

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
INTEGRATED DEVELOPMENT CONSENT DA/2019/719/1**

Environmental Planning and Assessment Act, 1979

Common Ground Property (NSW) Pty Ltd
C/- Jeff Bulfin (Precise Planning)
PO Box 426
NORTHBRIDGE NSW 1560

Being the applicant(s) for Development Application DA/2019/719/1 relating to:

Lot: 1 DP: 12096, Lot: 2 DP: 236262, Lot: 2 DP: 12096, Lot: 3 DP: 12096, Lot: 4 DP: 12096, Lot: 5 DP: 12096, Lot: 6 DP: 12096, Lot: 7 DP: 12096, Lot: 37 DP: 12096, Lot: 36 DP: 12096, Lot: 35 DP: 12096, Lot: 3 DP: 236262, Lot: 32 DP: 12096, Lot: 31 DP: 12096, Lot: 30 DP: 12096, Lot: 29 DP: 12096, Lot: 28 DP: 12096, Lot: 27 DP: 12096, Lot: 22 DP: 12096, Lot: 23 DP: 12096, Lot: 11 DP: 739884, 2689 Remembrance Driveway TAHMOOR, 20 Rockford Road TAHMOOR, 2691 Remembrance Driveway TAHMOOR, 2693 Remembrance Driveway TAHMOOR, 2695 Remembrance Driveway TAHMOOR, 2699 Remembrance Driveway TAHMOOR, 2705 Remembrance Driveway TAHMOOR, 2707 Remembrance Driveway TAHMOOR, 4 Rockford Road TAHMOOR, 6 Rockford Road TAHMOOR, 8 Rockford Road TAHMOOR, 30 Rockford Road TAHMOOR, 34 Rockford Road TAHMOOR, 36 Rockford Road TAHMOOR, 46 Rockford Road TAHMOOR, 56 Rockford Road TAHMOOR, 66 Rockford Road TAHMOOR, 10 Hawkins Road TAHMOOR, 7 Stratford Road TAHMOOR, 11 Stratford Road TAHMOOR, 15 Stratford Road TAHMOOR.

APPROVED DEVELOPMENT: Seniors housing development comprising 214 self-contained dwellings over 11 stages & associated civil & stormwater works; alterations & additions to existing building (Stratford House), vegetation clearing, dam dewatering, demolition of structures, landscaping & installation of temporary on-site effluent system.

DETERMINATION DATE: -
LAPSE DATE: -

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions attached.

Notes:

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.

- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to
 - (a) lodge, in accordance with Section 8.7 of the Act, an appeal with the Land and Environment Court of NSW within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
 - (b) request a Council review of the determination under Section 8.3 of the Act.
- (5) This application has not been considered by the Independent Hearing Commission.

Should you require further information regarding the above matter, please contact Anthony Richardson, DA Planner on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au.

Yours faithfully

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

General Conditions relating to all stages

- (1) Development Consent is granted for Seniors housing development comprising 214 self-contained dwellings over 11 stages & associated civil & stormwater works; alterations & additions to existing building (Stratford House), vegetation clearing, dam dewatering, demolition of structures, landscaping & installation of temporary on-site effluent system at Lot: 1 DP: 12096, Lot: 2 DP: 236262, Lot: 2 DP: 12096, Lot: 3 DP: 12096, Lot: 4 DP: 12096, Lot: 5 DP: 12096, Lot: 6 DP: 12096, Lot: 7 DP: 12096, Lot: 37 DP: 12096, Lot: 36 DP: 12096, Lot: 35 DP: 12096, Lot: 3 DP: 236262, Lot: 32 DP: 12096, Lot: 31 DP: 12096, Lot: 30 DP: 12096, Lot: 29 DP: 12096, Lot: 28 DP: 12096, Lot: 27 DP: 12096, Lot: 22 DP: 12096, Lot: 23 DP: 12096, Lot: 11 DP: 739884, No. 2689 Remembrance Driveway TAHMOOR, 20 Rockford Road TAHMOOR, 2691 Remembrance Driveway TAHMOOR, 2693 Remembrance Driveway TAHMOOR, 2695 Remembrance Driveway TAHMOOR, 2699 Remembrance Driveway TAHMOOR, 2705 Remembrance Driveway TAHMOOR, 2707 Remembrance Driveway TAHMOOR, 4 Rockford Road TAHMOOR, 6 Rockford Road TAHMOOR, 8 Rockford Road TAHMOOR, 30 Rockford Road TAHMOOR, 34 Rockford Road TAHMOOR, 36 Rockford Road TAHMOOR, 46 Rockford Road TAHMOOR, 56 Rockford Road TAHMOOR, 66 Rockford Road TAHMOOR, 10 Hawkins Road TAHMOOR, 7 Stratford Road TAHMOOR, 11 Stratford Road TAHMOOR, 15 Stratford Road TAHMOOR.
- (2) Development shall take place in accordance with the submitted plans listed below and submitted in respect of Development Applications No. 010.2019.00000719.001, except where varied by the following conditions:

Plan / Document	Author	Ref No	Date
Location Plan & Drawing List	McCabe Architects	TP.000 Rev B	July 2020
Site Analysis	McCabe Architects	TP.001	December 2019
Design Opportunities	McCabe Architects	TP.002	December 2019
Masterplan	McCabe Architects	TP.003 Rev A	July 2020
Masterplan Overlay - Road Hierarchy & Parking	McCabe Architects	TP.004 Rev A	July 2020
Masterplan Overlay- Tree Removal & Retention	McCabe Architects	TP.005 Rev A	July 2020
Masterplan Overlay - Staging	McCabe Architects	TP.006 Rev A	July 2020
Masterplan Overlay - Rubbish Collection Route	McCabe Architects	TP.006.1	July 2020
Masterplan Overlay - Open Space / Landscape	McCabe Architects	TP.007 Rev A	July 2020
Masterplan Overlay - Indicative Building Footprint Plan	McCabe Architects	TP.008 Rev B	September 2020
Masterplan Overlay – Fencing Plan	McCabe Architects	TP.009 Rev A	July 2020

Heritage Building Proposed Demolition	McCabe Architects	TP.101	December 2019
Pool Pavilion & garage Proposed Demolition	McCabe Architects	TP.103	December 2019
Communal Buildings Proposed Alterations & Additions – Ground Floor	McCabe Architects	TP.104 Rev A	July 2020
Communal Buildings Proposed Alterations & Additions – First Floor	McCabe Architects	TP.105 Rev A	July 2020
Pool Pavilion Proposed Alterations & Additions - Elevations	McCabe Architects	TP.107 Rev A	July 2020
Communal Buildings External Finishes / Materials / Colours	McCabe Architects	TP.108	December 2019
Typical Movable Dwelling 2 Module – Type A	McCabe Architects	TP.200 Rev A	13/12/2019
Typical Movable Dwelling 2 Module – Type B	McCabe Architects	TP.201 Rev A	13/12/2019
Typical Movable Dwelling 2 Module – Type C	McCabe Architects	TP.202 Rev A	13/12/2019
Typical Movable Dwelling 2 Module – Type D	McCabe Architects	TP.203 Rev A	13/12/2019
Typical Movable Dwelling 2 Module – Type E	McCabe Architects	TP.204 Rev A	13/12/2019
Typical Movable Dwelling 2 Module – Type F	McCabe Architects	TP.205 Rev B	22/07/2020
Typical Movable Dwelling External Finishes / Materials / Colours	McCabe Architects	TP.206 Rev A	13/12/2019
Landscape Master Plan	Nicolas Bray Landscapes	L.1 Rev F	10/12/19
Original House Garden Existing Landscape	Nicolas Bray Landscapes	L.2 Rev F	10/12/19
Street Frontage Planting Palette	Nicolas Bray Landscapes	L.3 Rev F	10/12/19
Elevations and Entry	Nicolas Bray Landscapes	L.4 Rev F	10/12/19
Detailed Landscape Plan	Nicolas Bray Landscapes	L.5 Rev F	10/12/19
Entry Driveway Areas	Nicolas Bray Landscapes	L.6 Rev F	10/12/19
Typical Residence Planting	Nicolas Bray Landscapes	L.7 Rev F	10/12/19
Typical Boundary Planting	Nicolas Bray Landscapes	L.8 Rev F	10/12/19
Planting Stages	Nicolas Bray Landscapes	L.9 Rev F	10/12/19
Planting Stages Elevation	Nicolas Bray Landscapes	L.10 Rev F	10/12/19
Wayfinding Plan	Nicolas Bray Landscapes	L.11 Rev F	10/12/19
Stratford house Detail Area	Nicolas Bray Landscapes	L.12 Rev F	10/12/19

Construction Details	Nicolas Bray Landscapes	L.13 Rev F	10/12/19
Construction Management Plan	Nicolas Bray Landscapes	L.14 Rev F	10/12/19
Deep Soil Landscape Areas	Nicolas Bray Landscapes	L.15 Rev F	10/12/19
Indicative Fire Hydrant Design	M&D Jones	FSCP-01-A	27/08/2020
Plan of Proposed Easement	Australian Survey Solutions	190529-DP2 Rev A	17 Feb 2020

(3) Development shall take place in accordance with the recommendations of the following reports:

- *Statement of Environmental Effects prepared by Precise Planning Revision 02 dated July 2020*
- *Traffic Impact Assessment prepared by Martens and Associates dated July 2020*
- *Wastewater Report prepared by Martens and Associates dated July 2020*
- *Wastewater report – Peer Review prepared by Whitehead & Associates Environmental Consultants dated 24 July 2020*
- *Odour Assessment Letter prepared by Todoroski Air Sciences dated 15 July 2020*
- *Air Quality Assessment prepared by Todoroski Air Sciences dated 6 December 2019*
- *Waste Management Plan prepared by Blue Water dated 24 July 2020*
- *Fire Appliance Access and Manoeuvrability prepared by Blue Water dated 26 July 2020*
- *Fire Appliance Access and Manoeuvrability Review prepared by M and D Jones dated 26 August 2020*
- *Care Provider Letter prepared by Dr Care Solutions dated 15 July 2020*
- *Biodiversity Development Assessment Report prepared by Land Eco Consulting dated January 2020*
- *BCA Report prepared by Cityplan dated 21 April 2020*
- *Access Report prepared by Accessible Building Solutions dated 13 March 2020*
- *Heritage Impact Statement prepared by Weir Phillips Heritage and Planning dated December 2019*
- *Salinity Report prepared by Martens and Associates dated November 2019*
- *Crime Prevention prepared by The Design Partnership dated 11 December 2019*
- *Detailed Site Investigation Report prepared by Martens and Associates dated November 2019*
- *Preliminary Site Investigation Report prepared by Martens and Associates dated July 2019*
- *Aquatic Ecology Dam Dewatering Report prepared by Narla Environmental dated November 2019*
- *Watercourse Assessment prepared by Martens and Associates dated 5 December 2019*
- *Acoustic Assessment report prepared by Marshall Day dated 11 December 2019*

- (5) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. DA/2019/719/1 received on 17/12/2019 except where varied by the following conditions of consent.
- (6) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the elevations shall take precedent.
- (7) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work and demolition work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (8) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (9) Wastewater from the development shall be managed and disposed of in accordance with the recommendations of the Wastewater Management Report No. P1907155JR05V03 prepared by Martens Consulting Engineers and dated July 2020 and submitted in respect of the application.
- (10) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.
- (11) 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.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

General Conditions relating to all stages

- (1) The attached General Terms of Approval issued by the Mine Subsidence Board are included as conditions of this Consent.

- (2) A copy of the Approval issued by the Mine Subsidence Board is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. SECTION 7.11 LOCAL CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

General Conditions relating to all stages

- (1) Payment of a monetary contribution for 214 Seniors Living Dwellings in accordance with Wollondilly Contribution Plan (2020) and have been calculated in the following manner:

Road and Transport	\$881,584
Open Space	\$640,246
Community Facilities	\$197,182
Car Parking	\$0
Plan Management	\$22,272
TOTAL	\$1,741,284

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, for the release of each stage of the development based on the number of dwelling, by contacting council@wollondilly.nsw.gov.au or 4677 1100. Wollondilly Contributions Plan (2020) may be viewed on the NSW Planning Portal or Wollondilly Shire Council's Website.

- (2) In accordance with the Direction, monetary contributions that is required to be paid under the conditions of this consent must be paid before the issue of the each occupation certificate in respect of any building to which this consent relates, except as provided by condition (3).
- (3) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, monetary contribution must be paid before the issue of the each construction certificate after that date for any such building.

The Direction means the *Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020*, as extended by the *Environmental Planning and Assessment Amendment (COVID-19 Prescribed Period) Regulation 2020*, applied at the time of calculation. The Direction may be view on the NSW Planning Portal.

4. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with Safer by Design principles.

General Conditions relating to all stages

- (1) All essential services (i.e. emergency lighting, exit signs, portable fire extinguishers, hose reels, smoke alarms, hydrants, fire blankets, etc) are to be inspected and certified with the regulations under the Environmental Planning and Assessment Act 1979, every 12 months from the date of this approval. Council shall be provided with the compliance certificates in accordance with the Environmental Planning and Assessment Act 1979.
- (2) All recommendation identified in the submitted Crime Prevention Report, Prepared by The Design Partnership, Dated December 2019 are to be appropriately imposed. This is to be demonstrated to the PCA prior to the issue of any Construction certificate.

5. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

General Conditions relating to all stages

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Footings.
 - Pier holes before pouring of concrete.
 - Steel reinforcing before pouring of concrete.
 - Wet area damp proofing and flashing before lining.
 - Structural steel work before covering.
 - Stormwater drainage before backfilling.
 - Bearers and joist inspection before flooring is fixed.
 - Frame work before internal cladding or lining is fixed.
 - Completion of the building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
 - After shaping and prior to topsoil/turf placement of overland flow paths.

- When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed.
- During the roller test, which is to be carried out using a three point roller or approved equivalent.
- A completion of pavement shaping, prior to priming.
- At sealing (minimum 24 hours required after priming).
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade.
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

- (3) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
- Pool fencing or isolation before filling the pool with water.
 - Completion of the pool before use.
- (4) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

Conditions relating to Stage 1 to 4b

- (5) Prior to commencement of drainage works, a sewage management facility application comprising plans and manufacturers specifications shall be submitted to Wollondilly Shire Council for approval.
- All drainage works shall be carried out in accordance with the Plumbing & Drainage Act 2011 and Australian Standard AS/NZS 3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.
- In relation to any approval for the installation of an On-Site System of Sewage Management Facility (septic tank), including any drainage works associated with the system under Section 68 of the Local Government Act, 1993, the following works shall be inspected by Wollondilly Shire Council, prior to backfilling of drainage lines or the tank:
- Internal drainage before backfilling;
 - External drainage before backfilling;
 - Septic/wastewater treatment tank(s) prior to backfilling;
 - Disposal and/or irrigation system before back filling and after turfing.

6. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

General Conditions relating to all stages

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.

7. SUBDIVISION PLANS

These conditions have been imposed:

- (a) **To ensure the submission of Subdivision Plans to the specifications of Land and Property Information for registration.**
- (b) **To submit the required documentation for the creation of property restrictions and easements as specified.**

General Conditions relating to all stages

- (1) This consent does not imply endorsement of subdivision of the subject allotment. Such shall be the subject of a further Development Application to Council for approval. No subdivision approval is given by way of this consent.

Conditions relating to Stage 1

- (2) Lots 1, 2, 3, 4, 5, 6, 7, 27, 28, 29, 30, 31, 32, 35, 36, 37 DP 12096 and Lots 2, 3 DP 236262 shall be consolidated into one Title and written notification as to the registration of such consolidation at Land and Property Information is to be submitted to Council prior to release of the Occupation Certificate.

8. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

General Conditions relating to all stages

- (1) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (2) Any work involving lead paint removal must not cause lead contamination of air or ground.

- (3) All demolition material shall be disposed of in accordance the waste management plan submitted.
- (4) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls
- (5) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the "NSW Waste Avoidance and Resource Recovery Strategy 2014-21" (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (6) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication "Demolition work code of practice July 2014" including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (7) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (8) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

9. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

General Conditions relating to all stages

- (1) Only trees identified on the Tree Removal & retention Plan prepared by McCabe Architects, Drawing No TP.005, Revision A dated 16/07/2020 shall be removed.
- (2) Prior to the commencement of any work a joint inspection shall be arranged between the Arborist and Council's Environmental Management Officer to confirm that all suitable trees have been clearly marked for retention.

10. SERVICES

These conditions have been imposed to ensure that an adequate level of services and infrastructure are provided for this development.

General Conditions relating to all stages

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (2) Electricity supply is to be made available to all proposed dwellings in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- (3) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from Telstra Australia or NBN Co. that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate
- (4) All power and services provided to the development within the site shall be underground.
- (5) Letter boxes shall be provided to each dwelling to the satisfaction of Australia Post.

Conditions relating to stages 1 to 4b

- (6) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.

11. STREET ADDRESSING

These conditions are imposed in order to ensure the development complies with the requirements of the New South Wales Address Policy as published by the Geographical Names Board of New South Wales.

General Conditions relating to all stages

- (1) Prior to the issue of a Construction Certificate for the development 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.

- (2) Prior to the issue of a Construction Certificate for the development an application for street addresses shall be submitted to Council for each individual dwelling within the development in accordance with Section 5.2 of the NSW Address Policy.

12. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

Conditions relating to Stage 1

- (1) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the Heritage Item (I235)

General Conditions relating to all stages

- (2) Should any potential archaeological deposit likely contain Aboriginal artefacts be identified during the planning or historical assessment stage, application shall be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (3) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

13. BUILDING DESIGN

These conditions have been imposed to ensure that the appearance /construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

General Conditions relating to all stages

- (1) The design details of the proposed building façade, including all external finishes, glazing and colours, must be in accordance with the approved materials and finishes schedule prepared by McCabe Architects dated 13/12/2019.
- (2) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (3) All buildings shall comply with AS1428 – Design for access and mobility in respect of accessibility for people with a disability. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.

- (4) Sanitary and other facilities must be provided in accordance with the deem-to-satisfy provisions of the Building Code of Australia.
- (5) Confirmation by a suitably qualified Acoustic Consultant that the acoustic treatments required in order to achieve acceptable interior noise levels have been satisfactorily installed shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.
- (6) Where an automatic fire detection and alarm system is installed, the facility shall have visual alarms installed in accordance with Clause 18.2.1 of AS1428.2 "Design for Access and Mobility – Enhanced and Additional Requirements – Buildings and facilities" which flash in conjunction with the audible alarm.
- (7) A certificate from a structural engineer shall be provided to Council or the nominated Accredited Certifier prior to the release of the Construction Certificate certifying that the existing structure is capable of withstanding the forces of the proposed addition.
- (8) The rear yard of all the dwellings shall be maintained at all times by landscaping and turfing.

14. BASIX CERTIFICATES

These conditions have been imposed to ensure that the BASIX affected development fulfils the commitments listed in each relevant BASIX Certificate issued for the development.

General Conditions relating to all stages

- (1) All construction works, including any insulation requirements or other specific requirements shall comply with the relevant BASIX Certificate prior to the issue of any Occupation Certificate.
- (2) In accordance with clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 1066148M dated 16/12/2019 are fulfilled.

In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

15. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

General Conditions relating to all stages

- (1) Construction 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 Construction Certificate by Council or a nominated Accredited Certifier.
- (2) Prior to the issue of any construction certificate, sufficient information must be forwarded to Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (3) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (4) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate. Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any before Occupation Certificate for the development.
- (6) 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. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - i. to a public sewer, or
 - ii. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (7) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

- (8) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(9) **PROTECTION OF PUBLIC PLACES**

(a) If the work involved in the erection or demolition of a building:

- i. Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
- ii. Building involves the enclosure of a public place;

A hoarding or fence must be erected between the work site and the public place.

(b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (10) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.

- (11) There shall be no burning of builders rubble, felled trees or other material on site.

- (12) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- (i) Payment of Road Damage Inspection Fee (if development cost >\$5,000 in residential zones R2, R3 & R5 or for BCA class 2, 3, 5, 6, 7, 8 and 9 construction work in all zones)
- (ii) Payment of a Road Opening Fee (only applies to the first structure on the site)
- (iii) Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (13) Dust shall be controlled so that it will not leave the construction site

16. VEGETATION MANAGEMENT

These conditions have been imposed to protect significant vegetation that has been identified on the subject land.

Conditions relating to Stage 1

- (1) The collection of native species seeds from the site by a suitably qualified ecological person is to occur on the section of the site mapped as containing three classes of PCT 1395 on Figure 11 within the Biodiversity Development Assessment Report prior to any works commencing and collected seeds delivered to Council's Community Nursery. Demonstration of the collection in terms of species names and numbers is to be provided to Council prior to the issuing of the construction certificate. All seed is to be batched with like species and include species name, date of collection and location where collected.

17. RETIREMENT OF CREDITS

Conditions relating to Stage 1

(1) Ecosystem Credits

- Prior to the issue of the Construction Certificate, 146 ecosystem credits must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- Evidence of the retirements of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to the issue of the construction certificate.

(2) Species Credits

- Prior to the issue of the construction certificate, the class and number of species credits specified in Table 23 of the Biodiversity Development Assessment Report dated 13th December 2019 must be retired to offset the residual biodiversity impacts of the development.
- The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- Evidence of the retirements of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to the issue of the construction certificate.

18. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

Conditions relating to Stage 1

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Council or a nominated accredited certifier for approval prior to the release of any Construction Certificate and shall include:

- An inventory of all state level priority weed, regional Priority weeds or other weed of regional concern in the Greater Sydney Regional Strategic Weed Management Plan, approved under the Local Land Services Act 2016.
- A site plan indicating the weed infestations with reference to the species and degree of infestation (ie. low, medium, high).
- A treatment schedule in tabulated format.
- Measures to be undertaken during site clearing, earthworks and storage of topsoil to prevent dispersal of weed propagules.
- Details of methods of disposal of weed material

This Plan should accompany the Biodiversity Management Plan as an attachment.

19. DEWATERING OF THE FARM DAM

Conditions relating to Stage 1

- (1) Dewatering of the farm dam shall be undertaken in accordance with the Aquatic Dam Report by Narla Environment dated November 2019.
- (2) A report demonstrating compliance of the dewatering of the two farm dams on the property with the Aquatic Ecology Dam Dewatering Report ('dam dewatering report') prepared by Narla not more than five pages in length must be provided and be satisfactory to Council's Environmental Management Officer prior to the issuing of the Occupation Certificate.

20. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

General Conditions relating to all stages

- (1) All Civil and Road works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification. The requirements of the Design Specification shall take preference over any stamped or endorsed plans issued with this consent.
- (2) **Prior to issue of any construction Certificate**, certified Engineering Design plans for all internal roads, access driveways, stormwater treatment measures and stormwater drainage, shall be submitted to Council or accredited Certifier for approval. All levels are to be reduced to Australian Height Datum.
- (3) **Prior to issue of any Construction Certificate**, a "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or accredited Certifier for approval with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (4) **Prior to issue of any Construction Certificate**, 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 reserve shall be submitted to Council for approval with the Engineering Plans. The plan shall be prepared in accordance with the Wollondilly Shire Council Design Specification and requirements of the "Traffic Control at Work Sites" manual (as published by TfNSW). The plan is to be prepared and endorsed by a person with current Transport for NSW certification.

21. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

General Conditions relating to all stages

- (1) Public road and drainage upgrades or facilities within the public road reserve, as required by this consent, are subject to approval by the Road Authority (Wollondilly Shire Council). Where the location, type and extent of works is amended or requested to be varied by the Road Authority it will be deemed to comply with the works as specified in this consent.
- (2) Prior to commencement of any construction works a permit, in accordance with Section 138 of the Roads Act, must be obtained from Council's Infrastructure Strategy and Planning Section for operation of construction entrance and management of haulage routes. A fee is payable for issue of this Consent Certificate.
- (3) In relation to construction within the development lot, no construction vehicles, plant or other machinery is to be parked within or occupy the public road reserve.
- (4) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall 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 any security deposit or Road Management Permit Bond.
- (5) The person or entity having the benefit of this Consent shall engage appropriately qualified persons, at no cost to Council, to undertake Audit(s) on the Traffic Management measures implemented adjacent to the site during construction works. Audits shall be undertaken at times specified by Council as the Road Authority.
- (6) A defects liability and establishment period of twelve (12) months will apply from the date of issue of Certificate of Practical Completion, by Council, for all Public Roadworks, drainage and traffic facilities constructed under this consent.
- (7) The person or entity having the benefit of this Consent shall be responsible for engaging appropriately experienced professionals to undertake adequate public consultation for the design and construction of the traffic facilities (refuge islands) and intersections treatments as required by this consent. Public consultation feedback must be made available to the Road Authority prior to assessment and approval of each facility and treatment.

- (8) Vehicle access to all dwellings and facilities within the development must be made via the two identified entrances and the internal road network. Direct vehicle access to the public road network via any other entrance or driveway is prohibited.
- (9) All vehicle ingress and egress must be possible in a forward direction. Adequate internal turning and manoeuvring areas must be provided for all internal roads, parking and servicing areas.

Conditions relating to Stages 1 to 4B only

- (10) To ensure the existing road network is adequate for the proposed development, the person or entity having the benefit of this consent shall at no cost to Council:
 - a. Upgrade Rockford Road, adjacent to the development lot from the intersection of Remembrance Driveway to the length of the 60km/h speed zone (about 400m), through provision of half road reconstruction, pavement widening, kerb and gutter and road drainage generally in accordance with the Category E Collector Street, with a modified 12m wide carriageway or other such alignment as specified by the Road Authority.
 - b. Upgrade Remembrance Driveway, adjacent to the development lot, through provision of pavement widening, kerb and gutter and road drainage generally in accordance with the Category E Collector Street, with a modified 15m wide carriageway or other such alignment as specified by the Road Authority.

Notwithstanding the requirements for works under this condition, the provision for pavement and kerb and gutter may be delayed at the intersection of Rockford Road and Remembrance Driveway to facilitate future intersection treatments.

- (11) To ensure the provision of adequate pedestrian access for the development at no cost to Council:
 - a. Provision of footpath along Rockford Road and Remembrance Driveway from the main access in Rockford Road to the Remembrance Driveway pedestrian crossing adjacent to Tahmoor Public School.
 - b. Provision of footpath along Remembrance Driveway from the pedestrian access to the roundabout footpaths adjacent to the Tahmoor Inn.
 - c. Pedestrian kerb ramps to be provided at all intersections. Kerb ramps shall be constructed using coloured concrete in accordance with Council's standard drawings.
 - d. Footpath surface and grades shall comply with the relevant sections of AS1428 for Access and Mobility.
- (12) To ensure the provision of adequate pedestrian safety for the increased pedestrian demands on the adjoining road network at no cost to Council:
 - a. Provision of Pedestrian Refuge Island facility on Rockford Road in accordance with TfNSW guidelines. The facility may require the construction of kerb and gutter, pavement widening and drainage on the north-eastern side of Rockford Road.
 - b. Provision of Pedestrian Refuge Island facility on Emmett Street at the Remembrance Driveway intersection in accordance with TfNSW guidelines.

- c. Provision of Pedestrian Refuge Island facility on Larkin Street at the Remembrance Driveway intersection and incorporated into the existing median splitter island in accordance with TfNSW guidelines.

The provision and design of all treatment facilities are subject to the approval of Wollondilly Shire Council's Traffic Committee.

- (13) To ensure the provision of adequate public transport connections and servicing for the development at no cost to Council:

- a. Provision of at least one bus stop, including shelter, adjacent to the development lot for north bound services towards Tahmoor, Thirlmere and Picton.
- b. Provision of at least one bus stop, including shelter, adjacent to the development lot for south bound service to the development from Tahmoor, Thirlmere and Picton.

The provision and design of all bus stop facilities are subject to the approval of Wollondilly Shire Council's Traffic Committee.

- (14) To ensure a safe and efficient road network, the person or entity having the benefit of this consent shall, at no cost to Council, provide Street Lighting using **LED LIGHTING** along Rockford Road and Remembrance Driveway frontages where kerb and gutter has been constructed to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (15) At no cost to Council street trees shall be installed along Rockford Road and Remembrance Driveway adjacent to any new kerb and gutter, generally at a rate of one tree per 15 metre length of kerb.
- (16) To ensure adequate establishment of the new road verge and street trees the person or entity having the benefit of this consent shall, at no cost to Council, maintain the road verge grass and street trees, including watering, mowing, weed removal, grass replacement and pruning for a 12 month establishment period.

Prior to issue of any Construction Certificate for stage 1.

- (17) All roadworks, drainage and traffic facilities and treatments, including the roundabout at the intersection of Rockford road and Remembrance Driveway, as required by this consent must be approved by the Road Authority (Wollondilly Shire Council's Manager Infrastructure Strategy and Planning). To facilitate the approval process, the person or entity having the benefit of this consent shall submit the following plans and reports for consideration.
 - a. Detailed Engineering and Traffic Facility and Treatment Design plans showing all public road and drainage infrastructure.
 - b. Road pavement design reports and geotechnical investigations.
 - c. Drainage calculations and computer modelling.
 - d. Landscape Plan showing the proposed location and species of street trees and landscape features.
 - e. Evidence of public consultation and feedback.
 - f. Any other report of design plans requested.

Notwithstanding the conditions requiring roadworks as setout 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.

Prior to Occupation of the development for stages 1 to 4B only

- (18) **Prior to Occupation of the development**, a Certificate of Practical Completion shall be issued by the Road Authority (Wollondilly Shire Council) for all works constructed, as part of this development, within the public road reserve.
- (19) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, in accordance with the Council's ADAC requirements including CCTV recording for all road stormwater lines, for all public road and drainage infrastructure constructed as part of this development.
- (20) **Prior to occupation** of the development, a 10% defects liability and establishment bond is to be lodged with Council for any public road or drainage works.

Conditions relating to Stages 5 to 9 only

- (21) To ensure the existing road network is adequate for the increased traffic demands imposed by the proposed development, beyond stage 4B, the person or entity having the benefit of this consent shall at no cost to Council:
 - a. Upgrade the intersection of Rockford Road and Remembrance Driveway with a Roundabout or other satisfactory treatment compliant with the Austroads design guidelines.
 - b. Dedicate any land required for the intersection treatment.
- (22) In relation to the submitted Concept Roundabout treatment design at Rockford Road and Remembrance Driveway, the final design shall at no cost to Council:
 - a. Include central median radii and circulating lane width compliant with Austroads design guides and;
 - b. Improve the approach and departure angle in Rockford Road by locating the treatment further south-west along Remembrance Driveway such that the Rockford Road leg intersects at an angle closer to 90 degrees.

Prior to issue of any Construction Certificate for stages 5 to 9 only

- (23) **Prior to issue of any Construction Certificate** issued for stages 5 to 9, inclusive, a detailed intersection treatment design for Rockford Road and Remembrance Driveway shall be approved by the Road Authority (Wollondilly Shire Council's Manager Infrastructure Strategy and Planning).
- (24) **Prior to issue of any Construction Certificate** issued for stages 5 to 9, inclusive, any road widening required by the Rockford Road and Remembrance Driveway intersection treatment shall be registered and dedicated to the public as road. The person or entity having the benefit of this consent is responsible for all costs associated with the dedication.

Prior to Occupation of the development for stages 5 to 9 only

- (25) **Prior to Occupation of the development**, a Certificate of Practical Completion shall be issued by the Road Authority (Wollondilly Shire Council) for the intersection treatment works, as part of this development, within the public road reserve.
- (26) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, in accordance with the Council's ADAC requirements including CCTV recording for all road stormwater lines, for the intersection treatment works constructed as part of this development.
- (27) **Prior to occupation** of the development, a 10% defects liability and establishment bond is to be lodged with Council for the intersection treatment works.

22. ACCESS AND INTERNAL ROADS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

General Conditions relating to all stages.

- (1) Vehicle access off Rockford Road shall be constructed generally in accordance with the submitted concept plans and be constructed of concrete with a minimum width of 6 metres in accordance with Council's Design Specification.
- (2) Internal road network to be constructed in accordance with the submitted concept plans. All roads to be sealed and designed to Wollondilly Shire Council Design Specification D13 Access and Off-street Parking.
- (3) To ensure the internal road network is adequate for the movement of private, service and transport vehicles, turning heads must be provided at the termination of all roads. Temporary turning heads must be provided where internal roads are temporarily terminated between construction of each stage.
- (4) Provisions are to be provided for RV parking as to not adversely affect the internal road network.

23. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

General Conditions relating to all stages.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

There shall be no adverse impact on the flooding potential on adjoining properties.

- (2) The person or entity having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of existing downstream public drainage.
- (3) Stormwater discharge from the site shall have adequate control measures installed that limit the post-development discharge rate, at each discharge point, to no more than the pre-development condition, for all storm events up to and including the 1% AEP storm event.
- (4) Stormwater discharge from the site shall have an adequate stormwater quality treatment measures installed for the control of litter, sediment pollution and dissolved pollutants in accordance with the stormwater treatment objectives outlined in the Wollondilly Shire Council Design Specification.
- (5) Stormwater runoff from all impervious surfaces shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from all road and future building surfaces up to the 10% AEP storm event. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) Stormwater drainage shall be provided generally in accordance with the Concept Stormwater Management Plan with the following variation(s):
 - a. Drainage discharged into the adjacent road network shall be piped to a point with suitable capacity. Generally pipes are not permitted to be discharge to the existing table drain and must be extended to a natural watercourse or other piped drainage system.
- (7) Stormwater discharge from individual buildings or internal roads, within the development, is prohibited directly to the existing road or public drainage system. All drainage discharge must be via the interallotment drainage as shown in the Concept Stormwater Management Plan.
- (8) The person or entity having the benefit of this consent is responsible for the ongoing maintenance of the development drainage system, including the regular inspection and maintenance of stormwater quality and quantity basins and infrastructure in accordance with the approved Stormwater Maintenance and Operation management Plan.
- (9) **Prior to issue of Construction Certificate**, a Stormwater Maintenance and Operation Management Plan outlining requirements for the operation, maintenance and inspection of private rainwater reuse and On-site Detention tanks, shall be submitted with the Engineering Design plans for approval by Council or nominated Certifier.

24. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

General Conditions relating to all stages.

- (1) The person or entity having the benefit of this consent shall ensure dust generated during construction works does not leave the development lot and impact adjoining roads and properties.
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) A stabilised vehicle access, wheel wash or other control measure shall 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 shall be undertaken as soon as practicable.
- (4) 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.
- (5) Stockpiles of materials shall 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.
- (6) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (7) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (8) The person having the benefit of this Consent shall engage appropriately qualified persons, at no cost to Council, to undertake Audit(s) on the Soil and Water Management measures implemented on site during subdivision construction works. Audits shall be undertaken at times specified by the Principal Certifier.

25. EARTHWORKS AND FILLING

These conditions have been imposed to ensure safe earthworks:

General Conditions relating to all stages.

- (1) Earthworks shall be undertaken in accordance with the submitted concept plans.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of

validation reports for all fill used shall be retained and presented to Council on request.

- (4) All earthworks shall make provision for the management of stormwater runoff from the site to ensure no adverse impact on adjoining roads and properties.

26. SWIMMING POOLS

These conditions are imposed to ensure:

Conditions relating to Stage 1

- (1) The swimming pool shall be fully enclosed and separated from the dwelling and adjoining properties by an approved fence having a minimum height of 1.2 metres provided with a child proof self-closing and self-locking gate or comply with "child-safe" provisions where permitted. The construction, installation and use of the swimming pool shall be in accordance with Council's Code and AS 1926.
- (2) The filtration plant and equipment shall be located and/or treated with sound insulation, so as to not create a noise nuisance to adjoining premises.
- (3) A resuscitation charge shall be permanently displayed in view of the swimming pool area.
- (4) All gates shall be mounted to swing open away from the pool.
- (5) The pH level of the water shall be maintained between 7.2 and 8.0.
- (6) The free chlorine level shall be equal to the total chlorine level at the beginning of each day the pool is in use. At no time should the free chlorine level be less than 1.0 part per million.
- (7) Chemical testing of the swimming pool shall be carried out and recorded each day the pool is in use.
- (8) The waste water discharged from the pool during backwashing or emptying shall not be discharged to the street gutter or discharged upon the site in such a way as to cause nuisance to the adjoining properties.
- (9) Windows opening into the pool area shall be made child-safe in accordance with the requirements of the Swimming Pools Act 1992 and the Swimming Pools Regulation 1998. Details are to be submitted to Council for approval prior to installation.

27. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

General Conditions relating to all stages.

- (1) Landscaping is to be installed in accordance with the approved Landscaping Masterplan dated 10th December 2019 as amended in response to requests by Council prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (2) Where shown on the landscape plan, the following tree species are to be replaced with a suitable replacement identified:

Species to be replaced	Suitable Replacements
<ul style="list-style-type: none"> • Ulmus parvifolia • Ulmus Sapporo 	<ul style="list-style-type: none"> • Nyssa sylvatica • Cercis Forrest pansy • Malus floribunda • Acer buergeranum

28. SENIORS LIVING

These conditions have been imposed to ensure the development is undertaken in accordance with the provisions of the relevant state and Council requirements.

General Conditions relating to all stages.

- (1) Prior to the issue of the Construction Certificate the person having the benefit of this development consent shall submit a report to Council or the nominated Accredited Certifier from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels within all dwellings in all stages will not exceed the recommended noise levels outlined in The Australian and New Zealand Standard entitled AS/NZS 2107 Acoustics—Recommended design sound levels and reverberation times for building interiors.
- (2) Prior to the principal certifying authority issuing an occupation certificate, the applicant shall create a restriction as to user, registered against the title of the property on which the development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to:
 - (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The applicant shall liaise with Council regarding the required wording. The authority empowered to release, vary or modify these restrictions on the use of land shall be Wollondilly Shire Council. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

- (3) On-going care must be maintained throughout the life of this consent, care must be similar to that identified within the Care Provider Letter prepared by Dr Care Solutions Dated 15 July 2020.

29. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality.

General Conditions relating to all stages.

- (1) All fencing is to be installed in accordance with the Fencing Plan prepared by McCabe Architects, Drawing Number TP.009 Revision A Dated December 2019.

30. WASTE MANAGEMENT

These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.

General Conditions relating to all stages.

- (1) On-going waste disposal must be undertaken in accordance with the Waste Management Report, prepared by John Weil Bluewater, Dated 24th July 2020 and Project Number 19053BW-1343.
- (2) Waste collection vehicles at no time may reverse within the subject site in order to access bins.

31. FOOD PREMISES

These conditions have been imposed to ensure the development is undertaken in a safe manner with respect to public health.

Conditions relating to Stage 1

- (1) The proposed kitchen within the clubhouse shall be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674, Design, construction and fit-out of food premises.
- (2) Upon completion of the work and prior to operation or use, the premises must be inspected by Council's Environmental Health Officer to ensure compliance with relevant Food Safety Standards. Evidence of a satisfactory inspection result shall be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.
- (3) Prior to the commencement of business operations the owner of the business is to complete and submit Council's Food Business Notification Form to Wollondilly Shire Council.

32. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

General Conditions relating to all stages.

- (1) The proponent of the site must provide a private community bus for the seniors living village in order to facilitate transport to and from existing services in the local area.
- (2) Facilities for storing paperwork and other materials associated with the administration of the business must be in one of the designated office rooms or in an enclosed cupboard or drawer dedicated for that use (AS 4674-2004, Section 5.1.3).

33. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

General Conditions relating to all stages.

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
 - a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - i. that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - ii. in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
 - b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia .
 - c) This clause does not apply:
 - i. to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - ii. to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
 - d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - e) development consent, in the case of a temporary structure that is an entertainment venue, or
 - f) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

- (2) Erection of signs
 - a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

- b) 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:
 - i. showing the name, address and telephone number of the principal certifying authority for the work, and
 - ii. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii. stating that unauthorised entry to the work site is prohibited.
- c) 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.
- d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

- (3) Condition relating to maximum capacity signage
 - a) For the purposes of section 80A (11) of the Act, the requirement set out in subclause (b) is prescribed as a condition of development consent (including an existing development consent) for the following uses of a building, if the development consent for the use contains a condition specifying the maximum number of persons permitted in the building:
 - (i) entertainment venue,
 - (ii) function centre,
 - b) From 26 January 2010, a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.
 - c) Words and expressions used in this clause have the same meanings as they have in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006.

34. ADVICES

General Conditions relating to all stages.

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including

CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.

- Workers Compensation Insurance.
- Twenty Million Dollar Public Liability Insurance.

(3) The following service providers should be contacted before commencement of construction to establish their requirements:

- Dial before you dig (various services) 1100
- Telstra (telephone) 1 800 810 443
- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

(4) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

(5) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

(6) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - i. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - ii. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

(7) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:

- i. Payment of Road Damage Inspection Fee (if development cost >\$5,000 in residential zones R2, R3 & R5 or for BCA class 2, 3, 5, 6, 7, 8 and 9 construction work in all zones)
- ii. Payment of a Road Opening Fee (only applies to the first structure on the site)
- iii. Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones

The amount to be paid shall be in accordance with Wollondilly Shire Council's adopted fees and charges at the time of payment.

- (8) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.

Should you require further information regarding the above matter, please contact Anthony Richardson, DA Planner on phone (02) 4677 1100 or email council@wollondilly.nsw.gov.au. Please quote File No. DA/2019/719/1.

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