

## NOTICE OF DETERMINATION OF A MODIFICATION APPLICATION

Council has granted consent to the Modification Application referenced below. Any conditions applied also form part of the development consent.

<b>Application Number</b>	DA/2021/144/4
<b>Applicant</b>	Walker Corporation Pty Limited
<b>Description of Development</b>	Modification to DA/2021/144/1 - S4.55(1) Reinstate the modified Conditions 1.1.1 (CPCP) and 1.18.1 (KPOM) approved under DA/2021/144/3, and amend Condition 2.1.1 (RFS)
<b>Property</b>	60 Macquariedale Road, Appin (Lot 1 DP1267663) 85 Macquariedale Road, Appin (Lot 4 DP1267663) 70 Sportsground Parade, Appin (Lot 2 DP1267663) 123 Heritage Drive, Appin (Lot 3 DP1267663) 43 Appin Road, Appin (Lot 1 DP1148758) 10 Brooks Point Road, Appin (Lot 1 DP249446)  Previously known as  55 Macquariedale Road, Appin (Lot 1 DP1218358) 43 Appin Road, Appin (Lot 1 DP1148758) 10 Brooks Point Road, Appin (Lot 1 DP249446)
<b>Determination</b>	Approved Consent Authority – Wollondilly Shire Council
<b>Date of original DA Determination</b>	9 March 2023
<b>Date of Determination of DA/2021/144/2</b>	7 September 2023
<b>Date of Determination of DA/2021/144/3</b>	17 July 2023
<b>Date of Determination of DA/2021/144/4</b>	15 November 2023
<b>Lapse Date</b>	9 March 2028

Reference is made to your application seeking to modify Development Consent DA/2021/144/1. Pursuant to Section 4.55(1) of the abovementioned EP&A Act, Council, as the consent authority, has granted approval to the abovementioned application, and has amended the previous Development Consent DA/2021/144/1, subject to the conditions specified in this notice.

### Notes

- You are advised that it is the applicant's responsibility to ensure that any modification to the covenants and/or restrictions on use over the subject land is

submitted to the NSW Land Registry Services for amendment of the property title. Failure to do so may cause delays to future applications for development or the sale of the property.

- You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Should you wish to discuss the consent, please contact Council on (02) 4677 1100.

Yours faithfully,

Digitally Signed: Aimee Lee Team Leader Development Assessment Wednesday, 15 November 2023 5:52:25 PM Development Services
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Aimee Lee  
Team Leader Development Assessment

## 1.0 GENERAL CONDITIONS

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

### 1.1 COMPLIANCE WITH THE CUMBERLAND PLAIN CONSERVATION PLAN

1.1.1 *The development is to be undertaken in accordance with the following aspects of the Cumberland Plain Conservation Plan (CPCP) documentation:*

- *Mitigation measures within CPCP Mitigation Measures Guideline applicable to the development.*

***[Condition 1.1.1 modified under DA/2021/144/3 on 17 July 2023 and DA/2021/144/4 on 15 November 2023 pursuant to s4.55 of the EP&A Act 1979]***

1.1.2 No works (including and not limited to, demolition, clearing, earthworks and tree removal) are to commence on or within the site until Commonwealth approval of the Cumberland Plain Conservation Plan has occurred or an approval specific to this development application in accordance with the Environmental Protection and Biodiversity Conservation Act 1999 has been obtained.

## 1.2 ADMINISTRATIVE

1.2.1 Development Consent is granted for:

- (a) Subdivision of Lot: 1 DP: 1267663, Lot: 2 DP: 1267663, Lot: 3 DP: 1267663 and Lot: 4 DP: 1267663, 60 Macquariedale Road, Appin, 70 Sportsground Parade, Appin, 123 Heritage Drive, Appin and 85 Macquariedale Road, Appin (previously known as Lot 1 in DP 1218358, 55 Macquariedale Road) to create four (4) lot superlots (Lots 1, 2, 3 and 4)
- (b) Subdivision of proposed superlots Lot 1 and Lot 2 in the subdivision of Lot: 1 DP: 1267663, Lot: 2 DP: 1267663, Lot: 3 DP: 1267663 and Lot: 4 DP: 1267663 (previously known as Lot 1 in DP 1218358) by Torrens title to create 212 residential lots and 3 drainage lots in three (3) stages, boundary adjustment and associated vegetation clearance, bulk earthworks, remediation, stormwater and civil works and landscaping at Lot: 1 DP: 1267663, Lot: 2 DP: 1267663, Lot: 3 DP: 1267663, Lot: 4 DP: 1267663, Lot: 1 DP: 1148758 and Lot: 1 DP: 249446, 60 Macquariedale Road, Appin, 70 Sportsground Parade, Appin, 123 Heritage Drive, Appin, 85 Macquariedale Road, Appin, 43 Appin Road, Appin and 10 Brooks Point Road, Appin (previously known as Lot: 1 DP: 1218358, Lot: 1 DP: 1148758 and Lot: 1 DP: 249446, 55 Macquariedale Road, 43 Appin Road, Appin and 10 Brooks Point Road, Appin).

***[Condition 1.2.1 modified under DA/2021/144/4 on 15 November 2023 pursuant to s4.55 of the EP&A Act 1979]***

- 1.2.2 The development shall take place in accordance with the approved development plans listed below and submitted in respect of Development Application No. DA/2021/144/1, except as modified by Council and/or any conditions of this consent.

Drawing number	Description	Date	Rev	Prepared By
<b>1. Detail Survey</b>				
3220/3B Sheet 1 of 5	Plan of Lot 1 in DP 1218358, Macquariedale Road Appin. Wollondilly LGA	21/10/20	-	YSCO Geomatics
3220/3B Sheet 2 of 5	Plan of Lot 1 in DP 1218358, Macquariedale Road Appin. Wollondilly LGA	21/10/20	-	YSCO Geomatics
3220/3B Sheet 3 of 5	Plan of Lot 1 in DP 1218358, Macquariedale Road Appin. Wollondilly LGA	21/10/20	-	YSCO Geomatics
3220/3B Sheet 4 of 5	Plan of Lot 1 in DP 1218358, Macquariedale Road Appin. Wollondilly LGA	21/10/20	-	YSCO Geomatics
3220/3B Sheet 5 of 5	Plan of Lot 1 in DP 1218358, Macquariedale Road Appin. Wollondilly LGA	21/10/20	-	YSCO Geomatics
<b>2. Superlot Subdivision Plans</b>				
Sheet 1 of 4	Plan of Subdivision of Lot 1 in DP 1218358	--/10/20	-	Vincent J Kennedy
Sheet 2 of 4	Plan of Subdivision of Lot 1 in DP 1218358	--/10/20	-	Vincent J Kennedy
Sheet 3 of 4	Plan of Subdivision of Lot 1 in DP 1218358	--/10/20	-	Vincent J Kennedy
Sheet 4 of 4	Plan of Subdivision of Lot 1 in DP 1218358	--/10/20	-	Vincent J Kennedy
<b>3. Subdivision Plan</b>				
3220/2K Sheet 1 of 3	Plan of proposed subdivision on Lot 1 in DP 1218358, Lot 1 in DP 1148758 and Lot 1 in DP249446, Macquariedale Road Appin. Wollondilly LGA	24/1/22	-	YSCO Geomatics
3220/2K Sheet 2 of 3	Plan of proposed subdivision on Lot 1 in DP 1218358, Lot 1 in DP 1148758 and Lot 1 in DP249446, Macquariedale Road Appin. Wollondilly LGA	24/1/22	-	YSCO Geomatics
3220/2K Sheet 3 of 3	Plan of proposed subdivision on Lot 1 in DP 1218358, Lot 1 in DP 1148758 and Lot 1 in DP249446, Macquariedale Road Appin. Wollondilly LGA	24/1/22	-	YSCO Geomatics
<b>4. Lot Mix Plan</b>				
-	Lot Mix Plan	27 /1/22	B	Walker
<b>5. Building Envelope Plans</b>				
3320/6B Sheet 1 of 28	Plan showing proposed building envelope, Stage 3B-	26/10/20	-	YSCO Geomatics

	Lot 400, Appin Wollondilly LGA			
3320/6B Sheet 2 of 28	Plan showing proposed building envelope, Stage 3B-Lot 407, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 3 of 28	Plan showing proposed building envelope, Stage 3B-Lot 408, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 4 of 28	Plan showing proposed building envelope, Stage 3B-Lot 413, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 5 of 28	Plan showing proposed building envelope, Stage 3B-Lot 415, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 6 of 28	Plan showing proposed building envelope, Stage 3B-Lot 422, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 7 of 28	Plan showing proposed building envelope, Stage 3B-Lot 423, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 8 of 28	Plan showing proposed building envelope, Stage 3B-Lot 430, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 9 of 28	Plan showing proposed building envelope, Stage 3B-Lot 431, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 10 of 28	Plan showing proposed building envelope, Stage 3B-Lot 438, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 11 of 28	Plan showing proposed building envelope, Stage 3B-Lot 439, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 12 of 28	Plan showing proposed building envelope, Stage 3B-Lot 450, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 13 of 28	Plan showing proposed building envelope, Stage 3B-Lot 452, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B Sheet 14 of 28	Plan showing proposed building envelope, Stage 3B-Lot 463, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics

3320/6B 15 of 28	Sheet	Plan showing proposed building envelope, Stage 3B-Lot 464, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 16 of 28	Sheet	Plan showing proposed building envelope, Stage 3B-Lot 475, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 17 of 28	Sheet	Plan showing proposed building envelope, Stage 3B-Lot 477, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 18 of 28	Sheet	Plan showing proposed building envelope, Stage 3A-Lot 365, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 19 of 28	Sheet	Plan showing proposed building envelope, Stage 3A-Lot 330, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 20 of 28	Sheet	Plan showing proposed building envelope, Stage 3A-Lot 328, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 21 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 220, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 22 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 228, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 23 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 230, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 24 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 238, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 25 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 239, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 26 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 249, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 27 of 28	Sheet	Plan showing proposed building envelope, Stage 2-Lot 251, Appin Wollondilly LGA	26/10/20	-	YSCO Geomatics
3320/6B 28 of 28	Sheet	Plan showing proposed building envelope, Stage 2-	26/10/20	-	YSCO Geomatics

	Lot 262, Appin Wollondilly LGA			
<b>6. Civil Drawings</b>				
180048-S2-4-DA-C01.01	COVER SHEET AND DRAWING SCHEDULE	15/03/23	17	Enspire
180048-S2-4-DA-C01.21	GENERAL NOTES AND LEGENDS – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C01.22	GENERAL NOTES AND LEGENDS – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C01.31	SITE AND STAGING PLAN	15/03/23	17	Enspire
180048-S2-4-DA-C01.41	GENERAL ARRANGEMENT PLAN	15/03/23	18	Enspire
180048-S2-4-DA-C03.01	EROSION AND SEDIMENTATION CONTROL PLAN – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C03.02	EROSION AND SEDIMENTATION CONTROL PLAN – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C03.03	EROSION AND SEDIMENTATION CONTROL PLAN – SHEET 03	15/03/23	17	Enspire
180048-S2-4-DA-C03.04	EROSION AND SEDIMENTATION CONTROL PLAN – SHEET 04	15/03/23	17	Enspire
180048-S2-4-DA-C03.21	EROSION AND SEDIMENTATION CONTROL DETAILS	15/03/23	17	Enspire
180048-S2-4-DA-C04.01	CUT AND FILL PLAN	15/03/23	17	Enspire
180048-S2-4-DA-C04.21	CUT AND FILL SECTIONS – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C04.22	CUT AND FILL SECTIONS – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C04.23	CUT AND FILL SECTIONS – SHEET 03	15/03/23	17	Enspire
180048-S2-4-DA-C04.24	CUT AND FILL SECTIONS – SHEET 04	15/03/23	17	Enspire
180048-S2-4-DA-C04.25	CUT AND FILL SECTIONS – SHEET 05	15/03/23	17	Enspire
180048-S2-4-DA-C04.26	CUT AND FILL SECTIONS – SHEET 06	15/03/23	17	Enspire
180048-S2-4-DA-C05.01	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C05.02	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C05.03	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 03	15/03/23	19	Enspire
180048-S2-4-DA-C05.04	SITEWORKS AND STORMWATER DRAINAGE	15/03/23	17	Enspire



	PLAN – SHEET 04			
180048-S2-4-DA-C05.05	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 05	15/03/23	17	Enspire
180048-S2-4-DA-C05.06	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 06	15/03/23	17	Enspire
180048-S2-4-DA-C05.07	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 07	15/03/23	17	Enspire
180048-S2-4-DA-C05.08	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 08	15/03/23	17	Enspire
180048-S2-4-DA-C05.09	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 09	15/03/23	17	Enspire
180048-S2-4-DA-C05.10	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 10	15/03/23	17	Enspire
180048-S2-4-DA-C05.11	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 11	15/03/23	17	Enspire
180048-S2-4-DA-C05.12	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 12	15/03/23	17	Enspire
180048-S2-4-DA-C05.13	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 13	15/03/23	17	Enspire
180048-S2-4-DA-C05.14	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 14	15/03/23	17	Enspire
180048-S2-4-DA-C05.15	SITEWORKS AND STORMWATER DRAINAGE PLAN – SHEET 15	15/03/23	17	Enspire
180048-S2-4-DA-C06.01	ROAD TYPICAL CROSS SECTIONS – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C06.02	ROAD TYPICAL CROSS SECTIONS – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C07.01	ROAD LONGITUDINAL SECTIONS – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C07.02	ROAD LONGITUDINAL SECTIONS – SHEET 02	15/03/23	17	Enspire
180048-S2-4-DA-C07.03	ROAD LONGITUDINAL SECTIONS – SHEET 03	15/03/23	17	Enspire
180048-S2-4-DA-C07.04	ROAD LONGITUDINAL SECTIONS – SHEET 04	15/03/23	17	Enspire
180048-S2-4-DA-C07.05	ROAD LONGITUDINAL SECTIONS – SHEET 05	15/03/23	17	Enspire
180048-S2-4-DA-C07.06	ROAD LONGITUDINAL SECTIONS – SHEET 06	15/03/23	17	Enspire
180048-S2-4-DA-C07.07	ROAD LONGITUDINAL SECTIONS – SHEET 07	15/03/23	17	Enspire
180048-S2-4-	ROAD LONGITUDINAL	15/03/23	8	Enspire



DA-C07.08	SECTIONS – SHEET 08			
180048-S2-4-DA-C11.01	PAVEMENT, SIGNAGE AND LINEMARKING PLAN – SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C11.02	PAVEMENT, SIGNAGE AND LINEMARKING PLAN – SHEET 02	15/03/23	20	Enspire
180048-S2-4-DA-C11.03	PAVEMENT, SIGNAGE AND LINEMARKING PLAN – SHEET 03	15/03/23	17	Enspire
180048-S2-4-DA-C11.04	PAVEMENT, SIGNAGE AND LINEMARKING PLAN – SHEET 04	15/03/23	17	Enspire
180048-S2-4-DA-C11.05	PAVEMENT, SIGNAGE AND LINEMARKING PLAN – SHEET 05	15/03/23	10	Enspire
180048-S2-4-DA-C14.01	SITEWORKS DETAILS - SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C14.02	SITEWORKS DETAILS - SHEET 02	15/03/23	8	Enspire
180048-S2-4-DA-C14.03	SITEWORKS DETAILS - SHEET 03	15/03/23	7	Enspire
180048-S2-4-DA-C14.04	SITEWORKS DETAILS - SHEET 04	15/03/23	1	Enspire
180048-S2-4-DA-C18.01	STORMWATER DETAILS - SHEET 01	15/03/23	17	Enspire
180048-S2-4-DA-C18.02	STORMWATER DETAILS - SHEET 02	15/03/23	1	Enspire
180048-S2-4-DA-C18.51	INFILTRATION BASIN 'A' PLAN AND SECTIONS	15/03/23	17	Enspire
180048-S2-4-DA-C18.52	INFILTRATION BASIN 'B' PLAN AND SECTIONS	15/03/23	17	Enspire
180048-S2-4-DA-C18.53	INFILTRATION BASIN 'C' PLAN AND SECTIONS	15/03/23	17	Enspire
180048-S2-4-DA-C20.01	PRE-DEVELOPMENT CATCHMENT PLAN	15/03/23	16	Enspire
180048-S2-4-DA-C21.01	POST-DEVELOPMENT CATCHMENT PLAN	15/03/23	16	Enspire
180048-S2-4-DA-C22.01	TURNING PATH PLANS – SHEET 01	15/03/23	18	Enspire
180048-S2-4-DA-C22.02	TURNING PATH PLANS – SHEET 02	15/03/23	18	Enspire
180048-S2-4-DA-C22.03	TURNING PATH PLANS – SHEET 03	15/03/23	19	Enspire
180048-S2-4-DA-C22.04	TURNING PATH PLANS – SHEET 04	15/03/23	10	Enspire
180048-S2-4-DA-C22.05	TURNING PATH PLANS – SHEET 05	15/03/23	11	Enspire
<b>7. LANDSCAPE ARCHITECTURAL PLANNING PACKAGE</b>				
ST2,3&4-LP000	Title Sheet and Legend	09/03/23	G	Site Image
ST2,3&4-LP001	Site Plan	22/11/22	D	Site Image
ST2,3&4-LP002	Plant Schedule & Shade schedule/Plan	09/03/23	F	Site Image

ST2,3&4-LP003	Fencing Types – Linear Measures	09/03/23	F	Site Image
ST2,3&4-LP101	Landscape Plan 01	22/11/22	E	Site Image
ST2,3&4-LP102	Landscape Plan 02	22/11/22	D	Site Image
ST2,3&4-LP103	Landscape Plan 03	09/03/23	E	Site Image
ST2,3&4-LP104	Landscape Plan 04	09/03/23	F	Site Image
ST2,3&4-LP105	Landscape Plan 05	09/03/23	E	Site Image
ST2,3&4-LP106	Landscape Plan 06	22/11/22	E	Site Image
ST2,3&4-LP107	Landscape Plan 07	22/11/22	E	Site Image
ST2,3&4-LP108	Landscape Plan 08	22/11/22	F	Site Image
ST2,3&4-LP109	Landscape Plan 09	22/11/22	E	Site Image
ST2,3&4-LP110	Landscape Plan 10	09/03/23	F	Site Image
ST2,3&4-LP201	Typical Housing Lot Landscape Coverage	13/01/2023	D	Site Image
ST2,3&4-LP301	Details	09/03/23	F	Site Image
ST2,3&4-LP401	Road Sections	08/11/21	B	Site Image
<b>8. Tree Species List</b>				
-	Appin Grove tree Species List	20/4/22	B	Walker Corp

#	Report Name	Date	REV	PREPARED BY
1.	Koala Plan of Management	20.01.23	-	Travers Bushfire Ecology
2.	South Appin Stage 2 to 4 Development Application Civil Engineering & Stormwater Management Report	07.07.22	7	Enspire
3.	Bushfire Hazard Report	29.01.22	7	Holiday Coast Bushfire Solutions
4.	South Appin Development Assessment Residential Subdivision – Stages 2 to 4 Transport Impact Assessment	11.4.22	C	GTA Consultants now Stantec
5.	Arboricultural Development Assessment Report	21.05.21	-	Moree Trees Arboricultural Services
6.	Social And Health Impact Assessment	4/04/2021	-	Walker Corporation
7.	Evacuation assessment	5/11/2020	-	GTA now Stantec
8.	Macquariedale Road, Appin Fauna Management Plan	19/11/20	2	Niche Environment & Heritage
9.	Report on Preliminary Geotechnical Assessment Proposed Residential Development 55 Macquariedale Road, Appin	17/12/20	0	Douglas Partners
10.	Report on Salinity Investigation and Management Plan Proposed Residential Development 55 Macquariedale Road, Appin	12/2/21	0	Douglas Partners

11.	Report on Detailed Site Investigation (Contamination) Proposed Residential Development 55 Macquariedale Road, Appin	17/2/21	0	Douglas Partners
12.	Remediation Action Plan	17/2/21	0	Douglas Partners
13.	Interim Site Audit Advice No. 5: Remediation Action Plan 55 Macquariedale Road, Appin, NSW 2560	19/2/21	-	Senversa
14.	Aboriginal Cultural Heritage Assessment Report Macquariedale Road	9/4/21	4	Niche Environment & Heritage
15.	Statement of Environmental Effects	12/2/21	-	Walker Corporation
16.	Waste Management Plan	22/2/21	1	Walker Corporation

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

1.2.3 The superlots must be registered with NSW Land Registry Services **prior to the issue of Subdivision Works Certificate**. Evidence of the registration must be submitted to Manager, Development Services.

1.2.4 Stage 4 of the subdivision must not be registered prior to Stage 3.

1.2.4A The Landscape Plan is to be amended to replace timber edging around street trees with recycled plastic edging.

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

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

1.2.6 Prior to the issue of the Subdivision Works Certificate, the civil engineering drawings and landscape plans must be updated and re-submitted to the Principal Certifier to provide a 2m separation between street trees and driveways or alternately satisfactory arrangements be made with Manager, Assets, Transport & Engineering and Manager Waste and Environmental Services.

1.2.7 Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

1.2.8 The Applicant must comply with all relevant prescribed conditions of

development consent under Part 6, Division 8A of the EP&A Regulation.

***Note:** The prescribed conditions include the requirement that any building work must be carried out in accordance with the National Construction Code Series - Building Code of Australia (BCA). Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### 1.3 CONTAMINATION AND REMEDIATION

- 1.3.1 Remediation works are to be carried out in accordance with the Remediation Action Plan (RAP) for Walker Corporation Pty Ltd prepared by Douglas Partners and dated 17 February 2021 (project 76589.07)
- 1.3.2 Should any additional contamination or hazardous materials be encountered during any stage of the remediation process, all remediation works in the vicinity of the findings shall cease and compliance with the contingency recommendations in the approved remediation action plan shall be adopted.
- 1.3.3 A qualified environmental consultant or scientist must inspect the remediation works to confirm compliance with the endorsed Remediation Action Plan, including all health and safety requirements.
- 1.3.4 Provision shall be made for stormwater runoff management to prevent the escape of contaminated runoff from the property.
- 1.3.5 The developer shall ensure that suitable fencing is provided to prevent public access to the site for the duration of demolition and remediation works to the satisfaction of Council.
- 1.3.6 The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council Officers.
- 1.3.7 If soil is removed from the site a formal Waste Classification Assessment is required in accordance with NSW EPA Waste Classification Guidelines 2014.
- 1.3.8 A validation report prepared by a certified Contaminated Lands Consultant shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates;
  - 1.3.8.1 Compliance with the approved RAP;
  - 1.3.8.2 That the remediation acceptance criteria (in the approved RAP) has been fully complied with;
  - 1.3.8.3 That all remediation works undertaken comply with the contaminated lands planning guidelines, Contaminated Lands Management Act 1997 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021; And includes:
  - 1.3.8.4 A 'Notice of Completion of Remediation Work' as required under

section 4.15 of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021; and (e)A statement confirming that the site following remediation of contamination is suitable for the intended use.

#### **1.4 PRIOR TO DEMOLITION WORKS, GENERAL DEMOLITION REQUIREMENTS**

- 1.4.1 The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- 1.4.2 All demolition works that proposes to demolish (or partially demolish) any building, structure or installation must be undertaken by a licensed demolition contractor who is registered with SafeWork NSW (formerly WorkCover authority of NSW). Details must be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- 1.4.3 Any demolition works involving asbestos removal must comply with all legislative requirements including the How to Safely Remove Asbestos – Code of Practice (December 2011 – WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- 1.4.4 All works/ demolition works involving the removal and disposal of bounded asbestos over 10m<sup>2</sup> must only be undertaken by contractors who hold an appropriate and current SafeWork NSW Asbestos Licence.

#### **1.5 DURING DEMOLITION WORKS**

- 1.5.1 The removal of all asbestos must be carried out in accordance with the requirements of SafeWork NSW.
- 1.5.2 Any work involving lead paint removal must not cause lead contamination of air or ground.
- 1.5.3 Demolition works must not create general nuisance by reason of inadequate dust, noise or environmental controls.
- 1.5.4 All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website)
- 1.5.5 Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil.
- 1.5.6 The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- 1.5.7 Demolition must be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
  - Appropriate security fence or builders hoarding must be installed to

- prevent public access to the demolition works
- Induction training for onsite personnel
- Management of asbestos, contamination and other hazardous materials
- Dust control
- Disconnection of gas and electrical supply
- The demolition must not hinder pedestrian or vehicle mobility in the locality
- Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

1.5.8 During demolition works, firefighting equipment must be provided onsite at all times

1.5.9 During demolition works all materials and equipment must be kept entirely within the site and not on adjoining property, footpaths and roads.

1.5.10 All demolition work must be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.

## 1.6 GENERAL DESIGN AND CONSTRUCTION

1.6.1 All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification. The requirements of the Design Specification must take preference over any stamped or endorsed plans issued with this consent.

1.6.2 Subdivision works shall be designed generally in accordance with the concept engineering plans Project 180048-S2-4-DA, prepared by Enspire Solutions Pty Ltd.

## 1.7 PUBLIC ROAD PROVISIONS, IMPROVEMENTS AND DESIGN

1.7.1 All public infrastructure, works, roadworks, drainage works, dedications of public land as required by this consent shall be undertaken at no cost to Wollondilly Shire Council.

1.7.2 Suitable public roads shall be constructed to ensure all lots will have access to an appropriate public road network. The creation of public roads must be carried out generally in accordance with the concept plans 180048-S2-4-DA, Revision 12, dated 19/01/2022 prepared by Enspire Solutions Pty Ltd.

1.7.3 Public roads must be designed and constructed in accordance with Councils Design and Construction Specification. Flexible pavement designs must include asphaltic wearing surfaces, a minimum 40mm thick.

1.7.4 Splay corners, a minimum 4m x 4m, must be dedicated as public road at the junction of all new road intersections to ensure intersection sight distances can be maintained.

1.7.5 Retaining walls located within the road reserve must be constructed ~~ef~~

~~material to provide a 100-year design life~~ in accordance with AS4678-2022 and be constructed clear of property boundaries. Retaining walls located adjacent to public access areas, footpaths etc., must be fitted with appropriate handrails.

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

- 1.7.6 To ensure the development is connected to a suitable public road network, the following upgrades must be undertaken at the relevant stages:

**For Stage 2 and 3** – upgrade of Macquariedale Road along the development frontage, through the construction of road pavement widening, kerb and gutter and associated pipe drainage, verge regrading and full depth pavement upgrade to the road centreline. Road works must make provision for a minimum 7m carriageway, two lane two way, and indented parking bays. The extent and scope of design of the widening is subject to approval by Wollondilly Shire Council as the Road Authority

**For Stage 3** – provision of a left in – left out treatment at the intersection of Appin Road and Koolahs Street, using concrete median, giveaway treatment and regulatory turning restriction signal.

**For Stage 3** – provision of an auxiliary turning left on Appin Road to the intersection of Koolahs Street.

**For Stage 3** – provision of a roundabout intersection treatment at the intersection of Appin Road and Church Street.

- 1.7.7 In relation to the future road connections to adjoining stages:

1.7.7.1 If at the time of the application for the Subdivision Certificate there is no Subdivision Certificate issued in relation to adjoining stages, the Engineering Design plans must include details of temporary vehicle turning areas suitably sized to allow a 9.4 metre Waste Recovery Vehicle to make a 180° turn with no reversing manoeuvring. Temporary vehicle turning areas must be constructed of full depth pavement with a minimum 50mm Asphaltic Concrete wearing course. Appropriate traffic restrictions must be implemented to prevent parking within the turning areas; or

1.7.7.2 If at the time of the application for the Subdivision Certificate, a Subdivision Certificate has been issued in relation to adjoining stages, the Engineering Design plans must include details of proposed road connection with the road(s) constructed within the adjacent stages.

- 1.7.8 In relation to the provision of temporary turning heads:

1.7.8.1 A Right of Carriageway shall be created over any turning area within private land.



- 1.7.8.2 The turning areas on private land shall not impact on the building envelope of any lot.
- 1.7.8.3 No Parking (R5-40) signs shall be installed around any temporary turning heads to ensure adequate clear zone is provided to turning vehicles.
- 1.7.8.4 Turning heads shall make provision for the bush fire access and emergency vehicles in accordance with any conditions imposed by the Rural Fire Service (RFS).

## 1.8 TRAFFIC MANAGEMENT

- 1.8.1 All Public Roads shall be provided with appropriate signage and pavement marking to ensure the creation of safe and functional streets through control of the movement of traffic as follows:

**For All Stages** - For horizontal or vertical curves where the sight distance is less than the Stopping Sight Distance for a 60km/h road or a curve of less than radius 50m, the curve must be fitted with Divided Barrier line (BB) along the centreline.

**All Stages** - Kerb side parking restrictions must be established through the installation of R5-40 No Parking symbolic signage at all temporary or permanent Turning Heads or the termination of future through roads.

**For Stage 4** – A Giveaway treatment(s), including signs and centreline marking must be installed at the intersection of Road 005, Sykes Avenue and Thomas Street. The treatment shall give Sykes Avenue priority at the intersection.

**For Stage 4** - Kerb side stopping restrictions must be established adjacent to the Left-Hand Side of Road R001. Restrictions must be in the form of 'C3' yellow pavement line supported by R5-400 no Stopping signage.

- 1.8.2 All new Public Roads shall be provided with appropriate signage and pavement marking to ensure vehicle parking is only in marked parking bays and not within the road carriageway.

## 1.9 TRANSPORT, BICYCLE AND PEDESTRIAN ACCESS

- 1.9.1 **For All Stages** - To ensure the provision of adequate public transport infrastructure:

- 1.9.1.1 The person or entity having the benefit of this consent must provide public bus stops and shelters along both sides of Appin Road. Generally, a bus stop must be provided within 400 metre walking distance of all residential lots. Bus stops may be provided near the Macquariedale Road intersection to meet the requirements of this condition.

- 1.9.1.2 Bus stops are to be designed in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002 and relevant sections of Australian Standard

1428. Designs must be accompanied by certification from a suitably qualified professional that the design complies with these standards.

1.9.1.3 Where bus shelters are to be provided, the style and colour must be in accordance with Wollondilly Shire Council's adopted shelter design.

1.10.2 To ensure the provision of adequate bicycle facilities:

**For All Stages** - Shared Use Paths 2.5m wide must be provided within all public reserves in accordance with Council's Design and Construction Specification.

**For Stage 1** - Shared Use Path 2.5m wide must be provided along Road R007 adjacent to the public reserve/drainage reserve and in accordance with Council's Design and Construction Specification.

**For Stage 2** - Shared Use Path 2.5m wide must be provided along Road R001 adjacent to the public reserve/drainage reserve and in accordance with Council's Design and Construction Specification.

**For Stage 3** - Shared Use Path 2.5m wide must be provided along Road R001 adjacent to the public reserve/drainage reserve and in accordance with Council's Design and Construction Specification.

**For All Stages** - Shared Use Paths must be designated as shared paths through the installation of signage and pavement symbols in accordance with the relevant Austroad and Transport for New South Wales guidelines.

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

1.10.3 To ensure the provision of adequate pedestrian facilities:

1.10.3.1 **For All Stages** - Footpaths must be constructed, as generally shown in the concept engineering plans, Stage 2, 3 and 4 South Appin, 180048-S2-4-DA Revision 12, dated 19/01/2022 prepared by Enspire Solutions Pty Ltd and in accordance with Council's Design and Construction Specification.

1.10.3.2 Footpath **connections** must be provided to public transport bus links along Appin Road.

1.10.3.3 **Pedestrian** kerb ramps to be provided at all intersections. Kerb ramps must be constructed using coloured concrete in accordance with Council's standard drawings.

1.10.3.4 Footpath **surface** and grades must comply with the relevant sections of AS1428 for Access and Mobility.

## 1.11 PROPERTY ACCESS

- 1.11.1 To ensure the protection of road and public assets within the road verge, all lots must be allocated a vehicle property entrance location and a kerb and footway crossing to be constructed of concrete, to a maximum of 4m wide, from the road to the front property boundary in accordance with Council's standard drawings. Designs to be in accordance standard drawings for separations to infrastructure as per Council's Engineering Design Specifications.

## 1.12 STREETScape AND ROAD FURNITURE

- 1.12.1 Tree and shrub species used adjacent to Shared Use Paths must be selected and spaced to ensure a bicycle clear zone can be provided, in accordance with NSW bicycle guidelines, and can be maintained with minimal maintenance.
- 1.12.2 To minimise future root damage to adjacent road infrastructure, all trees located within the road reserve must be installed with root directing planter sufficiently sized to allow full development of mature trunk diameter. Alternatively, linear root barrier to a minimum depth of 600mm below surface level between the tree and the road and the tree and the footpath.
- 1.12.3 To ensure adequate establishment and maintenance of the new road verge grass, during the subdivision and land transfer period, the person or entity having the benefit of this consent must, at no cost to Council, maintain the road verge grass, including watering, mowing, weed removal and grass replacement for a 12 month period from the date of registration as public road.

## 1.13 PUBLIC LIGHTING

- 1.13.1 To ensure a safe and efficient road system, the person or entity having the benefit of this consent must, at no cost to Council, provide Street Lighting using **LED LIGHTING** within the subdivision and along the Macquariedale Road frontage to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- 1.13.2 To ensure a safe public footpath network, the person or entity having the benefit of this consent must, at no cost to Council, provide public lighting, using **LED Lighting**, along all public footpaths within the public reserves to comply with current Australian Standards.

## 1.14 ROAD DRAINAGE AND STORMWATER MANAGEMENT

- 1.14.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events. Stormwater must be managed *with respect for public safety and flood hazard in accordance with the Wollondilly Shire Council Design Specification D5.12, D5.14, D5.15, D5.28, D5.29, D5.30 and D5.31.*

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the*

*Environmental Planning and Assessment Act 1979)*

- 1.14.2 Stormwater runoff from all impervious surfaces must be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system must be provided to convey runoff from all future residential development surfaces up to the 10% AEP storm event.
- 1.14.3 Road drainage must be collected and conveyed to a point suitable for integration with the Natural or constructed stormwater drainage system. Road drainage must be designed to cater for the 10% AEP critical storm event in accordance with the Wollondilly Shire Council Design Specification.
- 1.14.4 Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- 1.14.5 During each stage of development, it must be ensured that there is sufficient stormwater management controls in place to meet the stormwater treatment requirements of this consent.
- 1.14.6 All road culverts and bridges must be designed to cater for the 1% AEP storm event with adequate freeboard as specified in the Wollondilly Shire Council Design Specification.
- 1.14.7 To ensure existing public or natural drainage infrastructure has sufficient capacity to receive stormwater discharge from the development:
  - 1.14.7.1 A hydraulic assessment of the existing public or natural drainage infrastructure must be undertaken to determine any upgrade requirements to ensure there is no adverse flooding impact on upstream and downstream drainage or infrastructure.

*Reason: This is to ensure that the design has considered downstream drainage. Council would accept a certification from the designer if there is no downstream impact to flood extent or drainage capacity.*

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

- 1.14.7.2 The person or entity having the benefit of this consent must, at no cost to Council, carry out any necessary amplification or upgrading of existing downstream drainage.
- 1.14.7.3 Where any drainage or drainage structure in which Council has an interest traverses private property, the person or entity having the benefit of this consent shall, at no cost to Council, create and vest in Council drainage easements over the structure. Council drainage easements are to be a minimum 3.0 metre wide but may need to be wider depending on the size of the infrastructure.

- 1.14.8 Where any drainage or drainage structure in which Council has an interest traverses private property, the person or entity having the benefit of this consent shall, at no cost to Council, create and vest in Council drainage easements over the structure. Council drainage easements are to be a minimum 3.0 metre wide but may need to be wider depending on the size of the infrastructure.
- 1.14.9 Stormwater must be managed in accordance with the *approved* Water Sensitive Urban Design Strategy prepared by Enspire Solutions Pty Ltd. ~~project 180048 S1-DA-C05-04 Revision 7 dated 19/01/22.~~

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

## 1.15 PROPERTY STORMWATER DISPOSAL

- 1.15.1 All newly created lots must have adequate stormwater disposal provision for future dwelling connection. Property disposal drainage systems must be designed to cater for the 10% AEP storm event using percentage impervious figures as outlined in the Wollondilly Shire Council Design Specification.
- 1.15.2 In relation to interallotment drainage, an interallotment drainage system must be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system must be gravity flow and located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. A pit must be provided in each lot for the interallotment drainage system for future dwelling connection. Defined overland flow paths must be provided to safely convey runoff from storm events up to the 1% AEP.

## 1.16 FLOOD MANAGEMENT

- 1.16.1 Newly created lots must not be subject to defined overland flow paths unless associated with a local interallotment drainage system. Road drainage and overland flow paths must not be directed through private lots.
- 1.16.2 In relation to identified overland flow paths for storms up to the 1% AEP event:
- 1.16.3 The extent and depth of any 1% AEP overland flow path(s) not in a public road through the development must be determined and shown on the Engineering design plans. Where newly created lots are adjacent to any 1% AEP flow, a Minimum Floor Level to A.H.D., and being a level 0.5m above the calculated overland flow path level, must be determined for each lot.
- 1.16.4 Prior to issue of Subdivision Certificate, submission of a Section 88B instrument in accordance with the Conveyancing Act must be provided that creates a Restriction on the Use of Land on each affected lot prohibiting the construction of any dwelling with a finished habitable floor level below the determined Minimum Floor Level.

## 1.17 EARTHWORKS AND FILLING

- 1.17.1 Prior to any site works or re-grading commencing the site is to be surveyed to determine the exact location of the C2 boundary, pegged out to ensure that any work associated with the demolishing, excavation, clearing, stock piling and construction is wholly contained within the certified urban capable land identified in the Cumberland Plain Conservation Plan.
- 1.17.2 There must be no encroachment onto adjoining lands by fill placed near boundaries or by the movement or storage of vehicles, machinery or materials.
- 1.17.4 Site re-grading must be undertaken to ensure on-lot grades provide for economical building lots and minimise future cut and fill requirements.
- 1.17.4 Property retaining walls, as generally shown in the concept subdivision plans must be constructed in accordance with AS4678-2022 and be constructed clear of property boundaries. Generally, walls must be located within the lot being serviced.

## 1.18 KOALA PLAN OF MANAGEMENT

- 1.18.1 *The beneficiary of this consent must implement the Koala Plan of Management by Travers in accordance with Section 5 of the document applying to the Strategic Conservation Area that is undertaken by a consultant with at least 5 years' experience in the management of koala habitat*

*A report detailing the implementation of the Plan must be prepared and submitted to Council based on the details and timing contained in Section 6 of the Plan*

***[Condition 1.18.1 modified under DA/2021/144/3 on 17 July 2023 and DA/2021/144/4 on 15 November 2023 pursuant to s4.55 of the EP&A Act 1979]***

## 1.19 ESTABLISHMENT AND MANAGEMENT OF ASSET PROTECTION ZONES

- 1.19.1 Asset Protection Zones must be established and maintained in accordance with the Bushfire Assessment Report dated 22 January 20 by Holiday Coast Bushfire Solutions, Planning for Bushfire Protection Guidelines and RFS GTAs.
- 1.19.2 The beneficiary of this consent is not permitted to locate any Asset Protection Zones on C2 Environmental Conservation land.

## 1.20 TREES

- 1.20.1 Street tree planting pit sizes:
- 1.20.1.1 *Eucalyptus haemostoma, Lopostemon conferta, Brachychiton acerifolia* all require a 2m min planting pit

- 1.20.1.2 All other trees min 1.5m min
- 1.20.3 Any street trees removed need to be replaced by the developer with same species and same size as the one removed
- 1.20.4 All street trees are to be maintained by the developer until council takes control. Trees are all to be established and free of any pest and disease prior to Council hand over. Any dead or dying trees are to be replaced by the developer at no cost to Council prior to hand over.
- 1.20.5 No street trees are to block street lights or traffic / street signs
- 1.20.6 Street trees are not to impede street sight lines at intersections and crossings
- 1.20.7 Trees on private property
  - 1.20.7.2 No wooden garden edging to be installed. All garden edging must be recycled plastic, concrete or metal.
- 1.20.8 Prior to issue of Subdivision Works Certificate the proposed Landscape Architectural Planning Package ST1-LP201 "Typical Housing Lot Land and Coverage Plan" is to be provided to Council for final review and approval to ensure it is adequately contributing to the 40% canopy cover target set by the Secretary's Guidelines for development, December 2020 and is compatible with proposed WSUD measures.

## 2.0 OTHER AGENCY REQUIREMENTS

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

- 2.1 The development shall be constructed, completed and managed in accordance with and complying with the requirements of NSW Rural Fire Service (RFS) General Terms of Approval (GTAs), reference ~~DA20210312000958-S4.55-1 and dated 8 June 2023~~ **DA20210312000958-S4.55-3 dated 9 November 2023**. RFS GTAs have been replicated below:

*(As modified by DA/2021/144/2 on 7 September 2023 and DA/2021/144/4 on 15 November 2023 under s4.55 of the Environmental Planning and Assessment Act 1979)*

### Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- 2.1.1 At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, a suitable mechanism, such as an instrument pursuant to section 88 of the *Conveyancing Act 1919* or an adopted Council Plan of Management, must be in place over Lots 269, **366 and 478** ~~445~~ to ensure its ongoing management of the westernmost 10m as an outer protection area (OPA) and the remainder as



an inner protection area (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

When establishing and maintaining an OPA the following requirements apply in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- trees tree canopy cover should be less than 30%;
- canopies should be separated by 2 to 5m.
- shrubs should not form a continuous canopy;
- shrubs should form no more than 20% of ground cover;
- grass should be kept mown to a height of less than 100mm; and
- leaf and other debris should be removed.

The name of authority empowered to release, vary or modify any instrument must be Wollondilly Council.

***(As modified by DA/2021/144/4 on 15 November 2023 under s4.55 of the Environmental Planning and Assessment Act 1979)***

2.1.2 At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on proposed lots 251 to 255 which requires the provision of asset protection zones (APZ) for the northernmost 9m of the lots and prohibits the construction of buildings other than class 10b structures within the APZ. The name of authority empowered to release, vary or modify the instrument shall be Wollondilly Council

2.1.3 Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;

- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

2.1.4 Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

#### **Access – Public Roads**

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

2.1.5 Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access must be

- provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

2.1.6. Perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

2.1.7. Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

### Water and Utility Services

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

2.1.8 The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

2.2 The development shall be constructed, completed and managed in accordance with and complying with the requirements of the Aboriginal Cultural Heritage General Terms of Approval (GTAs) outline in NSW Office of Environment and Heritage, Reference Number DOC21/570090 dated 9 July 2021. GTAs have been replicated below:

### Approved Development

2.2.1 Development must be in accordance with:

- a. Niche 2021, Aboriginal Cultural Heritage Assessment Report:

Macquariedale Road Appin, NSW, Report prepared for Walker Corporation Pty Ltd, Final V D4 9 April 2021.

- b. Stage 1 and 2 Plans prepared by Enspire dated 11/05/2021 Rev 10 (180048-S1-2- DA-C01.01).

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

**Except as amended** by the following general terms of approval:

- 2.2.2 A s.90 Aboriginal Heritage Impact Permit (AHIP) for the proposed works must be sought and granted prior to the commencement of works.
- 2.2.3 The AHIP application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).
- 2.2.4 Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (2010).
- 2.2.5 The AHIP application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).
- 2.2.6 The AHIP application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).
- 2.2.7 Long term management of Aboriginal objects must be considered as part of the AHIP application.
- 2.3 The development shall be constructed, completed and managed in accordance with and complying with the requirements of Mine Subsidence General Terms of Approval (GTAs), reference **TSUB23-00172 and dated 2 June 2023**. Schedule 2 of the Mine Subsidence GTAs have been replicated below:

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

General
Plans, Standards, Guidelines
These General Terms of Approval (GTAs) only apply to the subdivision development described in the plans and associated documentation relating to DA/2021/144/2 and provided to Subsidence Advisory NSW. Any amendments or subsequent modifications to the development may render these GTAs invalid.
This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.
Prior to the Commencement of Construction
Prescribed Design Parameters – serviceability
Provide certification from a qualified engineer that the proposed infrastructure is

capable of remaining <i>serviceable</i> (as defined in section 4.6 of the Subdivision Policy) if subjected to the subsidence parameters outlined below: <ul style="list-style-type: none"> <li>a. Maximum Horizontal Strains (+/-): 1 mm/m</li> <li>b. Maximum Tilt: 1 mm/m</li> <li>c. Minimum Radius of Curvature: 12 km</li> </ul>
Provide certification from a qualified engineer that pavements are either to be: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Flexible pavements as defined by "Austroads Guide to Pavement Technology Part 2: Pavement Structural Design</li> </ul> Or <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Bound / ridged pavements that are designed to be repairable under the ground movements identified in Condition 3.</li> </ul>
<b>Post Construction of Works</b>
<b>Certification of Works</b> Upon completion of works, submit a work-as-executed certification from a registered surveyor that confirms the subdivision is in accordance with the plans approved by Subsidence Advisory.

2.4 The development shall be constructed, completed and managed in accordance with and complying with the requirements of Transport for NSW (TfNSW) concurrence, reference SYD21/00278/11 and dated 20 September 2022. TfNSW concurrence conditions have been replicated below:

- 2.4.1 The roundabout at Appin Road/Church Street/New Access Road, Access Road connecting from Appin Road to Koolahs Street and left in/left out upgrades at Appin Road/ King Street/Koolahs Street are to be constructed prior to the issue of the Subdivision Certificate for the creation of the first Lot in amended Stage 3.
- 2.4.2 Conditions provided in TfNSW's Approval dated 13 October 2021 remain applicable. Please refer to Attachment B enclosed (*attached*).
- 2.4.3 A 6.4m wide shared driveway must be provided to allow access to No. 40 and 42 Appin Road, Appin. Noting a pedestrian kerb ramp is proposed, there must be a separation between the proposed pedestrian kerb ramp and shared driveway to avoid conflict between vehicles and pedestrians. The design and construction of the pedestrian kerb ramp and shared driveway shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au). Subject to Council approval, design and construction details should be prepared prior to entering a WAD with TfNSW.
- 2.4.4 Any redundant section of driveway at Lot 1 DP 507820 (northwest driveway) and the redundant driveway at Lot 1 DP 711665 shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Appin Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au).

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Documents should be

submitted to [Development.Sydney@transport.nsw.gov.au](mailto:Development.Sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- 2.4.5 All vehicles (including demolition and construction vehicles) are to be contained wholly within the development site and vehicles must enter the site before stopping.

A construction zone will not be permitted on Appin Road.

- 2.5 The development shall be constructed, completed and managed in accordance with and complying with the conditions outlined in Sydney Water letter, Reference 197155, 11 May 2022. Conditions have been replicated below:

- 2.5.1 Section 73 Compliance Certificate:

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

- 2.5.2 Building Plan Approval:

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015. The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



### 2.5.3 Out of Scope Building Plan Approval:

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
  - Wastewater pipes larger than 300mm in size
  - Pressure wastewater pipes
  - Drinking water or recycled water pipes
  - Our property boundary
  - An easement in our favour
  - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
  - Construction of a retaining wall over, or within the zone of influence of our assets
  - Excavation of a basement or building over, or adjacent to, one of our assets
  - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

### 2.5.4 Tree Planting:

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

## 3.0 PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

These conditions have been imposed to ensure that the development is undertaken to an approved standard and related approvals.

### 3.1 GENERAL

3.1.1 Sufficient evidence must be submitted with the application for the Subdivision Works Certificate that the works are designed in accordance with:

3.1.1.1 the relevant Australian Standard, and

3.1.1.2 Wollondilly Shire Council's adopted Design and Construction Specifications.

3.1.2 Before the issue of Subdivision Works Certificate, a **Construction Environmental Management Plan** must be prepared, and provided to the satisfaction of Council. The plan must include the following matters:

- Provisions for public safety;
- Pedestrian and vehicular site access points and construction activity zones;
- Details of construction traffic management;
- Details of bulk earthworks to be carried out;
- Details of Erosion and Soil Management;
- Details of Stockpile Management;
- Details of site Stabilisation;
- The location of site storage areas and sheds;
- The equipment used to carry out works;
- Hours of work;
- Contact details of Contractors and display of details to the public;
- The location of a garbage container with a tight-fitting lid;
- Dust, noise and vibration control measures;
- The location of temporary toilets;
- The protective measures for the preservation of trees on-site.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

### 3.2 SEDIMENT AND EROSION

3.2.1 A staged erosion and sediment control plan are to be prepared and provided for Council approval prior to any site works commencing that covers construction stages to final vegetation and establishment. This is to be developed by a Certified Professional in Erosion and Sediment Control (CPESC).

3.2.2 The Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the satisfaction of Council:

3.2.2.1 Council's relevant Design and Construction Specifications, and

3.2.2.2 the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time)

3.2.3 The topsoil within the disturbance area is to be stored appropriately for

reuse in landscaped areas for the final rehabilitation of the site.

### 3.3 PUBLIC ROADS AND INFRASTRUCTURE

- 1.3.1 Before the issue of Subdivision Works Certificate, written advice prepared by Wollondilly Shire Council's Manager Assets, Transport and Engineering demonstrating that a **Public Infrastructure Review** has been undertaken. Evidence must be provided, to the satisfaction of Council, that comments and recommendations from the review have been incorporated in the final design plans for issue of the Subdivision Works Certificate.
- 3.3.2 To facilitate the review process, the person or entity having the benefit of this consent must submit the following engineering design plans and reports for all road, drainage, landscaping and other public infrastructure to Wollondilly Shire Council:
- Engineering Design plans showing all public drainage infrastructure to be provided for the control and treatment of stormwater.
  - Traffic Plan showing all proposed signage and delineation for roads, shared pathways, intersection treatments and bus stops.
  - Landscape Plan showing the proposed location and species of street trees and landscape features at intersections and within Round-about central islands.
  - Report on the proposed Smart Cities infrastructure to be provided in accordance with the requirements of this consent.
  - Public Lighting concept plan.

Notwithstanding the conditions requiring roadworks as set out in this consent, the extent of all roadworks and traffic management treatment measures is subject to the review and recommendation of Wollondilly Shire Council. Plan review fees will be payable in accordance with the current Wollondilly Shire Council Fees and Charges.

*Reason: The review process is to ensure the final detail design, not available with the Development Consent, is in keeping with existing infrastructure network and will deliver sustainable and fit for purpose public infrastructure.*

### 3.4 EARTHWORKS AND FILLING

- 3.4.1 Before the issue of Subdivision Works Certificate, an **Earthworks Plan** must be prepared, to the satisfaction of Council, by a suitably qualified person that details the exact extent and depth of proposed cut and fill.

### 3.5 STORMWATER MANAGEMENT

- 3.5.1 Before the issue of Subdivision Works Certificate, **Drainage Computer Modelling** must be provided to the satisfaction of Council for both water quantity and quality measures.
- 3.5.2 Before the issue of Subdivision Works Certificate, a **Risk Assessment** must be provided and evidence shown that safety measures are incorporated into the Engineering plans, to the satisfaction of Council, for the design

and operation of the proposed stormwater management infrastructure that determines the appropriate level of public safety measures to be provided. Safety measures must include, but not be limited to, the following:

- Safety fencing along all sides of the basin to prevent unauthorised access to the basin;
- Side slope batters, rails or steps for easy egress;
- Water depth indicators, and
- Safety signage warning of floodway and other appropriate hazards to be installed and be visible from all adjacent properties, dwellings and public land.

### 3.6 PREPARATION OF A VEGETATION MANAGEMENT PLAN

- 3.6.1 A Vegetation Management Plan applying to Strategic Conservation Areas that integrates with the Koala Plan of Management and based on best practice and is consistent with applicable mitigation measures of the CPCP is to be prepared and be of a satisfactory standard to Council prior to the issuing of the Subdivision Works Certificate

### 3.7 KOALA HABITAT IMPACT MITIGATION

- 3.7.1 A Koala Habitat Impact Mitigation Plan applying to urban capable land certified land is to be prepared by a consultancy with experience in preparing at least five (5) similar Plans and must be to the satisfaction of Council prior to the issuing of the Subdivision Works Certificate.

- Introduction providing context, aims, objective and application
- Overview of impacts to koalas and their habitat utilising existing studies (no additional assessment required). This should include an analysis of impacts to koala connectivity with the two stages and habitat in the vicinity of the sports overall between these areas as a consequence of the development.
- ~~— Demonstrated consistency in tabular format of the CPCP Environmental Outcome Condition of protected koala habitat is improved, connectivity between koala sub-populations is maintained, threats to koalas are managed and the koala population in south and Recommendations of the Office of Chief Scientist \*2021) as well as applicable CPCP Commitments (that must include Commitment 7).~~
- Written response detailing intended procedure for the implementation of all applicable actions in the Mitigation Measures Guideline and Appendix E of the Cumberland Plain Conservation Plan.
- Recommendations for implementation of measures that that would mitigate and monitor any potential impacts to the movement of any koalas through the development site which must integrate with the Fauna Management Plan (Niche 2020) and Koala Plan of Management (Travers 2020).
- Recommendations for on-going monitoring of the implementation of

actions of relevance to urban certified land within the Mitigation Guideline and Fauna Management Plan as well as actions within the Koala Plan of Management of relevance to development within the urban certified land.

- Adaptive measures to respond or adjust procedures to mitigate impacts to koala populations or habitat if identified as being required by a suitably qualified person in the management of koalas that are broadly based on recommendations of the NSW Office of Chief Scientist and Engineer

**Advice:** The response to Mitigation Requirements 13 to 16 in Part 1 of the Cumberland Plain Conservation Plan Mitigation Measures Guidelines (Vehicle Strike) should be developed in consultation with Council's Traffic Section.

*(As modified by DA/2021/144/2 on 7 September 2023 under s4.55(2) of the Environmental Planning and Assessment Act 1979)*

### 3.8 WEED MANAGEMENT PLAN

3.8.1 A Weed Eradication and Management Plan is to be prepared by a suitably qualified and experienced person(s) and shall be submitted to and approved by Council's Environmental Team prior to the issue of a Construction Certificate.

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

Any plant or other equipment used in construction and maintenance on the site must be thoroughly decontaminated of mud, soil and plant material prior to entering the site to prevent the introduction of significant weeds.

The Plan must have demonstrated consistency with the Cumberland Plain Conservation Plan Weed Control Implementation Strategy.

### 4.0 PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

#### 4.1 GENERAL

4.1.1 Before commencing works on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work and

demolition), a Subdivision Works Certificate must be issued by Council or a nominated Accredited Certifier.

- 4.1.2 Before commencing works the person or entity having the benefit of this consent must engage an appropriately qualified and licenced Principal Civil Contractor, to undertake and manage all works and vehicle movements on site to completion of works. Details of the nominated Principal Civil Contractor must be provided to the Principal Certifier.
- 4.1.3 Before commencing works the person or entity having the benefit of this consent must engage an appropriately qualified practicing professional geotechnical engineer, as the nominated Supervising Geotechnical Engineer, to supervise, monitor, inspect and test the earthworks and nominate the removal or rectification of any unsuitable in-situ fill or natural material and importation and placement of fill to completion. Details of the nominated Supervising Geotechnical Engineer must be provided to the Principal Certifier.
- 4.1.4 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 (1) toilet for every twenty (20) persons or part twenty (20) persons employed at the site.
- 4.1.5 A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.
- 4.1.6 An appropriate fence preventing public access to the construction site shall be erected and maintained for the duration of works.
- 4.1.7 A Validation Report prepared by a certified Contaminated Lands Consultant has been received following completion of the remediation works.
- 4.1.8 Prior to the commencement of any works confirmation is to be provided to the Certifier that an Aboriginal Heritage Impact Permit (AHIP) has been granted.
- 4.1.9 No works are to commence within the site until commonwealth approval of the Cumberland Plain Conservation Plan in accordance with the Environmental Protection and Conservation Act 1999, as significant impact on Koalas are anticipated.

## 4.2 TRAFFIC MANAGEMENT

- 4.2.1 Before commencing any subdivision works, a **Road Management Permit**, in accordance with Section 138 of the Roads Act must be obtained from Wollondilly Shire Council, as the Road Authority.
- 4.2.2 Before Commencing Works, a **Traffic Management Plan** including road

haulage routes must be submitted to the satisfaction of Wollondilly Shire Council, as the road Authority, along with a Road Management Application. The plan must be accompanied by a dilapidation report along the proposed haulage route to record the condition of the existing road network.

#### 4.3 SEDIMENT AND EROSION CONTROL MEASURES

- 4.3.1 Before commencing works the person or entity having the benefit of this consent must ensure the relevant erosion and Sediment controls as outlined in the approved Erosion and Sediment Control Plan must be implemented and operational.

#### 4.4 VEGETATION REMOVAL

- 4.4.1 A suitably experienced ecologist must be engaged to conduct pre-clearance native fauna survey must occur not more than 7 days immediately before the clearing of native vegetation to ensure that arboreal mammals, roosting and hollow-using birds, bats and reptiles are restricted from accessing any vegetation to be cleared and are translocated in accordance with best practice

Translocation may require a licence from the department's Environment and Heritage group under the Translocation Operational Policy. Any identified threatened species must be relocated to the nearest available and accessible habitat by the ecological consultant supervising the tree removal activities with the assistance of a wildlife carer.

- 4.4.2 Having reference to the pre-clearance survey (condition 4.4.1) a suitably experienced ecologist and wildlife carer must be present when clearing activities are being undertaken or dewatering any water sources on site in the event fauna is present.
- 4.4.3 A Clearing Report detailing methodology, species observed (including numbers present), any injuries or deaths and details of translocations to be developed by a suitable qualified professional and provided to Council within 1 month of clearing works being finalised on site.
- 4.4.4 All hollowed sections of felled trees are to be retained and re-used on site in appropriate conservation or landscape areas as directed by a suitably experienced ecologist, broadly based on Central Coast Council's Guideline for the Relocation of Large Tree Hollows [https://cdn.centralcoast.nsw.gov.au/sites/default/files/guidelineforrelocationoflargetreehollows\\_52.pdf](https://cdn.centralcoast.nsw.gov.au/sites/default/files/guidelineforrelocationoflargetreehollows_52.pdf).
- 4.4.5 Artificially created hollows are to be put in conservation areas as directed by a suitably experienced ecologist and arborist at a ratio of 2:1. This is to be undertaken prior to any clearing on the site to reduce impacts to local fauna during clearing works. Hollows may be created using a combination of chainsaw carving and specialty equipment such as Hollow Hog. Hollow sections from trees being removed can also be used to satisfy this condition as directed by a suitably qualified ecologist and arborist



#### 4.5 SEED COLLECTION

- 4.5.1 A suitably trained ecologist is to collect locally native seeds on the areas being cleared prior to any clearing of native vegetation taking place so that the seed bank may be preserved. The seeds are to be provided to the Wollondilly Robin Davies Community Nursery with the following information: species, date collected, who it was collected by and location.

#### 5.0 DURING WORKS

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

#### 5.1 GENERAL

- 5.1.1 Construction may only be carried out between 7:00am and 5:00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.
- 5.1.2 All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 5.1.3 All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto the public road.
- 5.1.4 Stormwater and surface water runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- 5.1.5 All works are to be designed and carried out in accordance with the Wollondilly Shire Council's adopted Design and Construction Specifications.
- 5.1.6 Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5.1.7 At the completion of the works, the work site must be left clear of waste and debris.
- 5.1.8 Any heritage items or threatened/endangered flora and fauna finds during the site works that were not present in information previously provided must be reported to Council and other relevant authorities within 24hrs of being identified. Works must cease in the immediate area until suitable mitigation measures have been agreed to by relevant authorities.

## 5.2 PUBLIC ROADS AND INFRASTRUCTURE

- 5.2.1 While site work is being carried out within or adjacent to a public road, a current Road Management Permit must be issued by Wollondilly Shire Council or the relevant Road Authority for the duration of works. Permits may include:
- 5.2.1.1 Construction entrance permit for internal works and,
  - 5.2.1.2 Road opening and occupancy permit for road works.
- 5.2.2 While site work is being carried out, measures must be installed to ensure adjoining roads and properties are not impacted by dust, mud, sediment, soil or any other material created from the construction works.
- 5.2.3 While site work is being carried out, a stabilised vehicle access, wheel wash or other control measure must be installed on the site to prevent the deposition of sediments, soils, mud and other material onto the adjoining road network. Where sediments, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation must be undertaken as soon as practicable.
- 5.2.4 While site work is being carried out, the person or entity having the benefit of this consent must ensure all public road rectification works, created or as a result of the vehicle movements associated with importation of fill material or other construction vehicle movements are rectified as directed by the Road Authority.
- 5.2.5 While site works are being carried out, the person or entity having the benefit of this consent must ensure all construction works to create public and Council assets are undertaken by suitably qualified and experienced Civil Contractors. All contractors must have appropriate levels of insurance and quality systems for the level of works being performed.
- 5.2.6 While site works are being carried out, the person or entity having the benefit of this consent must ensure all infrastructure to be vested in Council is inspected by Wollondilly Shire Council at the times specified in the Wollondilly Shire Council Construction Specification or at any other times as specified by Council to ensure they comply with Council's Construction Specification and associated approvals including, but not limited to:
- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
  - When drainage lines have been laid, jointed and bedded, prior to backfilling.
  - Prior to pouring of the drainage pits, when the formwork and steel is in place.
  - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
  - When roadworks have been excavated to subgrade, prior to placing of pavement.
  - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.

- After shaping and prior to topsoil/turf placement of overland flow paths.
- When part of the pavement depth (as indicated by Council) has been placed.
- During the roller test, which is to be carried out using a three-point roller or approved equivalent.
- At completion of pavement shaping, prior to priming.
- At sealing (minimum 24 hours required after priming).
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade.
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
- Prior to pouring retaining wall footings, when formwork and steel is in place.
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At placement of each layer of bio-retention filter media.
- Tree pits, prior to placing trees, and when root guard is being placed for street trees.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

**Note:** It is the responsibility of the applicant or contractor to notify the Council when inspections are required. Failure to notify may lead to additional work being required prior to issue of Certificate of Practical Completion. A minimum of 24 hours' notice is required for inspections.

5.2.7 While site works are being carried out, the person or entity having the benefit of this consent must ensure the Principal Contractor provides **test and inspections results**, to the satisfaction of Council, for all public works and infrastructure as follows:

- test reports on all asphaltic concrete works in public roads including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.
- all piped drainage to be vested in Council must be inspected by CCTV recording before the final inspection for the Certificate of Practical Completion.
- reports on the site filling is to be submitted by the nominated Supervising Geotechnical Engineer. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- Certified "Works as Executed" details from a Registered Surveyor is to be submitted to Council in:
  - an XML format in accordance with the ADAC requirements as set out in the Wollondilly Shire Council Design and Construction Specifications
  - a red markup on the approved plans showing all levels, constructed elements and volumes of the works conducted as

set out in the Wollondilly Shire Council Design and Construction Specifications.

All changes or deviations of constructed elements from the design levels or dimensions must be checked and certified satisfactory by suitably qualified professional.

- 5.2.8 Before the issue of a Certificate of Practical Completion, a Road Traffic Audit must be undertaken by Wollondilly Shire Council to ensure traffic management for all public roads or new public roads to be dedicated to Council are suitable and safe for opening to the public. The person or entity of this consent must rectify any issues raised in the audit to the satisfaction of Council.

### 5.3 ENVIRONMENTAL CONTROLS

- 5.3.1 While site work is being carried out, erosion and sediment control measures in accordance with the approved Erosion and Sediment Control Plan must be installed, inspected and maintained.
- 5.3.2 While site work is being carried out, stockpiles must be managed in accordance with the Construction Environmental Management Plan and Erosion and Sediment Control Plan.
- 5.3.3 While site work is being carried out, adequate measures must be put in place to prevent any dust generated from the works from exiting the site. Any stockpile not being actively used or (i.e. topsoil etc) created must be covered to manage dust.
- 5.3.4 While site work is being carried out, all disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised prior to the release of a subdivision certificate.
- 5.3.5 While site work is being carried out, Stockpiles must be managed to ensure:
- 5.3.5.1 construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
  - 5.3.5.2 materials must be covered, grassed or actively managed to limit the dispersal of material from the site. Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- 5.3.6 While site work is being carried out, the person having the benefit of this Consent must engage appropriately qualified persons, at no cost to Council, to undertake Audit(s) on the Soil and Water Management measures implemented on site during subdivision construction works. Audits must be undertaken at times specified by the Principal Certifier.

## 5.4 EARTHWORKS

- 5.4.1 While site work is being carried out, all earthworks and filling must be carried out in accordance with the provisions of the latest version of AS 3798 and as directed by the Supervising Geotechnical Engineer.
- 5.4.2 While site work is being carried out, all earthworks and filling must be carried out in accordance with the approved Earthworks Plan.
- 5.4.3 While site work is being carried out, earthworks must make provision for the management of stormwater runoff from the site to ensure no adverse impact on adjoining roads and properties.
- 5.4.4 Any earthworks (including any structural support or other related structure for the purposes of the development):
- Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.
  - Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.
- 5.4.5 Any fill material that is imported onto the site must comprise Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*. Prior to placing any fill material on the site, appropriate waste classification/ certification documentation that verifies the material is VENM or complies with the requirements of the relevant Resource Recovery Exemption, including ENM, must be provided to the satisfaction of the Certifier or Wollondilly Shire Council.

The classification documentation must be prepared or endorsed by an experienced contaminated land consultant or a practicing engineer.

- 5.4.6 There must be no encroachment onto adjoining lands by fill placed near boundaries.

## 5.5 ABORIGINAL HERITAGE

- 5.5.1 If any object having interest due to its age or association with the past is uncovered during the course of the work
- all work must stop immediately in that area, and
  - the Office of Environment and Heritage must be advised of the discovery.

**Note.** Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

5.5.2 If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work

- all excavation or disturbance of the area must stop immediately, and
- the person making the discovery must advise the Chief Executive (within the meaning of the National Parks and Wildlife Act 1974) of the discovery in accordance with section 89A of that Act.

**Note.** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

## 5.7 SEDIMENT AND ERIOSON CONTROLS

5.7.1 An independent Certified Professional in Erosion and Sediment Control (CPESC) is to audit the site every 3 months against the sediment and erosion control plan and provide a compliance report to Council's Environment Team detailing any recommendations within 2 weeks of the audit being undertaken.

## 6.0 PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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

### 6.1 GENERAL

6.1.1 The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

6.1.2 Before the issue of any Subdivision Certificate, all subdivision works and road upgrade works relevant for the specific stage must be completed to the satisfaction of Council.

6.1.3 The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.

6.1.4 Sufficient evidence must be provided to the principal certifier before the issue of any subdivision certificate to demonstrate that:

- External Authority requirements have been met for the relevant stage.
- The development stage has been completed in accordance with the development consent, subdivision works certificate and approved plans, including Certificates of Practical Completion of Works and Final Completion of Works issued by the principal certifier for the subdivision works certificate,

- Services to each lot are located on the lot or on appropriate easements including a survey certificate prepared by a registered surveyor that certifies their location.
  - Bushfire management measures have been implemented in accordance with the NSW Rural Fire Service General Terms of Approval relevant to the stage, confirmation is to be provided by a qualified bushfire consultant
  - Drainage and stormwater management measures for the stage have been constructed in accordance with the approved stormwater management plan,
  - All works, measures and requirements have been completed and submitted in accordance with the approved Waste Management Plan,
  - All landscaping works have been completed for the relevant stage in accordance with the approved Landscaping Plan.
  - Vegetation management and ecological management measures were implemented during construction in accordance with the approved Vegetation Management Plan,
- 6.1.5 Before the issue of any Subdivision Certificate, a Certificate of Practical Completion must be issued by Council for all public infrastructure works and assets to be vested in Council relevant to the specific stage of the development.
- 6.1.6 Before the issue of a Subdivision Certificate, Certification, to the satisfaction of the Council, shall be provided verifying that all earthworks for the relevant stage have been inspected and tested to the satisfaction of the Supervising Geotechnical Engineer and in accordance with AS3798.
- 6.1.7 Before the issue of a Subdivision Certificate, written notification must be obtained from Council's Development Engineering Team (representing the delegated road authority) verifying that there are no outstanding public road defects associated with the construction vehicle movements. This notification will require:
- 6.1.7.1 The submission of a post construction dilapidation report;
  - 6.1.7.2 the repair or rectification of public infrastructure to the satisfaction of Council (as the road authority).
- 6.1.8 The person or entity having the benefit of this consent shall prepare and submit to the satisfaction of Council a Maintenance Management Plan for the operation, maintenance and inspection of any Stormwater management and treatment infrastructure on private land (e.g. Detention Basin or Bio-Retention Basin).

## 6.2 SERVICES

- 6.2.1 Prior to the issue of a Subdivision Certificate for the relevant stage, written



evidence shall be submitted to the principal certifier demonstrating that utilities and services have been installed in accordance with the requirements of the following service providers:

- 6.2.1.1 Water - section 73 certificate from Sydney Water,
  - 6.2.1.2 Sewerage - section 73 certificate from Sydney Water,
  - 6.2.1.3 Electricity Supply Authority - written confirmation from Endeavour Energy that suitable arrangements have been made.
  - 6.2.1.4 Telecommunication Provider - written confirmation from Telstra Australia or NBN Co. that arrangements have been made.
- 6.2.2 Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the Principle Certifying Authority prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewage disposal is by gravity reticulated mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.

- 6.2.3 Prior to the issue of a Subdivision Certificate for the relevant stage, written evidence shall be submitted to the principal certifier demonstrating that fibre-ready facilities including the provision of fixed-line telecommunications infrastructure to all individual lots have been installed and that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- 6.2.4 Prior to the issue of a Subdivision Certificate, any required alteration to, or relocation of, utility services on, or adjacent to, the subdivision, have been completed.
- 6.2.5 All power and services provided to the development within the site shall be underground.

### 6.3 PUBLIC ROADS AND INFRASTRUCTURE

- 6.3.1 Before the issue of a Subdivision Certificate, a Plan of Survey must be prepared, that is suitable for registration with the NSW Land Registry Services, for the land to be dedicated to Council as Public Road and must bear the Council approved road name and statement of intent to dedicate the following land as Public Road:

**All Stages** - New roads as created with the subdivision;

**Stage 2** – road widening of Macquariedale Road adjacent to the development lot to create a minimum 20m wide road reserve.

**Stage 3** – creation of public footway 2.5m wide from Road R001 to Macquariedale Road, adjacent to proposed lots 342 and 343.

**Stage 4** - road widening from Lot 1 in DP249446 for the proposed

roundabout treatment at the intersection of Appin Road and Road R001.

#### **6.4 BONDS**

- 6.4.1 Before the issue of a Subdivision Certificate, the person or entity having the benefit of this consent must lodge with Council monetary bonds:
- 6.4.1.1 Public Infrastructure Defects Liability Period bond being no less than 10% of the estimated cost of public road infrastructure works;
  - 6.4.1.2 Street tree maintenance and pruning bond is to be lodged with Council, being no less than 50% of the estimated cost of street tree planting works, for a minimum 5 year period, to cover the rectification of any street tree maintenance, replacement or pruning works.
  - 6.4.1.3 a Stormwater management and treatment infrastructure maintenance bond is to be lodged with Council, being no less than 50% of the estimated cost of the maintenance costs, for a minimum 5-year period, to cover the maintenance of the infrastructure.

#### **6.5 REMEDIATION**

- 6.5.1 Site Audit Statement - A Category 'A' Site Audit Statement issued under the Contaminated Land Management Act 2008 is to be provided to Council prior to the issue of the Subdivision Certificate, together with the accompanying Site Audit Report. The Site Audit Statement is to confirm the site is suitable for the proposed residential subdivision.

#### **6.6 PLAN OF SUBDIVISION AND SECTION 88B INSTRUMENT**

- 6.6.1 The plan of subdivision that is to be lodged with the Registrar-General and an instrument under section 88B of the Conveyancing Act 1919 must be provided to the principal certifier before the subdivision certificate is issued.
- 6.6.2 The principal certifier must not issue the subdivision certificate unless the instrument and plans properly reflect the consent including the conditions to which the subdivision certificate is subject.
- 6.6.3 Before the issue of a Subdivision Certificate, a Section 88B instrument, in accordance with the Conveyancing Act, must be submitted to the satisfaction of Council that creates the following Easements, Restrictions and Positive Covenants:
- 6.6.3.1 Restriction on the Use of Land over all lots requiring the installation of rainwater reuse tanks, in the form of BASIX tanks, having a capacity of at least 5000 litres and to be connected to the house dwelling for the use with all toilets, laundry, cold water supply and other non-potable uses.
  - 6.6.3.2 Easements covering all interallotment drainage lines.
  - 6.6.3.3 Positive Covenant over all lots requiring the maintenance and

inspection of rainwater reuse tanks.

6.6.3.4 Building envelopes are to be provided for in accordance with the approved Building Envelope plans for the stage,

6.6.3.5 Restriction is to be placed on title for planting and maintaining a minimum of two (2) trees on each allotment. Species to be selected from the approved tree species list. Pot sizes are to be a minimum 12 inch/25L and must be grown to *Australian Standard AS2303 – Tree Stock for Landscape Use*.

6.6.3.6 At the issue of a Subdivision Certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, lots 269, 366, and 478 must be managed as follows:

6.6.3.6.1 the westernmost 10m as an outer protection area (OPA) and the remainder as an inner protection area (IPA).

6.6.3.7 At the issue of a Subdivision Certificate, suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 must be placed on proposed lots 251 to 255 which requires the provision of asset protection zones (APZ) for the northernmost 9m of the lots and prohibits the construction of buildings other than class 10b structures within the APZ. The name of authority empowered to release, vary or modify the instrument shall be Wollondilly Council.

Terms of Easements, Restrictions and Positive Covenants must be taken from Council's standard recitals.

6.6.4 Before the issue of Subdivision Certificate, a Section 88B instrument, in accordance with the Conveyancing Act, must be submitted to the satisfaction of Council that creates a Right of Carriageway, under Schedule 4A of the Act, over that part of the temporary vehicle turning areas located within private property.

6.6.5 Before the issue of Subdivision Certificate, a Section 88B instrument, in accordance with the Conveyancing Act, must be submitted to the satisfaction of Council that creates the following Easements, Positive Covenants and Restrictions on lots 269, 366 and 478 that contain stormwater management infrastructure:

6.6.5.1 Restriction on the use of land that prevents the construction of buildings or the removal of any infrastructure from the burdened lot. Council must be the Authority to release vary or modify the restriction.

6.6.5.2 Positive covenant requiring the land owner to inspect, monitor, maintain and repair the stormwater infrastructure located on the lot(s). The terms of the Positive covenant must include the provisions for regular recording and reporting to Council on the maintenance and works performed. Council must be the Authority to release vary or modify the restriction.

- 6.6.5.3 Easement(s) to drain water over all pipe drainage and other stormwater management infrastructure that receives or stores stormwater from public land or roads. Council must be the benefiting Authority to the easements.

Terms of Easements, Restrictions and Positive Covenants must be taken from Council's standard recitals.

Notwithstanding the requirements of the condition, where the land is transferred to Council management the easements, restrictions and Positive Covenants may be released.

## 6.7 STREET ADDRESSING

- 6.7.1 Prior to the issue of a Subdivision Certificate for the subdivision an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.
- 6.7.2 Prior to the issue of a Subdivision Certificate, an application for an additional street address must be made to Wollondilly Shire Council via [streetaddresssing@wollondilly.nsw.gov.au](mailto:streetaddresssing@wollondilly.nsw.gov.au) and in accordance with Section 5.2 of the NSW Address Policy published by Geographical Names Board of NSW.

## 6.8 SECTION 7.11 LOCAL CONTRIBUTIONS

- 6.8.1 Payment of a contribution for a 212 Residential Lot Subdivision in accordance with Wollondilly Contribution Plan (2020) prior to the release of the Subdivision Certificate and have been calculated in the following manner:

Road and Transport	\$2,144,168
Open Space	\$1,563,288
Community Facilities	\$478,484
Car Parking	\$0
Plan Management	\$54,060
<b>TOTAL</b>	<b>\$4,240,000</b>

These figures are reviewed quarterly in accordance with the provisions of the Wollondilly Contributions Plan (2020) and an updated figure must be obtained from Council at least 5 working days prior to time of payment by contacting [contributions@wollondilly.nsw.gov.au](mailto:contributions@wollondilly.nsw.gov.au).

## 6.9 COMPLIANCE WITH THE CUMBERLAND PLAIN CONSERVATION PLAN

- 6.9.1 Prior to the issue of a Subdivision Certificate an implementation compliance report of a minimum of 5 pages is to be submitted to Council demonstrating developments consistency Cumberland Plain Conservation Plan documentation (see condition 1.1.1). The response to Item 8 must contain at least an average paragraph response to each of the recommendations of the Office of Chief Scientist and Engineers Report.

## 7.0 ONGOING MAINTENANCE AND DEFECTS LIABILITY

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

- 7.1 For a period of 12 months from the date of registration of any public roads, the person or entity having the benefit of this consent is liable for the correction of any identified defects or defects that become apparent, during the Defect Liability Period, of any public infrastructure or subdivision assets that are vested in Council.
- 7.2 For a period of 12 months from the date of any Certificate of Practical Completion, the person or entity having the benefit of this consent is liable for the correction of any identified defects or defects that become apparent, during the Defect Liability Period, of any existing public infrastructure upgrade works.
- 7.3 For a period of 12 months from the date of registration of any public roads, the person or entity having the benefit of this consent is liable for the inspection and maintenance of any vegetated roadside swale, during the defect liability period.
- 7.4 For a period of 5 years from the date of registration of the subdivision, the person or entity having the benefit of this consent is liable for the inspection and maintenance of any street tree or landscaping element within public land, during the Defect Liability Period. Inspection and Maintenance must include:
  - 7.4.1 Regular watering to ensure establishment of the plant or tree;
  - 7.4.2 Replacement of any diseased, dead or significantly damaged plant or tree;
  - 7.4.3 Pruning of street trees to ensure establishment of a suitable tree canopy involving crown lifting for line of sight and clearance for garbage collection and formative pruning to promote good branch structure.
- 7.5 While lots 269, 366 and 478, containing the Stormwater Management infrastructure are in Private ownership, the owner of these lots must inspect, monitor, maintain and repair the infrastructure, including basins, control structures, walls, pits, pipes, planting and filter material in accordance with the Maintenance Management Plan approved with the issue of Subdivision Certificate.
- 7.6 Urban heat island monitoring - Whilst street trees and parks areas are 'on maintenance', undertake a tree canopy monitoring process utilising regular aerial photograph analysis to measure and monitor the increases in actual tree canopy coverage with the development. Provide data in a GIS form that Council can then take on at the time that the landscape goes 'off maintenance'.

## 8.0 TREE CANOPY MONITORING

- 8.1 To monitor progress towards the 40% tree canopy cover target the following data collection must be undertaken and provided to Council in Excel spreadsheet format and an acceptable GIS file type:
- Prior issue of Subdivision Certificate record attributes of all trees planted within future public areas in accordance with the relevant "Planting Time" data fields contained in Council's records management system "CM13949#10 Tree Data Monitoring for Development Sites Spreadsheet"
  - Prior to End of Developer Maintenance period record attributes of all trees located within public areas in accordance with the "end of Developer Maintenance Period" data fields contained in Council's records management system "CM13949#10 Tree Data Monitoring for Development Sites Spreadsheet"
  - Prior to End of Developer Maintenance period record attributes of all trees installed on private lots in accordance with the "end of Developer Maintenance Period" data fields contained in Council's records management system "CM13949#10 Tree Data Monitoring for Development Sites Spreadsheet". Note: it is not necessary to enter private properties to capture GPS locations for these plants and measurements can be estimated from visual assessment and/or aerial photographs.
- 8.2 Prior to the end of the landscape maintenance period the beneficiary of this consent is required to undertake an audit of all lots where dwelling construction has been completed to determine the extent of compliance with 88B restrictions regarding Installation of trees and water tanks. The findings are to be presented to Council in the form of a report that identifies the number of trees and tanks present vs the number of trees and tanks that should have been installed and the Lot/DP numbers and address of non-compliant properties in Excel spreadsheet format.
- 8.3 Prior to the end of the landscape maintenance period the Beneficiary of this consent is to send a letter to any non-compliant properties which includes a cover letter reminding them of their responsibilities regarding the positive covenant and a copy of the WSUD and Urban Canopy Education Fact Sheet distributed at point of sale.

### WSUD and Tree Canopy Education

- 8.4 The beneficiary of this consent is to produce an educational fact sheet of no more than 2 pages which includes the following:
- Explanation of Water Sensitive Urban Design, its importance and the types of WSUD infrastructure used in the development
  - Importance and benefits of urban tree canopy, including trees within the streetscape and private properties
  - Resident's responsibilities in relation to positive covenants for installing and maintaining trees and water tanks within their lots

This fact sheet is to be provided to Council for review and approval prior to issue of Subdivision Certificate. The fact Sheet is to be distributed to all new residents at point of sale and its contents explained as part of the sales process.

- 8.5 Water Sensitive Urban Design Signage is required to provide the local community an understanding and appreciation of the water quality management on the development site. A minimum of 3 signs to the below specification are required to be installed prior to issue of Subdivision Certificate. Signage design, location and materials must be approved by WSC prior to installation.
- 8.6 Signs must be at least 400 x 600mm landscape format and include:
- 8.6.1 A simple, stylised diagram of the water quality treatment process.
  - 8.6.2 Information on the receiving waterway and local biodiversity this asset is protecting.
  - 8.6.3 Relationship to other treatment measures upstream (rainwater tanks) and downstream (if any).
  - 8.6.4 If available, annual quantities of pollutants removed.
  - 8.6.5 How the community can help maintain and improve water quality.
  - 8.6.6 The WSC logo.

## 9.0 ADVICES

- 9.1 At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- 9.2 During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- 9.3 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- 9.4 The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443



- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

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

**Offensive noise** means noise:

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