

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS ALL STAGES

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a Two-staged subdivision of one lot into 46 residential lots, 1 lot public reserve, civil works and associated infrastructure.

2. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise:

Approved Plans					
Plan Title	Author	Reference	Sheet	Revision	Date
Stage 1 & 2 Layout Plan	J. Wyndham Prince	110698-03	CD002	G	17.01.2024
Lot Arrangement Plan	J. Wyndham Prince	110698-03	CD003	G	16.08.2023
Typical Sections (Roads)	J. Wyndham Prince	110698-03	CD004	D	16.08.2023
Proposed Service Plans	J. Wyndham Prince	110698-03	CD0005	E	17.01.2024
Staging Plan	J. Wyndham Prince	110698-03	CD006	F	17.01.2024
Lot Arrangement Plan	J. Wyndham Prince	110698-03	CD007	B	16.08.2023
Lot Arrangement Plan with Zone Boundaries	J. Wyndham Prince	110698-03	CD008	B	16.03.2023
Cut and Fill Plan	J. Wyndham Prince	110698-03	CD010	H	17.01.2024
Site Sections 1	J. Wyndham Prince	110698-03	CD011	C	02.06.2023
Ste Sections 2	J. Wyndham Prince	110698-03	CD012	D	16.08.2023
Engineering Plan 1	J. Wyndham Prince	110698-03	CD050	G	16.08.2023
Engineering Plan 2	J. Wyndham Prince	110698-03	CD051	D	17.01.2024
Road Longitudinal Sections Sheet 1	J. Wyndham Prince	110698-03	CD100	E	17.01.2024
Road Longitudinal Sections Sheet 2	J. Wyndham Prince	110698-03	CD101	C	03.03.2023
Road Longitudinal Sections	J. Wyndham Prince	110698-03	CD102	C	19.05.2023
Soil and Water Management Plan	J. Wyndham Prince	110698-03	CD200	G	17.01.2024
OSD and Raingarden Plan	J. Wyndham Prince	110698-03	CD250	C	16.08.2023
North Raingarden Plan	J. Wyndham	110698-03	CD251	B	16.08.2023

	Prince				
Signage and Line Marking Plan 1	J. Wyndham Prince	110698-03	CD300	C	03.03.2023
Signage and Line Marking Plan 2	J. Wyndham Prince	110698-03	CD301	C	19.05.2023
Turning Paths Plan 1	J. Wyndham Prince	110698-03	CD400	C	03.03.2023
Turning Paths Plan 2	J. Wyndham Prince	110698-03	CD401	C	03.03.2023
Lithgow City Council - Sweet Briar Concept Masterplan South Bowenfels	Integrated Design Group	-	-	1	08.12.2022
Stormwater Management Strategy	J. Wyndham Prince	-	-	A	08.12.2022
Landscape Plan	Bio-Engineered Solutions Pty Ltd	1966LAN	Pages 1 - 3	B	22.08.2023

Approved Documents				
Document Title	Author	Reference	Revision	Date
Heritage Impact Statement & additional supporting information (Eastern boundary proposed fence and landscape buffer zone treatment)	Integrated Design Group	-	1	08.12.2022
Preliminary Contamination Report	Macquarie Geotech	B21829	00	01.09.2023
Electrical Services Report – South Bowenfels Housing	Power Line Design	PLD4318	1.0	01.11.2022
Bushfire Assessment	Peterson Bushfire	22108	-	29.11.2022
Biodiversity Development Assessment Report (BDAR)	KHS Ecology and Bushfire	0	1	08.12.2023

In the event of any inconsistency between the proposed plans and documents, the approved plans prevail. In the event of any inconsistency between the approved plans/documents and a condition(s) of this consent, the condition prevails.

3. Staging of Subdivision

The subdivision shall be staged taking place generally in the consecutive manner indicated on the approved Staging Plan referenced in condition 2 of this consent; except as otherwise provided by the conditions of this consent or as agreed in writing by Council.

4. Contract Works Insurance

The developer is to ensure that Contract Works Insurance is kept current for the duration of the development and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.

GENERAL TERMS OF APPROVAL AND CONCURRENCE REQUIREMENTS

5. NSW Rural Fire Service

Asset Protection zones

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

- a) The proposed offsite Asset Protection Zones, as shown in Figure 4 of the submitted bush fire report prepared by Peterson Bushfire, ref. 22108, dated 29 November 2022, must comply with sections 3.2.5 or 3.2.6 of Planning for Bush Fire Protection 2019. The affected areas must be managed to the standards of an Inner Protection Area (IPA) as outlined in Appendix 4 of Planning for Bush Fire Protection 2019, and may be removed once the affected area is developed for urban purposes or otherwise incorporated as part of a Council's Plan of Management. If applicable, Lithgow City Council is to be nominated as the authority having the power to release, vary or modify an instrument created under the Conveyancing Act 1919.
- b) All residential lots must be entirely managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:
 - Tree canopy cover should be less than 15% at maturity.
 - Trees at maturity should not touch or overhang the building.
 - Lower limbs should be removed up to a height of 2 m above the ground.
 - Tree canopies should be separated by 2 to 5 m.
 - Preference should be given to smooth-barked and evergreen trees.
 - Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings.
 - Shrubs should not be located under trees.
 - Shrubs should not form more than 10% ground cover.
 - Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height).
 - Leaves and vegetation debris should be removed regularly.

6. Construction Standards

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

Any new Class 10b structures as defined per the National Construction Code must be non-combustible.

7. Access – Public Roads

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

Public access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019:

- roads have a minimum 5.5m carriageway width kerb to kerb.
- parking is provided outside of the carriageway width.
- hydrants are located clear of parking areas.
- curves of roads have a minimum inner radius of 6m.

- the maximum grade road is 15 degrees and average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- the road crossfall does not exceed 3 degrees.
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- traffic management devices are constructed to not prohibit access by emergency services vehicles.
- any temporary dead end roads must incorporate a suitable turning area per Appendix 3 of Planning for Bush Fire Protection 2019, and are clearly sign posted as a dead end.
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression.
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

8. **Water and Utility Services**

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

The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.

9. **General Advice – Consent Authority to Note**

Future development applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979 and need to comply with the requirements of Planning for Bush Fire Protection 2019.

10. **Water NSW**

General

- a) The lot layout, works and staging of the subdivision shall be as specified in Statement of Environmental Effects prepared by Integrated Design Group Pty Ltd (version B, dated 19/04/2023) and shown on the South Bowenfels Stage 1 & 2 Staging Plan (Plan No. 110698-03-CD006; Ver. F; dated 17/01/24) prepared by J. Wyndham Prince. No revisions to lot layout, works or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition a - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the subdivision.

Sewerage Infrastructure

- b) The existing and new sewerage infrastructure shall:
 - be designed with sufficient capacity to collect and transfer all wastewater generated by the subdivision, and
 - ensure it has sufficient hydraulic capacity to accommodate the additional wastewater load generated by the subdivision.

Reason for Condition b – To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Subdivision Roads & Stormwater Management

- c) The subdivision roads shall be located and constructed as shown on the Layout Plan, Typical Sections, Road Longitudinal Sections (Plan No. 110698-03-CD002, Ver. G, dated 16/08/23; Plan No. 110698-03-CD004, Ver. D, dated 16/08/23; Plan No. 110698-03-CD100, Ver E, dated 17/01/23; Plan No. 110698-03-CD101, Ver C, 03/03/23, Plan Nos 110698-03-CD102, Ver C, dated 19/05/23) prepared by J. Wyndham Prince. The subdivision roads shall:
- be sealed
 - incorporate stormwater conveyance and management measures to collect all road runoff via a series of pits and pipes to the proposed raingardens.
- d) All stormwater management measures as shown on the Engineering Plans, OSD and Raingarden Plan, and North Raingarden Plan (Plan No. 110698-03-CD050, Ver. G, dated 16/08/23; Plan No. 110698-03-CD051, Ver. D, dated 17/01/24; Plan No. 110698-03 CD250, Ver. C, dated 16/08/23 and Plan No. 110698-03-CD251, Ver. B, dated 16/08/23) prepared by J. Wyndham Prince shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall:
- be finalised in consultation with Water NSW and be approved by the Principal Certifier (PC) prior to the issuance of a Subdivision Works Certificate
 - have stormwater management measures including:
 - pits and pipes
 - gross pollutant traps (GPTs)
 - raingardens and on-site detention basins, and
 - diversion of western/undeveloped from the road A and stormwater management measures.

The final approved stormwater drainage plan shall be implemented.

- e) The raingardens shall:
- be converted from the sediment basins and constructed in Stage 1
 - be upgraded and/or rehabilitated from their use as temporary sediment basins in postconstruction phase so that they are suitable for use as operational raingardens
 - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
 - have an extended detention depth of 300 mm
 - have a filter depth (excluding transition layers) of 400 mm above the underdrain
 - have a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
 - direct all discharge and overflow to the Council's stormwater infrastructure via armoured discharge points such that discharge does not cause erosion
 - be accessible from roads by machinery to facilitate cleaning, monitoring, and maintenance of the structures, and
 - be permanently protected from vehicular damage by bollards, fences, castellated kerbs, or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management.

- f) No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the prior agreement of Water NSW.
- g) A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the PC prior to the issuance of a Subdivision Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
- h) An Operational Environmental Management Plan (OEMP) shall be prepared by a person with knowledge and experience in the preparation of such plans. The OEMP shall:
 - prepared in consultation with Water NSW and Council prior to the issuance of a Subdivision Certificate of Stage 1
 - provided to Council before handing over the stormwater management assets to Council
 - include details on the location, description, and function of stormwater management structures such as pits, pipes, detention basins, gross pollutant traps, on-site detention (OSD)/raingardens, and any other stormwater structures and drainage works
 - outline the responsibilities and detailed requirements for the inspection, monitoring, and maintenance of all stormwater management structures, before and after handing over to Council, including the frequency of such activities
 - identify the individuals or positions responsible for inspection and maintenance activities, before and after handing over to Council, including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities, particularly for OSD/raingardens.
- i) All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan, which appropriately resolves comments made by Water NSW during the consultation process.

Reason for Conditions C to I – To ensure that the proposed subdivision roads and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.

Construction Activities

- j) A Soil and Water Management Plan for each stage shall be prepared for all works required as part of the subdivision including the subdivision roads by a person with knowledge and experience in the preparation of such plans. The Plan shall:
 - prepared in consultation with Water NSW prior to the issuance of a Subdivision Works Certificate for each stage to the satisfaction of the PC, including any changes in use of Stage 1 raingardens for use in Stage 2 Works,
 - incorporate the Cut & Fill Plan (Plan No. 110698-03-CD010, Ver. F, dated 02/06/23) and Soil and Water Management Plan (Plan No. 110698-03-CD200, Ver. E, dated 19/05/23) both prepared by J. Wyndham Prince
 - include appropriate clean water diversion from the undeveloped area located in the west
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
- k) The Soil and Water Management Plan shall be implemented and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

Reason for Conditions J & K – *To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.*

Subsequent Development Applications

- l) Any subsequent applications for dwellings and/or other developments on the proposed lots will be subject to the provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 and will need to be assessed according to the NorBE test in relation to the potential effect of the development on water quality.

11. Endeavour Energy

- a) More extensive plans of the electricity infrastructure on or near the site will be provided as part of the Before You Dig enquiry process. Even with the provision of the plans, the actual position of the underground electricity infrastructure must be verified prior to any actual excavation work commencing. Depending on the actual alignment and protection provided to the cables, the easement required may extend onto the subject site and in which case Endeavour Energy's Customer Network Solutions Branch may require easements to be created as part of the application for connection of load for the subdivision.

It is noted that protected works under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW) may be managed as if an easement is in place. Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure' for low voltage up to 22,000 volt / 22 kV high voltage underground cables (assumed to have no concrete protection unless proven otherwise) requires a 3 metre minimum easement width i.e. 1.5 metres to both sides of the centre line of the cable ducts. However, with concrete protection a lesser 1 metre easement width is permitted.

- b) All encroachments and /or activities (works) within or affecting an easement, restriction or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) need to be referred to Endeavour Energy's Easement Officer for assessment and possible approval if they meet the minimum safety requirements and controls. However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities within the easement.

For further information please refer to the copies of Endeavour Energy's:

- *General Restrictions for Underground Cables available on the NSW Planning Portal.*
- *Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights' which deals with activities / encroachments within easements.*

- c) The Electrical Services Report (based on 102 new dwellings) includes the following advice regarding whether the available electricity services are adequate for the proposed development:

At present the nearest access to Endeavour Energy's 11kv network is at the Great Western Highway to overhead Feeder No.50231508 and Underground Feeder No. L591. Either of these feeders will need to be extended underground along Col Drew Drive into the site to supply strategically placed Pad Mount Substations to supply underground Low Voltage cabling to each of the new lots and street lighting in accordance with Endeavour Energy's standard MD10028.

Endeavour Energy will require the 11kv Network to 'Ring Red' in and out of the proposed development, this will require the installation of two (2) cables along Col Drew Drive, reticulation throughout the development and back to the Great Western Highway.

- d) Any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Note: Generally, it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

- e) The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

FEES, CHARGES AND CONTRIBUTIONS

12. Voluntary Planning Agreement

The development shall comply with the Voluntary Planning Agreement dated 17 August 2023 (Council Reference: Doc ID 2177258). Prior to the issue of a Subdivision Certificate for each stage (stage 1 and stage 2) the contributions agreed to within the Voluntary Planning Agreement is to be paid at a rate of \$6, 800 per residential lot, totalling \$312, 800.

13. Water and/or Sewerage Development Contributions

The approved development is subject to Council's Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows Council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

14. Development Services Plans for Water Supply and Sewerage

Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforced at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases.

Advisory Note Calculations:

The charges for the subject DA are as such:

Lithgow Water and South Bowenfels Sewer charges are applicable

Charges calculated utilising LCC Development Servicing Plan, Water Directorate Section 64 Determination of Equivalent Tenements Guidelines

Charge applicable:

Sewer

$46(\text{lots}) \times 1.0(\text{ET}) \times \$16,365.12 \text{ (charge)} = \$752,795.52$

Water

$$45(\text{lots}) \times 1(\text{ET}) + 1(\text{lot}) \times 1.2(\text{ET}) \times \$3,363.44 = \$155,390.928$$

Total charges = \$908,186.45

The number of Equivalent Tenements in development is determined using the methodology and definitions as described in the Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines, April 2017. Council will make a copy available to the applicant for the purpose of determining the contribution amount.

15. Ecosystem Credit Retirement

The class and number of ecosystem credits is thirty-five (35). The ecosystem credits and development shall demonstrate full compliance with the approved BDAR (KHS Ecology & Bushfire, dated 8 December 2023, Table 6 -2, Page 69) and details below:

Any changes to the area of native vegetation or biodiversity impacted will require further assessment and an update of the BAM Credit Calculator (BAM-C)1 calculation.

Please Note: The class and number of ecosystem credits in Table 6-2 relate to the area displayed in Figure 6-1 (BDAR, KHS Ecology & Bushfire 8 December 2023, pg. 68-70).

- a) The class and number of ecosystem credits in Table 6.2 of BDAR must be retired to offset the residual biodiversity impacts of the development.
- b) 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 BAM Credit Calculator (BAM-C)1.
- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the requirements of the approved BDAR 62 must be provided to Lithgow City Council prior to the issue of subdivision works certificate.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE FOR EACH STAGE (Stages 1 to 2)

16. Subdivision Works Certificate

A Subdivision Works Certificate must be obtained prior to the commencement of any civil works onsite.

17. Subdivision design and Legislation, policies and technical detail

- a) Prior to the issue of any Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans shall be generally consistent with the stamped approved concept plans prepared by J.WYNDHAM PRINCE, Project Number: 110698-03, Revision up to G, Dated 17/01/2024.
- b) All subdivision works shall be designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice.
- c) The subdivision works may include but are not limited to the following:
 - Public and private roads
 - Stormwater management (quantity and quality)
 - Private access driveways
 - Sediment and erosion control measures
 - Overland flow paths

- Traffic facilities
 - Earthworks
 - culverts, retaining walls and other structures
 - Landscaping and embellishment works
- d) The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.
- e) All subdivision and associated works are to be designed and constructed in accordance with the following documents or current equivalent documents at the time of application.
- a. Relevant Austroads publications
 - b. Associated Transport for NSW (TfNSW) (formerly the Roads and Maritime Services (RMS)) supplements and Technical Directions
 - c. Council's Development Control Plan
 - d. Lithgow City Council – Engineering Specifications for Development Design and Construction.

18. Road Design and Testing

Each layer of pavement shall be tested for compaction and deflection as detailed below. The Director of Infrastructure and Economy or his delegate must approve each layer prior to the placing and compaction of subsequent layers.

a) Compaction Testing:

The subgrade, and all pavement layers, shall be density tested in-situ at the start and finish of the work (within the first/last five metres), and thereafter at intervals of no more than 50 metres, or as indicated by Council's Development Engineer. A minimum of two tests will be required for road pavements less than 50 metres in length. At cul-de-sacs, additional testing will be required at the turning head. The test sites selected should be representative of the likely minimum pavement compaction levels achieved.

Density testing must be undertaken by an authorised representative of a laboratory registered by the National Association of Testing Authorities (NATA). Density testing may be conducted using either the sand replacement test, nuclear gauge, or other NATA approved method.

Where a nuclear gauge in direct transmission mode is used to determine pavement density, the test method shall comply with RTA Test Method T173. Results of density testing shall be forwarded directly to Council for approval. No pavement layer shall be covered by a subsequent layer until the results of the density testing have been delivered to and approved by Council's Development Engineer.

Table 1 below sets out the minimum compaction requirement for each pavement layer.

Layer	Compaction Requirement	Standard
Subgrade	98% standard maximum dry density California Bearing Ratio (CBR) test	AS 1289.E1.1 AS 1289.F1.1
Sub-Base	100% standard maximum dry density	AS 1289.E1.1
Base	100% standard maximum dry density <ul style="list-style-type: none"> • Unbound Materials • Cemented Materials Density in place test California Bearing Ratio (CBR) test	AS 1289.E2.1 AS 1289.E3.1 AS 1289.E3.1 AS 1289.F1.1

Laboratory determination of maximum dry density for pavement materials which have been modified with cement must be undertaken within 4 hours of the cement being added

to the material. Materials tested outside this time will be subject to an adjustment to correctly determine the maximum dry density of the sample. For either natural or modified material, the laboratory determination of maximum dry density shall be undertaken at a frequency of no less than one determination for each days production of material.

b) Deflection Testing:

All pavement layers must be proof-rolled, and approved by Council's Development Engineer prior to the placement of subsequent pavement layers.

The proof-rolling will be conducted using either:

- i. a roller having a load intensity of seven (7) tonnes per metre width of roller.
- ii. a tandem axle rigid vehicle, having a maximum load of 15 tonnes per axle group (8 tyres), 12 tonnes per axle group (6 tyres), or 10 tonnes per axle group (4 tyres). Single axle vehicles should have maximum loads of 8.5 tonnes (dual tyres), or 5.4 tonnes (single tyres).

Any movement of the pavement layer under loading will be deemed a failure. Although not a subdivision requirement at this stage, Council strongly encourages Developers to specify in their contracts the use of Benkelman Beam tests to test for any deflection in the pavement layers, and as a means of quality assurance.

c) Final Road Profile:

The mean construction tolerance on pavement surface crossfalls should be within $\pm 5\%$ of the design crossfall. The maximum allowable construction tolerance is $\pm 5\%$, and the maximum standard deviation of crossfalls is 5%. The vertical alignment should not deviate by more than 25mm from the value shown on the drawings.

19. Road Infrastructure

Road infrastructure including intersection treatments, road pavement, foot/cycle/shared paths, kerb and gutter, stormwater drainage, services, landscaping (including street trees), street lighting, signage and markings is to be provided for each Stage of the subdivision, generally in accordance with the approved plans or as otherwise detailed in this consent. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application.

20. Water Management Act 2000 Compliance

An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Work as Executed drawings.

Please be advised that a Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.

The final compliance certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or Construction Certificate.

21. Water Management Act 2000 Compliance - Section 307

In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.

22. Drainage Design

A detailed drainage design including DRAINS is to be submitted to Council for the Subdivision Works Certificate demonstrating all stormwater drainage from the site is fully managed for each development stage in accordance with Lithgow Development Control Plan 2021 including but not limited to stormwater discharge control and stormwater quality before discharging into a legal point of discharge, and will not cause adverse effects to neighbouring properties. Full details are to be included in the documentation for a Subdivision Works Certificate application.

23. Soil Management

The Developer is to identify all locations and extents of any existing and/or proposed stockpiles of surplus virgin excavated natural material (VENM) resulting from previous or current proposed subdivision works. Full details, including associated ongoing environmental management measures, are to be included in the detailed design drawings provided to Council for a Subdivision Works Certificate application.

24. MUSIC Model

Each Subdivision Works Certificate application for road and drainage construction works is to be accompanied by a comprehensive MUSIC model demonstrating that the proposed works will achieve the water quality reduction targets specified by Council's Development Control Plan and to the Water NSW.

25. Stormwater Management and Water Sensitive Urban Design (WSUD)

Stormwater Management and associated Water Sensitive Urban Design (WSUD) measures are to be designed and constructed in accordance with Lithgow Council's Development Control Plan 2021 and Standard Drawings that are current when making each application for Subdivision Works Certificate.

26. Section 138 Requirements

Where works are proposed within the road reserve, the Developer must obtain approval from the Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) prior to the issue of the Construction Certificate. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*. The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

27. Stage 1 and 2 Temporary Cul-de-sac

Temporary cul-de-sac turning heads are to be provided at the following locations. Stage 1 in the vicinity of proposed Lots 1 and 18.

- a) Stage 1 in the vicinity of proposed Lots 31 and 32.
- b) Stage 2 in the vicinity of proposed Lots 35 and 39

The turning heads are to be constructed having full-depth road pavement with the exception that the final asphaltic concrete seal may be replaced with a two-coat bitumen spray seal.

28. Road Naming

Prior to making an application for a Subdivision Works Certificate for each Stage the Developer is to submit to the Council and obtain approval for all proposed road names (in accordance with the Lithgow City Council's Road Naming Policy) within that Stage and the approved road names are to be shown on the submitted documentation accompanying the Subdivision Works Certificate.

29. Street Signs

Street signs are required at all road junctions. Signs shall be purchased from Council. The location of proposed street signs is to be indicated on the Engineering Drawings submitted with the Subdivision Works Certificate.

30. Traffic Signage

Traffic signs, traffic signals, pavement markings, guide posts, delineators, safety barriers and the like, whether permanent or temporary, are to be designed and installed at all roads in accordance with guidelines contained within the Austroads publication, "Guide to Traffic Engineering Practice – Part 8: Traffic Control Devices", Australian Standard 1742 – Manual of Uniform Traffic Control Devices and the Roads and Traffic Authority "Road Design Guide". All traffic control devices and signage are to be detailed in the engineering drawings submitted with the subdivision works certificate. The consent of Lithgow City Council's Executive Manager of Operations or appointed officer will be required prior to the installation of any traffic control devices on existing roads.

31. Land Management

All disturbed, regraded or exposed areas outside of development lots are to be stabilised and suitably revegetated. All revegetation is to be undertaken using native plants propagated from local native seed from on-site or a nearby seed source. Propagation material is to be sourced from areas to be cleared in preference to areas that will be retained as natural areas. Full details are to be included in the documentation for a Subdivision Works Certificate application.

32. Landscape Plan Detail

Detailed Landscape Plans and Specifications is to be prepared for each Subdivision Stage by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects and is also to comply with the following requirements:

- a) Existing trees on the site, which are to be retained, are to have no cut or fill under their canopy areas and the location of these trees is to be clearly identified on the Landscape Management Plan and Engineering Plans.
- b) Areas of restricted access and fence detail to be erected during construction and areas proposed for storage/stockpile of plant and materials are to be identified.
- c) Street tree species are to be agreed by the Council.
- d) All street trees are to be selected and certified by the supplier to comply with the current NATSPEC guide with respect to root development, height, trunk diameter branch structure and balance (refer to Specifying Trees, Construction Information Systems Australia PL, Clark, R 2003).
- e) For all internal Local roads street trees are to be a minimum 75 litre pot size, or as otherwise approved by Council, planted at a maximum spacing of 12m. All street trees are to be protected with tree guards to the Council's requirements.
- f) No turf is to be installed between the road and riparian zone. A continuous double line of Lomandra species is to be installed in lieu of weed control and territorial enforcement.

- g) Street tree locations are to be reviewed with the inclusion of a potential driveway to ensure the location of the street trees allows for driveway access to each lot (eg Lot 100 would not allow a driveway to be provided without removal of the street tree)
- h) For all batters which will remain or adjoin public land; and
 - i. More native species are included in the planting schedule. No single species to exceed 15% of the total species mix. No non-native species.
 - ii. Type, diversity and density of native species to replicate the structure of adjacent Vegetation Types.
 - iii. Taller longer-lived plants are required on the lower third of batters.
 - iv. Lomandra to be limited to interfaces e.g. between turf and natives.
 - v. Measures to increase the resilience of riparian corridor for example retention of habitat logs; use of vines, midstory and longer-lived canopy species to out-compete weeds.
 - vi. Refer to NSW RFS general terms of approval conditions and NSW RFS Planning for Bush Fire Protection 2019 guide for species selection within the riparian area.

The detailed Landscape Plans and Specifications is to be provided with the Subdivision Works Certificate application.

33. Landscape Plan Detail Park Area and Circuit A

Detailed Landscape Plans and Specifications for 'Three Tree Hill' and 'Circuit A' being prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects and is also to comply with the following requirements. Full details to be included in the detailed design drawings for a Subdivision Works Certificate application.

34. Landscape Management Plan

A landscaping management plan is to be submitted to Council as part of the Subdivision Works Certificate in accordance with Council's "Planted Species List" to be provided as required including street trees, preferably located centrally to lots and ensuring clearance from drainage and electrical services, among other services.

Landscaping works for the subdivision site must include the substantial planting of locally endemic flora species consistent with the Plant Community Types (PCTs) identified for the site. All other street plantings should be native to the locality. The site is nearby a World Heritage national park as such an ecotone of continuation for species within the World Heritage area should be provided for species whose territories/home ranges extend beyond the boundaries of the national parks.

Full details are to be included in the documentation for a Subdivision Works Certificate application.

35. Cut and Fill

Areas of cut and fill and their respective volumes should be clearly shown on the detailed design drawings as part of the subdivision works Certificate, and appropriately managing for any compaction requirements and drainage impacts, with any proposed additional cut material to be subject to a Haulage Route plan under a future Section 138 Permit and/or ROL from TfNSW. Full details to be included in documentation for a Subdivision Works Certificate application.

36. Retaining Walls

Detailed designs for all retaining walls to be provided as part of the Subdivision Works Certificate. Wall locations, sections and structural details (if required) are to be included. Proposed retaining wall locations shown on the provided plans and sections are included in

step critical areas. All proposed Retaining wall materials to provide a minimum 50 year design life, but preferably 100 year design life and include suitable drainage conditions that prevent hydraulic pressure or blockage of backfill media. Full details to be included in documentation for a Subdivision Works Certificate application.

37. Services Infrastructure

Water, electricity and gas installations are to comply with Section 4.1.3 of the NSW Rural Fire Service document 'Planning for Bushfire Protection 2006' (or as updated). Full details to be included in documentation for a Subdivision Works Certificate application.

38. Section 68 Approval – Water and Wastewater

Prior to the issue of a Subdivision Works Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Lithgow City Council, for the following approvals:

- The applicant will be required to submit a Section 68 application for water and sewer connection and construction.
- The s68 application will require all hydraulic and construction plans of the development showing all infrastructure in water, sewer, and stormwater.
- These plans will show position, size and material used for construction and include the location of all sewerage property connections and water connection points.
- The plans will be required to show connection to Council's existing infrastructure and proposed connections to neighbouring lots or developments.

39. Section 68 -Stormwater Detail

Prior to the issue of a Subdivision Works Certificate the person acting with this consent shall obtain approval under Section 68 of the *Local Government Act 1993* for the carrying out of stormwater works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK AND DURING THE CONSTRUCTION PHASE FOR EACH STAGE (STAGES 1 and 2)

40. Commencement of Works Requirements

Work on the subdivision shall not commence until:

- a Subdivision Works Certificate has been issued;
- a Principal Certifying Authority has been appointed for the project and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Lithgow City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

41. Engineering Inspections

All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development shall be inspected by Council's Operations Department. The whole of the works

are to be carried out to the satisfaction of the Executive Manager of Operations. Council shall inspect engineering works at the following stages as a minimum:

- Following site regrading and shaping, and prior to installation of footway services;
- Installation of erosion and sedimentation control measures;
- Storm water drainage lines prior to backfill;
- Water and sewer lines prior to backfill;
- Testing of water and sewer lines;
- Subgrade preparation, before placing pavement;
- Establishment of line and level for kerb and gutter placement;
- Completion of each pavement layer ready for proof roll testing;
- Road pavement surfacing;
- Completion of works

The developer or contractor shall give Council a minimum 48 hours' notice when requesting an inspection to ensure that development works are not delayed. The developer shall, if required by a Council Engineer, submit delivery dockets for all materials used, and all material and performance test results obtained in the development.

42. Tree Protection

Tree protection measures are to be in accordance with *Australian Standard 4970-2009 Protection of trees in development sites*. Trees retained within and immediately near the development footprint at a minimum require the following:

- Fencing prior to construction works beginning. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works.
- Tree protection signage is to be attached to the fencing surrounding the retained trees.
- All storage, stockpile and laydown sites will be established away from any trees to be retained. Never stockpile under the 'drip zone' of a tree.

43. Street Lighting

A Street lighting is to be provided for all new and existing streets within the proposed subdivision to Lithgow City Council's standards.

44. Works Signage

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the work site is prohibited;
- b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at anytime for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

The sign is to be maintained for the duration of building work, subdivision work or demolition work. The sign must be removed when the work has been completed.

Note: *This condition does not apply where:*

- Building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
- Crown building work certified to comply with the Building Code of Australia under Part 6 of the *Environmental Planning & Assessment Act 1979*.

45. Site Specific Environmental Management Plan (SSEMPs)

Site Specific Environmental Management Plans (SSEMPs) are to be prepared for each of the Stages 1 and 2 such to be designed and implemented to manage all environmental aspects associated with the clearing, earthworks and construction works.

A copy of each SSEMP is to be provided in .pdf format to the Principal Certifier and Council and the SSEMP is to be maintained on-site during all site works and be made available to Authorised Officers upon request. The SSEMP is to include but not be limited to:

- a) A statement of compliance together with detailed justification(s) for any diversions from the overarching Construction Environmental Management Plan that demonstrate how such diversions meet the stated objectives of the CEMP.
- b) A site management strategy, identifying and addressing issues such as environmental health and safety, site access and security, 'no-go' zones and traffic/pedestrian/cyclist management.
- c) A Construction Traffic Management Plan approved by Council.
- d) A soil and water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water and groundwater. Procedures should be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment.
- e) Procedures for managing complaints for government authorities and public.

46. Work Site Facilities Requirement

Site Facilities required:

- a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- c) Any such hoarding or fence is to be removed when the work has been completed.
- d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- g) The provision of toilet facilities must be completed before any other work is commenced.
- h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

47. Damaged Council Property

The developer shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to the commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damage infrastructure at their expense.

48. Temporary Access Stabilisation

Unless existing constructed site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

49. Aboriginal Objects

During any excavation work, in the event that any Aboriginal objects are identified within the area of works, works within the immediate vicinity of the Aboriginal object should cease and Heritage NSW should be contacted so that appropriate management strategies can be identified.

In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact NSW Police, Heritage NSW and the Heritage Division to determine an appropriate course of action.

50. Notification requirements for Aboriginal Objects

If unanticipated suspected Aboriginal heritage objects are uncovered at any time throughout the life of the project, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.

51. Unexpected Finds Protocol

A protocol is to be developed to mitigate any risk of potential harm due to unexpected finds or ACM discovered during development. This should include stop work and reporting actions and be developed in line with the Contaminated Land Act and associated legislation.

52. Council Land and Aboriginal Objects

No permanent keeping place or re-burial of Aboriginal objects is to occur on any land owned by Council or intended to be dedicated to Council.

53. Road Authority Approval

Written approval is to be obtained from the Road Authority for all proposed temporary changes to traffic conditions or traffic regulations on any existing Public Road as a result of the development. The Developer shall be responsible for all costs associated with any public notification and implementation of the proposed temporary changes.

54. Landscape Works

All required landscape works are to be implemented by members of the Landscape Contractors Association of NSW and/or similar qualified contractors and under the direction and supervision

of a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects.

Proposed street tree locations are to be reviewed with the inclusion of a potential driveway to ensure the location of street trees allows for driveway access to each lot (e.g., Lot 100 would not appear to allow a driveway to be provided without removal of the street tree).

55. Approvals Available

A copy of the Notice of Determination and relevant Subdivision Works Certificates, including associated approved plans, is to be kept on-site at all times during construction works.

56. Hours of Construction

Construction Hours:

- a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- b) Building construction must not be carried out on a Sunday or a public holidays.
- c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

57. Rock Breaking

Mechanical rock breaking is to be confined to between 9.00 am to 3.30 pm Monday to Friday excluding any Public Holiday. Rock-breaking methods must not include blasting.

58. AS3798-1996 Requirements

Compaction of earthworks is to be carried out under Level 1 supervision as per AS 3798-1996 "Guidelines on earthworks for commercial and residential developments".

59. Dust and Air Quality Management

Dust Emission and Air Quality:

- a) Materials must not be burnt on the site.
- b) Vehicles entering and leaving the site with soil or fill material must be covered.
- c) Dust suppression measures must be carried out to minimise wind-borne
- d) emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

60. Storage of Building Materials

Building materials and equipment must be stored wholly within the work site unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway unless prior written approval has been obtained from council.

61. Project Contact Details

The project manager nominating a community contact person and advising adjoining owners and Council of the name of the nominated contact person, along with a contact telephone number. The contact person is to be available at all times for the duration of the construction work.

62. Surface Water Runoff Management

Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.

63. Erosion and Sediment Control Measures

Erosion and sediment control measures are to be implemented prior to the commencement of works for each stage and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:

- a) control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins; and
- b) controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1 (the ‘Blue Book’) published by Landcom, 2004.

64. Survey Monument Disturbance

Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated at no cost to Council by a Surveyor registered under the Surveying and Spatial Information Act 2002 (NSW).

65. Contamination

Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of work (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination, and Council must be notified.

66. Vehicle Movements

All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR EACH STAGE (STAGES 1 and 2)

67. Landscape Practical Completion

A Landscape Practical Completion Report is to be submitted to the Principal Certifier prior to achieving Practical Completion for each respective Stage of the development. The report is to verify that all landscape works have been carried out in accordance with the comprehensive landscape design plan and specifications that were approved under the respective Subdivision Works Certificate and/or all works granted consent under section 138 of the Roads Act, 1993 and is to verify that an effective maintenance program has been commenced. Full details are to be included in the documentation for each subdivision certificate application.

68. Street Addresses

Prior to making an application for a Subdivision Certificate for each Stage the Developer is to obtain from Council the required street addresses and show such addresses on the respective Administration Sheet.

69. All Works Completed

All subdivision works, road works granted consent under s138 of the Roads Act 1993 and public utility installations associated with a particular Stage are to be completed, prior to issue of the relevant Subdivision Certificate.

70. Repair of Damage

The Developer making good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, and revegetating any disturbed areas resulting from the works.

71. Subdivision Certificate Application Requirements

A Subdivision Certificate Application is to be submitted to the NSW Planning Portal for each stage (stage 1 and stage 2), accompanied by the appropriate fee.

Each application is to be supported by, at a minimum, the following documentation, together with any other documentation required under the conditions of this consent:

- a) The plan of subdivision prepared by a Registered Surveyor.
- b) The instrument prepared under s88B of the Conveyancing Act, 1919 as appropriate.
- c) A geotechnical assessment prepared by a suitably qualified geotechnical engineer that:
 - i. indicates any areas of potential slip or subsidence which may influence future road and building design requirements.
 - ii. indicates the location, extent and suitability of any fill placed on the site.
 - iii. provides a report on all earthworks carried out under Level 1 supervision as per AS3798-1996 'Guidelines on earthworks for commercial and residential developments'; and
 - iv. provides testing results for each phase of construction in relation to earthworks and roadworks.

72. Conveyancing Act, 1919 - Section 88B

Prior to the issue of a Subdivision Certificate, the submission of a Section 88B Instrument in accordance with the Conveyancing Act 1919 that creates the following Easements, Restrictions and Positive Covenants:

- a) Interallotment drainage lines in favour of upstream properties utilising the lines.
- b) Stormwater easement over park.
- c) Rights of carriageway in favour of the property serviced.
- d) Easements for services in favour of the property serviced and /or the appropriate utility provider.
- e) Vegetated Buffers Muscle Creek.
- f) Restricting access to the New England Highway.
- g) Asset Protection Zones (APZ) in accordance with the requirements of the NSW Rural Fire Service General Terms of Approval.
- h) Public stormwater drains, existing and proposed stormwater outlets, overland flow paths and
- i) Any temporary cul-de-sac heads or turning facilities in favour of Council.
- j) No coal burning appliances are to be installed on the residential allotments.

Note:

- Council in addition to the owner of any land benefited by the easement is to be a party whose consent is needed to release or vary easements or positive covenants.
- Council advises that it will not withhold consent to release the Positive Covenants or Easements in respect of temporary culdesac heads or turning facilities or APZ's subject to adequate alternate measures being provided in lieu.).

73. Construction Loads and Detention Basins

All stormwater detention basins should be designed with consideration of construction loads of sediment as temporary sediment control basins, maintained at all times, and modified to suit final construction design for detention function prior to issue of the Subdivision Certificate.

74. Water Management Act 2000 Compliance - Section 306(2)

A Certificate of Compliance must be issued prior to the release of the Subdivision Certificate/Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied.

75. Underground Electricity

Written evidence of arrangements made with Endeavor Energy, or other approved supplier, for the provision of underground electricity supply to all lots and street lighting within each Stage, is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

(Note: Any required transformers are to be located in reserves or private property, with appropriate easements being created, and are not to be installed in road reserves.)

76. Underground National Broadband Network

Written evidence of arrangements made with the NBN Co. Ltd, or other approved supplier, for the provision of underground National Broadband Network services to all lots within each Stage. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

77. Underground Telecommunications

Written evidence of consultation with and any resulting arrangements made with the Telstra or similar for the provision of underground broadband and/or telecommunication services to all lots within each Stage. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.

78. Underground Natural Gas

Written evidence of any arrangements made with Jemena, or other approved supplier, for the provisioning of underground natural gas services is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of each Stage of the development.

79. Certificate of Works As Executed (WAE)

Works A "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to Council prior to the final inspection. The WAE is to include, as a minimum:

- certification that all works have been completed generally in accordance with the approved plans and specification,
- any departure from the approved plans,
- any additional/deleted work,
- the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines,
- pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions,
- details of overland flow provisions,
- site regrading areas by new contours, and
- all other details which have a bearing on the extent of works and their acceptance by Council

- A copy of all documentation, reports and manuals, technical guidelines for handover of stormwater management facilities (bioretention basin/swell) to Lithgow City Council.

80. Maintenance Responsibilities

A maintenance bond of 5% of final construction costs shall be paid to Council upon final inspection and approval of all civil works. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs for the subdivision. The maintenance period will start from the date of final inspection for a period of 12 months. At the conclusion of the 12 month period a final inspection is to be undertaken by Council at the request of the developer to determine if any defects have arisen during this time. All deficiencies are to be rectified by the developer, should outstanding works remain Lithgow City Council reserves the right to expend bond monies on rectification works.

81. Traffic Control Plan

A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on the shoulder of any Public Road. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.

82. Council's Traffic Authority Local Committee (TALC)

Prior to issue of any Subdivision Certificate, the installation of any prescribed traffic control devices and traffic control facilities are required to be referred to and endorsed by Council's Traffic Authority Local Committee (TALC), and recommendation to Council for action. Approval can only be granted upon Council resolution.

83. Environmental Protection

Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:

- Noxious plants are under adequate management; or
- Noxious plant management has been undertaken and adequate control measures are in place; or
- Noxious plants are not a concern for the property

84. Vegetation Management Plan

A vegetation management plan (VMP) over the proposed Lot 47 (C3 Environmental Management zone parts of the development site, shall be prepared by a suitably qualified person.

This should include the creation of habitat corridors through to the wetland site to the south and on the hill and further towards the creek corridor to the northwest. This approach at the current design stage would address the principles of avoiding and minimise impacts to biodiversity. The VMP should include raptor breeding poles, substantial and dense tree/shrub and ground cover plantings, fallen timber placement for habitat enhancement, nest box placement where possible, Biosecurity Duty matters, erosion control, suitable fauna friendly exclusion fencing (dogs/humans), pest animal control, and suitable plantings around dams and along drainage channels etc.

Protection of the remaining two trees and replacement of the dead tree associated with the name 'Three Tree Hill' is required. The VMP is to be in accord with the DPI -Office of Water - Guidelines for vegetation management plans on waterfront land or other equivalent documents is to be submitted to Council prior to the issue of the Subdivision Certificate for Stage 1.

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT – STAGES 1 – 2
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85. Drainage Requirements

The registered title for all land proposed as Drainage Reserve, is to be transferred to Council, and at no cost to Council, within 28 days of Council providing written notice to the Developer that satisfactory completion vegetating the Drainage Reserves.

86. Earthworks

All earthworks shall be undertaken in accordance with AS3798 and Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development"

87. Water and Sewerage Requirements

The developer is to comply with all requirements and cost for connection of water supply and sewerage services including upgrades.

88. Public Utilities

The developer is responsible for all adjustments to and/or relocation of public utilities. Any necessary alterations are to be at the Developer's expense and to the requirements of the appropriate Authorities.

89. Landscape Establishment Report

A six-monthly Landscape Establishment Report (.pdf format) is to be submitted to Council for the term of a twelve month landscape defect and maintenance period commencing from the date of registration of the relevant Subdivision Certificate in respect of each Stage, verifying that satisfactory maintenance of the landscape works including street trees, re-vegetation and weeding, has been undertaken in accordance with the approved Landscape Plans and Vegetation Management Plan and any necessary rectification measures have been carried out to a high professional standard.

90. Developer Costs

It being the responsibility of the Developer to meet all expenses incurred in undertaking the development including expenses incurred in complying with conditions imposed under the terms of this consent.

ADVISORY MATTERS

- Prior to commencing any subdivision works, the following provisions of Division 6.2 of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) A Subdivision Works Certificate is to be obtained; and
 - b) Council is to be appointed as the Principal Certifier for the subdivision works (consistent with Section 6.5(3) of the Act); and
 - c) Council is to be given at least two days' notice of the date intended for the commencement of subdivision works.
- It is an offence under the provisions of the Protection of the Environment Operations Act 1997 (NSW) to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ('on-the-spot fine') or prosecution.
- Development applications are not assessed against the provisions of the National Construction Code. An application to modify the application under the Environmental Planning and

Assessment Act 1979 will be required if design amendments that cause the proposal to be inconsistent with the development consent are necessary to comply with the provisions of the Building Code of Australia.

- Failure to comply with the conditions of consent constitutes a breach of the Environmental Planning and Assessment Act 1979 (NSW), which may be subject to a penalty infringement notice ('on-the spot fine') or prosecution.
- If archaeological deposits or relics not considered in the supporting documents for this consent are discovered, work must cease in the affected area(s) and the Heritage Council of NSW notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Note: The Heritage Council of NSW can be contacted on 02 9873 8500 or heritagemailbox@environment.nsw.au. A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land on which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.

END OF CONDITIONS