

Draft Conditions of Consent

1. COMPLIANCE

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

- (1) Development Consent is granted for a 4-stage subdivision to create 87 residential lots, 1 super lot (proposed Lot 88) for future residential development, 1 super lot (proposed Lot 89) for future industrial development, drainage works on existing Lots 101 & 102, 1 road lot (existing Lot 104), bulk earthworks, removal of vegetation, construction of drainage basins and stormwater drainage works, road construction, street tree planting and landscaping in Lot 100, 101, 102 & 104 in DP 1237882 Marsh Road, Warradale Road and Government Road, Silverdale.

- (2) The attached General Terms of Approval issued by the following:

- Department of Primary Industries – Water (Schedule 1)
- Rural Fire Service (Schedule 2).

are included as conditions of this Consent.

- (3) Development shall take place in accordance with the following stamped approved plans except where varied by the following conditions.

Drawing Title	Author	Drawing No.	Dated
Proposed Subdivision Layout	Site Plus	13106.DA.P01 Sheet 01 of 03 Rev L	14/08/18
Proposed Release Plan	Site Plus	13106.DA.P02 Sheet 02 of 03 Rev L	14/08/18
Dwelling Footprint Plan	Site Plus	13106.DA.P02 Sheet 03 of 03 Rev L	14/08/18
Landscape Concept Plan	Site Plus	13106LC01 Rev E	06.08.18
Landscape Detail Plan	Site Plus	13106LC02 Rev E	06.08.18
Engineering Plans			

Title Page	Site Plus	13106.DA.C01 Sheet 01 of 19 Rev L	14/08/18
Civil Works and Drainage Plan	Site Plus	13106.DA.C02 Sheet 02 of 19 Rev L	14/08/18
Civil Works Plan North	Site Plus	13106.DA.C03 Sheet 03 of 19 Rev L	14/08/18
Civil Works Plan Middle	Site Plus	13106.DA.C04 Sheet 04 of 19 Rev L	14/08/18
Civil Works Plan South	Site Plus	13106.DA.C05 Sheet 05 of 19 Rev L	14/08/18
Bulk Earthworks Plan	Site Plus	13106.DA.C06 Sheet 06 of 19 Rev L	14/08/18
Typical Road Cross Sections 1	Site Plus	13106.DA.C07 Sheet 07 of 19 Rev L	14/08/18
Typical Road Cross Sections 2	Site Plus	13106.DA.C08 Sheet 08 of 19 Rev L	14/08/18
Typical Road Cross Section 3	Site Plus	13106.DA.C09 Sheet 09 of 19 Rev L	14/08/18

Road No. 1 & No. 2 Long Section	Site Plus	13106.DA.C10 Sheet 10 of 19 Rev L	14/08/18
Road No. 2, No.4 & No. 5 Long Section	Site Plus	13106.DA.C11 Sheet 11 of 19 Rev L	14/08/18
Road No.3 Long Section	Site Plus	13106.DA.C12 Sheet 12 of 19 Rev L	14/08/18
Pit and OSD Catchment Plan	Site Plus	13106.DA.C13 Sheet 13 of 19 Rev L	14/08/18
OSD & Bio-retention Basin Details	Site Plus	13106.DA.C14 Sheet 14 of 19 Rev L	14/08/18
North Soil & Water Management Plan	Site Plus	13106.DA.C15 Sheet 15 of 19 Rev L	14/08/18
Middle Soil & Water Management Plan	Site Plus	13106.DA.C16 Sheet 16 of 19 Rev L	14/08/18
South Soil & Water Management Plan	Site Plus	13106.DA.C17 Sheet 17 of 19 Rev L	14/08/18
Soil & Water Management Details	Site Plus	13106.DA.C18 Sheet 18 of 19 Rev L	14/08/18

Safe Intersection Sight Distance Check	Site Plus	13106.DA.C19 Sheet 19 of 19 Rev L	14/08/18
---	-----------	---	----------

- (4) Works shall not commence on the site, including the placement of temporary buildings, site excavation, filling, removal of trees or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (5) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. ABORIGINAL CULTURAL HERITAGE

- (1) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

3. CONTAMINATION

- (1) Prior to the issue of a Subdivision Works Certificate, additional targeted investigations of know and potential areas of environmental concerns are to be carried out in accordance with the recommendations of the Detailed Site Investigation (ref Project 34161.06 Rev 0) prepared by Douglas Partners dated 11 November 2013 including:
 - (a) Subsequent to the removal of ACM at the ground surface by an appropriately licensed asbestos contractor, undertake further asbestos investigation focussing on the near surface soils at the former buildings and adjacent to TP35. The investigation should be completed with reference to DoH (2009) and NEPC (2013a; 2013b) to evaluate the extent of ACM contamination and remediation requirements.
 - (b) Delineation and waste classification testing of heavy metals (lead, nickel and zinc) soil in the vicinity of TP44 to evaluate off-site disposal options.
- (2) Based on the findings of the targeted investigations, prepare a remediation action plan (RAP) and the Plan should address, at a minimum, the following:
 - (a) Management of the soil in the vicinity of TP44 with elevated concentrations of heavy metals (lead, nickel and zinc)
 - (b) Remediation and/or management (e.g. on-site contaminant) of ACT-impacted soils in the vicinity of former buildings and adjacent to TP35; and
 - (c) Establish protocols for unexpected finds such as unexpected contamination (e.g. buried ACM) during bulk earthworks. Noting the site is densely vegetated and other AEC (e.g. opportunistic dumping of rubble with a

component of ACM) may be encountered following the removal of the vegetation.

4. SALINITY MANAGEMENT

- (1) The development shall implement the management strategies including the additional strategies for completion of service installation and for house construction as outlined in section 8 Salinity Management Plan of Report on Salinity Investigation and Management Plan (Project 34161.05 October 2013 Rev 0) prepared by Douglas Partners dated 22 October 2013.

5. INTEGRATED DEVELOPMENT

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

Bushfire Safety Authority

- (1) The development shall comply with all the following conditions outlined in the Bushfire Safety Authority (ref D15/0682 DA15031396131 EJ) dated 20 July 2015 issued by NSW Rural Fire Service under section 100B of the Rural Fires Act 1997.

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 condition shall apply:

- (a) A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on proposed Lots 101-109 and 126-140 within the subdivision requiring the provision of asset protection zones (APZ) as demonstrated on the subdivision plans prepared by Site Plus (dated 4 June 2015 reference 13106.DA P01 Revision I). APZs shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones.' The required APZs shall be of the following minimum widths:
 - 20 metres at proposed Lots 101 to 105
 - 25 metres at proposed Lot 106
 - 35 metres at proposed Lots 107 to 109
 - 50 metres at proposed Lots 126 to 129 and 138 to 140
 - 60 metres at proposed Lots 130 to 137
- (b) At the issue of subdivision certificate and in perpetuity, proposed open space Lots numbered 101 and 102 on the subdivision plans prepared by Site Plus (dated 4 June 2015, referenced 13106.DA.P01, Revision I) shall be managed as asset protection zones (APZs) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

- (c) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, whilst residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

- (d) Public road access shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- Road(s) shall be two-wheel drive, all weather roads
 - Urban perimeter roads are two-way, with a carriageway 8 metres minimum kerb to kerb
 - The perimeter road is linked to the internal road system at an interval of no greater than 500 metres
 - Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles
 - Public roads have a cross fall not exceeding 3 degrees
 - All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length incorporate a 12 meter outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard
 - Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'
 - Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres
 - The minimum distance between inner and outer curves is 6 metres
 - 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
 - There is a minimum vertical clearance to a height of 4 metres above the road at all times
 - The capacity of road surfaces and bridges is sufficient to carry fully loaded fire-fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
 - Public roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression
 - Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrant) located on this side to ensure accessibility to reticulated water for fire suppression
 - Public roads 5.5 metres to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression

- Parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays
- Public roads directly interfacing the bush fire hazard vegetation provide roll top kerbing to the hazard side of the road.

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following condition shall apply

- (e) The access handles proposed to connect Lots 131 – 133 of the subdivision plans, prepared by Site Plus (dated 4 June 2015, referenced 13106.DA.P01, Revision I), to the public road network shall be a minimum of 4 metres wide. This is in order that the proposed access handles will support future property access roads that can comply with the requirement so section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

General Advice

- (f) This approval is for the subdivision of the land only. Any further development application for class 1, 2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 4.14 of the EP&A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.
- (2) Certification is to be provided by an appropriately qualified person to the Principal Certifying Authority prior to the issue of the Subdivision Certificate that the conditions of the General Terms of Approval / Bushfire Safety Authority issues by the NSW Rural Fire Service have been complied with.

Department of Primary Industries – Officer of Water

- (3) The development shall comply with the General Terms of Approval (ref 10 ERM2014/0763) issued by the Department of Primary Industries – Water dated 17 December 2014.
- (4) Construction Certificates will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Wollondilly Shire Council.

6. CONSTRUCTION GENERAL

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

- (1) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (2) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works.

- (3) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (4) Protection of Public Places
 - (a) If the work involved in the erection or demolition of a building:
 - (i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
 - (ii) Building involves the enclosure of a public place;

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

- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

- (5) There shall be no burning of builder's rubble, felled trees or other material on site.
- (6) Dust shall be controlled so that it will not leave the construction site.
- (7) A demolition/construction waste storage area (bins or bays) must be provided. This area shall separate demolition/construction waste into categories such as hard waste (e.g. bricks, concrete, tiles), soft waste (e.g. timber, gyprock, metal, glass) and light waste (e.g. paper, plastic, pods). The light waste storage area must be enclosed so as to prevent the material from escaping the enclosure.

7. CONSISTENCY OF THE DETERMINATION WITH THE BIOBANKING STATEMENT

To ensure the development consent is consistent with the Biobanking Statement:

- (1) The development must comply with all conditions specified in the Biobanking Statement (ID Number 23) dated 11 November 2016 issued for Lot 5 DP 261728 No.33-35 Warradale Road, Silverdale.
- (2) The development must comply with all the conditions relating to the retirement of all required biodiversity credits specified in the Biobanking Statement (ID Number 23) prior to the issuing of the construction certificate.

8. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- (1) Prior to the issue of a Construction Certificate, the applicant shall submit to Council, a Construction Environmental Management Plan incorporating the following components. These components must outline measures for the staged removal of vegetation from the development site to mitigate impacts on fauna.
 - (a) Ecological Management Plan (EMP)

The EMP shall include a range of actions to mitigate impacts from vegetation clearance on fauna particularly the following components which have not been adequately addressed by the Biobanking Statement:

- i. Pre-clearance targeted surveys to identify the presence of any koalas and/or Cumberland Plain Land Snails occur not more than 7 days prior to the commencement of any vegetation clearance activity. Any identified species must be relocated to the nearest suitable available similar vegetation community prior to any vegetation clearance.
- ii. Vegetation clearance must be restricted to that which is necessary for the establishment of the sub-division and satisfy credit retirement arrangement arrangements within the E2 lands on the site.
- iii. All sections of the development site cleared of vegetation must be stabilised within two days (s) of clearing using direct application of (preferably), locally endemic native grass species.
- iv. A Weed Eradication and Management Plan based on Council's standard condition be to the satisfaction of Council prior to the issuing of the construction certificate, including but not limited to the following.
 - 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 2013*.
 - 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 form, specifying for each species:
 - The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing).
 - The rates of application methods of all herbicide treatments.
 - The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill
 - Details of any methods of disposal of weed material.

(b) Stormwater/Sediment Erosion Control Measures

The information to be consistent with the details prepared to address engineering drainage/stormwater as outlined in Conditions 16(1) to 13(14) of this consent.

9. LANDSCAPING

- (1) Provision of 1 street tree per allotment that is located approximately in the middle of the allotment to facilitate driveway access.
- (2) Landscaping and street tree planting are to be implemented in accordance with the Approved Landscape Plan, prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

10. WATER QUALITY MONITORING

To monitor the environmental performance of the stormwater treatment of the watercourse within the E2 to ensure consistency with the best practice of Water Sensitive Urban Design Principles

- (1) The applicant is to submit a water quality monitoring program prior to the issuing of any Sub-Division Certificate that contains the following components:

- (a) Quarterly testing upstream and downstream of the site.
- (b) The testing shall include conductivity, pH total dissolved solids, Total Phosphorous and Total Nitrogen.
- (c) Testing shall commence prior to vegetation clearance and the installation of stormwater treatment measures.

Note : The collected data must be recorded and collated and be provided to Council upon request.

11. COMMONWEALTH APPROVAL

- (1) The development must comply with all conditions contained in the approval (EPBC 2015/7578) issued by the Commonwealth Department of Environment and Energy (dated 25th August 2016).

12. FILL

- (1) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (2) Any land to be dedicated to Council will only be dedicated when it has been remediated to a condition making them suitable for their intended use.
- (3) Prior to the issue of any Subdivision Certificate for each stage, Council shall be provided with a Category "A" Site Audit Statement under the Contaminated Land Management Act, 2008 which confirms that this area site is suitable for "Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry".

13. ADVISORY CONDITION

- (1) A Plan of Management which complies with the Local Government Act 1993 will be required to be completed and funded by the proponent in the event of Council formally determining to acquire the land and classify this land as Community Land. The Plan of Management will be required to be adopted by Council within 6 months of Council resolving to formally acquire the land and classify it as Community Land.

14. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (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 shall take preference over any stamped or endorsed plans issued with this consent.
- (2) Prior to the commencement of any work, a **Subdivision Works Certificate** shall be issued by Council or accredited Certifier for the development. A Certificate issued by an accredited Certifier must be lodged with Council along with any approved plans and documents prior to commencing works.

- (3) Prior to issue of **Subdivision Works Certificate**, Engineering Design plans and stormwater drainage calculations, for all Subdivision Works including roads, driveways, pathways, cut and fill, stormwater quality treatment measures and stormwater drainage construction, shall be submitted to Council or accredited Certifier for approval. All levels are to be reduced to Australian Height Datum.
- (4) Prior to issue of **Subdivision Works Certificate**, Engineering Design Plans for all road works and other infrastructure to be vested in Council shall be submitted to Council, as the Roads Authority and future asset owner, for design review and comments. Review comments should be included in the final design plans for issue of Construction Certificate.

Reason: The review process is to ensure the final detail design is in keeping with councils existing infrastructure network and will deliver sustainable and suitable public infrastructure without the need for redesign during construction works.

- (5) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (6) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as Public Road. A 10% maintenance bond is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.
- (7) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format, including CCTV recording for all road stormwater lines to Council or a nominated Accredited Certifier before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (8) All reasonable efforts shall be taken to protect the public footway and road pavement from damage during the course of construction. Restoration of any damaged road or footway shall be at the applicant's expense. Any costs incurred by Council as a result of repairing damages caused directly or indirectly by the development will be deducted from the security deposit.
- (9) Prior to issue of **Subdivision Works Certificate**, a "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or accredited Certifier for approval with the Engineering Plans. The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book".
- (10) Prior to issue of **Subdivision Works Certificate**, a "Traffic Management Plan" that details proposed construction traffic movements and suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Council or accredited Certifier. The plan shall be prepared in accordance with the Wollondilly Shire Council Design Specification and requirements of the "Traffic

Control at Work Sites” manual (as published by the RMS). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification.

- (11) Prior to issue of **Subdivision Certificate**, a Certificate of Practical Completion shall be issued by Council for all works associated with the development including Subdivision Works and works within a Public Road.

15. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) The stormwater discharge from the site shall have adequate control measures, as generally setout in the Stormwater Management Study prepared by Siteplus Reference 13106, issue 2 dated October 2014, installed that limit the post-development discharge rate, at each discharge point, to no more than the pre-development condition, for all storm events up to and including the 1% AEP storm event.
 - a) The control measures shall ensure that post development flow rates from the site to the natural watercourse mimic the pre development condition up to and including the 2 year ARI event.
 - b) All stormwater quantity control measures shall be located on land owned and operated by Wollondilly Shire Council.
 - c) All water quantity control infrastructure shall be maintained and monitored by the Developer, at no cost to Council, for a period of two (2) years after the issue of a Certificate of Practical Completion for the system, at which time the drainage infrastructure shall become the responsibility of Wollondilly Shire Council.
 - d) Prior to handover to Council, the system shall be fully cleaned and any repairs made to the satisfaction of Council.
 - e) Prior to issue of **Subdivision Certificate** a 10% maintenance and cleaning bond for the two (2) year period, or a minimum \$3000, whichever is greater, shall be lodged in accordance with Council’s Design Specification.
- (3) Road drainage shall be collected and conveyed to a point suitable for integration with the Natural or constructed stormwater drainage system. Appropriate drainage easements shall be created over infrastructure through private land.
- (4) The person or entity having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of existing downstream drainage.
- (5) 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.

- (6) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from all road and future residential development surfaces during the critical storm event up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (7) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be gravity flow and located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. A pit shall be provided in each lot for the interallotment drainage system for future dwelling connection. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (8) Prior to the issue of a **Construction Certificate**, computer modelling of all stormwater drainage shall be submitted with the Engineering Design plans for approval by the nominated Certifier.
 - (a) The extent and depth of any 1% AEP overland flow path(s) through the development shall be determined and shown on the Engineering design plans.
 - (b) Where new lots are affected by a 1% AEP flow, a Flood Planning Level (FPL) to A.H.D., and being a level 0.5m above the calculated overland flow path level, shall be determined for each lot. This minimum FPL does not apply to the provision of swales that are provided as part of the inter allotment drainage system.
 - (c) A Restriction on the Use of Land shall be registered on the Certificate of Title of each affected lot prohibiting the construction of any dwelling with a finished habitable floor level below the determined Flood Planning Level (FPL).
- (9) Stormwater discharge from the site shall have adequate stormwater quality treatment measures installed, generally in accordance with the Stormwater Management Study prepared by Siteplus, Reference 13106, issue 2 dated October 2014, for the control of litter, sediment pollution and dissolved pollutants in accordance with the treatment reduction targets outlined in the Wollondilly Shire Council Design Specification.
- (10) All stormwater quality treatment measures shall comply with the following criteria:
 - (a) All stormwater quality treatment measures shall be located on land owned and operated by Wollondilly Shire Council.
 - (b) The installation of stormwater quality treatment measures shall be adequately protected from excessive sediment loading, until the site is suitably stabilised or for a minimum period of twelve (12) months.
 - (c) All water quality infrastructure (GPTs, bio-retention basins etc.) shall be maintained and monitored by the Developer, at no cost to Council, for a period of two (2) years after the issue of a Certificate of Practical Completion for the system, at which time the drainage infrastructure shall become the responsibility of Wollondilly Shire Council.
 - (d) Prior to handover to Council, the system shall be fully cleaned and any repairs made to the satisfaction of Council.

- (e) Prior to issue of **Subdivision Certificate** a 10% maintenance and cleaning bond for the two (2) year period, or a minimum \$3000, whichever is greater, shall be lodged in accordance with Council's Design Specification.
- (11) Details of the stormwater quality treatment system and computer modelling shall be submitted with the Engineering Design plans for approval by the nominated Certifier prior to issue of the **Construction Certificate**.
- (12) Prior to issue of **Construction Certificate**, the person or entity having the benefit of this consent shall undertake a Risk Assessment on the design and operation of any On-site Detention and Bio-Retention stormwater quality treatment measures to determine the appropriate level of public safety measures to be provided. Safety measures shall include, but not be limited to, the following:
 - (a) Safety fencing along all sides of the basin to prevent unauthorised access to the basin;
 - (b) Side slope batters, rails or steps for easy egress;
 - (c) Water depth indicators, and
 - (d) Safety signage warning of floodway and other appropriate hazards to be installed and be visible from all adjacent properties, dwellings and public land.

All safety measures shall be shown on the Engineering Design plans for approval by the nominated Accredited Certifier prior to issue of **Construction Certificate**. Safety measures are to be satisfactorily installed or be in place prior to issue of **Practical Completion** by Council.

- (13) Prior to issue of **Construction Certificate**, the person or entity having the benefit of this consent shall prepare a Maintenance Management Plan, which will reflect the outcomes described in the exhibited Voluntary Planning Agreement, for the operation, maintenance and inspection of the proposed Detention Basin and Bio-Retention Basin infrastructure that will be vested in Council ownership.
- (14) Prior to issue of **Subdivision Certificate**, all easements external to the development site, covering infrastructure to be vested in Council, must be registered on the relevant Certificate of Title or alternatively included in the 88B instrument for registration with the subdivision.

16. ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) Provision of vehicular access to proposed Lots 30 and 31 through the construction of a coloured concrete shared driveway 4 metres wide along the handle access. Reciprocal Rights of Carriageway shall be provided. Access details to be shown on the Engineering design plans for approval.

- (2) Provision of vehicular access to proposed Lot 32 through the construction of a coloured concrete shared driveway 3 metres wide along the handle access. Access details to be shown on the Engineering design plans for approval.
- (3) Submission of a Section 88B instrument in accordance with the Conveyancing Act shall be provided that creates a suitable "Restriction on the Use of Land" on Lots 30, 31 & 32 to prevent the erection of any dwelling on the lot unless appropriate vehicle manoeuvring areas are provided to allow forward movements of vehicles to and from the property.

17. PUBLIC ROADS

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

- (1) The person having the benefit of this consent shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road.
- (2) Prior to the issue of **Subdivision Certificate**, a Plan of Survey shall 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 shall bear the Council approved road name and statement of intent to dedicate the land as Public Road.
- (3) Road carriageway widths shall comply with Councils Design Specification and the Rural Fire Service 'Planning for bushfire protection" guide as follows:

Road No. 1	10.0 metre carriageway width between Warradale Road and Road No. 3
Road No. 1	8.0 metre carriageway width between Road No. 3 and Road No. 2
Road No. 2	8.0 metre carriageway width between Road No. 3 and Road No. 5.
Road No. 2	8.0 metre carriageway width between Road No. 5 and Road No. 3 (Government Road).
Road No. 3	8.0 metre carriageway width between Road No. 1 and Road No. 2
Road No. 3	8.0 metre carriageway width between Road No. 4 and Road No. 2 (at the intersection with Government Road)
Road No. 3 (Government Road)	10.0 metre carriageway width between Road No. 2 and Silverdale Road
Road No. 4	8.0 metre carriageway width for full length
Road No. 5	8.0 metre carriageway width for full length

The roads shall be constructed to Council's Design & Construction Specifications.

- (4) Kerb and Gutter in accordance with Council's Design & Construction Specifications shall be provided on all new roads throughout the subdivision.
- (5) The minimum inside radius of any road kerb, excluding intersection kerb returns, shall be 12.0 metre.
 - a. The proposed kerb on Road No. 2, adjacent to the 1.0 metre verge along the rear of the adjacent lots fronting Silverdale Road, shall be designed such that the maximum level difference between the top of kerb and existing natural surface level at the boundary is no more than 0.3 metre.
 - b. The use of retaining walls and placement of landscaping trees shall be prohibited along this section of road verge.
 - c. No new fence shall be erected along the eastern side of Road No. 2, unless it is of open rural style.
- (6) A road pavement design including subsoil CBR test results, from a N.A.T.A. registered laboratory appointed by the applicant, in accordance with Council's Specification shall be submitted with the engineering design plans for approval prior to issue of the Construction Certificate.
- (7) An intersection upgrade shall be carried out at Silverdale Road and Government Road (Road No.3) in accordance with the Traffic Assessment prepared by Bitzios Consulting Project No P1781 Version 003 dated 10 October 2014.
- (8) The minimum asphaltic concrete depth for all new roads and Warradale Road shall be 40mm and 50mm for road works on Silverdale Road.
- (9) All services including water mains and power supply shall remain clear of all new footpaths unless required to cross from one side of the road to the other.
- (10) Provision of concrete pathway, in accordance with Council's Design and Construction Specification, in the following locations:
 - i. A 1.5 metre wide pathway in all new roads.
 - ii. A 1.5 metre wide pathway in Government Road, adjacent to new road works to Silverdale Road.
 - iii. A 1.5 metre wide pathway in Silverdale Road from Government Road to the Bus Stop opposite Waterhouse Drive.
 - iv. A 2.0 metre wide shared pathway in Warradale Road from Road No.1 intersection to the existing pathway network in Marsh Road.

For all pathways the surface and grades shall comply with the relevant sections of AS1428 Access and Mobility and be constructed to residential driveway standard. New paths shall be constructed to Councils driveway standard.

- (11) Street lighting shall be provided using **LED LIGHTING** within the subdivision and at new intersections in accordance with the Australian Standard AS1158 – Lighting for roads

and public spaces and shall be certified by an Endeavour Energy approved design consultant.

- (12) The applicant shall provide a test report on asphaltic concrete works in public roads including certification of material, thickness and compaction from a qualified pavement engineer in compliance with Roads and Maritime Services specifications.
- (13) A pavement wearing surface upgrade, with a 50mm asphalt resheet, shall be carried out at the new intersection works in Warradale Road and Silverdale Road. Upgrade shall extend for the full length of intersection road works or for a minimum 50 metres both sides of the intersection.
- (14) The person having the benefit of this Consent shall provide three street names, for each new road, to Council before the application for Subdivision Certificate.
- (15) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

18. EROSION AND SEDIMENT CONTROL

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

19. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. 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.
- (2) A Cut and Fill plan shall be included with the Engineering design plans showing the exact extent and depth of fill within the site.
- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

20. INSPECTIONS

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

- (1) The engineering works shall be inspected by Council at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - When drainage lines have been laid, jointed and bedded, prior to backfilling.
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
 - After shaping and prior to topsoil/turf placement of overland flow paths.
 - When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - A completion of pavement shaping, prior to priming.
 - At sealing (minimum 24 hours required after priming).
 - At completion of the preparation of kerb and guttering subgrade.
 - At completion of the preparation of all concrete layback gutter crossing subgrade.
 - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place.
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place.

- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place.
- At practical completion of works.
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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

21. STREET ADDRESSING

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

- (1) Prior to the issue of a Construction Certificate for the subdivision an application for street addresses for all lots within the subdivision shall be submitted to Council in accordance with Section 5.2 of the NSW Address Policy.

22. SERVICES

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

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telecommunication services to all proposed lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from telecommunication service providers that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

- (4) All power and services provided to the development within the site shall be underground.

23. VOLUNTARY PLANNING AGREEMENT/DEVELOPER CONTRIBUTIONS

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

- (1) Prior to the release of the Subdivision Works Certificate, the applicant shall enter into a Planning Agreement with Council on the terms of the Planning Agreement offered to be entered by the applicant in connection with the development application for the drainage reserves.
- (2) The applicant shall observe and complete their obligations with regard to the Planning Agreement with Wollondilly Shire Council. Written confirmation shall be obtained from Wollondilly Shire Council for the satisfactory completion of the developer's obligation prior to the release of the subdivision certificate.

24. SECTION 7.11 CONTRIBUTIONS

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

- (1) Payment must be made of a contribution for 83 additional lots in accordance with the Wollondilly Development Contributions Plan 2011, the cost of which will be determined and payable prior to the release of the Subdivision Certificate.

The current amount payable is:

(i) Open space, sport and recreation (Shire)	\$22,410.00
(ii) Open space, sport and recreation (Precinct)	\$1,033,184.00
(iii) Library and community facilities (Shire)	\$105,825.00
(iv) Library and community facilities (Precinct)	\$165,502.00
(v) Transport and traffic (Roads and Intersections)	\$251,241.00
(vi) Transport and traffic (Cycleways)	\$0
(vii) Bushfire protection	\$2,739.00
(x) Plan administration	\$79,182.00
TOTAL	\$1,660,000.00

* The figures have been calculated on 83 additional lots and have been indexed using the Australian ABS CPI All Groups – Sydney Index numbers.

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

25. SUBDIVISION PLANS

These conditions have been imposed to ensure

- (a) **To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
 - (b) **To outline Council's requirements on work standards for the construction of land subdivision.**
- (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.

- (2) Submission to Council of the Linen Plan of Subdivision together with five (5) copies suitable for certification by the General Manager and lodgement at NSW Land Registry Services. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.

26. PRESCRIBED CONDITIONS

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

- (1) Erection of signs
 - (a) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
 - (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
 - (e) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

27. ADVICES

- (1) 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.
- (2) Removal of additional vegetation including trees, shrub species and groundcovers requires dual approval of both Council and Local Land Services (formerly the Hawkesbury Nepean Catchment Management Authority).
- (3) Prior to the commencement of works you are required to obtain the approval of Sydney Water.

- (4) Prior to the issue of any construction certificate for this development, the following is to be paid to Wollondilly Shire Council, if not paid at Development Application stage:
- (i) Payment of Road Damage Inspection Fee
 - (ii) Payment of a Road Opening Fee (only applies to the first structure on the site)
 - (iii) Payment of Damage Bond for class 2, 3, 5, 6, 7, 8 & 9 construction work in all zones

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

- (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:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (c) 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.
- (6) The land is subject to the provisions of Wollondilly Tree Preservation Order, 2008. Under this order consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of this order. The order may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle Street, Picton.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.
- (8) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.
- (9) 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.
- (10) 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 applicants expense and to the satisfaction of Council and the authority concerned.

(11) 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.