

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	10 December 2020
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Clare Brown
APOLOGIES	Andrew Hutton
DECLARATIONS OF INTEREST	Councillors Phylis Miller and Chris Roylance were both conflicted on this matter due to perceived conflict of interest as Council is the applicant.

Papers circulated electronically on 24 November 2020.

MATTER DETERMINED

PPSWES-45 – Forbes – DA2020/87 at Edward Street Forbes for a subdivision (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report. In doing so, the panel decided to impose additional conditions as set out below.

Overall, the panel considers the proposed development to be an appropriate urban addition to the Forbes township having regard to the site's R1General Residential zoning and the relevant provisions of the DCP. Furthermore, the panel considers that the neighbourhood connectivity facilitated by the grid street pattern is well conceived and in accordance with good planning practice.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments, collated in revised Conditions in Schedule 2:




- Updating to provide a complete list of approved plans;
- Excluding stage 9 from its approval as it considered the lot layout was not compatible with its interface with Bogan Way. Instead, Stage 9 is to become a residual lot
- The inclusion of a new condition requiring post and rail fencing and a 5m wide landscape strip (inside the boundary) to the rear of all lots within stage 8, backing onto Bogan Way and Limestone Road, and requirement for the fencing and landscaping to be installed as part of subdivision works. This is to ensure a more appropriate urban design presentation to these public roads than the otherwise recommended Colorbond fencing.
- Amending Part 1 Condition 4 to reflect the treatment of the proposed parkland to be delivered as part of stage 4. This is also addressed in Part 2 Condition 17 and Part 5 Condition 17.
- Clarification that s68 approvals are required.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- The proposed subdivision not respecting its local context and street road pattern.
- Noise and traffic impacts, including pedestrian and cycling issues.
- Inappropriateness of the recommended Colorbond fencing.
- Impacts on the rural character of the area.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and through the additional conditions imposed by the panel.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-45 – Forbes – DA2020/87
2	PROPOSED DEVELOPMENT	<p>Subdivision including:</p> <ul style="list-style-type: none"> • 223 Residential Lots <ul style="list-style-type: none"> ○ 201 Lots being Torrens Title Subdivision ○ 22 Lots being Community Title Subdivision • 1 proposed park/public recreation area • 2 residual lots • A number of new roads, streets and laneways. • Associated civil works <p>It is proposed that the subdivision will be released in stages, which have been defined within the plans.</p>
3	STREET ADDRESS	Edward Street, Forbes 2871
4	APPLICANT/OWNER	Forbes Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007; ○ State Environmental Planning Policy No.55- Remediation of Land; ○ State Environmental Planning Policy No.44 Koala Habitat; ○ Forbes Local Environmental Plan 2013; • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Forbes Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 24 November 2020 • Written submissions during public exhibition: 3 • Number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 30 November 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sandra Hutton • Final briefing to discuss council's recommendation: 10 Decemer 2020] <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown ○ <u>Council assessment staff</u>: Eliza Noakes, Mathew Teale
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

Notice of Determination of a Development Application

issued under the *Environmental Planning and Assessment Act, 1979 Section 4.15*

DA Number:	10.2020.87.1
Property Description:	Lot: 11 DP: 1189962 Edward Street FORBES
Development:	Torrens Title Subdivision
Applicant:	Forbes Shire Council PO Box 333 FORBES NSW 2871
Determination:	Consent subject to the attached schedule of conditions
Date determined:	-
Consent to operate from:	-
Consent to lapse on:	-
Concurrent approvals:	<ul style="list-style-type: none"> • Roads Act 1993 Section 138 Approval <ul style="list-style-type: none"> ○ Works Within the Road Reserve (Excluding proposed Bogan Way access and Limestone Road readjustment)

IMPORTANT INFORMATION

It is the responsibility of the applicant, landowner, builder and any other contractors or agents involved with the development to read and understand all conditions of consent prior to commencing work.

The Environmental Planning and Assessment Act 1979 requires you to:

Nominate a **Principal Certifying Authority** (PCA) which may be either Council or an accredited certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement.

Obtain a **Subdivision Works Certificate** prior to the commencement of any **subdivision works** as required by conditions of this consent. An application may be lodged with Council, or you may apply to a private accredited certifier for a Subdivision

Works Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Subdivision Works Certificate. Please be advised that further fees may be applicable and require payment prior to the issue of a Subdivision Works Certificate.

Give Council at least two days' notice of your intention to commence subdivision works **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.

Obtain a **Subdivision Certificate** upon completion of the works in order to authorise the registration of plan of subdivision.

REASONS FOR THE DECISION

(1) The recommended reasons or the decisions are:

- The proposal is permissible in the R1 General Residential zone and complies with Councils Minimum Lot Size and Development Control Plan;
- The Panel was satisfied that any potential impacts identified or raised in the submissions were mitigated by conditions of consent such as:
 - Requirements to have pedestrian facilities connecting the subdivision to the township of Forbes;
 - Intersection treatments conditioned; and
 - The requirement for a stormwater management plan;
- The proposal is in the public interest as it will increase housing stock and diversity of housing in accordance with the *Central West and Orana Regional Plan* and the *Forbes Local Strategic Planning Statement*

APPROVED PLANS AND SPECIFICATIONS

Plan/Document Name	Reference	Date
Statement of Environmental Effects	P00333 (Plan 1189962)	09-2020
Traffic Impact Assessment	19232	02-09-2020
Survey Plan (K.L)	11/524	17-12-2013
Bulk Earthworks Plan	P00333/400	07-09-2020
Engineering Drawing (Rev B)	P00333/001	07-09-2020
Subdivision Plan – Stage 1	P00333 (Page 1)	28-08-2020
Subdivision Plan – Stage 2	P00333 (Page 2)	28-08-2020
Subdivision Plan – Stage 3	P00333 (Page 3)	28-08-2020
Subdivision Plan – Stage 4	P00333 (Page 4)	28-08-2020
Subdivision Plan – Stage 5	P00333 (Page 5)	28-08-2020
Subdivision Plan – Stage 6	P00333 (Page 6)	28-08-2020
Subdivision Plan – Stage 7	P00333 (Page 7)	28-08-2020
Subdivision Plan – Stage 8	P00333 (Page 8)	28-08-2020
Subdivision Staging Plan	P00333 (Page 9)	28-08-2020
Contamination Report	12518238Rev 1	09-2020
Geotechnical Investigation	12518238/Rev 1	09-2020

Schedule of Conditions

PART 1 - GENERAL CONDITIONS OF THIS CONSENT

(1) SUBDIVISION WORKS CERTIFICATE REQUIRED (PS06)

The Applicant is to obtain a Subdivision Works Certificate from either Council or an Accredited Certifying Authority, prior to any construction works being carried out in relation to the development.

Further, a subdivision works certificate must not be issued with respect to the plans and specifications for any subdivision work unless:

- (a) the requirements of the regulations have been complied with, and
- (b) any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid.

Where Council is appointed as the Principal Certifying Authority, the relevant Subdivision Works Certificate application fee shall be paid prior to the issue of any Subdivision Works Certificate.

REASON: To satisfy the requirements of Section 6.14 of the Environmental Planning and Assessment Act 1979.

(2) DEVELOPMENT IN ACCORDANCE WITH THE APPROVED PLANS (GC0003)

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 in red on the plans, 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.

REASON: To ensure the development is completed in accordance with the approved plans and the development consent.

(3) PROTECT NEIGHBOURS FROM DAMAGE DUE TO EXCAVATION (GC0015)

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;

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

REASON: This is a prescribed condition under the provisions of clause 98E of the Environmental Planning and Assessment Regulation 2000.

(4) RECREATIONAL FACILITY NOT APPROVED (NSGC004)

The applicant is advised that any proposed recreational facility in the parkland is not approved as part of this consent.

Any future recreational facility is subject to approval under Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*, as applicable.

NOTE: Part 2 Condition 17 requires additional details regarding the park.

REASON: Details have not been provided for any uses in the park as part of this application.

(5) SIGNAGE APPROVED FOR ESTATE (NSGC018)

The following signage has been approved for the estate:

- Estate Signage at the Edward Street and Bogan Way entry to the estate.

The signage is not to be greater than 20m² or higher than 8 metres high. The signage is to be in keeping with the area.

A construction certificate is required for the Estate Signage.

REASON: To ensure Estate Signage is designed appropriately.

(6) 138 APPROVAL REQUIRED FOR REALIGNMENT OF LIMESTONE ROAD (NSGC026)

This consent does not grant Roads Act Approval for the realignment of Limestone Road.

Prior to this work taking place, a Roads Act Approval is required from Council in concurrence with Transport for NSW.

NOTE: TfNSW seek the proponent consider the use by agricultural and industry developments currently located along Limestone Road by heavy vehicles/machinery and the most suitable route these vehicles should traverse to access The Bogan Way.

REASON: To ensure appropriate approvals in place for the realignment of Limestone Road.

(7) STAGE 9 NOT APPROVED (NSGC)

The applicant is advised that Proposed Stage 9 has not been approved.

The applicant is to provide a revised Site Plan detailing Stage 9 as a residual lot prior to the issue of the first Subdivision Works Certificate.

REASON: Proposed Stage 9 is not seen as compatible for the interface of The Bogan Way and the Boulevard in its current form.

PART 2 - PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE

(1) DESIGN NEW ROAD (RD05)

Prior to the issue of a Subdivision Works Certificate, the applicant shall submit to and have approved by Forbes Council a design of all proposed new roads and road upgrades 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.

The design 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; existing and new easements, road reserve and carriageway width; footpaths; street lighting; proposed service crossings; pavement design; vehicular crossings; radii on kerb returns and kerb lines; existing and proposed contours; longitudinal and cross sections; proposed location of all street signs and pavements markings; stormwater drainage infrastructure; provision for services and utilities.

All works are to be in accordance with appropriate Australian standards and design/construction documentation (AUS-SPEC and Austroads).

NOTE: All vehicle turning movements are to be determined in accordance with the appropriate Australian Standards and Austroads construction/design guidelines).

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended

(2) WATER RETICULATION - DESIGN (PS02)

A water main extension is required to provide potable water to the development. The applicant is responsible for the design of an extension of Council's water reticulation system to serve each residential lot within the subdivision.

The design shall be undertaken by a suitable qualified civil engineer in accordance with the Water Services Association of Australia's 'Water Supply Code of Australia' and Forbes Shire Council's Water Reticulation Design Specification.

The design shall also include an analysis of any potential impacts on the existing water reticulation system and any necessary mitigation measures required to eliminate potential adverse effects. The applicant will be responsible for any upgrade works required as a result of such analysis.

Designs are to be submitted for approval by Council prior to the issue of Subdivision Works Certificate.

REASON: Because this utility is necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(3) SEWER RETICULATION – DESIGN (PS03)

A sewer main extension is required to provide a sewer service to the development. The applicant is responsible for the design and construction of the sewer main extension. The applicant shall provide a design of a sewer extension to the existing system, to serve each residential lot of the proposed subdivision.

The design shall also include an analysis of any potential impacts on the existing sewer reticulation system and any necessary mitigation measures required to eliminate potential adverse effects. The applicant will be responsible for any upgrade works required as a result of such analysis.

The design shall be undertaken by a suitably qualified civil engineer in accordance with the 'Sewerage Code of Australia' and Forbes Shire Council's Sewer Reticulation Design Specification.

Designs are to be submitted for approval by Council prior to the issue of Subdivision Works Certificate.

REASON: Because this utility is necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(4) ENGINEERING PLANS (EP01)

The applicant shall submit an electronic (PDF) copy of engineering plans, specifications and calculations in relation to Condition(s) titled:

- **STORMWATER DRAINAGE SYSTEM - DESIGN (DS04)**
 - Concept Plan for whole of site prior to SWC for Stage 1
 - Detailed design for each stage prior to release of relevant SWC
- **CONSTRUCTION SITE MANAGEMENT PLAN (DE01)**
- **EROSION & SEDIMENT CONTROL MEASURES (DE03)**
- **FOOTPATH IN PATHWAY (CP02)**

- **DESIGN NEW ROAD (RD05)**
- **STREET LIGHTING (PM08)**
- **SIGNPOSTING AND LINEMARKING (PM05)**
- **SEWER RETICULATION – DESIGN (PS03)**
- **WATER RETICULATION - DESIGN (PS02)**

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(5) LANDSCAPING PLAN REQUIRED (NSGC005)

Prior to the issue of the Subdivision Works Certificate for Stage 1, a Landscaping Plan is required which details:

- **Proposed Street Trees throughout the entire Subdivision;**
- **A 3 metre minimum clearance between the Gas Transmission Pipeline in Edward Street.**

Council is to refer any landscaping plan to APA for comment prior to issue of the SWC.

Prior to the release of the subdivision works certificate for the relevant stages, a further landscaping plan is to be provided detailing landscaping at entrances. Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing the subdivision. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design is to be provided and maintained in both directions at the intersection servicing the subdivision with The Bogan Way via Edward Street and any future accesses for this subdivision and The Bogan Way.

The landscaping plan for Stage 8 is to show post and rail fencing and a 5 metre wide landscaping strip to the rear of all lots within Stage 8 which back onto Bogan Way and Limestone Road.

This is to be completed to the satisfaction of Council prior to the release of the Subdivision Works Certificate

NOTE: Vegetation is not to be removed from the Bogan Way Road Reserve without prior approval as it is designated as *Terrestrial Biodiversity Land* in the *Forbes Local Environmental Plan 2013*.

REASON: To ensure adequate landscaping is proposed. Part Condition of TfNSW Concurrence.

**(6) RECOMMENDATIONS OF CONTAMINATION ASSESSMENT REPORT
REQUIRED (NSPCC001)**

The following recommendations of the contamination assessment report are to be complied with prior to the issue of the Subdivision Works Certificate and during any works:

- 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.
- 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.

REASON: To ensure the recommendations of the Contamination Assessment Report are complied with in accordance with *State Environmental Planning Policy No 55 – Remediation of Land*

(7) SAFETY MANAGEMENT STUDY REQUIRED (NSGC001)

Prior to issuing the Subdivision Works Certificate for Stage 1, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the applicant and its recommendations/actions must be implemented to the satisfaction of APA. All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant. All subsequent applications and work must comply with the recommendations of the SMS.

REASON: In accordance with the comments provided by APA.

(8) ROAD CROSSING ENGINEERING PLANS REQUIRED (NSGC006)

Prior to the issue of the Subdivision Works Certificate for Stage 1 or any other stage which requires work in the Edward Street Road Corridor, the applicant is to provide detailed engineering plans for the proposed road crossing over the gas transmission pipeline for approval by Council. Council must seek the view of the pipeline licensee/operator [APA Pipelines (NSW) Pty Ltd] in this matter.

REASON: To ensure any works within the corridor of the APA Pipeline is approved by the pipeline owner.

(9) CONSENT FROM APA REQUIRED (NSGC007)

Prior to the issue of the Subdivision Works Certificate for Stage 1, the proponent is to provide Council with written consent from APA to undertake the proposed work within the Edward Street Road Reserve.

REASON: APA has an interest in ensuring any works within the vicinity of their pipeline does not impact the pipeline.

(10) APPROVAL REQUIRED FOR CROSSING OF APA PIPELINE (NSGC011)

Prior to the issue of the Subdivision Works Certificate for any services proposed to cross or be within 3 metres of the APA Pipeline, the applicant is to provide evidence of approval, in writing, from the APA.

REASON: To ensure APA has approved encroachment onto the Gas Transmission Pipeline.

(11) PIPELINE DELINEATION ON PLANS (NSGC014)

Prior to the issue of each Subdivision Works Certificate, all detailed engineering plans which include the area of the gas pipeline must be amended to have the pipeline clearly identified with hatching 3m either side of the pipeline. The area must also be clearly labelled as ‘high pressure gas pipeline right of way – no works to occur without the prior authorisation of the pipeline operator’.

REASON: To ensure works do not occur within the vicinity of the gas pipeline without approval from APA.

(12) PEDESTRIAN CONNECTIVITY (NSGC016)

Prior to the issue of the Subdivision Works Certificate for Stage 7, the applicant is to provide Council with details of proposed pedestrian connectivity to the Township of Forbes to be constructed during the Subdivision Works for Stage 7. This will either be by way of:

- **Footpath on Edward Street and Bogan Way; or**
- **Creation of the proposed Cypress Lane Drainage Corridor; or**
- **Another suitable route to the satisfaction of Council.**

Pedestrian connectivity in line with this condition must be constructed prior to the release of the Subdivision Certificate for Stage 7.

REASON: To ensure active transport routes are created to the subdivision in accordance with the *State Environmental Planning Policy (Infrastructure) 2007*.

(13) SIGNAGE DETAILS REQUIRED (NSGC017)

Prior to the issue of the Construction Certificate for the Estate Signage, design, engineering and structural details of the signage are to be provided.

NOTE: Estate Signage is defined as signage on the entry ways to the subdivision with the name of the Estate only. No other signage has been approved as part of this application.

REASON: To ensure adequate details are provided for the issue of the Construction Certificate.

(14) INTERSECTION OF BOGAN WAY AND EDWARD STREET TO BE UPGRADED (NSGC019)

Prior to the issue of the subdivision works certificate for Stage 1, the applicant is to submit to Council designs for the intersection of The Bogan Way and Edward Street to be upgraded to include:

- A Basic Left Turn (BAL) intersection treatment as per Figure 7.6 and a Basic Right Turn (BAR) intersection treatment as per Figure 8.2 of Part 4A of the Austroads Guide to Road Design;
- The northern section of the intersection design (Edward Street/The Bogan Way) should consider the potential conflict with the southern section of Edward Street and where it intersects with The Bogan Way, and
- The intersection should be designed to meet and maintain Safe Intersection Sight Distance (SISD) requirements in accordance with Austroads Guide to Road Design, which for the 80km/hr posted speed zone is 181 metres in each direction.

This work is to be completed prior to the release of the Subdivision Certificate for the first stage.

REASON: To ensure safe traffic movements at The Bogan Way and Edward Street intersection. Condition of Transport for NSW Concurrence.

(15) 138 APPROVAL REQUIRED (NSGC023)

This consent does not issue 138 Approval for the proposed connection to The Bogan Way. *In principle* support is provided.

Prior to the issue of the Subdivision Works Certificate for the proposed connection to The Bogan Way (Approx Stage 5), a Roads Act Approval application is to be referred to TfNSW in accordance with Section 138(2) of the Roads Act, 1993 for the proposed access and intersection treatments to The Bogan Way for concurrence. This concurrence is to be sought prior to any subdivision work or building work associated with Stage 5 commencing.

TfNSW would seek the following is included in any such referral:

- Concept design of the access and intersection treatments based on discussions with TfNSW;
- Amended traffic study identifying the traffic generation associated with the development utilising the access;
- Swept path analysis for the largest design vehicle required to access the subdivision;
- Design of the access and intersection treatments are to be undertaken in accordance with Austroads Guide to Road Design and any relevant TfNSW supplements to Austroads and,
- Other information required by TfNSW based on the pre Stage 5 discussions.

REASON: To ensure the proposed access does not impede safety and efficiency on The Bogan Way. Condition of TfNSW Concurrence.

(16) SECTION 68 APPROVAL REQUIRED

The Applicant is to obtain all relevant approvals, to carry out water, sewer and stormwater drainage work from Forbes Shire Council prior to the issue of the Subdivision Works Certificate and comply with any conditions of that approval.

REASON: To satisfy the requirements of Section 68 of the Local Government Act 1993.

(17) DETAILS OF PROPOSED PARK TO BE PROVIDED (NSGC)

Prior to the release of the Subdivision Works Certificate for Stage 4, or an earlier stage should the Park be established prior, the applicant is to provide Council with plans of the proposed park and installed treatments.

At minimum these plans are to include details of landscaping, footpaths and any other ancillary proposals.

NOTE: Proposed work may require an additional Part 4 or Part 5 Approval in accordance with the *Environmental Planning and Assessment Act 1979*.

REASON: To ensure the park is suitably designed to meet the needs of the Subdivision.

PART 3 - PRIOR TO COMMENCEMENT OF SUBDIVISION WORKS

(1) CONSTRUCTION SITE MANAGEMENT PLAN (DE01)

A Construction Site Management Plan shall be developed, lodged with Council and implemented prior to the commencement of any Subdivision Works. The plan must include the following measures, as applicable to the type of development:

1. Location and construction of protective fencing / hoardings to the perimeter of the site.
2. Location of site storage areas / sheds / equipment.
3. Location of materials for construction.
4. Provisions for public safety.
5. Dust control measures.
6. Site access location and construction.
7. Details of methods of disposal of waste materials.
8. Protective measures for tree preservation.
9. Provisions for temporary sanitary facilities.
10. Location and size of waste containers / bulk bins.
11. Details of proposed sediment and erosion control measures.
12. Construction noise and vibration management.
13. Construction traffic management details.

The site management measures are to be implemented prior to the commencement of any site works and be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity to the satisfaction of Council. A copy of the approved Construction Site Management Plan must be maintained on site and be made available to Council officers upon request.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(2) NOTICE OF COMMENCEMENT (PB0005)

The Applicant is to submit to Forbes Shire 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'.

REASON: To satisfy the requirements of Section 6.6 of the Environmental Planning and Assessment Act 1979.

(3) EROSION & SEDIMENT CONTROL MEASURES (DE03)

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.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(4) WORKS WITHIN A PUBLIC ROAD RESERVE (RR01)

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 an 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.

REASON: To ensure public safety & Council indemnity. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended and s138 Roads Act 1993

(5) INSTALL EROSION AND SEDIMENT CONTROLS (DW0008)

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

REASON: To prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land.

(6) THIRD PARTY WORKS AUTHORISATION REQUIRED (NSGC008)

Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must seek a third party works authorisation from APA for approval. Works approved by APA must comply with any conditions attached to a third party works approval.

REASON: Works within 3 metres of the APA Gas Transmission Pipeline requires a Third Party Works Authorisation from APA.

(7) GAS TRANSMISSION PIPELINE MANAGEMENT PLAN REQUIRED (NSGC009)

Prior to the commencement of any works, including demolition, on land within 50 metres of the gas transmission pipeline, a Construction Management Plan must be submitted to and approved by the Council. The plan must:

- **Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.**
- **Avoid significant vibration, heavy loadings stored over the pipeline and Heavy vehicle / plant crossings of the pipeline.**
- **Be endorsed by the operator of the gas transmission pipeline.**
- **Include any other relevant matter to the satisfaction of the Council.**

The Council must be satisfied that the gas transmission pipeline licensee (APA Pipelines (NSW) Pty Ltd) has reviewed and approved the Construction Management Plan. The Construction Management Plan must be implemented to the satisfaction of the Council. The Construction Management Plan may be amended to the satisfaction of the Council.

REASON: To ensure works do not disturb the Gas Transmission Pipeline in Edward Street.

(8) ROAD OCCUPANCY LICENSE REQUIRED (NSGC021)

Prior to commencement of construction works, the proponent is to contact the TfNSW Field Traffic Manager on 1300 656 371 to determine if

a Road Occupancy Licence (ROL) is required. In the event a ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of The Bogan Way.

REASON: To ensure appropriate approvals are in place. Condition of TfNSW Concurrence

PART 4 - DURING DEMOLITION AND/OR CONSTRUCTION

(1) PLUMBING AND DRAINAGE INSTALLATION REGULATIONS (PD0005)

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.

REASON: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005.

(2) STORMWATER REQUIREMENTS- (DS04)

The Applicant shall submit to and have approved by Forbes Council a design of the proposed stormwater drainage system prior to the issue of a Subdivision Works Certificate. The design shall be undertaken by a suitably qualified person and shall include:

- Provision of road drainage including drainage along The Bogan Way and Limestone Rd.
- The provision of Inter allotment drainage, preventing sheet flow into adjacent lots.

The drainage system shall be designed for a 1 in 10 year ARI 5 minutes duration storm without surcharge in accordance with Australian Standard

3500 'National Plumbing and Drainage Code'. Provision shall be made for an emergency overland flow path capable of conveying all flows from all storms up to and including the 1 in 100 year ARI storm to the approved storm water discharge location without adverse effect on adjoining properties.

Further, an onsite stormwater detention storage system must be provided to ensure that the maximum discharge from the site does not exceed that which would occur during a 1:10yr worst case storm event for existing site conditions.

a) All other stormwater runoff from the site for all storms up to the 1:20yr storm shall be retained on the site for gradual release to the street drainage system.

b) An overland escape route or overflow system to Council's street drainage system must be provided for storms having an average recurrence interval of 100 years or alternatively stormwater detention shall be provided to accommodate the 1:100yr storm.

Determination of the required cumulative storage (in the on-site detention) must be calculated by the mass curve technique as detail in Technical

Note 1, Chapter 14 of the Australian Rainfall and Run-off Volume 1 1987 Edition. Detailed plans and calculations of the stormwater drainage system, with levels reduced to Australian Height datum (AHD) must be submitted with the construction certificate application for approval by Council's Engineering department.

The design shall, at a minimum, include:

A site plan showing the site boundaries and buildings; all stormwater infrastructure; drainage catchments; site stormwater discharge point/s; and emergency overland flow path.

Hydraulic design calculations for the specified design storm including selected size, inverts and grades of stormwater drains; and details of the pre and post development discharge rates.

Details of any inspection chambers; pits; subsoil drainage; on-site stormwater detention or retention devices; and the location and relative level of the sanitary drainage relief gully.

REASON: Because the character of the development is such that storm water will be increased and must be safely conveyed to the storm water drainage system. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(3) HOURS OF OPERATION FOR WORKS (DW0009)

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's Manager Development & Planning.

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

(4) PUBLIC SAFETY & CONVENIENCE (DE02)

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.

REASON: Because of the requirement to comply with appropriate standards for environmental control. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(5) PROVIDE WASTE STORAGE BIN (DW0006)

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

REASON: To prevent pollution of surrounding areas.

(6) TOILET FACILITIES FOR WORKERS (DW0017)

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.

REASON: To ensure that adequate toilet facilities are provided to the site during the course of demolition and construction and to comply with the prescribed conditions as set out under the Environmental Planning and Assessment Act, 1979.

(7) DUST (DW0016)

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 Forbes Shire Council for approval prior to commencement of construction works.

REASON: To reduce impacts on the amenity from dust generated from construction activities.

(8) WORKS SITES TO BE FENCED (DW0007)

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

REASON: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.

(9) TEMPORARY VEHICLE ACCESS (DW0014)

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.

REASON: To minimise transfer of soil from the site onto the road pavement.

(10) LOADING/UNLOADING OF CONSTRUCTION MATERIALS (DW0013)

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.

REASON: To protect the safety of pedestrians and the amenity neighbouring properties.

(11) CONSTRUCT NEW ROAD TO APPROVED DESIGN (RD07)

The applicant shall construct the proposed internal roads of the subdivision at no cost to Council in accordance with plans approved by Council as required by conditioned titled “DESIGN NEW ROAD (RD05)”.

All such works are to comply with the Council approved design and with appropriate Australian standards and design/construction documentation (AUS-SPEC and Austroads).

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(12) ACCESS - URBAN (AC01)

A minimum 3 metre wide CONCRETE DRIVEWAY vehicular crossing to serve each proposed lot of the subdivision shall be constructed between the property boundary and the back of kerb at layback and shall be constructed in accordance with appropriate Australian standards and design/construction documentation (AUS-SPEC and Austroads).

The driveway access shall be constructed of 100mm thick concrete (25MPa GP with SL62 mesh) with a 50mm compacted gravel base. Concrete is preferred however Council may approve alternate solutions such as Bitumen Seal, Asphaltic concrete, or Interlocking pavers. The

surrounding soil shall be made flush with new driveway and be reseeded. All works shall be at full cost to the applicant. Any damage to Council's road, kerb and gutter or footpath caused by the construction shall be repaired at the applicants cost.

Note: The applicant is advised that Council infrastructure may be located within the nature strip adjacent the subject lot. Construction joints at 600mm spacings are to be provided on each side of any Council infrastructure within the above-mentioned driveway or alternatively, the owner agree to pay any concrete reinstatement costs if the concrete slab has to be cut to repair the services.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(13) ACCESS – LAYBACK (AC06)

A 3 metre wide layback shall be constructed in the kerb and gutter adjacent the proposed footway crossings to serve each lot of the subdivision. All works are to be at cost to the applicant.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(14) SIGNPOSTING AND LINEMARKING (PM05)

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 plan.

REASON: To adequately provide for the safe maneuvering and parking of vehicles within the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(15) STREET LIGHTING (PM08)

The applicant shall be responsible for the design and construction of street lighting. Street lighting shall be provided on all roads within the subdivision and designed in accordance with AS/NZS 1158 “Lighting for roads and public spaces set” to cover all vehicle maneuvering 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.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 4.15 of the Environmental Planning and Assessment Act 1979.

(16) FOOTPATH REQUIRED (CP02)

The applicant shall be responsible for the construction of 1.2 metre wide, 100mm thick concrete footpaths within the footways on all proposed roads within the subdivision and the construction of perambulator laybacks in any kerb crossings, all in accordance with appropriate Australian standards and design/construction documentation (AUS-SPEC and Austroads).

REASON: Because the size and density of the subdivision is such as to warrant a concrete footpaths in those locations. Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

(17) STORMWATER DRAINAGE SYSTEM - CONSTRUCTION (DS04)

The Applicant shall construct the Stormwater Drainage System at no cost to Council in accordance with plans approved by Council and as required by condition titled “Stormwater Drainage System – Design (DS04)”.

All drainage works are to comply with the provisions of AS/NZS 3500.

Note: The applicant shall be responsible for all stormwater upgrade works required within The Bogan Way and Limestone Rd road reserves in order to discharge stormwater run-off from the proposed development to the existing drainage channels.

REASON: Because the character of the subdivision is such as to warrant storm water drainage of this type. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(18) SEWER RETICULATION – CONSTRUCTION (PS05)

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 (PS03)”.

The applicant can engage Council to undertake the construction at their cost, or use a suitable qualified contractor to undertake the work. The construction is required to be undertaken in accordance with Council’s Sewer Construction Specification and will require inspections and the lodgement of quality documents in accordance with this specification. All costs associated with Council inspections are to be paid by the applicant or contractor.

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 Council’s sewer main 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.

REASON: Because this utility is necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(19) WATER RETICULATION – CONSTRUCTION (PS04)

The applicant is responsible for the construction of the extension to Council's water reticulation system, at no cost to Council and in accordance with plans approved by Council as required by conditioned titled "WATER RETICULATION - DESIGN (PS02)".

The applicant can engage Council to undertake the construction at their cost, or use a suitable qualified contractor to undertake the work. The construction is required to be undertaken in accordance with Council's Water Construction Specification and will require inspections and the lodgement of quality documents in accordance with this specification. All costs associated with Council inspections are to be paid by the applicant or contractor.

Any connection to the existing mains shall be done by Council at the developer's cost.

Additionally, the applicant shall connect each residential lot of the proposed subdivision to a water service connection from Council's water main via a water meter installed inside the boundary of the lots. The water service shall be of an adequate size and design to serve the development in accordance with the requirements of AS/NZS 3500 and NSW Code of Practice, Plumbing and Drainage.

Application forms for water connections can be obtained from Council's Engineering Department.

The cost of the water connection or service upgrade & disconnection of existing service, is at the cost of the applicant, as per Council's Fees and Charges plan current at the time of installation.

REASON: Because this utility is necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(20) ENGINEERING INSPECTIONS (EP04)

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	<ul style="list-style-type: none"> * 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	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
C	Water	<ul style="list-style-type: none"> * After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing.
D	Sewerage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
E	Concrete Footway Crossings	<ul style="list-style-type: none"> * After placing of formwork and reinforcement, and prior to concrete placement;
F	Erosion and Sediment Control	<ul style="list-style-type: none"> * Following the installation of erosion measures.
G	All Development Works	<ul style="list-style-type: none"> * Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(21) IMPORTED 'WASTE DERIVED' FILL MATERIAL (DW0018)

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

- (a) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997),
- (b) 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.

- (c) 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.

REASON: To ensure that imported fill that is of an acceptable standard for environmental protection purposes.

(22) GAS TRANSMISSION PIPELINE TO BE DELINEATED (NSGC010)

During construction, the pipeline must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area.

REASON: To prevent the damage of the Gas Transmission Pipeline

(23) CONDITIONS RELATING TO CONSTRUCTION VEHICLES (NSGC022)

At all times during construction of the subdivision, traffic movements between any public road and the site shall be in a forwards-only direction, and all vehicle parking or storage of materials shall be contained wholly within the site boundary unless otherwise agreed to in writing by Council as the roads authority and TfNSW in the case of The Bogan Way.

All construction traffic associated with the subdivision is to access the site via the local road.

REASON: To ensure construction does not impede traffic efficiency on the local road network. Condition of TfNSW Concurrence.

PART 5 - PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

(1) WORKS AS EXECUTED (EP03)

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 (DS03)
- CONSTRUCT NEW ROAD TO APPROVED DESIGN (RD07)
- STREET LIGHTING (PM08)
- FOOTPATH IN PATHWAY (CP02)
- SIGNPOSTING AND LINEMARKING (PM05)
- WATER RETICULATION – CONSTRUCTION (PS04)
- SEWER RETICULATION – CONSTRUCTION (PS05)

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.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(2) WATER AND SEWER HEADWORKS (PS01)

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:

	Equivalent Tenement		Number Applicable		Total
1 Water ET	\$7,576	x	222	=	\$ 1,681,872
1 Sewer ET	\$4,662	x	223	=	\$ 1,039,626
Adjusted Totals (FY20/21)				=	\$ 2,721,498

REASON: Because these utilities are necessary to serve the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

(3) APPLICATION AND FINAL SURVEY (PSC005)

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) A final survey plan of subdivision and three copies;

- b) **A letter outlining how compliance with each condition of this development consent has been achieved.**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 109 Environmental Planning and Assessment Act 1979.

(4) STATEMENT FROM SURVEYOR (PSC006)

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.

REASON: To ensure works are completed in accordance with Council's requirements.

(5) DEDICATION TO COUNCIL (PSC010)

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.

REASON: To permit Council to adequately manage reserves, drainage and utility services, and to provide legal access to lots.

(6) EASEMENTS AND RESTRICTIONS (PSC008)

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

- a) **All requisite sewerage and water supply easements to the satisfaction of Council;**
- b) **All requisite easements to provide or maintain other services to the satisfaction of the service authority;**
- c) **Drainage easements shall be created over all existing and proposed drainage lines including inter-allotment drainage;**
- d) **A restrictive Covenant to the benefit of Council on all lots with frontage to the Bogan Way that access not be gained to the Bogan Way**
- e) **A positive covenant to the benefit of Council is to be placed on all lots within Stage 8 which back onto the Bogan Way and Limestone Road which requires that a post and wire fence and 5 metres of landscaping is to be established and maintained in accordance with the Landscaping Plan.**
- f) **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.**

- g) **A restrictive covenant to the benefit of Council that no dwelling be constructed in the rear 10 metres of all lots on the Southern boundary.**
- h) **Requiring that an onsite stormwater detention system be designed by a suitably qualified engineer and be installed so that the maximum discharge from any future development on all lots will not exceed that which would occur during a 1 in 10 year worst case storm event for pre-developed site conditions.**
- i) **All other easements which Council may require to provide or maintain other services, and**

REASON: To ensure public utility services, access and restrictions are legalised over the land.

(7) SUBMISSION FROM SERVICE AUTHORITY (PSC007)

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.

REASON: To satisfy relevant utility authority requirements.

(8) SEPARATE CONNECTIONS & SERVICES (PSC003)

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 Subdivider may, at their own expense, provide a gas connection to such allotment within the subdivision subject to its availability.

NOTE: The Subdivider 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.

REASON: To provide access to services for each allotment.

(9) FOOTPATHS TO BE INSTALLED (NSGC002)

Prior to the issue of each Subdivision Certificate footpaths on at least one side of all roads of the subdivision are to be constructed.

REASON: To ensure compliance with Section 104 of the *State Environmental Planning Policy (Infrastructure)*

(10) BUS STOPS TO BE PROVIDED (NSGC003)

Prior to the issue of the Subdivision Certificate for Stage 4, the applicant is to install two bus stops at the proposed Central Park. One for as a Public Bus Stop and the other as a School Bus Stop.

REASON: The demand for public transport is unlikely to be sufficient to warrant connections prior to the construction of Stage 4. A walkability study has been conducted as part of the assessment and most lots are within a walkable distance of the Central Park. In accordance with Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*

(11) INTERSECTION TREATMENT EDWARD STREET/BOGAN WAY TO BE COMPLETED (NSGC020)

Prior to the issue of the subdivision certificate for Stage 1 or the release of the 27th lot the BAL and BAR intersection treatment for The Bogan Way/Edward Street is to be completed.

Evidence of the completion of the intersection treatments are required to be submitted to TfNSW prior to the issuing of the subdivision certificate.

REASON: To ensure safe traffic movements at the Edward Street and Bogan Way intersection. Condition of Transport for NSW Concurrence.

(12) THE BOGAN WAY ACCESS TO BE COMPLETED (NSGC024)

Prior to issue of the Subdivision Certificate for Stage 5 of the Subdivision, the proposed access to The Bogan Way is to be completed.

Evidence of completion is to be provided to Transport for NSW prior to the release of the Subdivision Certificate.

REASON: To ensure safe and efficient traffic movements. Condition of TfNSW concurrence.

(13) CONDITIONS RELATING TO COMMUNITY TITLE SUBDIVISIONS (NSGC025)

For the lots proposed to be subdivided as Community Title, the following information is required prior to the release of a Subdivision Certificate:

- **Neighbourhood Development Contract; and**
- **Neighbourhood Management Statement**

REASON: To ensure requirements of Land Registry Services are fulfilled.

(14) CONFIRMATION FROM APA (NSGC015)

Prior to the issue of any Subdivision Certificate, the applicant is to provide written confirmation from APA to Council that all of APA requirements have been complied with.

This only applies to stages that include work relevant to APA's requirements.

REASON: To ensure all of APA's requirements have been complied with.

(15) DRIVEWAYS TO BE INSTALLED (NSGC027)

Prior to the release of the subdivision certificate, a 3 metre wide concrete driveway vehicular crossing to serve each proposed lot is to be constructed or:

- 1. A payment of a bond to be refunded once the driveway has been constructed; OR**
- 2. A note on the title that the new owner is responsible for the construction of the driveway**

REASON: To ensure appropriate access is provided to each proposed lot.

(16) FENCING TO BE INSTALLED (NSGC)

Prior to the issue of the Subdivision Certificate for Stage 8, the applicant is to construct the fencing and landscaping required by Condition 5, Part 2, being Post and Wire fencing and a 5 metre landscape strip.

The landscaping is to be as detailed in the required Landscaping Plan.

REASON: To ensure appropriate fencing is installed in accordance with the Conditions of Consent.

NOTES

(1) WORKCOVER REQUIREMENTS (NOTE05)

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.

REASON: To ensure the provisions of the Occupational Health and Safety Act, 1983, are considered.

(2) CONSULTATION WITH TfNSW REQUIRED (NOTE02)

The applicant is informed that they are to consult with Transport for NSW at an early stage regarding the access to the Bogan Way. Transport for NSW suggests that this occur prior to Subdivision Works Certificate for Stage 4.

Subdivision Works Certificate required:

This development consent is issued under the *Environmental Planning and Assessment Act 1979* and does not relate to construction aspects or specifications of the subdivision works associated with the development. All subdivision works require the issue of a Subdivision Works Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.forbes.nsw.gov.au

Subdivision Certificate required:

A subdivision certificate is required to authorise registration of the plan of subdivision for lodgement with the NSW Land and Property Information. A subdivision certificate certifies that the plan of subdivision has been completed in accordance with the relevant development consent. Application forms are available from the customer services counter or Council's website www.forbes.nsw.gov.au

Principal Certifying Authority:

Work must not commence until the applicant has:

- appointed a Principal Certifying Authority (if the Council is not the PCA)
- given the Council at least two days' notice of their intention to commence the erection of the building.
- Notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Protection of the Environment Operations Act 1997:

It is an offence under the provisions of the *Protection of the Environment Operations Act 1997* 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.

Penalties apply for failure to comply with development consents

Failure to comply with conditions of development consent may lead to an on the spot fine being issued pursuant to section the *Environmental Planning & Assessment Act 1979* or prosecution pursuant to sections 9.37 and 9.50 of the *Environmental Planning and Assessment Act 1979*.

Dial Before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.