demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
8. no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
9. erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in *Hawkesbury Development Control Plan 2002 - Appendix E - ‘Civil Works Specification’*;
10. all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
11. public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
12. any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
13. demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
14. waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
15. no material is to be burnt on site;
16. details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
17. the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.
 |
| **Condition reason:** Statutory requirement. |
| 61 | **Demolition – Notice** |
| 1. Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
2. be given not less than two days before the date on which it is proposed to commence demolition work;
3. provide details of the name, contact details of the demolisher/contractor undertaking the work;
4. provide the relevant Safe Work NSW license details of the demolisher/contractor; and
5. details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of $20million.
6. Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
7. be given not less than two days before the date on which it is proposed to commence demolition work;
8. provide details of the name, contact details of the demolisher/contractor undertaking the work; and
9. (iii) provide the telephone number of Safe Work NSW Asbestos/Demolition Hotline - 1800 672 718
 |
| **Condition reason:** Statutory requirement. |
| 62 | **Road Opening Permit Required** |
| A separate Road Opening Permit under Section 138 of the Roads Act 1993 must be obtained from Council, in the case of local or regional roads, or from Roads and Maritime Services, in the case of State Roads, prior to the commencement of any:1. excavation or disturbance of a road reserve (including footpath, nature strip or road pavement) to access services including sewer, stormwater drains, water mains, gas mains, telecommunications or for any other purpose; or
2. erection of a structure or carry out a work in, on or over a public road; or
3. removal or interference with any structure, work or tree on a public road; or
4. pumping of water into a public road from any land adjoining the road; or
5. connection of a road (whether public or private) to a public road.

Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous.All precautions must be taken to protect the public while work is in progress. Traffic control must be undertaken in accordance with Australian Standard AS 1742 - 'Manual Uniform Traffic Control Services - Parts 1, 2 and 3'.Upon completion of the work, the road reserve must be restored to its original state so as to ensure that there are no hazards that may impact on the public. |
| **Condition reason:** Statutory requirement. |
| 63 | **Controlled Activity Approval Required**  |
| Where required by a concurrence authority listed in condition 2 of this consent, a Controlled Activity Approval (CAA) is to be obtained from that authority prior to those works commencing. |
| **Condition reason:** Statutory Requirement. |
| 64 | **Runoff & Erosion Controls**  |
| Prior to the commencement of site works, run off and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge or loose sediment on the surrounding land by:1. Diverting uncontaminated run off around cleared or disturbed areas.
2. Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris from escaping into drainage systems, waterways or adjoining properties.
3. Prevent the tracking of sediment by vehicles onto roads.
4. Stockpiling topsoil, excavated materials construction and landscaping supplies and debris within the lot.
 |
| **Condition reason:** To prevent sediment runoff.  |
| 65 | **Clearing of Vegetation**  |
| Prior to the commencement of work, a suitably qualified and licensed ecological consultant with wildlife handling experience must be engaged to guide and supervise the clearing of trees and vegetation and protection of environmental features of the area of works. Evidence of engagement must be submitted to Council. |
| **Condition reason:** To ensure adequacy of supervision during environmental works. |
| 66 | **Identification of Vegetation to be retained.**  |
| Prior to the commencement of work, the developer must identify the boundary between the extent of the works and any trees and vegetation to be retained. To protect vegetation within the Biobank spaces, VMP and riparian corridors, a temporary protective barrier or similar visible material must be installed in accordance with the survey identification and retained until all work is complete. |
| **Condition reason:** To ensure the protection of vegetation.  |
| 67 | **Principal certifier site sign**  |
| A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:a)       showing the name, address and telephone number of the Principal Certifier for the work;b)      showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; andc)       stating that unauthorised entry to the work site is prohibited.Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. |
| **Condition reason:** To ensure notification of the certifying authority.  |

**During subdivision work**

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| 68 | **Approved Construction Hours**  |
| Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:  a)    between 7am and 6pm, Mondays to Fridays inclusive; b)    between 8am and 4pm, Saturdays; c)    no work on Sundays and public holidays; d)    works may be undertaken outside these hours where: (i)    the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities; (ii)    it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and (iii)    a variation is approved in advance in writing by Council.  |
| **Condition reason:** To protect the amenity of the area.  |
| 69 | **Inspections by Principal Certifier** |
| Inspections shall be carried out and compliance certificates issued by Council or Certifier for the components of construction detailed in *Hawkesbury Development Control Plan 2002 - Appendix E - ‘Civil Works Specification’* Part II, Table 1.1. |
| **Condition reason:** To ensure bulk earthworks are carried out in accordance with approved documentation. |
| 70 | **Vegetation Removal** |
| Vegetation removal must be completed under the supervision of a suitably qualified fauna ecologist to ensure that any fauna is relocated in an appropriate manner and that appropriate measures are taken to minimise fauna injury or death.Trees that contain hollows are to be inspected by a suitably qualified fauna ecologist and the following measures are required to be undertaken:1. no trees are to be removed within existing road reserve under this consent, separate approval under the *Roads Act 1993* is required,
2. tree removal should be scheduled to take place outside of breeding season wherever possible;
3. all hollows identified for removal are to be inspected prior to removal. Where any threatened or non-threatened species are identified the fauna ecologist is to advise of best course of action;
4. the felling of all hollow-bearing trees is to be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna residing within shall be dismantled and all hollows are to be inspected for occupation, activity and potential for reuse; and
5. re-used hollows or those with likely occupation are to be relocated to natural areas within close proximity to the site; and,
6. weeds must be removed in accordance with the weed eradication and management plan submitted with the application.

Details of the results of this inspection and compliance with the requirements of this condition shall be submitted to Council prior to and following any tree removal work taking place.**Note:** Removal of trees containing hollows that provide habitat for wildlife may require a license from NSW Office of Environment & Heritage. |
| **Condition reason:** To ensure bulk earthworks are carried out in accordance with approved documentation. |
| 71 | **Imported Fill Material** |
| Imported fill must be certified as either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material shall be provided to the Principal Certifier prior to placing any fill on site. A suitably qualified environmental consultant or geo-technician must inspect the material imported to the site and ensure it matches the description provided in the report and that it is free from visible contamination.Imported material that does not meet the requirements of this condition must not be used on the site. |
| **Condition reason:** To ensure the suitability of fill onto the site. |
| 72 | **Earthworks - General Requirements** |
| All earthworks on site must comply with the following:1. topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
2. once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
3. filling shall comprise of uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM);
4. a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
5. where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
6. all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
7. all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.
 |
| **Condition reason:** to ensure suitable management of fill onto the site. |
| 73 | **Placing of Fill** |
| All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'. |
| **Condition reason:** Statutory requirement. |
| 74 | **Compaction – Landfill** |
| All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'. |
| **Condition reason:** Statutory requirement. |
| 75 | **Dust Management Measures** |
| All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:1. When wind velocity exceeds 10m/sec (36 km/hr) for more than 10 minutes, cease construction activity that generates dust unless dust is adequately controlled by water or other acceptable means clearly.
2. Install and maintain dust screen around the perimeter of the site for the duration of works.
3. The use of water trucks to regularly wet down areas.
4. Stabilisation of stockpiles.
5. Dust Management Measures are to be incorporated into the Construction Management Plan.
6. Disturbed areas are to be revegetated progressively.
7. Plan work to minimise amount of disturbed ground (which is exposed to dry winds) for access tracks, working area, excavation and stockpiles.
8. Over site stockpiles and remove surplus material from site promptly.
9. Keep truck movements to a minimum. Trucks should use firm, tight surfaces (preferably sealed) wherever possible to minimise dust generation.
 |
| **Condition reason:** To protect local amenity. |
| 76 | **Asbestos Handling** |
| If asbestos is encountered during any work, measures must be in place in accordance with Safe Work NSW Guidelines and the Occupational Health and Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by Safe Work NSW are fully in place.Only contractors who are appropriately licensed for asbestos disposal by Safe Work NSW may carry out the removal and disposal of asbestos from demolition and construction sites.Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request. |
| **Condition reason:** To ensure the safe handling of asbestos. |
| 77 | **Implementation of Construction Environment Management Plan** |
| All aspects of any Construction Environment Management Plan must be implemented and maintained until the completion of works. |
| **Condition reason:** To ensure the approved environmental management procedures are adhered to. |
| 78 | **Topsoil and Stockpiles of Materials** |
| Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface.Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. |
| **Condition reason:** To minimize the cut & fill. |
| 79 | **Implementation and Maintenance of Soil and Water Management Plan (SWMP)** |
| The measures required in the Soil and Water Management Plan must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development of that stage is completed and the disturbed areas have been stabilised.Maintenance must include but is not limited to ensuring:* 1. all sediment fences, sediment traps and socks are properly placed and are working effectively and,
	2. drains, gutters and roads are maintained clear of sediment at all times.

**Note**: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence. |
| **Condition reason:** To protect adjoining amenity. |
| 80 | **Management of Overland Flow** |
| The works associated with the development shall ensure that:1. all natural water flow from adjoining properties is not impeded or diverted; and
2. surface and subsurface water flows are not redirected or concentrated onto adjoining properties.
 |
| **Condition reason:** To protect adjoining amenity. |
| 81 | **Installation of Traffic Management Devices** |
| Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan. |
| **Condition reason:** To ensure optimal traffic performance. |
| 82 | **Construction Water Quality Monitoring Results** |
| Results from water quality monitoring shall be provided to the Principal Certifier on a monthly basis as minimum or upon request from the Principal Certifier, to identify any maintenance required for necessary remedial action to ensure its operating in accordance with the design. |
| **Condition reason:** To ensure a standard of quality. |
| 83 | **Earthworks - Removal, Management and Transportation of Fill** |
| All excavated fill material that is to be removed from the site shall only be sent to:1. a NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifier prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
2. a site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifier prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal. |
| **Condition reason:** To ensure proper handling of excavated material. |
| 84 | **Heritage - Archaeological Discovery During Works**  |
| Should any Aboriginal relics or European historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the following agencies are to be informed of the discovery:  a)    Council; b)    NSW Department of Planning and Environment -  Environment and Heritage in accordance with Section 146 of the Heritage Act 1977; and/or, c)    the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974.  |
| **Condition reason:** To ensure that any Aboriginal and European archaeological items are appropriately managed and requirements of the NSW Department of Planning and Environment - Environment and Heritage are satisfied.  |
| 85 | **Loading and Unloading During Construction**  |
| The following requirements relating to loading and unloading apply during construction:  a)    All loading and unloading associated with construction activity must be accommodated on site. b)    If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council. c)    A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities. d)    Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.  |
| **Condition reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.  |
| 86 | **Site Management During Construction**  |
| The following requirements relating to site management apply during and immediately following construction:  a)    All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. b)    Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c)    Copies of receipts stating the following must be given to the Principal Certifier: (i)    the place to which waste materials were transported; (ii)    the name of the contractor transporting the materials; and (iii)    the quantity of materials transported off-site and recycled or disposed of. d)    Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads. e)    During construction: (i)    all vehicles entering or leaving the site must have their loads covered; (ii)    all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and (iii)    any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public. f)    At the completion of the works, the work site must be left clear of waste and debris. **Note:**   In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council must be obtained prior to any closing of the road reserve or footpath area. The closure must take place in accordance with Council's written approval. The area must be signposted and such signposting be maintained in a way that ensures public safety at all times.   |
| **Condition reason:** To ensure that construction works are appropriately managed to protect the environment and maintain public safety.  |
| 87 | **Excavation - Aboriginal Relics**  |
| If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:a)       all excavation or disturbance of the area must stop immediately in that area; andb)      Heritage NSW must be advised of the discovery.All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.Note:  If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the National Parks and Wildlife Act 1974. |
| **Condition reason:** To ensure the reporting of relics.  |

**Before issue of a subdivision works compliance certificate**

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| 88 | **Post-construction dilapidation report – Public Infrastructure** |
| Before the issue of the Subdivision Works Compliance Certificate for a specific stage a post-construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether:1. after comparing the pre-construction dilapidation report to the post-construction dilapidation report -Public Infrastructure required under this condition, there has been any damage to public infrastructure; and
2. In Councils opinion, there has been structural damage to any adjoining buildings, that could reasonably have resulted of the work approved under this development consent; and
3. a copy of the post-construction dilapidation report must be provided to Council and to the relevant adjoining property owner(s) if required by Council.
 |
| **Condition reason:** To identify any damage to adjoining properties resulting from site work on the development site.  |
| 89 | **Contamination Validation Report**  |
| A Notice of Completion and Contamination Validation Report must be prepared by an appropriately qualified person certifying that the areas subject to any Subdivision Works Certificate for the specific stage are unconditionally suitable for their intended uses.The Notice of Completion and Contamination Validation report must be provided to Council prior to issue of any Subdivision Works Compliance Certificate relating to the area of works |
| **Condition reason:** To ensure that the land is suitable for the proposed land use and poses no risk to the environment and human health.  |
| 90 | **Works as Executed Plans - Subdivision Works** |
| Works As Executed plans must be submitted to the Principal Certifier by a Registered Surveyor prior to release of the Subdivision Works Compliance Certificate. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans. As a minimum the plan must show: a)    compliance with the approved design plans of all drainage works within Council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines; b)    certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement; c)    compliance with the approved design plans of paved areas within rights of carriageway and road reserve; d)    the extent, depth and final levels of filling; e)    road/s and associated works; f)    the location of all underground service conduits; and g)    all deviations from the approved Civil Engineering Plans. Note: All levels must relate to Australian Height Datum. |
| **Condition reason:** To ensure works have been undertaken per approved plans. |
| 91 | **Final Inspection** |
| Upon practical completion of all subdivision work under a Subdivision Works Certificate, a Final joint (Developer/Contractor/ Council) walk-though inspection must be carried out. A final inspection request application form must be completed and submitted to Council prior to the final inspection. All relevant reports, certificates, CCTV footage and reports (if and where required) specified in the application form is required to be provided. |
| **Condition reason:** To ensure satisfactory completion of works between parties. |
| 92 | **Subdivision Work Compliance Certificate** |
| Upon completion of all subdivision work under a Subdivision Works Certificate and a satisfactory final inspection a Subdivision Work Compliance Certificate may be issued by Council Development Engineer certifying that “constructed works under the Subdivision Works Certificate have been completed and complies with approved Council plans and specifications”.  |
| **Condition reason:** Statutory requirement. |

**Ongoing use for subdivision work**

No additional conditions have been applied to this stage of development.

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/standard-conditions-of-consent/standard-format-for-notices-of-determination). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

# ****Dictionary****

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS**means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.
**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018.*

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

**Council** means HAWKESBURY CITY COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979.*

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021.*

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Hawkesbury Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work**means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,

- the reuse of stormwater,

- the detention of stormwater,

- the controlled release of stormwater, and

- connections to easements and public stormwater systems.

**Strata certificate**means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate**means a certificate that authorises the registration of a plan of subdivision under Part 23 of the  *Conveyancing Act 1919*.

**Subdivision work certificate**means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel**means Sydney Western City Planning Panel.