

DRAFT CONDITIONS OF CONSENT DA2020/37

List approved plans and documents

- Concept Development Plan Tocumwal Street, Mulwala, Drawing M1941-ODP V16 11 August 2021
- Residential Subdivision Tocumwal Street, Mulwala – Gleason M1941 – V1 undated – typical Cross-sections
- Residential Subdivision Tocumwal Street, Mulwala – Gleason M1941 – V1 undated – Park Area
- Concept Development Plan Tocumwal Street, Mulwala, Drawing M1941-ODP V6 11 August 2021 – Overall Servicing Plan
- Concept Development Plan Tocumwal Street, Mulwala, Drawing M1941-ODP V3 11 August 2021 - Servicing Plan Stages 1-4. (108 Lots) 25 January 2021
- Concept Development Plan Tocumwal Street, Mulwala, Drawing M1941-ODP V13 11 August 2021 - Stages 1-4. (108 Lots) 25 January 2021
- Statement of Environmental Effects Tocumwal Road and North Street, Mulwala Concept Development Application for Subdivision and Detailed DA for 108 Lots – August 2021 by Habitat Planning Revision C.
- Biodiversity Development Assessment Report - Tocumwal and Savernake Road, Mulwala Subdivision- March 2021 Project No. 21-129 By NGH
- Aboriginal Due Diligence Assessment Tocumwal and Savernake Road, Mulwala Subdivision, May 2021 Project No. 21-129 by NGH
- Traffic Engineering Tocumwal Road, Mulwala. Proposed Subdivision of Land. Traffic Impact Assessment by TTM 22 May 2020.
- Concept Development Plan , Tocumwal Street, Mulwala. Option 9 Drawing M1941 - ODP V11 20 11/2019 – Stormwater Catchment Plan.
- Stormwater Management Strategy M1941 – Proposed Residential Development, Tocumwal Road, Mulwala. November 2019 by North East Survey Design.
- Riverland Gardens Estate & Tocumwal Road Development, Mulwala. Report on Hydraulic Modelling and Water Supply Upgrade Requirements for 236 and 496 Lot Residential Developments April 2020, Revision 1 by Development Outcomes and North East Survey Design.

DEFERRED COMMENCEMENT – Conditions 1 are to be met in full prior to any works commencing on site or associated with the Development.

1. PLANNING AGREEMENT

A Planning Agreement is to be entered into between the developer and Federation Council for the following works.

Work	Timing
Upgrade to water infrastructure	Payment of contribution prior to release of construction certificate for stage 1
Upgrade to sewer infrastructure	Payment of contribution prior to release of construction certificate for stage 1
Upgrade to North Street	Works to be completed prior to release of the subdivision certificate for stage 1 of the development
Upgrade to North Street and Corowa Road intersection	Works to be completed prior to release of the subdivision certificate for stage 1 of the development

Upgrade to the intersection of Savernake Road and Corowa Road Intersection	Works to be completed prior to release of the subdivision certificate for stage 1 of the development
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The cost for the preparation of the planning agreement is to be borne by the developer.

2. SLOANE'S FROGLET HABITAT MANAGEMENT PLAN*

A habitat management plan for the areas of the site impacted by the development is to be provided to Council prior to any works associated with the development commencing. The Sloane's Froglet Habitat Management Plan is to be endorsed by Federation Council and Department of Planning Industry and Environment – Biodiversity Section prior to works commencing on site. Once endorsed the Sloane's Froglet habitat management plan becomes part of the consent.

3. OPEN SPACE AND LANDSCAPING MASTER PLAN

An Open Space and Landscaping Master Plan is to be provided to and approved by Council prior to any works commencing on site. The plan is to include the following:

- Details of all landscaping throughout the development including street trees.
- Details of the public facilities and amenities that will be provided in the public spaces.

The cost of providing all facilities is to be borne by the developer.

The Master Plan is to be endorsed by Council and once endorsed becomes part of the consent.

4. PROPOSED INFRASTRUCTURE WORKS

Prior to the issue of a Construction Certificate, the applicant shall submit to and have approved by Federation Council a design of all proposed new roads, existing road upgrades, landscaping and services required to serve the subdivision.

All roads shall be designed such that sufficient carriageway width for the swept path of a service vehicle 8.8m in length is contained wholly within the travelled lane. The design vehicle must be able to make a turning movement in a single forward motion without the need to use vehicle accesses, driveways, parking lanes or lanes in the opposite direction of travel.

Where roads are constructed in stages of the subdivision, a permanent barricade conforming to AS1742.3 – Manual for Traffic Control Devices shall be constructed at the end of the road to warn motorists of the termination of the road and to prevent their passage beyond. A temporary bitumen sealed cul-de-sac be designed and constructed at the end of staged road development that caters for the swept path of a service vehicle 8.8m in length.

The design shall be undertaken in accordance with Council's Engineering Development Standards (EDS), Austroads Guidelines and relevant Australian Standards and shall include, at a minimum:

- A site plan showing the site boundaries, existing services, trees and structures;
- All road centre line chainages, radii, tangent points and deflection points;
- Design vehicle turning movements;
- Existing and new easements;
- Road reserve and carriageway width;
- Kerb and gutter details;
- Pavement details;

- Footpaths;
- Street lighting;
- Proposed service crossings; pavement design; vehicular crossings;
- Kerb returns and kerb lines details;
- Intersections
- Existing and proposed contours;
- Proposed cut and fill depth contours;
- Longitudinal and cross sections;
- Proposed location of all street signs and pavements markings;
- Proposed and existing stormwater drainage infrastructure;
- Proposed and existing water trunk and reticulation infrastructure;
- Proposed and existing sewer trunk and reticulation infrastructure;
- Provision for services and utilities including but not limited to, Electricity, Telecommunications, Gas & NBN;
- Landscaping;
- Provisions for vehicle access and parking;
- High stability permanent survey marks;

5. NORTH STREET ROAD UPGRADE

Prior to the issue of a Construction Certificate for Stage 1, the applicant shall submit to and have approved by Federation Council a design of the upgrade to North Street. The design shall be undertaken in accordance with Council's Engineering Development Standards (EDS), Austroads Guidelines and relevant Australian Standards and all other items outline as required by conditioned titled "PROPOSED INFRASTRUCTURE WORKS".

Once approved the design forms part of the consent.

6. TOCUMWAL ROAD SPEED LIMIT CHANGE

Approval shall be sort from Transport for NSW and written consent submitted to Federation Council for the reduction in the road speed limit from 80km/hr to 60km/hr.

7. INTERSECTION UPGRADES

Prior to the issue of a Construction Certificate for Stage 1, the applicant shall submit to and have approved by Federation Council a design of the upgrade to the following intersections

1. North Street and Corowa Road
2. Savernake Road and Corowa Road

The design shall be undertaken in accordance with Council's Engineering Development Standards (EDS), Austroads Guidelines, relevant Australian Standards and all other items outline as required by conditioned titled "PROPOSED INFRASTRUCTURE WORKS"

Once approved the design forms part of the consent.

8. SEWER RETICULATION SERVICING PLAN

Prior to the issue of any Construction Certificate, a sewer reticulation serving plan must be submitted to and approved by Federation Council. The plan must demonstrate sewer main extensions can adequately service each residential lot within the entire development. The plan shall be undertaken

by a suitably qualified civil engineer demonstrate conformance with the 'WSA 02-2014 V3.1 Gravity Sewerage Code of Australia' and Federation Councils Engineering Development Standards. The applicant is responsible for the design and construction of the sewer main extension and all associated costs.

8. SEWER RETICULATION DESIGN

Prior to the issue of Construction Certificate for each stage, detailed sewer reticulation construction plans must be submitted to and approved by Federation Council. The Design shall be undertaken by a suitably qualified civil engineer in accordance with the 'WSA 02-2014 V3.1 Gravity Sewerage Code of Australia' and Federation Councils Engineering Development Standards.

9. SEWER RETICULATION CONSTRUCTION

The applicant is responsible for the construction of the extension to Council's sewer reticulation system, at no cost to Council and in accordance with plans approved by Council as required by conditioned titled "SEWER RETICULATION DESIGN".

The applicant must engage a suitable qualified contractor to undertake the work. The construction is required to be undertaken in accordance with Council's Construction Inspection Regime and will require inspections and the lodgement of quality documents. All costs associated with Council inspections are to be paid by the applicant or contractor as required by conditioned titled "ENGINEERING FEES".

Additionally, the applicant shall connect each proposed residential lot of the subdivision to the sewer mains via a 150mm boundary inspection shaft located within the boundary of the each lot as near as practical to the point of connection to the sewer main. The boundary inspection shaft shall be risen to surface level and provided with a concrete support block. All works will be at cost to the applicant.

10. WATER RETICULATION SERVICING PLAN

Prior to the issue of any Construction Certificate, a water reticulation serving plan must be submitted to and approved by Federation Council. The plan must demonstrate water reticulations mains can adequately service each residential lot within the entire development. The plan shall be undertaken by a suitably qualified civil engineer demonstrate conformance with the 'WSA 02-2014 V3.1 Gravity Sewerage Code of Australia' and Federation Councils Engineering Development Standards. The applicant is responsible for the design and construction of the water reticulation mains and all associated costs.

11. WATER RETICULATION DESIGN

Prior to the issue of Construction Certificate for each stage, detailed water reticulation construction plans must be submitted to and approved by Federation Council. The Design shall be undertaken by a suitably qualified civil engineer in accordance with the 'WSA 02-2014 V3.1 Gravity Sewerage Code of Australia' and Federation Councils Engineering Development Standards.

12. WATER RETICULATION CONSTRUCTION

The applicant is responsible for the construction of any water reticulation system, at no cost to Council and in accordance with plans approved by Council as required by conditioned titled "WATER RETICULATION DESIGN".

The applicant must engage a suitable qualified contractor to undertake the work. The construction is required to be undertaken in accordance with Council's Construction Inspection Regime and will require inspections and the lodgement of quality documents. All costs associated with Council

inspections are to be paid by the applicant or contractor as required by conditioned titled "ENGINEERING FEES".

Any connection to the existing mains shall be done by Council at the developers cost.

Additionally, the applicant shall connect each proposed residential lot of the subdivision to the water reticulation mains in accordance with Federation Council's Standard Drawing SD800 and SD801. All works will be at cost to the applicant. No Service connection will be allowed to connect to a Trunk Water Main.

13. STORMWATER MANAGEMENT PLAN

Prior to the issue of any Construction Certificate, a stormwater management plan for the entire development must be submitted to and approved by Federation Council. The plan shall be undertaken by a suitably qualified civil engineer in accordance with and Federation Councils Engineering Development Standards. The information and plan shall depict, at a minimum the following details.

- The drainage system is capable of collecting and conveying a 20% AEP Event for a 5 minutes duration storm without surcharge. Plans shall depict the stormwater network layout, pipe sizes and levels, pit locations pit inlet capacities, gutter flow widths and detention basin inlet levels
- Inter allotment drainage locations, pipe sizes and pit locations.
- Detention basin cross sections and outlet details giving demonstration the effective storage volumes for the 1% AEP event can be met with a maximum discharge from the site not exceeding that which would occur during a 20% AEP without the need for pumping stations.
- Depth, width and extent of the flood levels for an emergency overland flow path capable of conveying all flows from all storms up to and including the 1% AEP event to the approved storm water discharge location without adverse effect on adjoining properties or road reserves.
- The provisions for Sloane's froglet habitat as outlined in the Biodiversity Assessment Report Pages 26 and 50 plus the condition titled " SLOANE'S FROGLET HABITAT MANAGEMENT PLAN."

14. STORMWATER MANAGEMENT DESIGN

Prior to the issue of a Construction Certificate for each stage, a properly prepared drainage discharge plan with computations must be submitted to, and approved by Federation Council. The Design shall be undertaken by a suitably qualified civil engineer in accordance with and Federation Councils Engineering Development Standards .The information and plan shall include, at a minimum or be modified to the following.

- Details of how the works on the land are to be drained and/or retarded for a 1% AEP event.
- Catchment details and computations including total energy line and hydraulic grade line for the proposed drainage system outlined in the approved plans required by conditioned titled "STORMWATER MANAGEMENT PLAN".
- Connection points for drainage for each lot including property inlet pits.
- Underground pipe drains conveying stormwater to the legal point of discharge for each allotment for a 20% AEP event and 5 minutes duration storm without surcharge in accordance with Australian Standard 3500 'National Plumbing and Drainage Code'.
- The provision of Inter allotment drainage, preventing sheet flow into adjacent lots

- Measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements;
- A maximum discharge from the site does not exceed that which would occur during a 20% AEP event for existing site conditions.
- The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- The details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines".
- Maintenance schedules for treatment elements.

15. STORMWATER CONSTRUCTION

The applicant is responsible for the construction of any stormwater drainage system, at no cost to Council and in accordance with plans approved by Council as required by conditioned titled "STORMWATER MANAGEMENT DESIGN".

The applicant must engage a suitable qualified contractor to undertake the work. The construction is required to be undertaken in accordance with Council's Construction Inspection Regime and will require inspections and the lodgement of quality documents. All costs associated with Council inspections are to be paid by the applicant or contractor as required by conditioned titled "ENGINEERING FEES".

Additionally, the applicant shall connect each proposed residential lot of the subdivision to the stormwater drainage system via a 100mm uPCV SN8 pipe and property inlet pit within the boundary of the each lot as near as practical to the point of connection to the drainage system. All works will be at cost to the applicant.

16. SIGNPOSTING AND LINEMARKING

The applicant shall be responsible for the design and construction of signposting and line marking of all proposed roads within the subdivision. The design, location and installation of signs and line markings shall be in accordance with Australian Standard AS1742 – Manual of Uniform Traffic Control Devices Part 2 – Traffic Control Devices for General Use. The location of signs and line markings shall be shown on a dedicated design plans.

17. STREET LIGHTING

The applicant shall be responsible for the design and construction of street lighting. Street lighting shall be provided on all proposed roads and existing road upgrades within and adjacent to the

subdivision and designed in accordance with AS/NZS 1158 “Lighting for roads and public spaces set” to cover all vehicle manoeuvring and pedestrian access areas.

The street lighting shall also be designed and installed so that no obtrusive light will be cast onto any adjoining property. Compliance with AS4282 - 2019 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

18. PEDESTRIAN CONNECTIVITY

Prior to the issue of the any Construction Certificate, the applicant is to provide Council with details of proposed pedestrian connectivity to the Township of Mulwala.

19. ENGINEERING INSPECTIONS

The applicant shall arrange an inspection of the subdivision works by Council’s Development Engineer at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

A	Road Construction	• Following site regrading, and prior to installation of footway services; • Excavation and trimming of subgrade; • After compaction of subgrade; • After compaction of subbase; • After compaction of base, and prior to sealing; • Establishment of line and level for kerb and gutter placement; • Subsoil Drainage; • Road pavement surfacing; • Pavement test results (compaction, strength).
B	Storm Water Drainage	• After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons.
C	Water	• After laying of mains and prior to backfill; • After laying of services and prior to backfill; • Pressure testing; • Disinfection
D	Sewerage	• After laying of pipes and prior to backfill; • Main - air pressure testing; • Manhole - water test for infiltration, exfiltration.
E	Concrete Footway Crossings	• After placing of formwork and reinforcement, and prior to concrete placement;
F	Erosion and Sediment Control	• Following the installation of erosion measures.

G	All Development Works	• Practical completion.
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20. CREATION OF EASEMENTS

Where the disposal of effluent or capture of stormwater involves the provision of mains to be installed within lands not owned by Federation Council, easements are to be provided. The width of any easement shall be not less than 3.0m. Easements will need to be registered with the lands title office prior to the issue of a Subdivision Certificate.

21. CONSTRUCTION CERTIFICATE

Prior to the commencement of any works a construction certificate application in the prescribed manner (including appropriate approved plans) shall be submitted to Council for approval for each stage.

22. IDENTIFICATION OF DEFECTS

Prior to the commencement of works, the owner or developer must submit to the Federation Council a written report and photos of any prior damage to public infrastructure. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to **Federation Council's** assets/public infrastructure caused as a result of the development.

23. ENGINEERING FEES

Prior to the issue of a Subdivision Certificate, payment for inspections of the construction works shall be made to Federation Council at a fee of 1.2% of the capital investment value. Evidence of this value shall be submitted to and be approved by Federation Council.

24. MAINTENANCE BOND

A maintenance bond will be provided by the Developer to Federation Council prior to the issue of a Subdivision Certificate. The maintenance bond will be 5% to the value of the works invested in Council or \$5,000, whichever is greater. This bond will be held by Federation Council to cover any defects or omissions, which may arise or become apparent in the Maintenance Period. The Maintenance Period will be 12 months and will commence on the date of the release of the Subdivision Plan

25. COMPLIANCE TO STANDARDS

All works are to be carried out in accordance with Federation Council's Engineering Guidelines for Subdivisions and Development Standards, Standard Drawings and Construction Inspection Regime and be at no cost to Council.

26. WORKS AS EXECUTED

Prior to the issue of the subdivision certificate, the applicant shall submit to Council two electronic copies (PDF and AutoCAD) of "works as executed plans" for the works required by Condition(s) titled:

- STORMWATER DRAINAGE SYSTEM – CONSTRUCTION
- CONSTRUCT NEW ROAD TO APPROVED DESIGN
- STREET LIGHTING

- FOOTPATH IN PATHWAY
- SIGNPOSTING AND LINEMARKING
- WATER RETICULATION – CONSTRUCTION
- SEWER RETICULATION – CONSTRUCTION

Each drawing shall be signed and dated by the person responsible for the carrying out of those works. Work as Executed details shall be marked in red and super-imposed over engineering plans. Details shall include, where applicable, critical levels, grades, cross falls and plan locations of all works.

27. DEVELOPMENT IN ACCORDANCE WITH THE APPROVED PLANS

The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by Council or conditions of approval.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

28. PROTECT NEIGHBOURS FROM DAMAGE DUE TO EXCAVATION

When any excavation involved in this development extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of this development consent must, at the person's own expense;

- Protect and support the adjoining premises from possible damage from the excavation.
- Where necessary, underpin the adjoining premises to prevent such damage.

29. CONTAMINATED LAND MANAGEMENT

Preparation of a Construction Management Plan with an Unexpected Finds Protocol detailing the management procedures for any asbestos or any unidentified contamination if encountered during works is to be provided to council prior to release of the construction certificate for stage 1.

Any soil removed from the site during the proposed development should be classified in accordance with NSW EPA Waste Classification Guidelines (2014) and disposed of at a suitable licensed waste facility or reused offsite as appropriate.

30. NOTICE OF COMMENCEMENT

The Applicant is to submit to Federation Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Subdivision Works' and 'Appointment of Principal Certifying Authority'.

31. EROSION & SEDIMENT CONTROL MEASURES

Details of the proposed sediment control measures are to be detailed in the site management plan which shall be submitted to and approved by the principal certifying authority prior to the commencement of any site works. The sediment and erosion control measures must be implemented prior to the commencement of any site works and be maintained throughout construction. A copy of the approved details must be forwarded to the Council and a copy shall be maintained on-site and be made available to Council officers upon request.

Sediment laden stormwater run-off shall be controlled using the sediment control measures outlined in the manual for Managing Urban Stormwater - Soils and Construction, published by the NSW Department of Housing.

Procedures shall be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited anywhere onto the public road reserve from trucks and associated equipment, and the proposed method of cleaning the roadway from such deposits.

Details of proposed sediment and erosion control measures shall include; a site plan; indicating the slope of land, access points & access control measures, location and type of sediment & erosion controls, location of existing vegetation to be retained, location of material stockpiles and storage areas, location of building operations and equipment, methods of sediment control, details of drainage systems and details of existing and proposed vegetation.

Erosion and sediment controls must be installed on the site prior to any subdivision works commencing and maintained during the construction period.

32. WORKS WITHIN A PUBLIC ROAD RESERVE

All works within the road reserve, which includes the area between the Property boundary and the roadway, require approval under section 138 of the Roads Act.

The applicant shall submit the following details to Council for approval prior to any work being undertaken in the road reserve:

- A Current Public Liability certificate with a minimum cover of \$20 Million(AUD)
- Current Plant/Vehicle insurances for plant to be used for works
- A certified Traffic Control Plan for the proposed works, prepared by a TfNSW accredited holder of 'Prepare Work Zone Traffic Management Plan' qualification.

Further, the applicant shall comply with the following:

- A copy of this consent must be held on-site and be available for inspection whilst the activity is being carried out.
- The Applicant shall locate all relevant services prior to starting the activity. The applicant shall undertake Dial Before You Dig (1100 or dialbeforeyoudig.com.au) enquiries to determine the location of any services in the vicinity, including electricity, natural gas & telecommunications. Prior to the commencement of any construction works appropriate measures are to be put in place to ensure any services identified within the construction zone are sufficiently protected.
- The Applicant shall notify all property owners potentially affected by the activity and confirm that any objections have been appropriately addressed.
- In the event of partial or full road carriageway closures, all emergency services and public transport agencies must be notified.
- The Applicant shall comply with all environmental and other legislation, Council policies and any other regulation applicable to the activity.

- Any damage caused to public infrastructure (roads, footpaths, kerb and gutter, water mains and services, sewer mains and connections, stormwater, power and telephone services, etc.) during the activity shall be repaired to the satisfaction of the owner of the infrastructure. The repairs shall be carried out in a time and manner as required by the owner of the infrastructure. Council must be notified in writing, prior to commencement of the activity, of any existing damage to roads, stormwater drainage, kerb and gutter, footpaths, water or sewer infrastructure. Absence of notification signifies that no damage exists, and the applicant is, therefore, liable for the cost of reinstatement of any damage found at the completion of works.
- All traffic management shall be undertaken by personnel with the appropriate TfNSW accredited qualifications.

All works are to be at no cost to Council.

Failure to comply could result in a fine, under the s138 of the Roads Act.

33. PLUMBING AND DRAINAGE INSTALLATION REGULATIONS

Plumbing and drainage work must be carried out in accordance with the requirements of the Local Government (General) Regulation 2005, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

Further, all Plumbing and Drainage works are to be carried out in accordance with Australian Standard 3500 - Plumbing and Drainage. It is noted that all plumbing and drainage work must be inspected by Council prior to backfilling.

34. HOURS OF OPERATION FOR WORKS

All works associated with the construction of this development must be carried out between the following hours:

Weekdays:	7.00am to 6.00pm
Saturdays:	7.00am to 1pm
Sundays and Public Holidays:	NIL

Council may consider a variation of these hours on an individual basis upon written submission to Council.

35. PUBLIC SAFETY & CONVENIENCE

Public safety and convenience must be maintained at all times during construction works. The roadway, footway and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council. Council must be notified in writing, prior to commencement of the activity, of any existing damage to roads, stormwater drainage, kerb and gutter, footpaths, water or sewer infrastructure. Absence of notification signifies that no damage exists, and the applicant is, therefore, liable for the cost of reinstatement of any damage found at the completion of works.

36. PROVIDE WASTE STORAGE BIN

A waste storage bin must be placed on the site for the storage of waste materials.

37. TOILET FACILITIES FOR WORKERS

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.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

38. DUST

Introduce and effectively maintain measures to suppress and control dust at all time during the construction of the development. Details of the proposed dust control measures, including procedures for the implementation of such measures, shall be submitted to Federation Council for approval prior to commencement of construction works.

39. WORKS SITES TO BE FENCED

A fence must be erected between the development site and public places before commencement of any work.

40. TEMPORARY VEHICLE ACCESS

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

41. LOADING/UNLOADING OF CONSTRUCTION MATERIALS

All storage of goods and construction materials and the carrying out of works related to the approved development shall be carried out within the confines of the property, unless otherwise stated in this consent. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under s138 of the Roads Act 1993.

42. IMPORTED 'WASTE DERIVED' FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997),
- Any other waste-derived material the subject of a resource recovery exemption under cl 51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.
- Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

43. WATER AND SEWER HEADWORKS

The applicant will be responsible for the payment of all water and sewer headworks charges in accordance with Council's current Fees and Charges Plan at the time of payment.

The applicant shall pay these fees prior to issue of the Subdivision Certificate. The below headworks charges are those rates that apply at the date of issue of this consent. Rates are adjusted annually on 1st July and the contributions will only be accepted at the rate applying at the date of payment.

The applicant should note that the site is granted 1 equivalent water tenement (ET) credit, therefore the outstanding headworks fee for the development is as outlined below for Stage1:

	Equivalent Tenement		Number Applicable		Total
1 Water ET	\$5225	x	108	=	\$564,300
1 Sewer ET	\$4400	x	108	=	\$475,200
Adjusted Totals (FY21/22)				=	\$1,039,500

An invoice for headworks contributions will be issued by Council prior to release of the subdivision certificate for each stage of the development.

44. DEVELOPER LEVY

Developer contributions will be payable in accordance with Federation Councils Development Contributions Plan 2019, under Section 7.12 Environmental Planning & Assessment Act 1979. A copy of the document is available on Federation Councils website. The levy is to be paid on the Capital Investment Value of the works prior to release of the Subdivision Certificate for each stage of the development. The Contribution Levy will be 1% of the capital investment value.

An invoice for developer levy will be issued by Council prior to release of the subdivision certificate for each stage of the development.

45. APPLICATION AND FINAL SURVEY

The applicant must apply for and be issued with a Subdivision Certificate from Council prior to registration of the subdivision with NSW Land Registry Services. The relevant Subdivision Certificate application fee shall be paid prior to the issue of any Subdivision Certificate.

A Subdivision Certificate application shall be accompanied by the following;

- A final survey plan of subdivision and three copies;
- A letter outlining how compliance with each condition of this development consent has been achieved.

46. STATEMENT FROM SURVEYOR

Upon the completion of subdivision works and prior to the issue of any Subdivision Certificate a statement prepared by a registered surveyor, must be submitted to the Principal Certifying Authority stating that all water, sewer and stormwater pipelines are completely located within their dedicated easements.

47. DEDICATION TO COUNCIL

All drainage reserves, roads, reservoir sites, reserves, and sewerage pump station sites must be dedicated to Council and shown as such on the Subdivision Survey Plan.

48. EASEMENTS AND RESTRICTIONS

Pursuant to Section 88B of the Conveyancing Act 1919 easements and restrictions as to use shall be created to achieve the following purposes:

- All requisite sewerage and water supply easements to the satisfaction of Council;

- All requisite easements to provide or maintain other services to the satisfaction of the service authority;
- Drainage easements shall be created over all existing and proposed drainage lines including inter-allotment drainage;
- A positive covenant to the benefit of Council that any fence on lots that will be on the perimeter of the subdivision be of one colour, to be chosen by the applicant.
- All other easements which Council may require to provide or maintain other services, and

49. SUBMISSION FROM SERVICE AUTHORITY

Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services, internet services and natural gas to each lot must be submitted to Council.

50. SEPARATE CONNECTIONS & SERVICES

A separate sewer connection, water service, electricity supply, phone and internet must be provided to each allotment within the subdivision at the Subdivider's expense.

NOTE: The developer is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.

51. WORKCOVER REQUIREMENTS

Prior to commencement of any construction works, the applicant should familiarise themselves with the requirements of the WorkCover Authority. It is the responsibility of the applicant to comply with the requirements of this Authority.

52. ROAD NAMES AND LOT NUMBERINGS

Prior to issuing a Subdivision Certificate for each stage of the subdivision, the developer must supply Federation Council and receive written confirmation of the allocated street names and addresses (house number) any approved allotments within the completed project. These are the street names and numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

53. CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of construction the applicant shall provide to Council for endorsement a Construction Management Plan that as a minimum addresses:

- Document the environmental procedures and controls that would be implemented throughout construction, including detail on how neighbours would be kept informed about the construction program and how any complaint would be received, resolved and reported.
- Describe the role, responsibility, authority and accountability of all key personnel involved in construction and detail all monitoring that would be undertaken.
- Comprise various sub-plans detailing the specific mitigation measures that would be implemented to avoid and manage potential environmental impacts relating to traffic management, biodiversity, Aboriginal heritage, soil and water protection, dust, noise and vibration, waste management and bushfire prevention.

Once endorsed the Construction Environmental Management Plan becomes part of the consent.

54. ABORIGINAL CULTURAL HERITAGE

In the event that Aboriginal cultural heritage sites are discovered, work is to immediately cease and archaeological advice sought.

In the event that known or suspected human remains (generally in skeletal form) are encountered during construction, the following procedure is to be followed immediately:

- All work in the immediate vicinity is to cease and the find immediately reported to the Site Manager or other nominated senior staff member.
- The Site Manager or other nominated senior staff member will promptly notify the police and the state coroner (as required for all human remains discoveries).
- The Site Manager or other nominated senior staff member will contact the NSW Office of Environment and Heritage for advice on identification of the human remains.
- If it is determined that the human remains are Aboriginal ancestral remains, the Local Aboriginal Land Council is to be contacted by the Site Manager or other nominated senior staff member and consultative arrangements to be made to discuss ongoing care of the remains.
- If it is determined that the human remains are not Aboriginal ancestral remains, further investigation by the Site Manager or other nominated senior staff member is to be conducted to determine if the remains represent a historical grave or if police involvement is required.

Foot notes:

*the intent of condition 3 is to ensure that the site is habitat for Sloane's Froglet. The species is known to occur in Mulwala however the in the BDAR by NGH only assumes the presence of Sloane's Froglet as the study was undertaken in March 2021, while the species is active between late May through to the end of September.

The distribution of Sloane's Froglet, *Crinia sloanei*, in southern NSW and northern Victoria: a review of historical distribution records and results from surveys undertaken from 2010 - 2013 Report No. 70 by Dr Alexandra Knight published by CSU – Institute of Land Water and Society did not find the species present in Mulwala.