



# **ATTACHMENTS**

**Wollondilly Shire Local Planning Panel  
Meeting**

**25 October 2018**






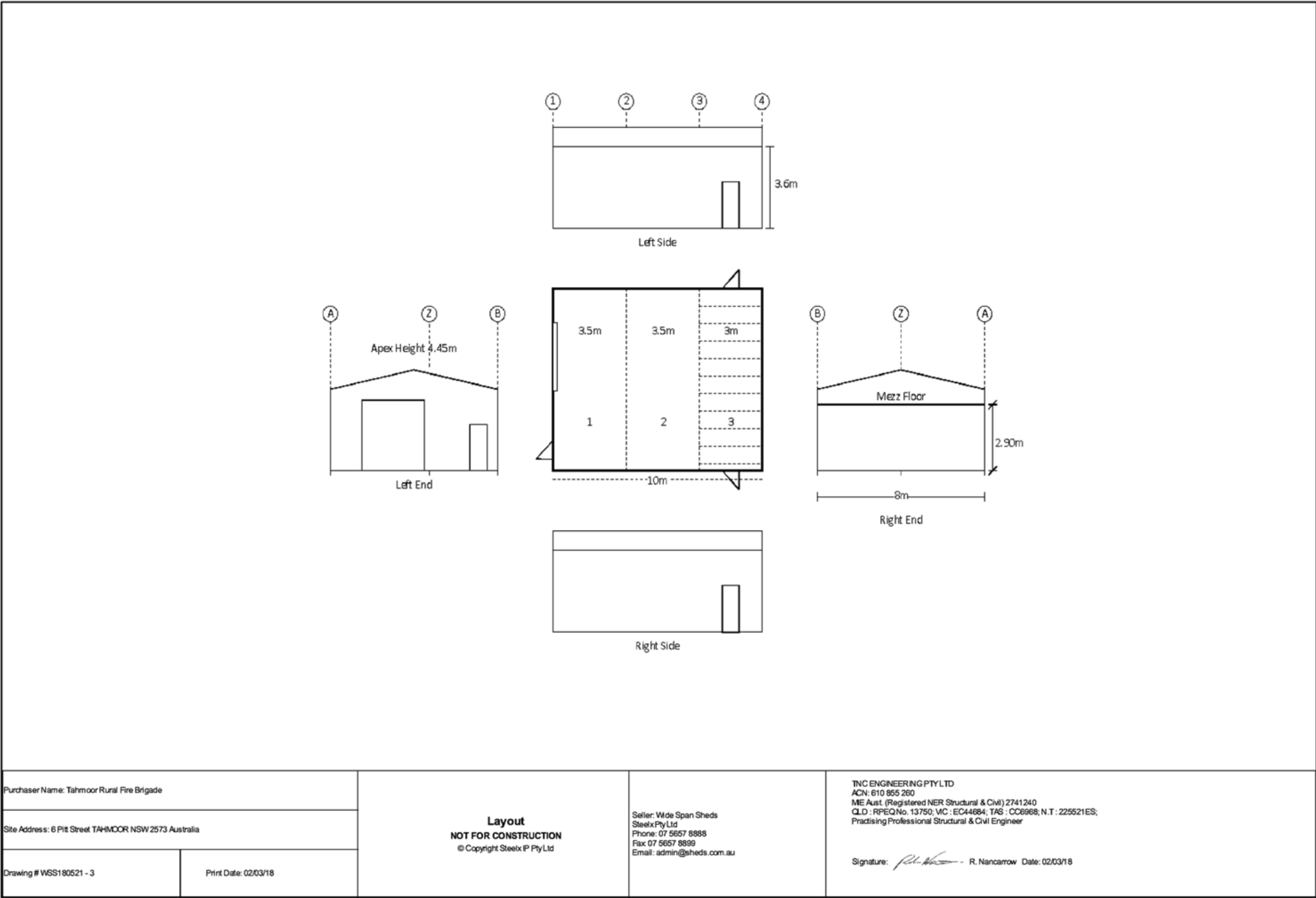
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<p><b>GENERAL NOTES</b></p> <p>These documents show the general arrangement of the building and include some items not supplied (refer to the quotation for nomination of all items to be provided). All items not nominated therein shall be supplied and installed by others.</p> <p><b>DESIGN CRITERIA</b></p> <p>These building plans have been prepared to comply with the standards nominated in the engineer's letter and itemised details in the attached Design Information Sheet. All plans are not to Scale.</p> <p>The plans provided here are the latest at the time of print. Earlier plans provided may have become outdated due to engineering changes and should not be used. The plans and drawings are extensive and give all the information needed for a competent person to erect the building. The building is not designed to stand up by itself when it is partially complete. Consequently, construction bracing is critical during erection.</p> <p>The owner has been requested to check off the BOM after the building delivery. You should check that you are able to locate all materials nominated in the BOM. You should also confirm that the length and size (including thickness), nominated in the BOM is what has been provided. Any missing items are the responsibility of the client once correct delivery has been confirmed as per Terms and Conditions of Sale.</p> <p><b>ADDITIONAL DOCUMENTATION TO BE SUPPLIED BY PURCHASER/OWNER</b></p> <p>The Purchaser/Owner is responsible for:</p> <ul style="list-style-type: none"> <li>*Provision of Soils Report for the site and in the building area on which the building is to be erected</li> <li>*Site/Drainage Plans</li> <li>*Any other plans not covered by these engineering plans requested by the local Council or the authority</li> </ul> <p><b>BUILDING CONSTRUCTION REQUIREMENTS</b></p> <p>The Purchaser/Owner is to be ensured that all building construction is carried out in accordance with the Plans, the Construction Manual and the Bill of Materials (BOM).</p> <p><b>SLAB AND/OR PIER DETAILS - GENERAL</b></p> <ul style="list-style-type: none"> <li>* <b>The minimum size of Piers under the columns and End Wall Mullions are nominated on the Material Specifications Plan.</b> When the slab and piers are poured as one pour, the depth of the pier is to the bottom of the slab.</li> <li>* Pier Reinforcement: for any piers over 1100mm, deformed bar to within 100mm of base and minimum 75mm top cover. Minimum side cover 75mm, maximum 100mm. Rod to be caged horizontally at least twice and at a maximum of 300mm spacing. Tie with a minimum of 6mm diameter cage tie. Where pier diameter is less than 450mm diameter, use 4 N12. For diameters equal to and over 450mm, use 4 N16.* Column supports for mezzanine bearer internal support columns are not shown and should be of the same size and spacing as the end wall mullion piers.</li> <li>* Where columns or end wall mullions have been removed, piers are not required.</li> <li>* End wall mullion spacing may move due to location of openings or doors. Check layout and component position plan, and relocate piers as required.</li> <li>* Footings and slabs, including internal and edge beams, must be founded on natural soil with a minimum allowable bearing capacity of 100kPa. Design covers soil classifications of A, S, M, H1 or H2 for a class 10 building.</li> </ul>		<ul style="list-style-type: none"> <li>* The footing designs have been calculated with adhesion values of 0kPa, 25kPa and 50kPa for clay soils and dense sand soils only.</li> <li>* Site conditions different to those specified require a modified design.</li> <li>* Sub grade shall be excavated and compacted to a minimum of 100% standard dry density ratio and within 2% of the OMC to comply with AS2159.</li> <li>* A site specific geotechnical investigation has not been performed, uno.</li> <li>* Designs are in accordance with AS 3600:2009</li> <li>* All concrete to be in accordance with AS 3600:2009. Minimum 25 Mpa, with 80mm slump.</li> <li>* Concrete should be cured for 7 days before commencing construction of the building.</li> </ul> <p><b>Concrete Slab</b></p> <p><b>For Class A, S or M Sites</b></p> <ul style="list-style-type: none"> <li>* Slab thickness to be a minimum of 100mm with SL 72 mesh and 40mm top cover.</li> </ul> <p>* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  C20019 - 450mm dia x 500mm deep, centered to the C Section  C20015 - 450mm dia x 400mm deep, centered to the C Section  Where heavy traffic is to go through the roller door, it is recommended that the slab edge should be thickened to 200mm deep by 300mm wide for the length between the mullions. Place an additional section of SL 72 mesh, 50mm from the base in all thickenings.</p> <p><b>For Class H1 or H2 Sites</b></p> <ul style="list-style-type: none"> <li>* Slab thickness to be a minimum of 125mm with SL 82 mesh and 40mm top cover.</li> </ul> <ul style="list-style-type: none"> <li>* Edge beam 400mm deep x 300mm wide with Y12 3 bar Trench Mesh to the perimeter of the building.</li> <li>* Thickening beams 400mm deep by 300mm wide with Y12 3 bar Trench Mesh at a max spacing of 6.2m.</li> <li>* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  C20019 - 450mm dia x 650mm deep, centered to the C Section  C20015 - 450mm dia x 500mm deep, centered to the C Section</li> </ul> <p><b>Concrete Piers Only</b></p> <p><b>For Class A, S or M Sites</b></p> <ul style="list-style-type: none"> <li>* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  C20019 - 450mm dia x 1000mm deep, centered to the C Section  C20015 - 450mm dia x 800mm deep, centered to the C Section</li> </ul> <p><b>For Class H1 or H2 Sites</b></p> <ul style="list-style-type: none"> <li>* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  C20019 - 450mm dia x 1300mm deep, centered to the C Section  C20015 - 450mm dia x 1000mm deep, centered to the C Section</li> </ul> <p><b>BRACING NOTES</b></p> <ul style="list-style-type: none"> <li>* Refer to Connection Details.</li> <li>* All Cross Bracing (roof) is achieved with 1.2mm Strap G450</li> </ul>		<ul style="list-style-type: none"> <li>* Cross bracing is to be fixed taught and secured with 2 x 14.20 x 22 frame screws at each end.</li> <li>* Fly bracing to be fixed to the purlins/girts at all mid portal rafters, columns and end wall mullions. The spacing between fly braces is determined by column/rafter sizes as follows:</li> </ul> <p>C150 - maximum 1800mm spacing  C200, C250 - maximum 2200mm spacing  C300 - maximum 2800mm spacing  C350 - maximum 3400mm spacing</p> <p>Initial measurement is from the haunch of the column/rafter, and from the rafter for any end wall mullions.</p> <ul style="list-style-type: none"> <li>* Where windows/GSD are placed in any bay where cross bracing is shown, then</li> </ul> <p>a) this can be replaced by moving the bracing to another bay OR</p> <p>b) due to the bracing provided by the window jambs, where space permits, bracing should be placed under and over the window.</p> <ul style="list-style-type: none"> <li>* All bracing strap ends to be located as close as practical to structural members (columns, rafters, mullions) centerline.</li> </ul> <p><b>BOLTS</b></p> <ul style="list-style-type: none"> <li>* Unless otherwise nominated, all bolts are grade 4.6</li> <li>* All tensioned bolts shall be tensioned using the part turn method (refer to AS4100). For the erector, full details are in the construction manual.</li> </ul> <p><b>MEZZANINE FLOOR</b></p> <ul style="list-style-type: none"> <li>*Mezzanine floor designed for 1.5kPa live loading.</li> <li>*No point loads allowed for.</li> </ul> <p><b>OTHER MATERIALS NOTES</b></p> <ul style="list-style-type: none"> <li>* All Sheeting, Flashing and framing screws are Climaseal 4.</li> <li>* All purlin material has Z350 zinc coating with minimum strength of 450MPa.</li> </ul>			
Purchaser Name: Tahmoor Rural Fire Brigade		<p align="center"><b>General Notes</b>  <b>NOT FOR CONSTRUCTION</b>  Page 1 of 1  © Copyright Steelx IP Pty Ltd</p>		<p>Seller: Wide Span Sheds  Steelx Pty Ltd  Phone: 07 5657 8888  Fax 07 5657 8899  Email: admin@sheds.com.au</p>		TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust. (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC8968; N.T : 225521ES; Practising Professional Structural & Civil Engineer	
Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia						Signature:  - R. Nancarrow Date: 02/03/18	
Drawing # WSS180521 - 2						Print Date: 02/03/18	



**MATERIAL SPECIFICATIONS**

For further information regarding the tabulated values shown, refer to the General Notes

Building Dimensions						
Categories	Span	Length	Pitch	Height	Grid(s)	Portal(s)
Main Building	8	10	12	3.6	A- B	1 - 4

Portal Frame Elements					
Grid / Portal Number		1	2	3	4
Columns	A	C15012	C15015	C15015	C15012
	B	C15012	C15015	C15015	C15012
Rafters	A - Apex	C15012	C15012	C15012	C15012
	Apex - B	C15012	C15012	C15012	C15012
End Wall Mullions	Z	C15015	-	-	C15015
Apex Braces	Apex	-	C15012 @ 2.4m	C15012 @ 2.4m	-
Knee Braces	A - Apex	-	C15012 @ 1.7m	C15012 @ 1.7m	-
	Apex - B	-	C15012 @ 1.7m	C15012 @ 1.7m	-
Mezz Beams	A - B	-	-	C20015	C20015
Mezz Beamer Support	A	-	-	C15012	2C15015
	Z	-	-	C20015	C20015
	B	-	-	C15012	2C15015

Bay Section Elements				
Grid / Bay Number		1	2	3
Bay Widths		3.5	3.5	3
Roof Purlins	A - Apex	TH64075	TH64075	TH64075
	Apex - B	TH64075	TH64075	TH64075
Roof Purlin Spacing (End)	A - Apex	0.9	0.9	0.9
	Apex - B	0.9	0.9	0.9
Roof Purlin Spacing (Internal Spans)	A - Apex	1.12	1.12	1.12
	Apex - B	1.12	1.12	1.12
Eave Purlin	A	C10010	C10010	C10010
	B	C10010	C10010	C10010
Side Girts	A	TH64075	TH64075	TH64075
	B	TH64075	TH64075	TH64075
Side Girts Spacing (End)	A	1.123	1.123	1.123
	B	1.123	1.123	1.123
Side Girts Spacing (Internal)	A	1.123	1.123	1.123
	B	1.123	1.123	1.123
Mezz Floor Joists	A - B	-	-	Z15012
PA Door Header	A	-	-	C10010
	B	-	-	C10010
PA Door Jamb	A	-	-	C10012
	B	-	-	C10012

End Bay Section Elements			
Grid / Portal Number		1	4
End Girts	A - Z	TH64075	TH64075
	Z - B	TH64075	TH64075
End Girts Spacing (End)	A - Z	1.123	1.123
	Z - B	1.123	1.123
End Girts Spacing (Internal)	A - Z	1.123	1.123
	Z - B	1.123	1.123
Roller Door Jamb	A - Z	C20019	-
	Z - B	-	-
PA Door Header	Z - B	C10010	-
PA Door Jamb	Z - B	C10012	-

Cladding Elements		
Category	Colour	Product
Roof Sheeting	COLORBOND® steel	CORODEK® steel 0.42 BMT (0.47 TCT)
Roof Flashings	COLORBOND® steel	BlueScope 0.55 BMT

Purchaser Name: Tahmoor Rural Fire Brigade		<b>Specification Sheet</b> <b>NOT FOR CONSTRUCTION</b>  Page 1 of 2 © Copyright Steelx IP Pty Ltd	Seller: Wide Span Sheds Steelx Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au	TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust. (Registered NER Structural & Civil) 2741240 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T. : 225521ES; Practising Professional Structural & Civil Engineer
Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia				
Drawing # WSS180521 - 4	Print Date: 02/03/18			Signature:  - R. Nancarrow Date: 02/03/18

MATERIAL SPECIFICATIONS

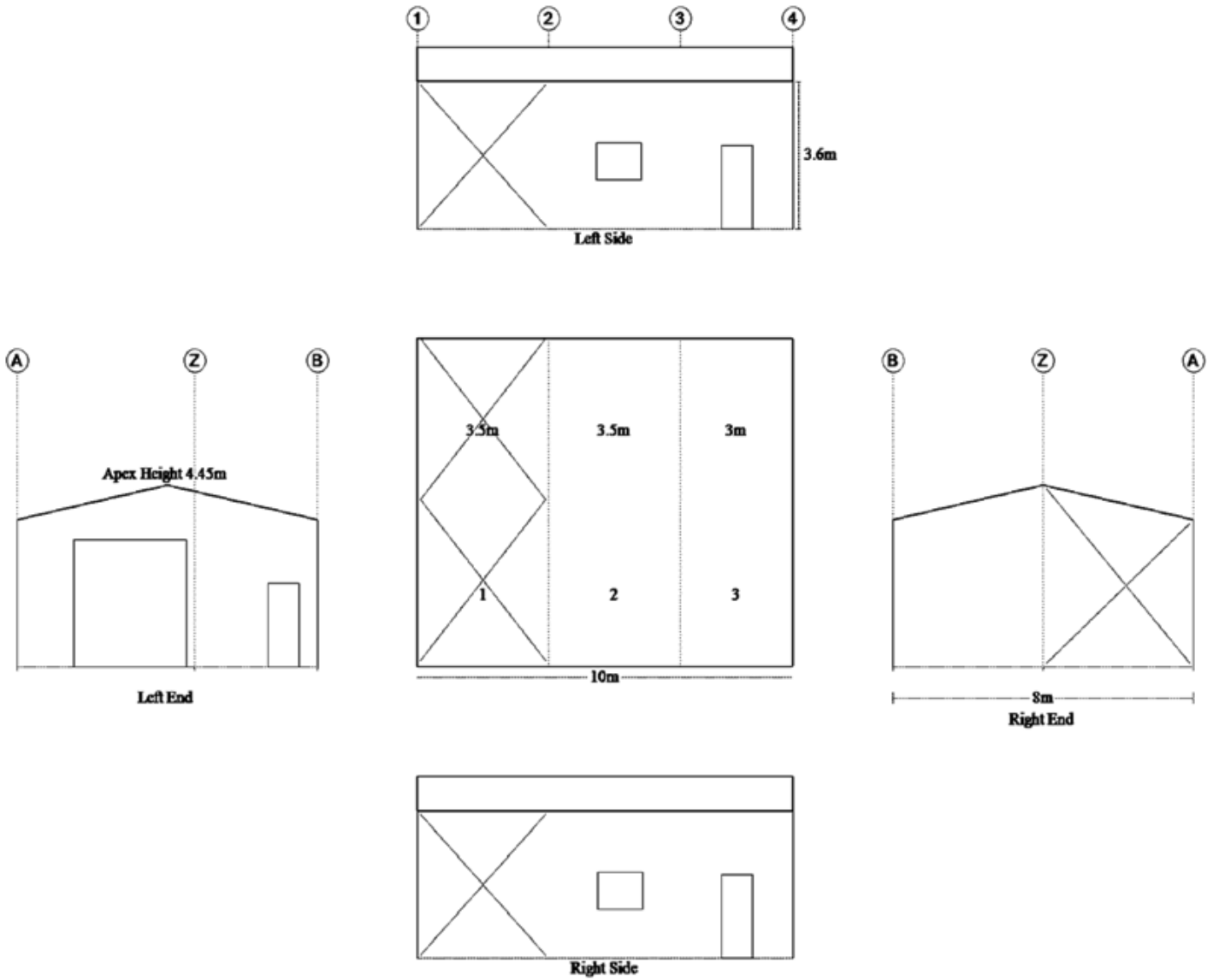
For further information regarding the tabulated values shown, refer to the General Notes

Cladding Elements		
Category	Colour	Product
Wall Sheeting	COLORBOND® steel	CORODEK® steel 0.42 BMT (0.47TCT)
Wall Flashing	COLORBOND® steel	BlueScope 0.55 BMT

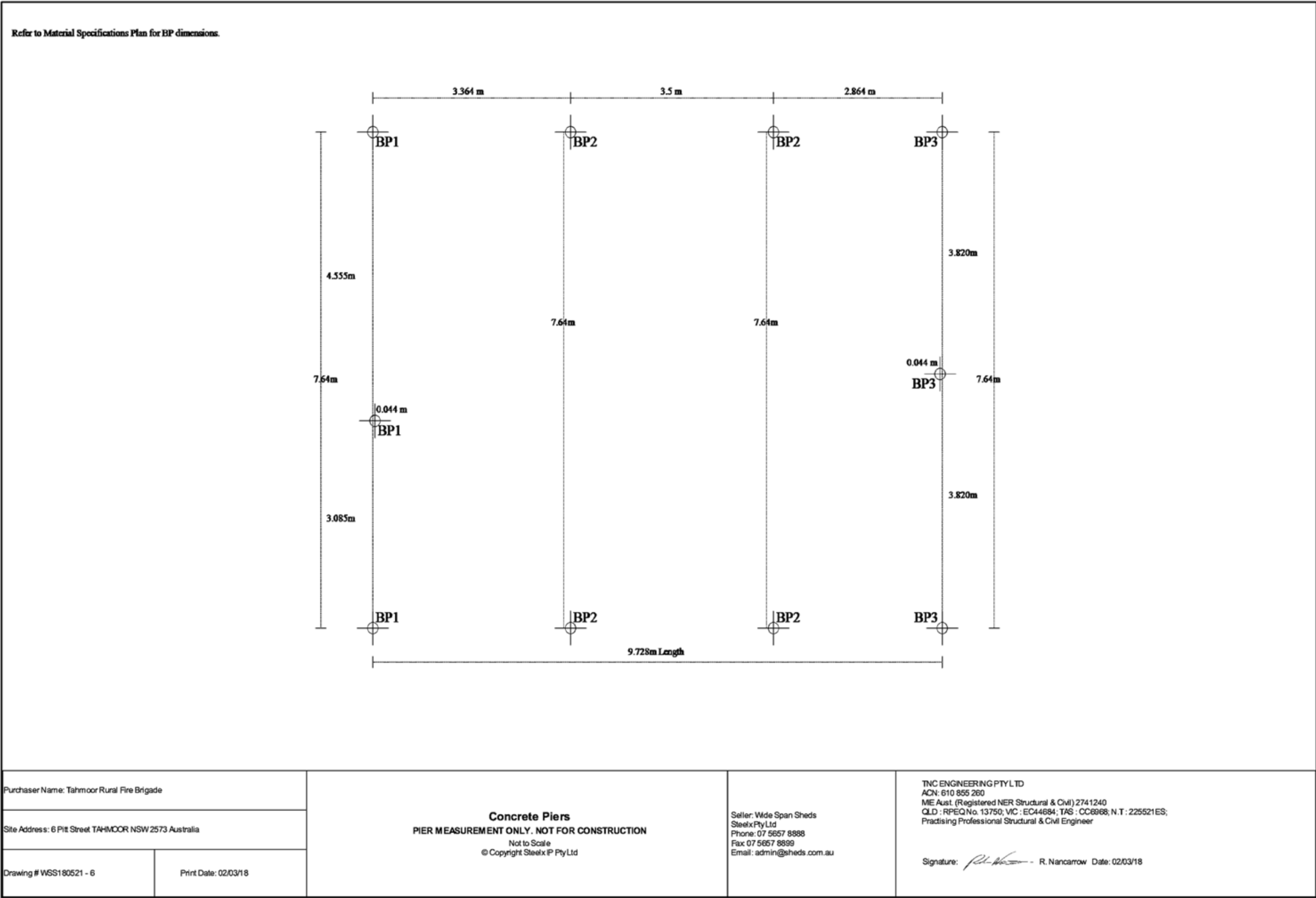
Pier Sizes								
Adhesion (kPa)	Soil Description	Diameter (mm)	Depth - when NO Slab			Depth - with Slab		
			BP1 (mm)	BP2 (mm)	BP3 (mm)	BP1 (mm)	BP2 (mm)	BP3 (mm)
0	Sandy Soil	300	700	1100	600	450	450	450
		450	600	800	600	450	450	450
		600	600	600	600	450	450	450
25	Soft to Firm Clay	300	600	700	600	450	450	450
		450	600	700	600	450	450	450
		600	600	600	600	450	450	450
50	Stiff to Very Stiff Clay	300	600	700	600	450	450	450
		450	600	700	600	450	450	450
		600	600	600	600	450	450	450

Purchaser Name: Tahmoor Rural Fire Brigade		<div>Specification Sheet</div> <div>NOT FOR CONSTRUCTION</div> <div>Page 2 of 2</div> <div>© Copyright Steelx IP Pty Ltd</div>	<div>Seller: Wide Span Sheds</div> <div>Steelx Pty Ltd</div> <div>Phone: 07 5657 8888</div> <div>Fax: 07 5657 8899</div> <div>Email: admin@sheds.com.au</div>	<div>TNC ENGINEERING PTY LTD</div> <div>ACN: 610 855 260</div> <div>ME Aust. (Registered NER Structural &amp; Civil) 2741240</div> <div>QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T : 225521ES;</div> <div>Practising Professional Structural &amp; Civil Engineer</div> <div>Signature:  - R. Nancarrow Date: 02/03/18</div>
Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia				
Drawing # WSS180521 - 4	Print Date: 02/03/18			

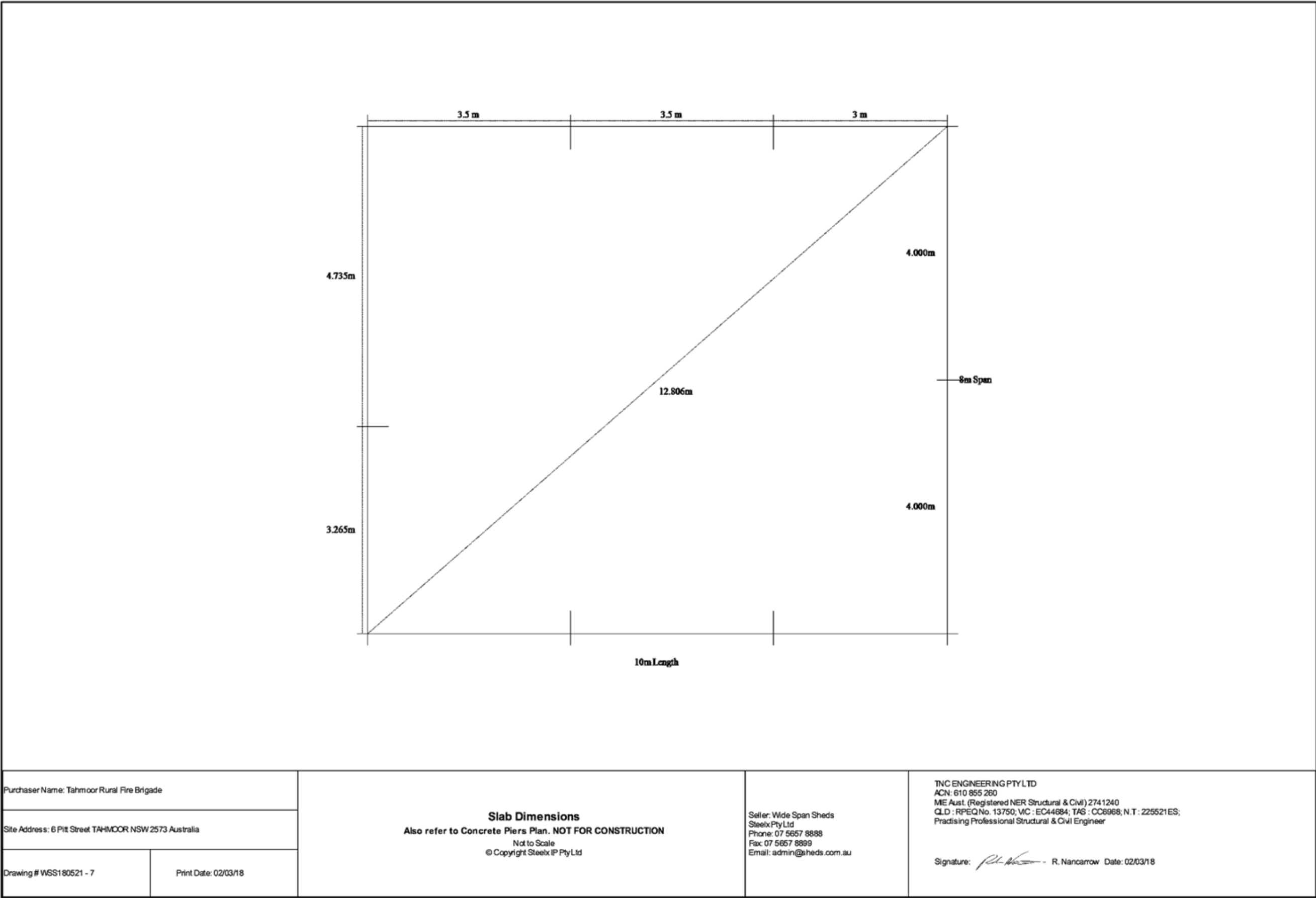
Cross Bracing is achieved with 1.2mm Strap. Refer to Connection Details.

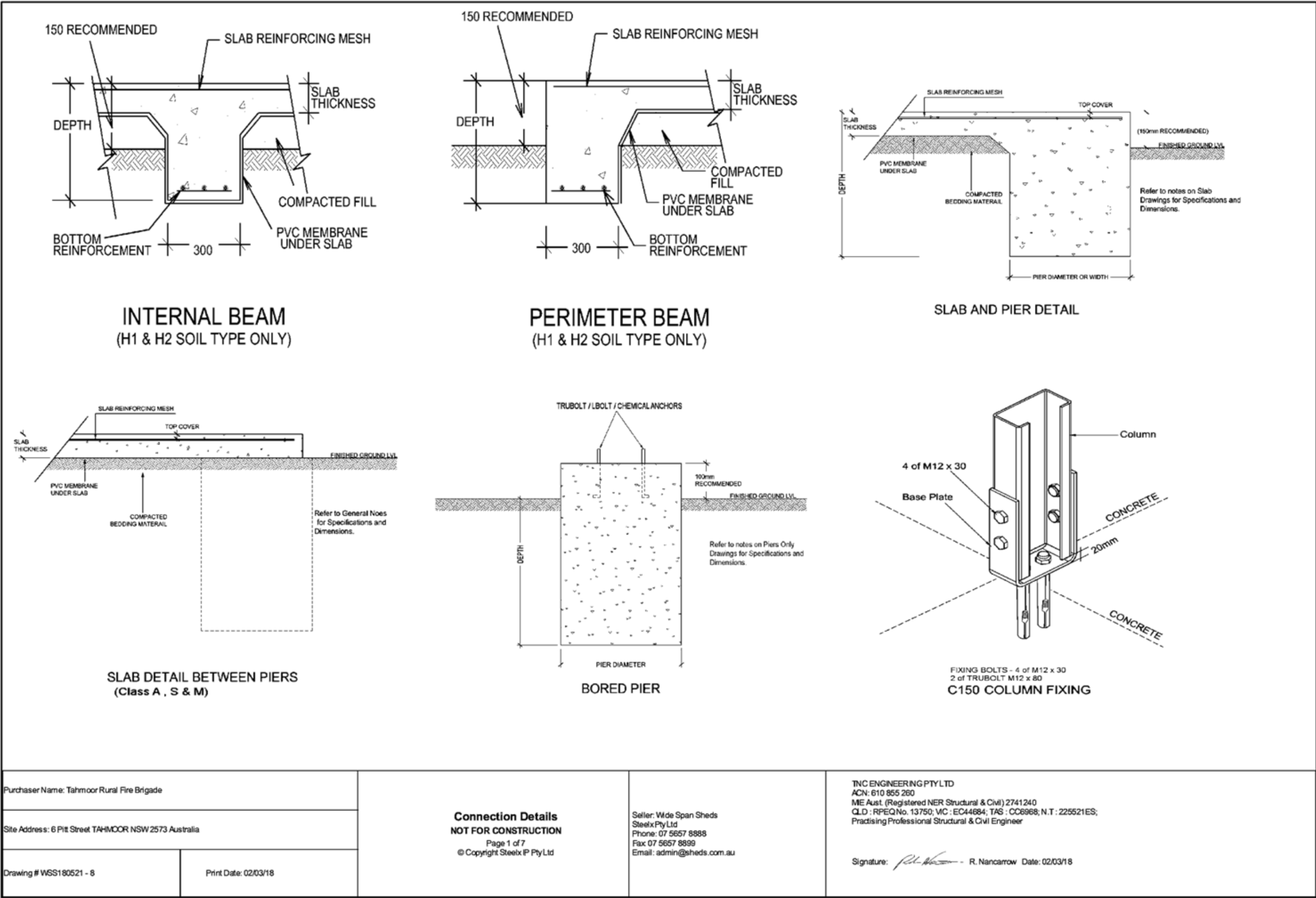


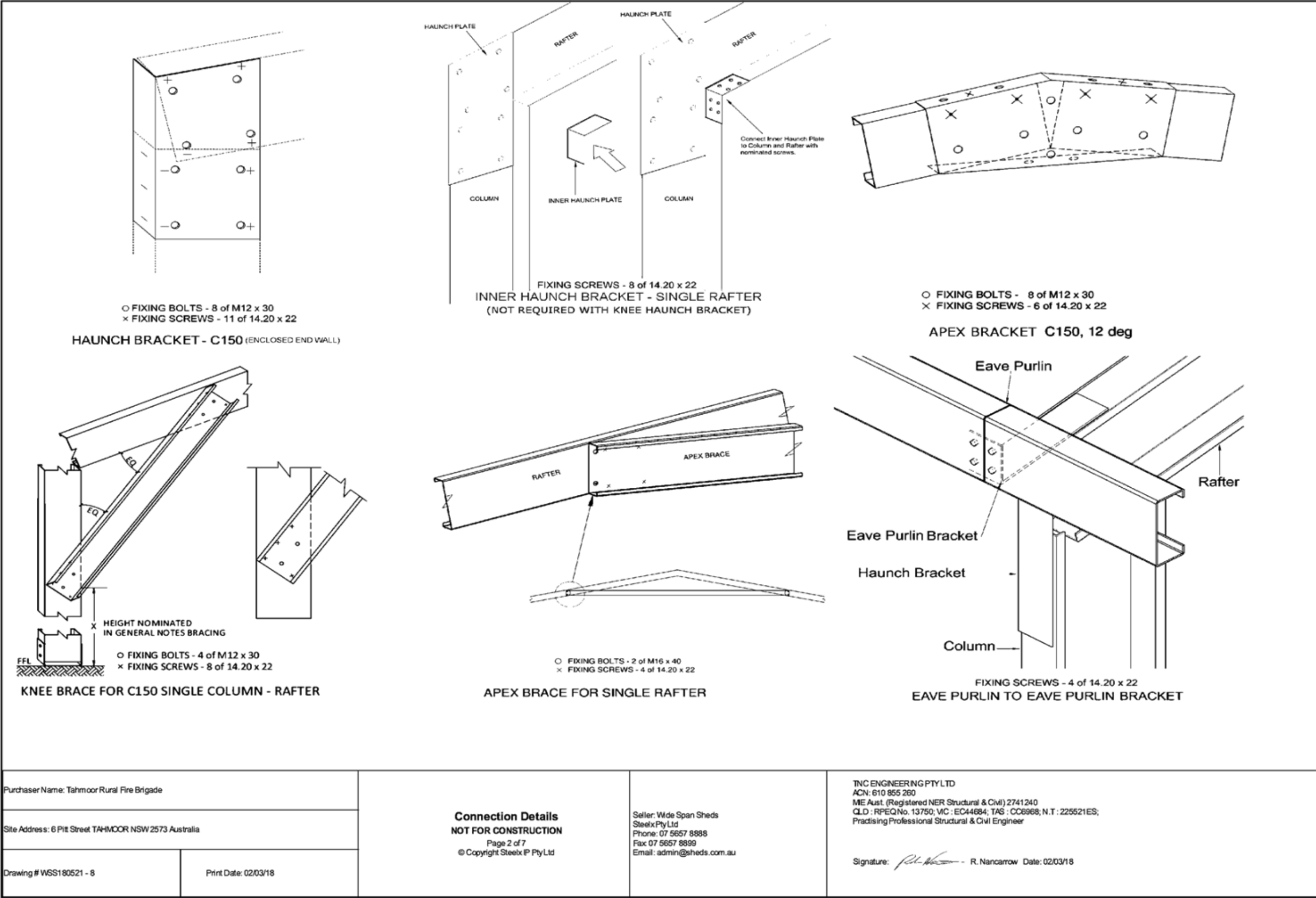
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Drawing # WSS180521 - 5	Print Date: 02/03/18			

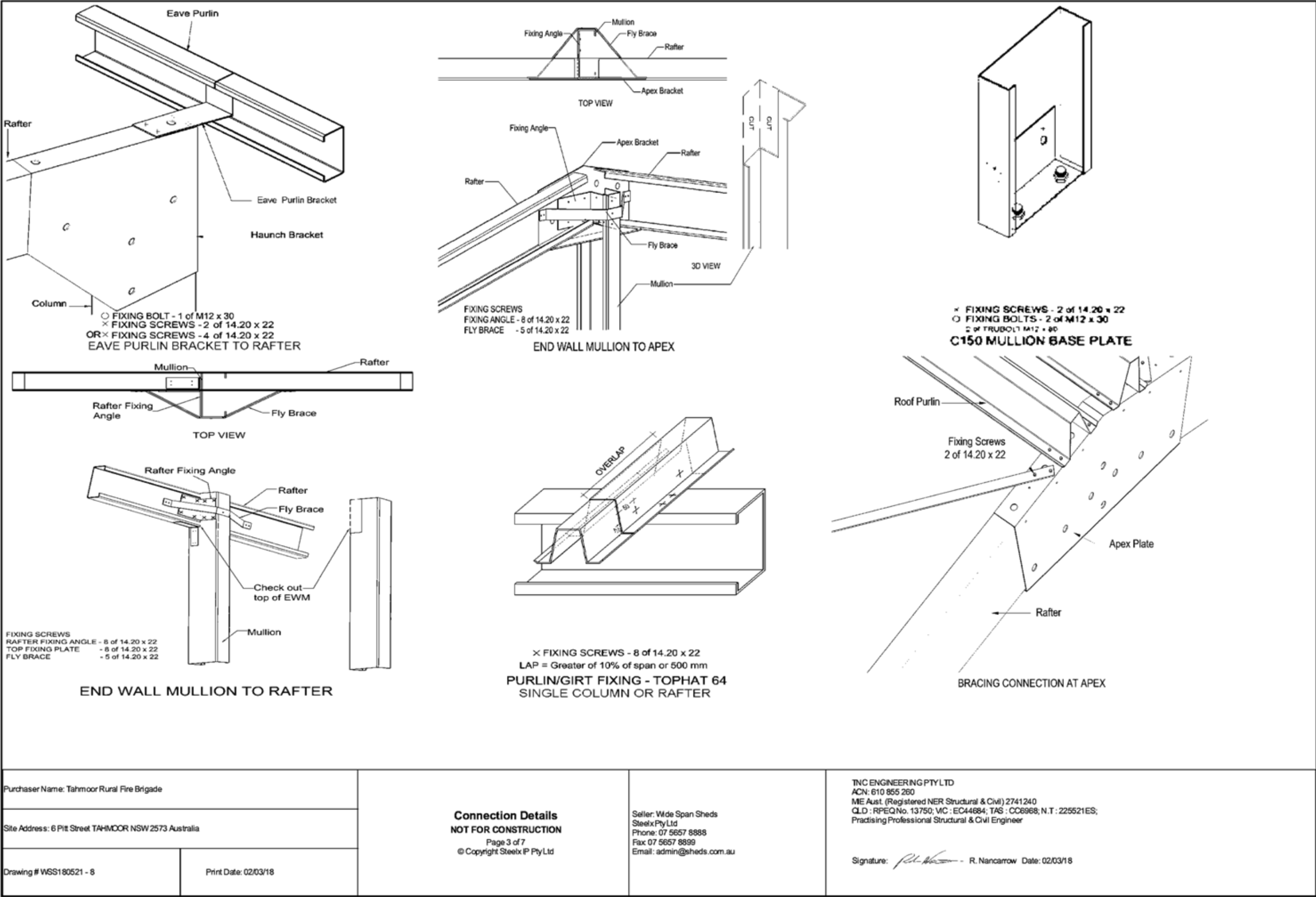


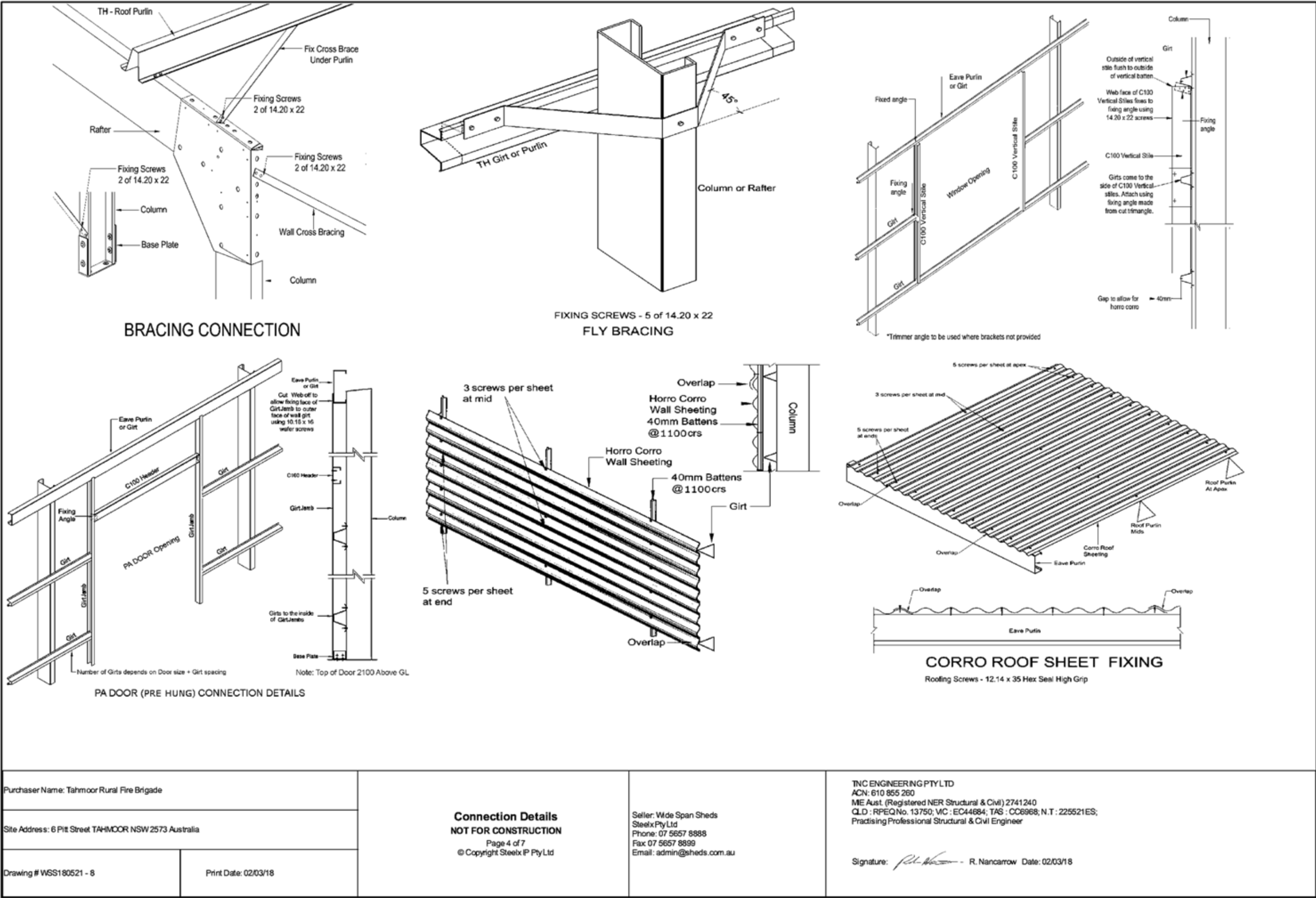


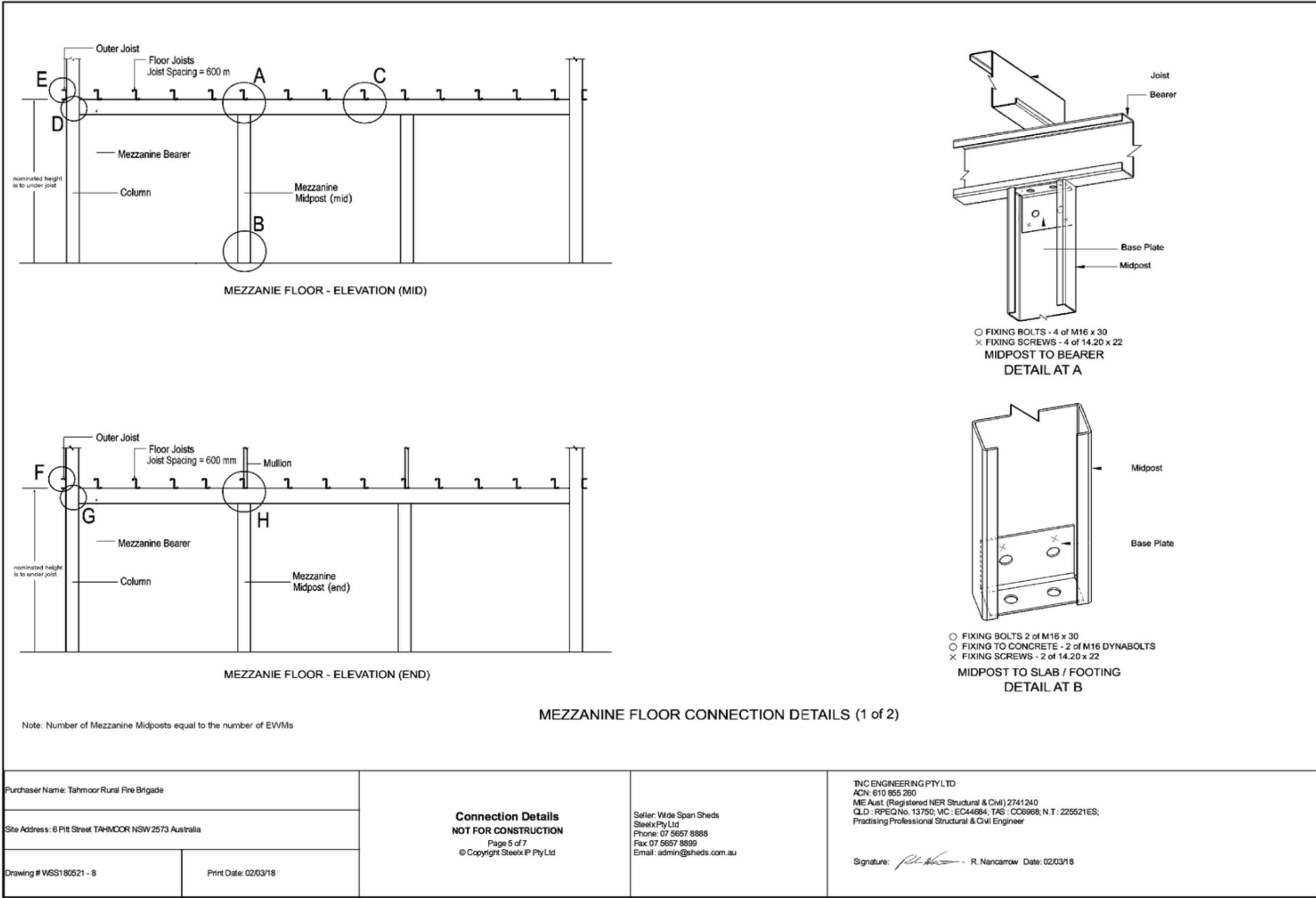


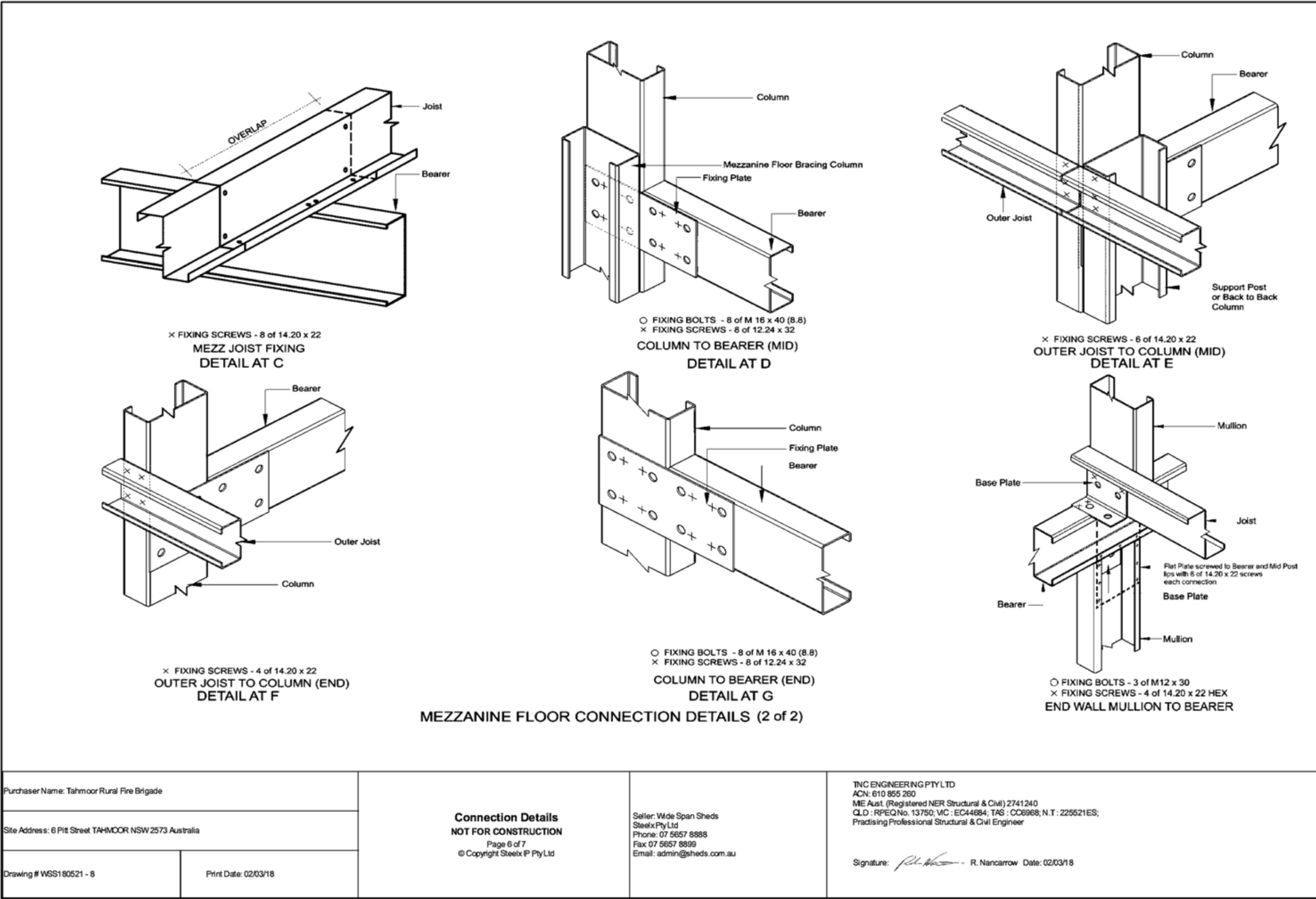


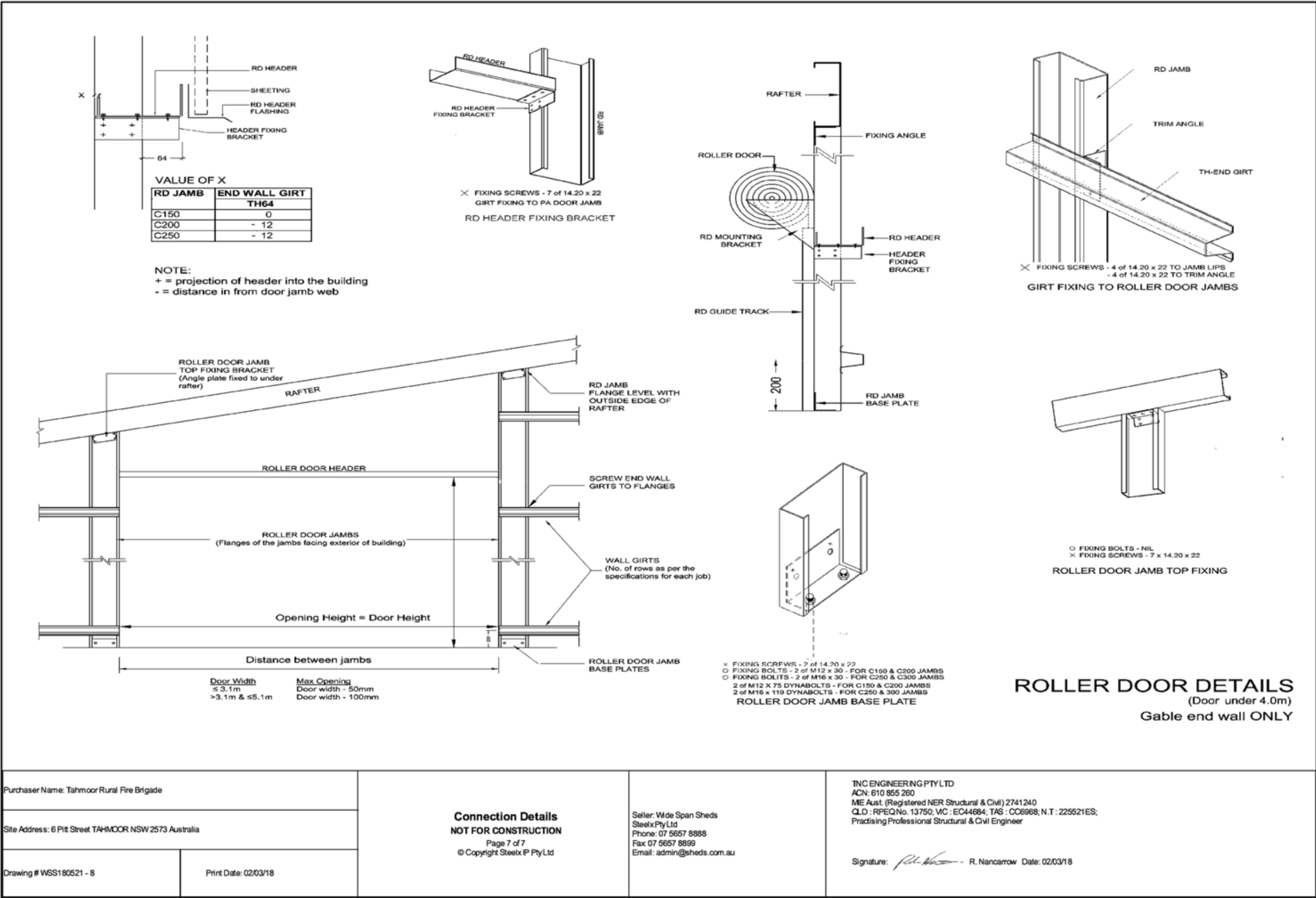




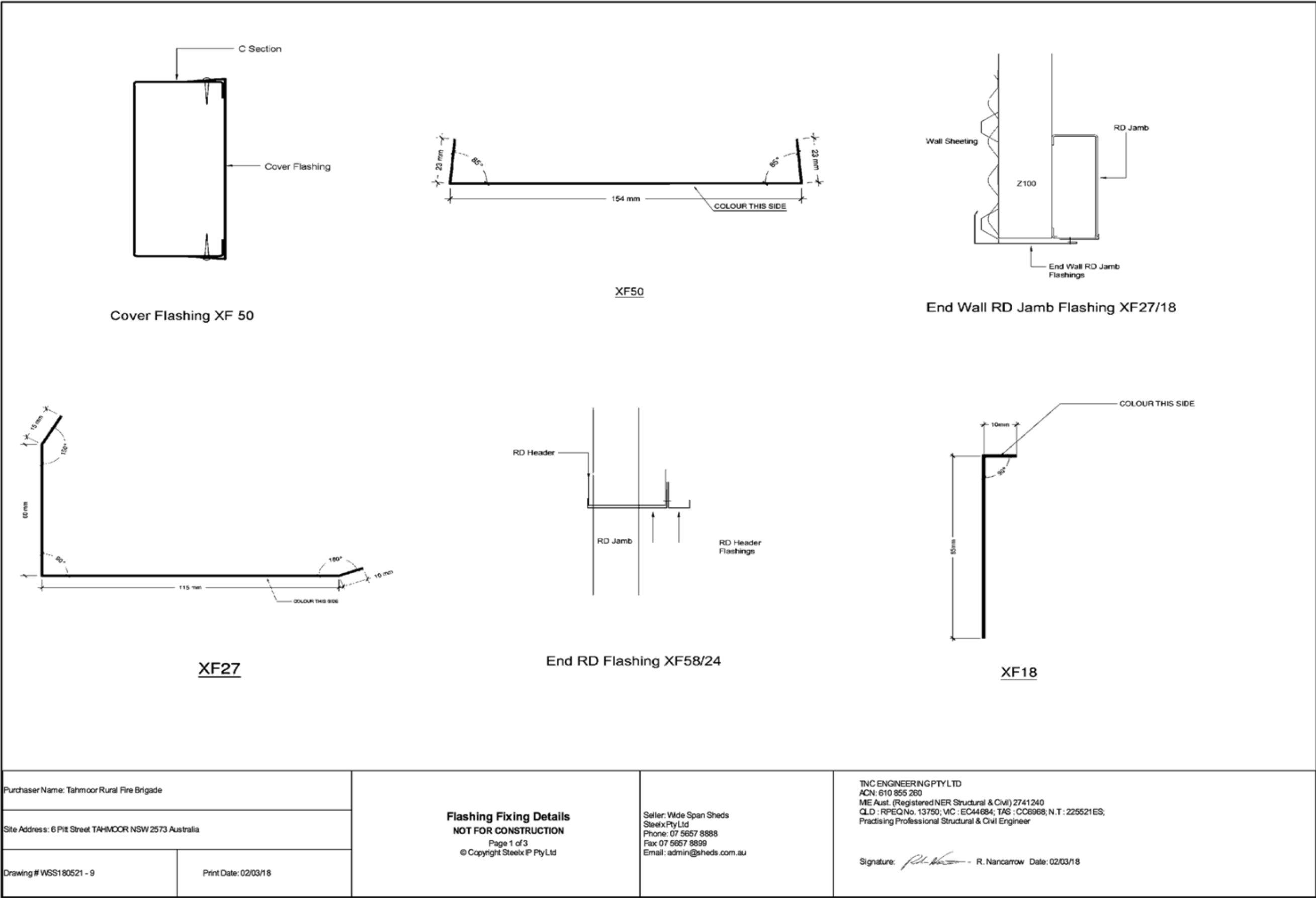


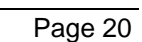


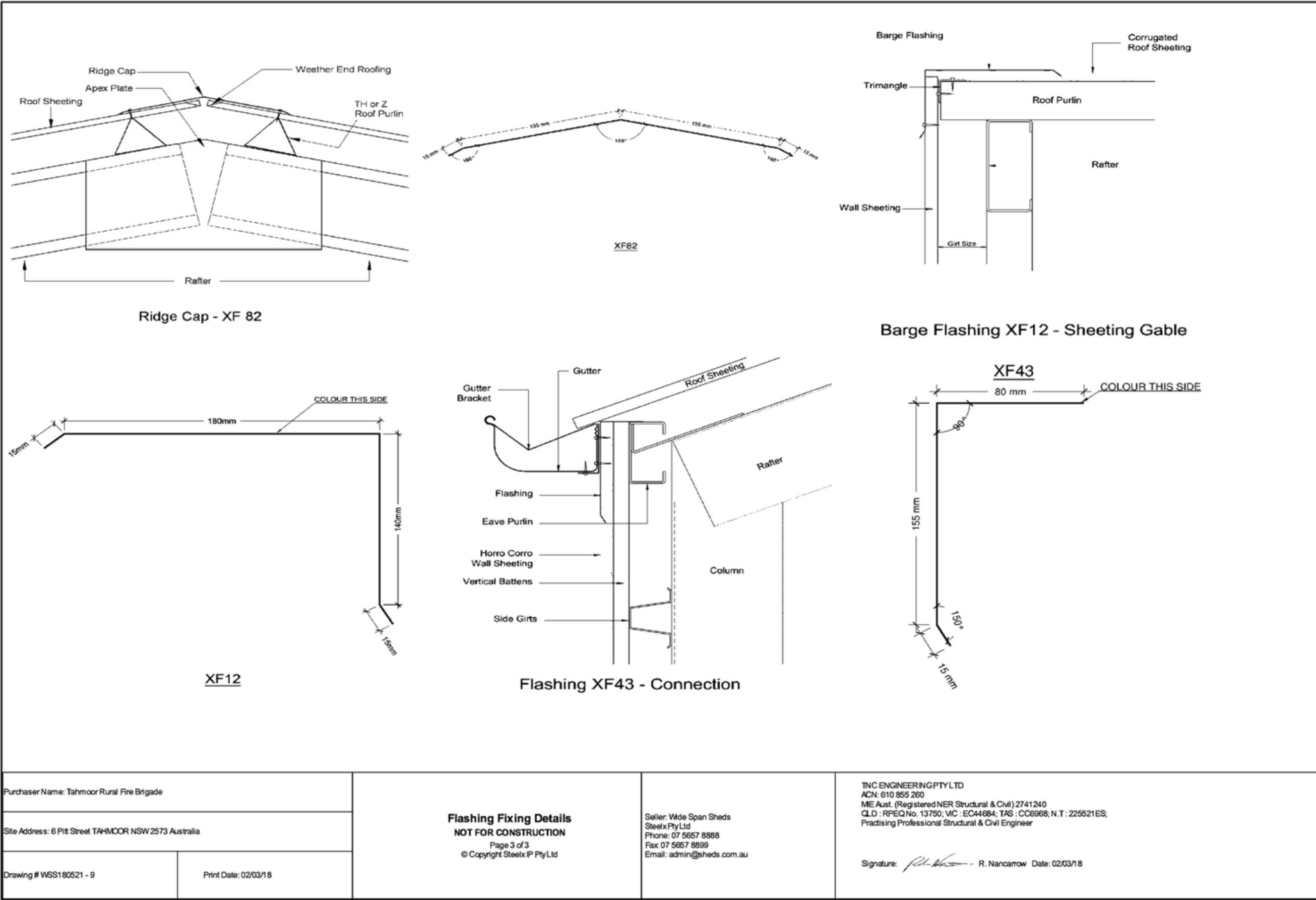


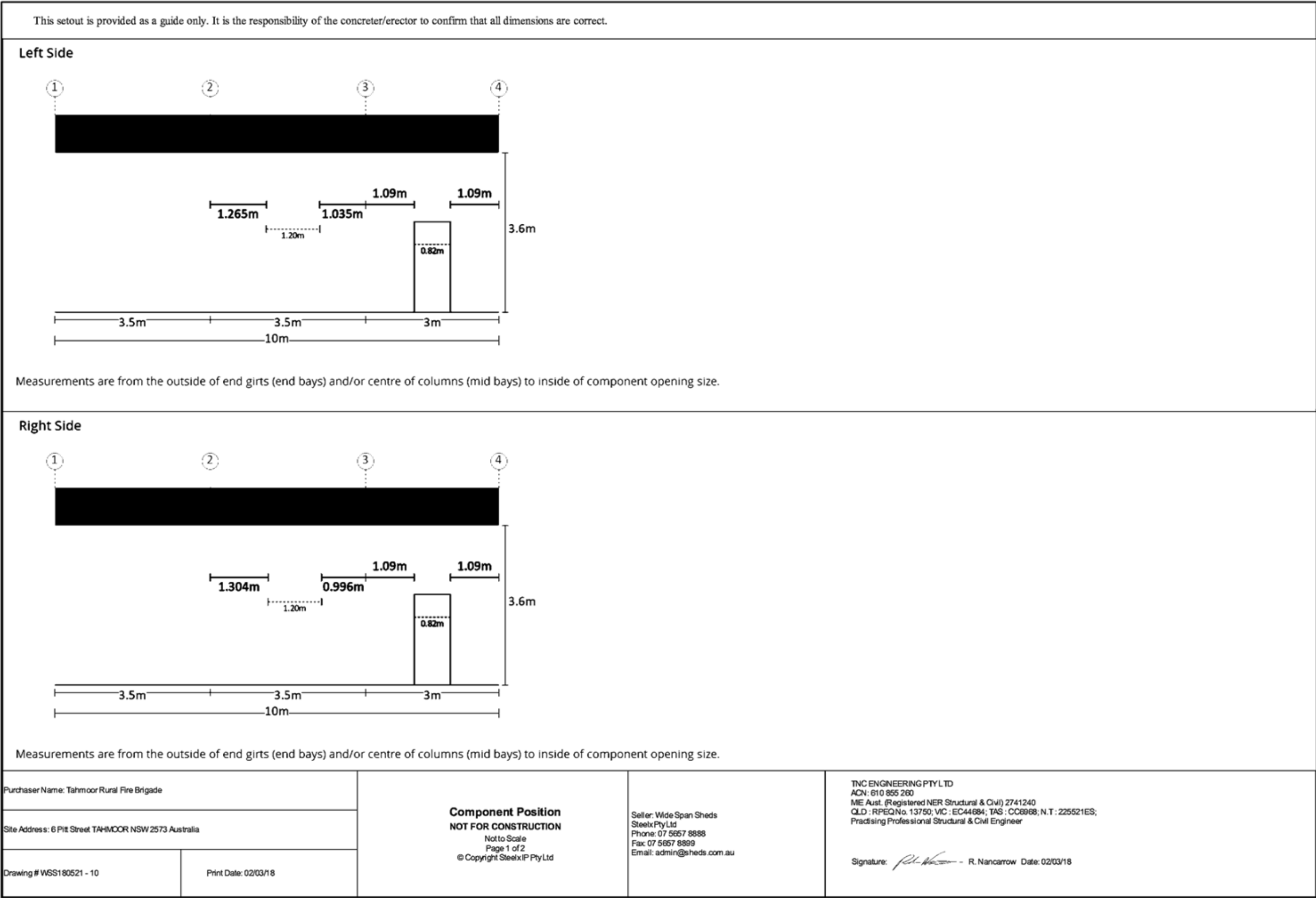


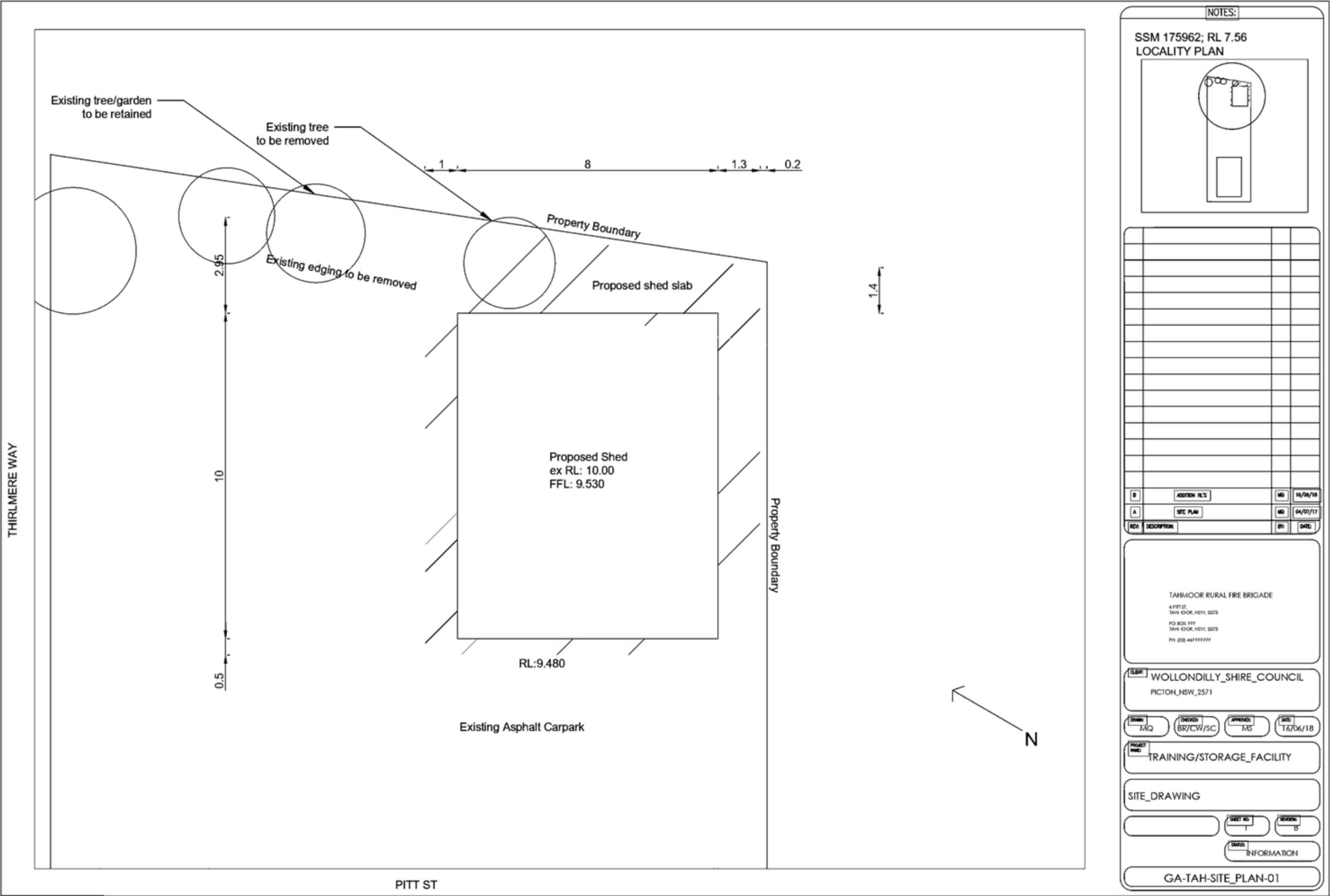












**Your details**

Title: *Mr* First Name: *Stuart*  
 Surname: *Chadwick*  
 Company (if applicable): *NSW RFS*  
 Email: *stuart.chadwick@rfs.nsw.gov.au*  
 Postal Address: *PO Box 443*  
*Pictou NSW 2577*  
 Telephone: *46777000*

Owner Architect Engineer ☒ Other (Specify)  
*Project manager*

**Building description**

☒ New structure  
☐ Modification to an existing structure

**Type of structure**

Dwelling Garage Pool ☒ Other (Specify)  
*Shed*

**Floor materials**

☒ Concrete Timber Other (Specify)

**Property owner details**

As above  
 Title: First Name: *Wollondilly Shire*  
*Council*  
 Surname:  
 Postal Address: *PO Box 21*  
*Pictou NSW 2577*  
 Telephone: *46771100*  
 Email:

**External wall materials**

Cavity Brick Brick Veneer  
 Weatherboards etc ☒ Other (Specify)  
*Colourbond*

Proposed foundation / footing type (if known):

Number of storeys: *1*  
 Further information:

**Property description**

Lot number: Section number (if applicable):

Deposited Plan (DP) number/s:

OR Strata Plan (SP) number/s:

Unit number (if applicable): Street number: *6*

Street name: *Pitt St*

Suburb: *Tahmoor* Postcode: *2573*

Approximate construction costs: \$ *25,000*

**Number of plans submitted**

Architectural: Engineers:

**Owner/Applicant**

Signed: *[Signature]* Printed: *S. Chadwick* Date: *18/6/18*

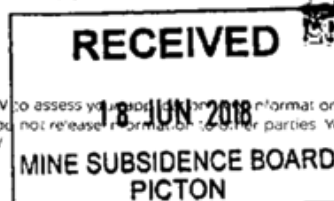
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**Phone 1800 248 083**  
 Email: [sa-mul@finance.nsw.gov.au](mailto:sa-mul@finance.nsw.gov.au)  
 Visit: [www.subsidenceadvisory.nsw.gov.au](http://www.subsidenceadvisory.nsw.gov.au)

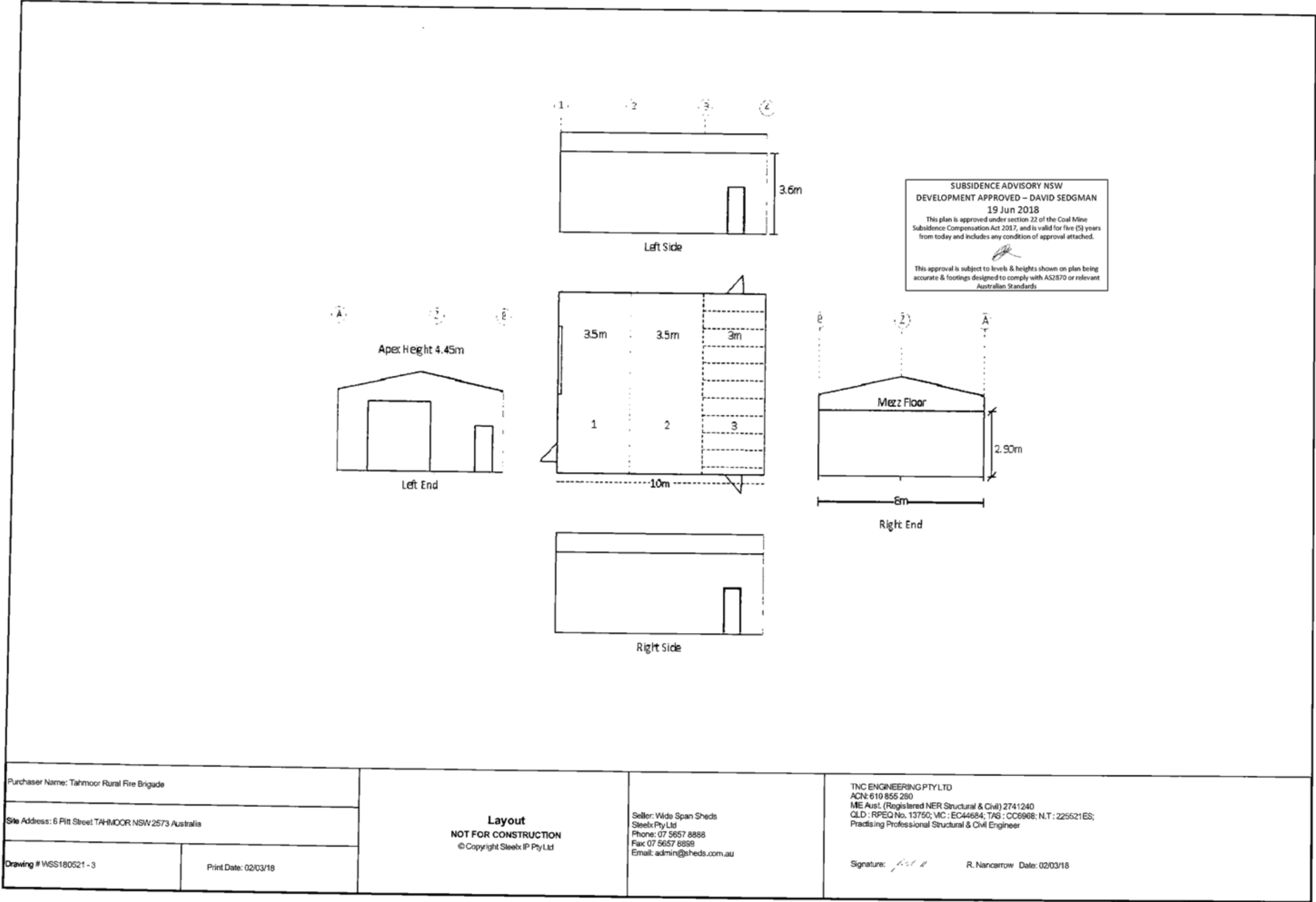
**Newcastle Office**  
 Ground Floor, NSW Government Offices  
 117 Bull Street, Newcastle West NSW 2300  
 PO Box 4880, Newcastle West NSW 2300  
 DX: 4322 Newcastle West  
 Phone: 02 4906 4300  
 Hours: 8.30am - 4.30pm, Mon-Fri

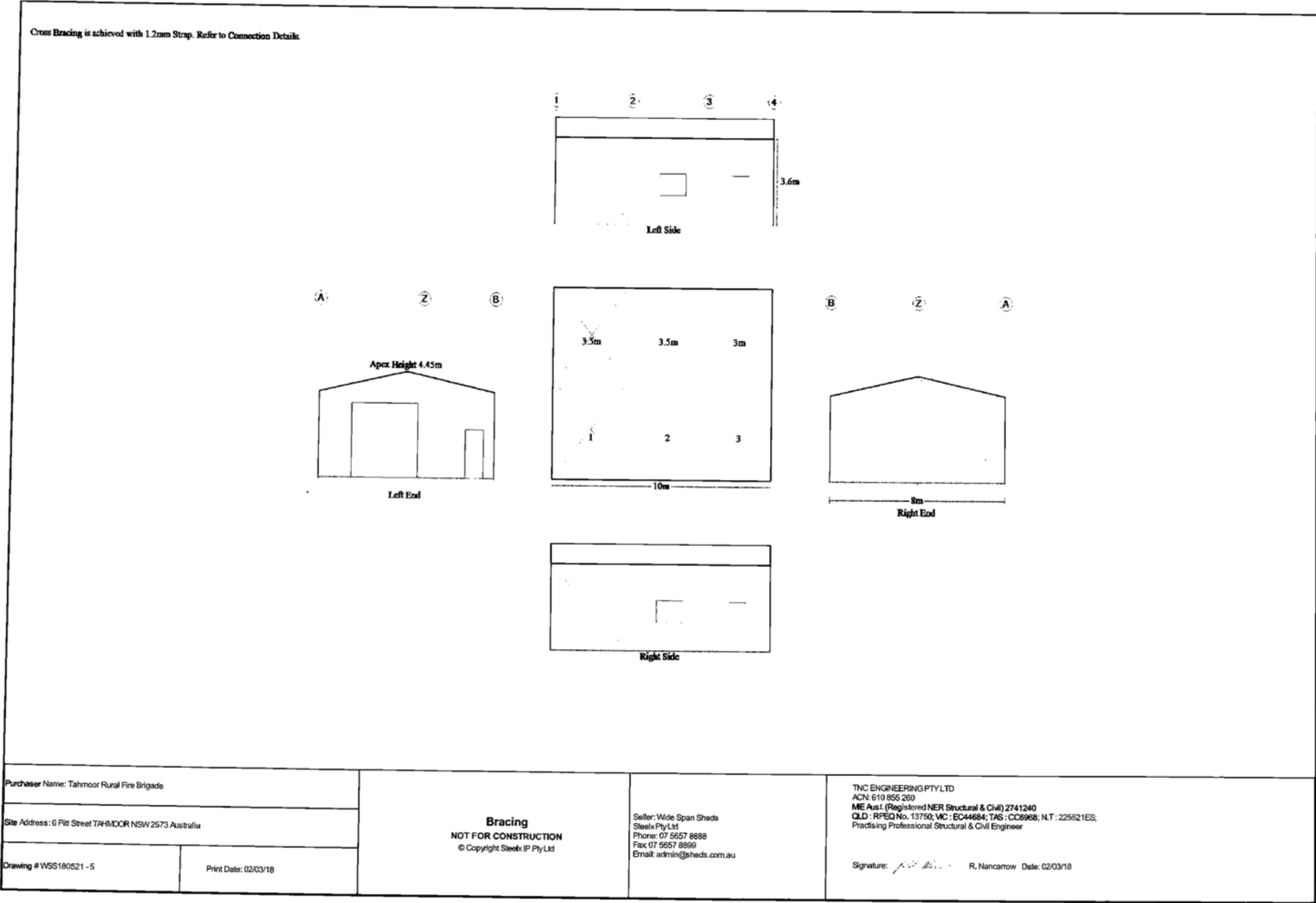
**Pictou Office**  
 49 Menangle Street, Pictou NSW 2571  
 PO Box 40, Pictou NSW 2571  
 DX: 2805 Pictou  
 Phone: 02 4677 1967  
 Hours: 8.30am - 4.30pm, Mon-Fri

**Privacy Statement**

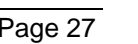
The information in this form is requested by Subsidence Advisory NSW to assess your application. The information you provide is on a voluntary basis but is needed to process the application and to contact you about it. We do not release information to other parties. You may review or correct any personal information provided by you by contacting Subsidence Advisory NSW.

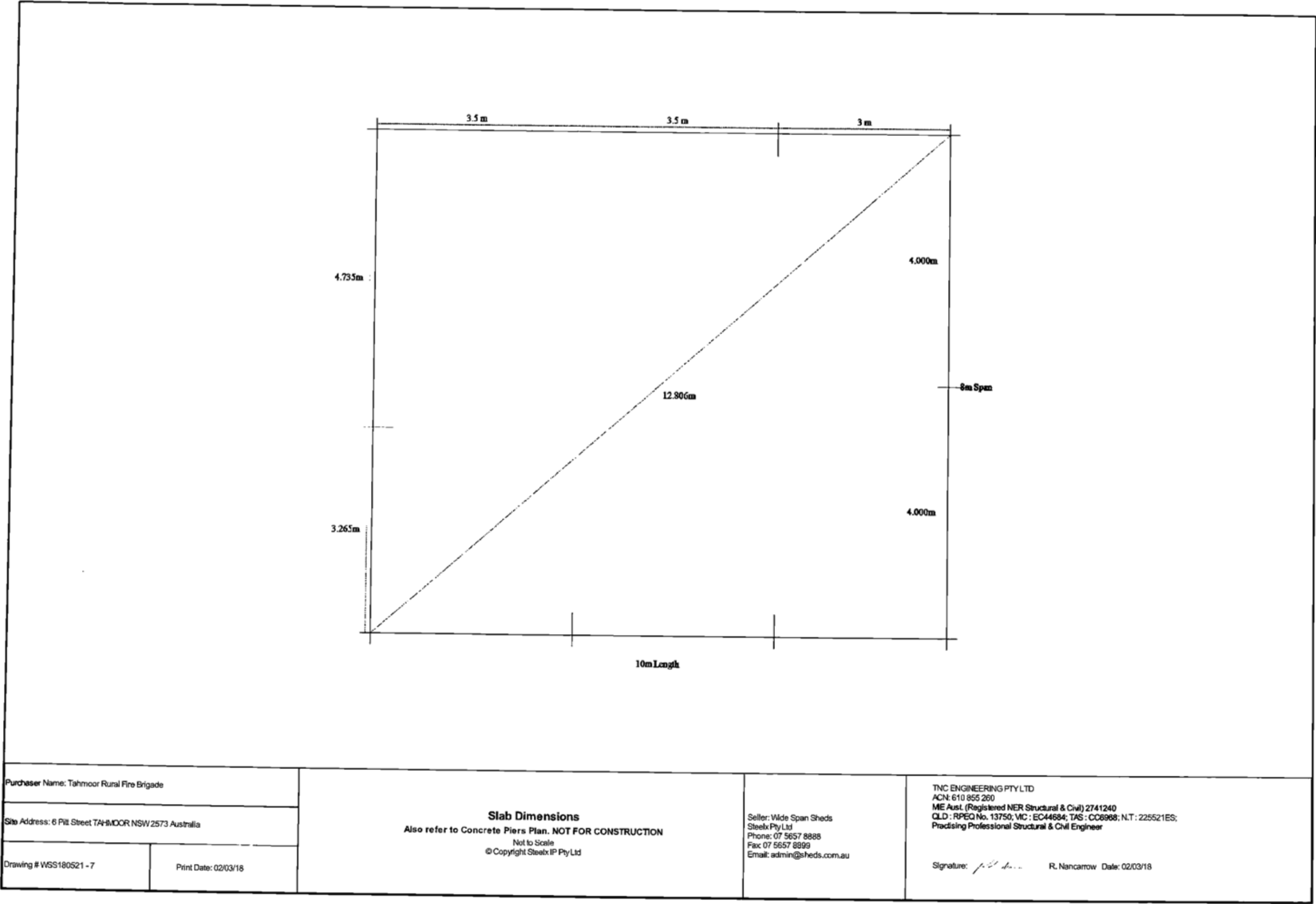












**MATERIAL SPECIFICATIONS**

For further information regarding the tabulated values shown, refer to the General Notes

Building Dimensions						
Categories	Span	Length	Pitch	Height	Grid(s)	Portal(s)
Main Building	8	10	12	3.6	A - B	1 - 4

Portal Frame Elements					
Grid / Portal Number		1	2	3	4
Columns	A	C15012	C15015	C15015	C15012
	B	C15012	C15015	C15015	C15012
Rafters	A - Apex	C15012	C15012	C15012	C15012
	Apex - B	C15012	C15012	C15012	C15012
End Wall Mullions	Z	C15015	-	-	C15015
Apex Braces	Apex	-	C15012 @ 2.4m	C15012 @ 2.4m	-
Knee Braces	A - Apex	-	C15012 @ 1.7m	C15012 @ 1.7m	-
	Apex - B	-	C15012 @ 1.7m	C15012 @ 1.7m	-
Mezz Bearers	A - B	-	-	C20015	C20015
Mezz Bearer Support	A	-	-	C15012	2C15015
	Z	-	-	C20015	C20015
	B	-	-	C15012	2C15015

Bay Section Elements				
Grid / Bay Number		1	2	3
Bay Widths		3.5	3.5	3
Roof Purlins	A - Apex	TH64075	TH64075	TH64075
	Apex - B	TH64075	TH64075	TH64075
Roof Purlin Spacing (End)	A - Apex	0.9	0.9	0.9
	Apex - B	0.9	0.9	0.9
Roof Purlin Spacing (Internal Spans)	A - Apex	1.12	1.12	1.12
	Apex - B	1.12	1.12	1.12
Eave Purlin	A	C10010	C10010	C10010
	B	C10010	C10010	C10010
Side Girts	A	TH64075	TH64075	TH64075
	B	TH64075	TH64075	TH64075
Side Girts Spacing (End)	A	1.123	1.123	1.123
	B	1.123	1.123	1.123
Side Girts Spacing (Internal)	A	1.123	1.123	1.123
	B	1.123	1.123	1.123
Mezz Floor Joists	A - B	-	-	Z15012
PA Door Header	A	-	-	C10010
	B	-	-	C10010
PA Door Jamb	A	-	-	C10012
	B	-	-	C10012

End Bay Section Elements			
Grid / Portal Number		1	4
End Girts	A - Z	TH64075	TH64075
	Z - B	TH64075	TH64075
End Girts Spacing (End)	A - Z	1.123	1.123
	Z - B	1.123	1.123
End Girts Spacing (Internal)	A - Z	1.123	1.123
	Z - B	1.123	1.123
Roller Door Jamb	A - Z	C20019	-
	Z - B	-	-
PA Door Header	Z - B	C10010	-
PA Door Jamb	Z - B	C10012	-

Cladding Elements		
Category	Colour	Product
Roof Sheeting	COLORBOND® steel	CORODEK® steel 0.42 BMT (0.47TCT)
Roof Flashings	COLORBOND® steel	BlueScope 0.55 BMT

Purchaser Name: Tahmoor Rural Fire Brigade

Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia

Drawing # WSS180521 - 4

Print Date: 02/03/18

**Specification Sheet**  
**NOT FOR CONSTRUCTION**  
 Page 1 of 2  
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Seller: Wide Span Sheds  
 Steelx Pty Ltd  
 Phone: 07 5657 8888  
 Fax: 07 5657 8899  
 Email: admin@sheds.com.au

TNC ENGINEERING PTY LTD  
 ACN: 610 855 260  
 ME Aust. (Registered NER Structural & Civil) 2741240  
 QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC5968; N.T. : 225521ES;  
 Practising Professional Structural & Civil Engineer

Signature: *[Signature]* R. Nancarrow Date: 02/03/18

MATERIAL SPECIFICATIONS

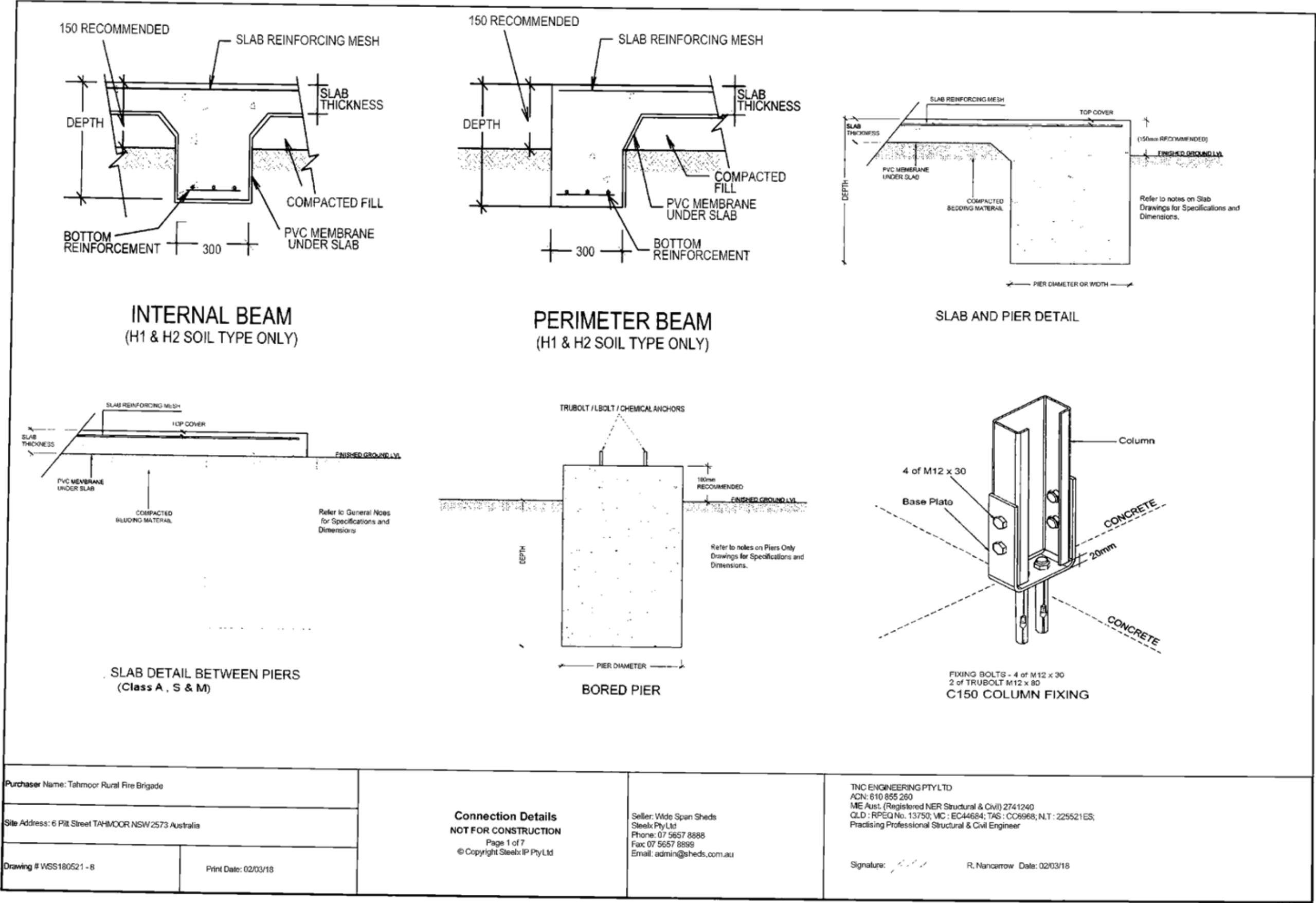
For further information regarding the tabulated values shown, refer to the General Notes

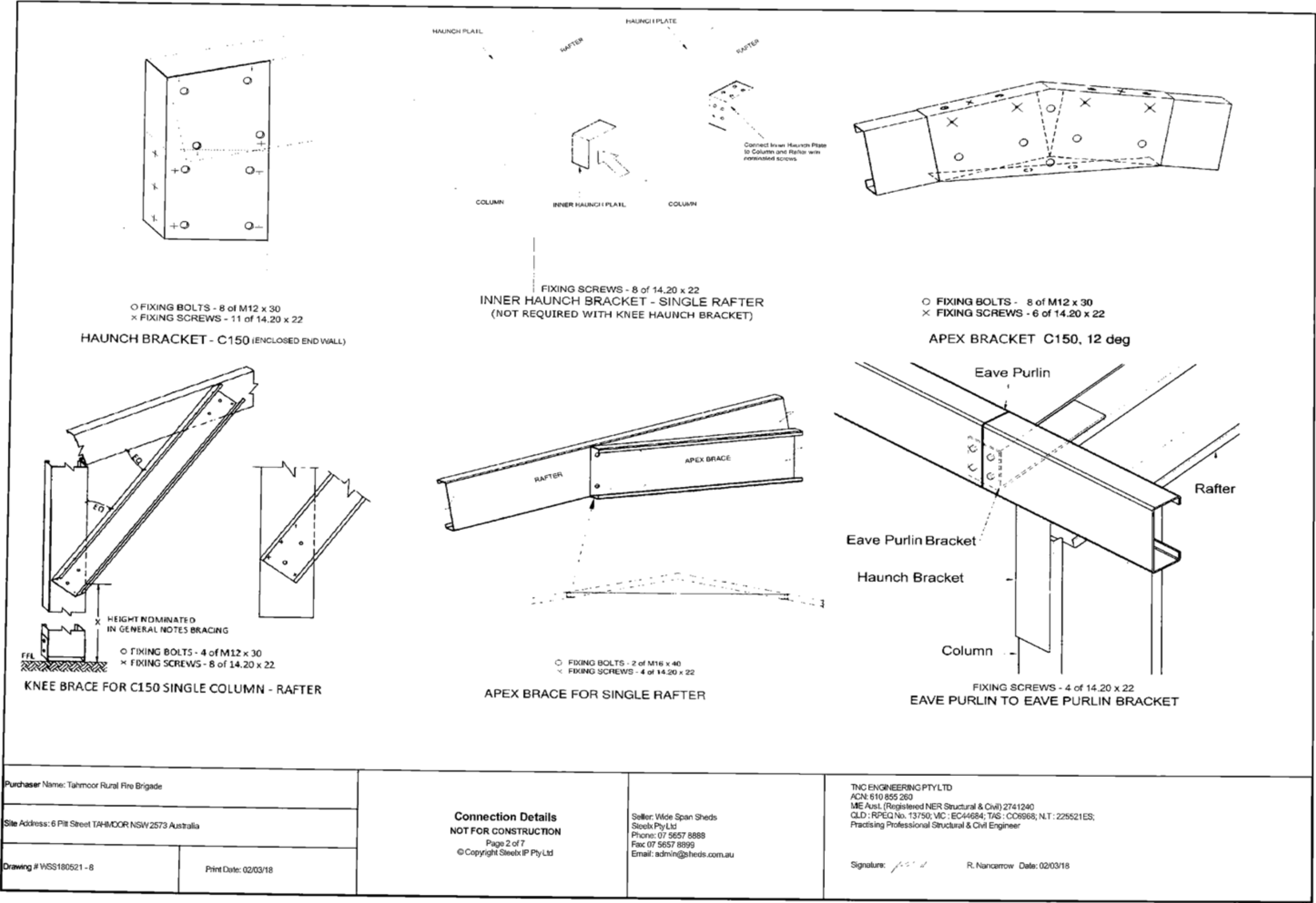
Cladding Elements		
Category	Colour	Product
Wall Sheeting	COLORBOND® steel	CORODEK® steel 0.42 BMT (0.47TCT)
Wall Flashing	COLORBOND® steel	BlueScope 0.55 BMT

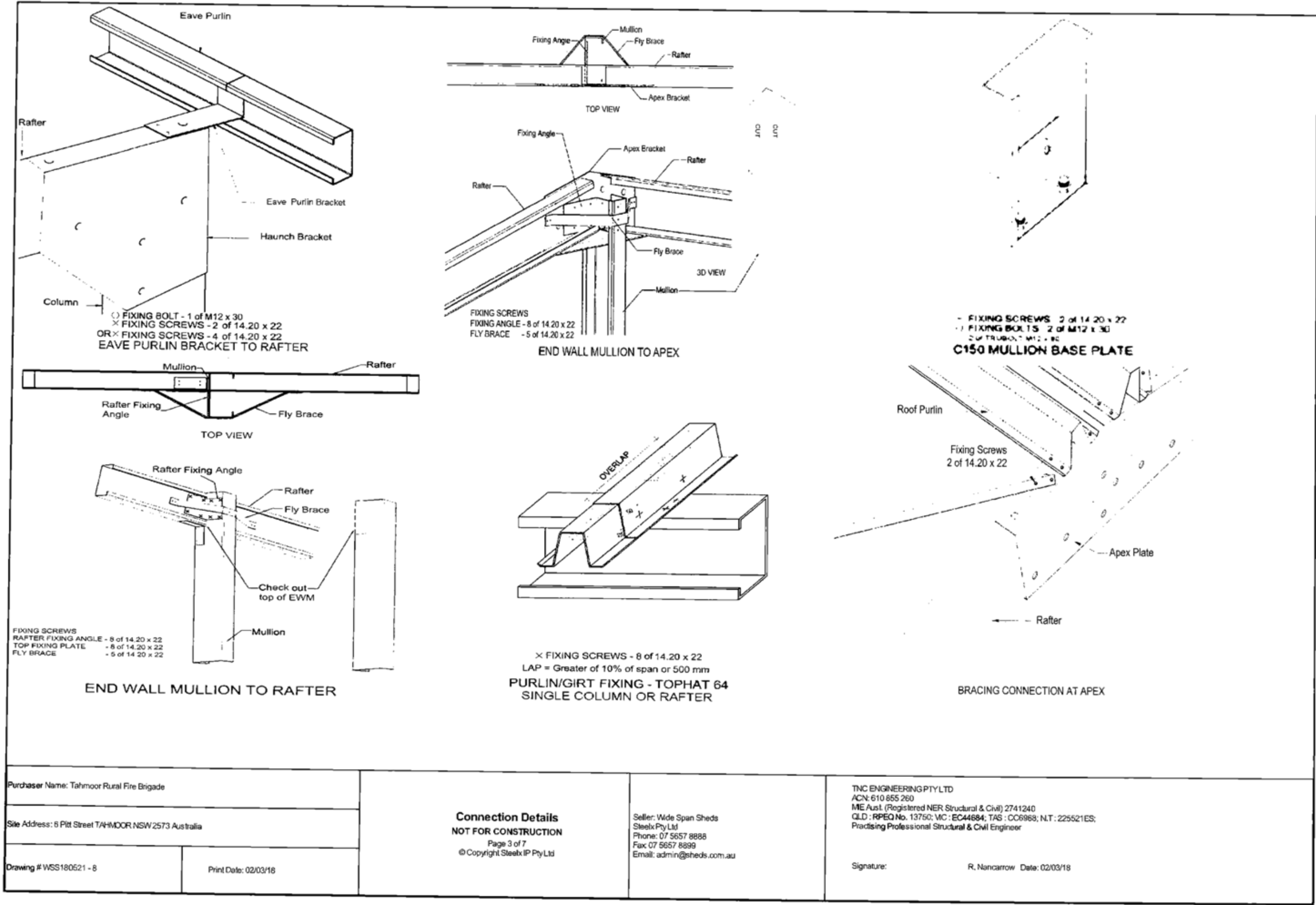
Pier Sizes								
Adhesion (kPa)	Soil Description	Diameter (mm)	Depth - when NO Slab			Depth - with Slab		
			BP1 (mm)	BP2 (mm)	BP3 (mm)	BP1 (mm)	BP2 (mm)	BP3 (mm)
0	Sandy Soil	300	700	1100	600	450	450	450
		450	600	800	600	450	450	450
		600	600	600	600	450	450	450
25	Soft to Firm Clay	300	600	700	600	450	450	450
		450	600	700	600	450	450	450
		600	600	600	600	450	450	450
50	Stiff to Very Stiff Clay	300	600	700	600	450	450	450
		450	600	700	600	450	450	450
		600	600	600	600	450	450	450

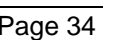
Purchaser Name: Tahmoor Rural Fire Brigade		<div>Specification Sheet</div> <div>NOT FOR CONSTRUCTION</div> <div>Page 2 of 2</div> <div>© Copyright Steelx IP Pty Ltd</div>	<div>Seller: Wide Span Sheds</div> <div>Steelx Pty Ltd</div> <div>Phone: 07 5657 8888</div> <div>Fax: 07 5657 8899</div> <div>Email: admin@sheds.com.au</div>	<div>TNC ENGINEERING PTY LTD</div> <div>ACN: 610 855 260</div> <div>MIE Aust. (Registered NER Structural &amp; Civil) 2741240</div> <div>QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC8968; N.T : 225521ES;</div> <div>Practising Professional Structural &amp; Civil Engineer</div>
Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia				
Drawing # WSS180521 - 4	Print Date: 02/03/18			

Signature:  R. Nancarrow Date: 02/03/18

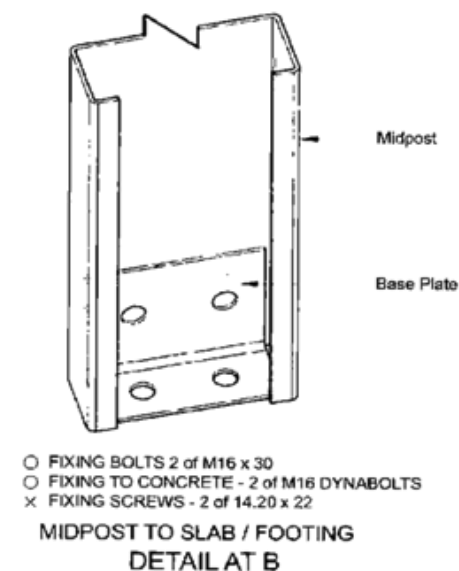






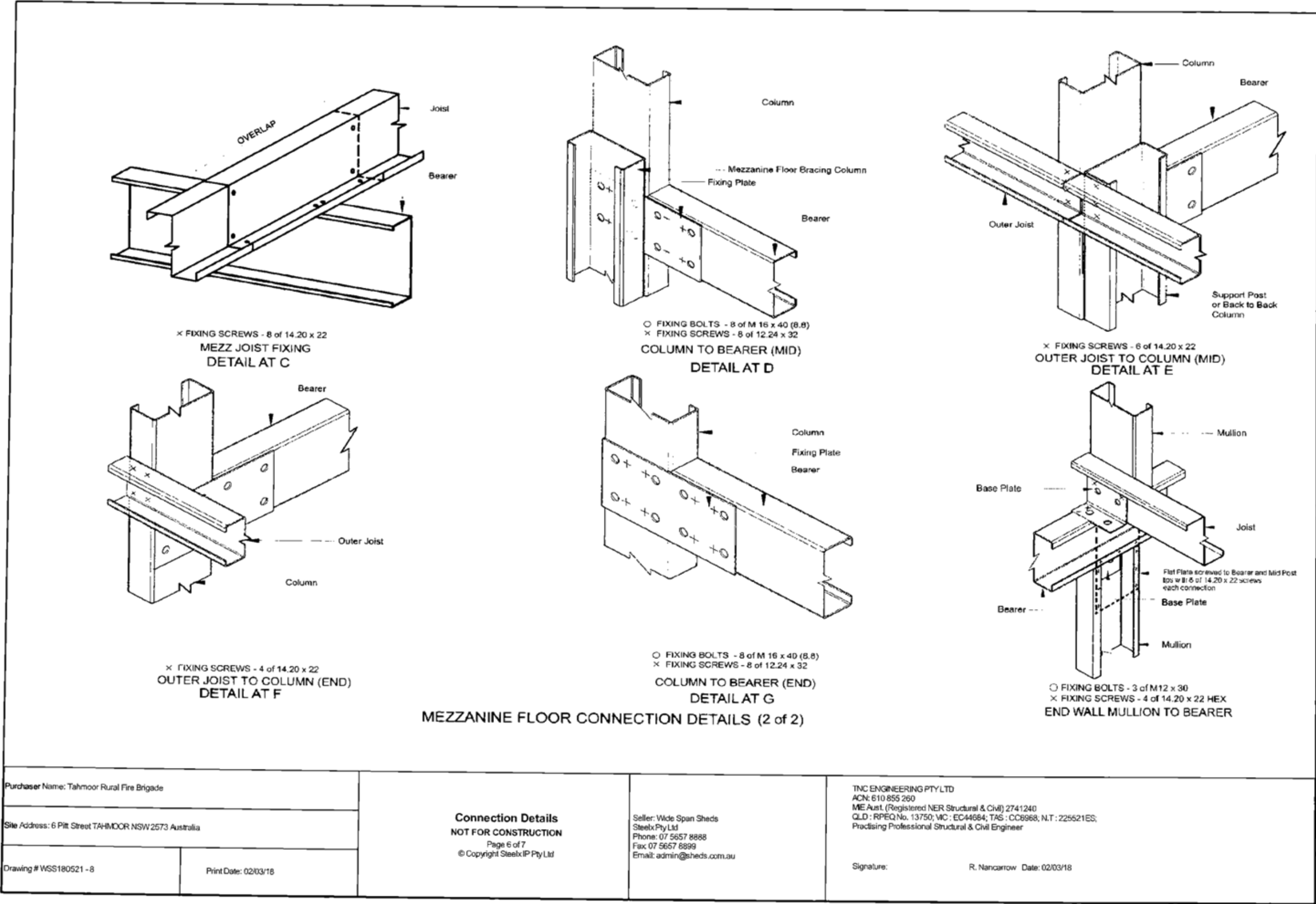


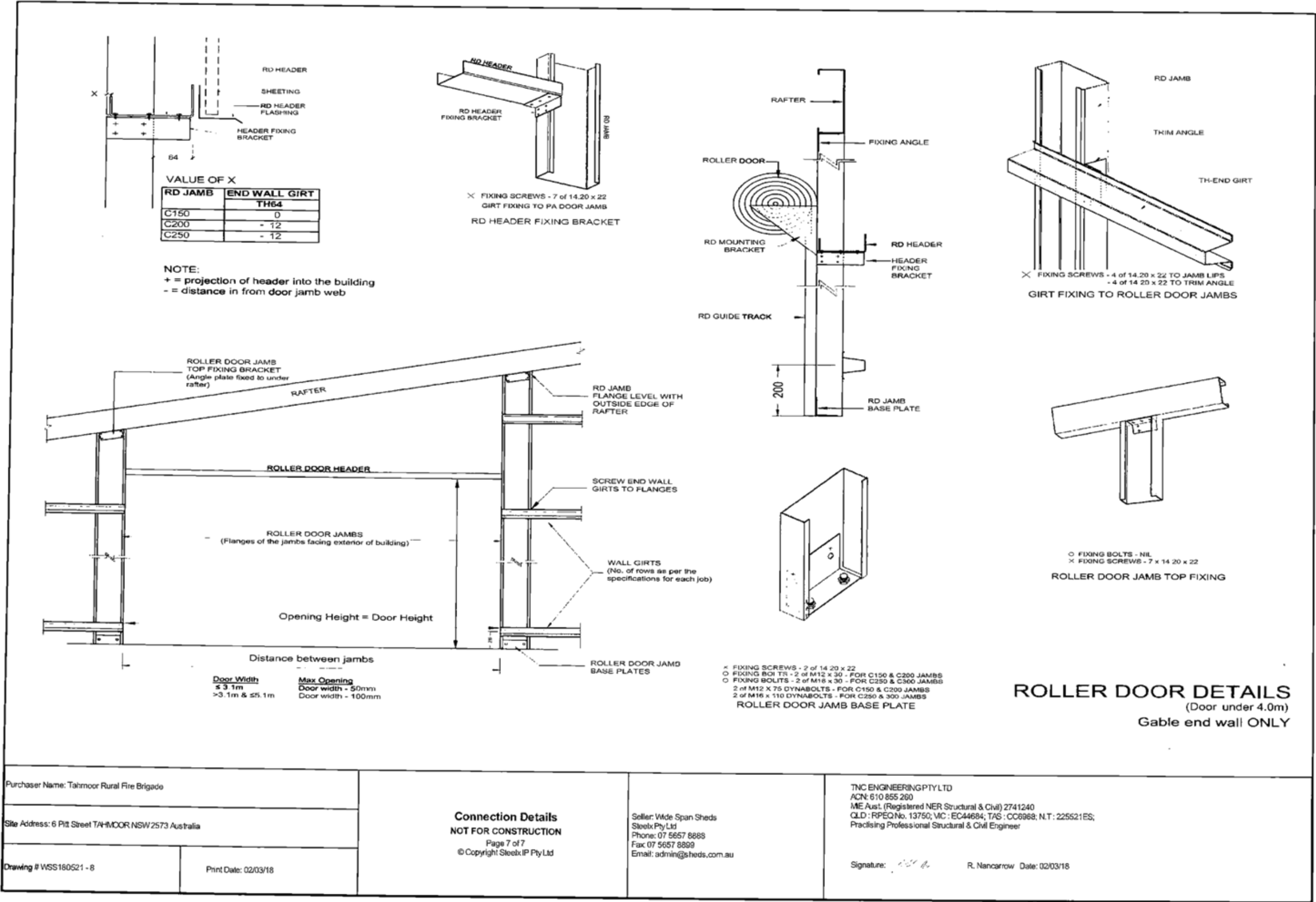


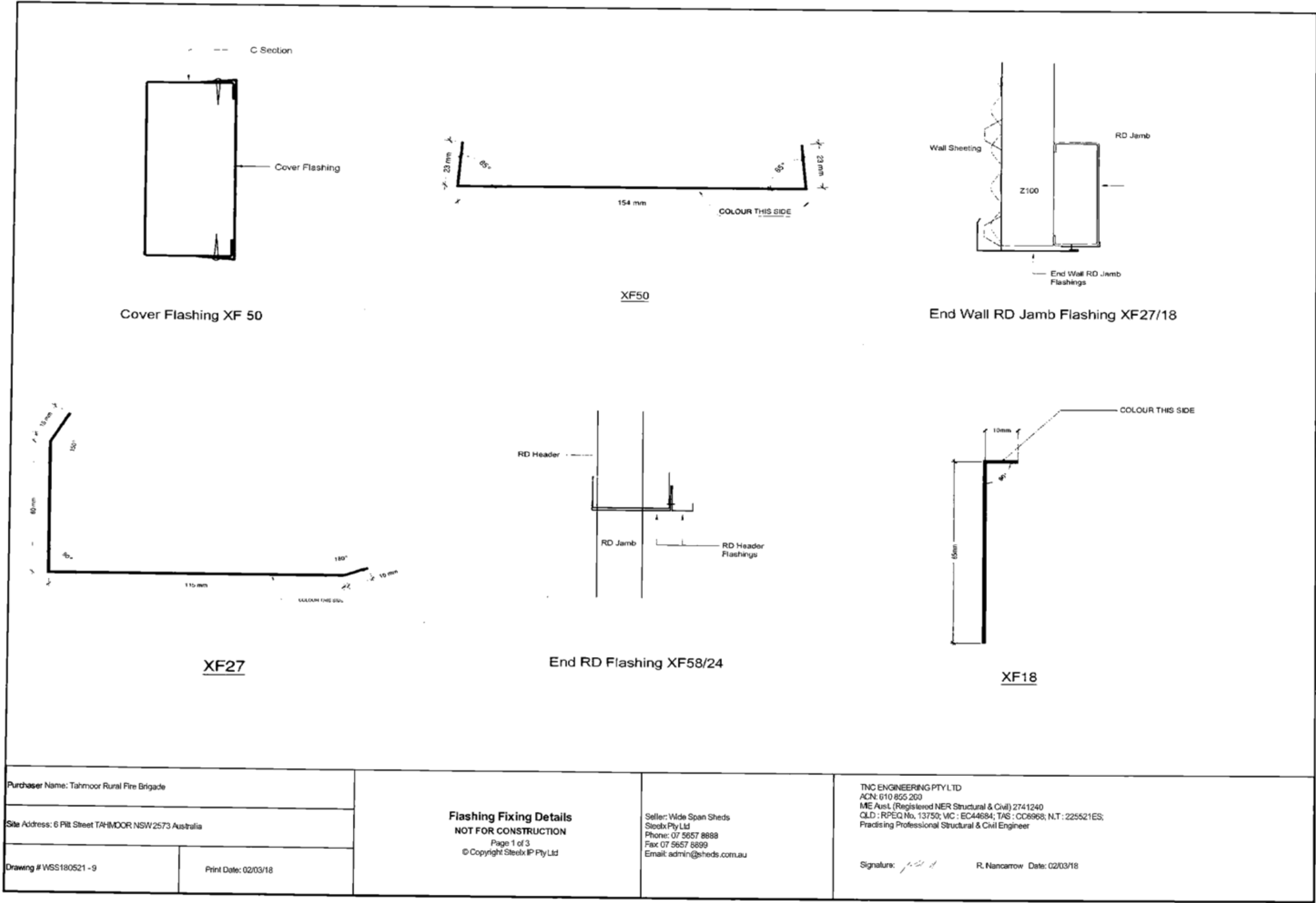


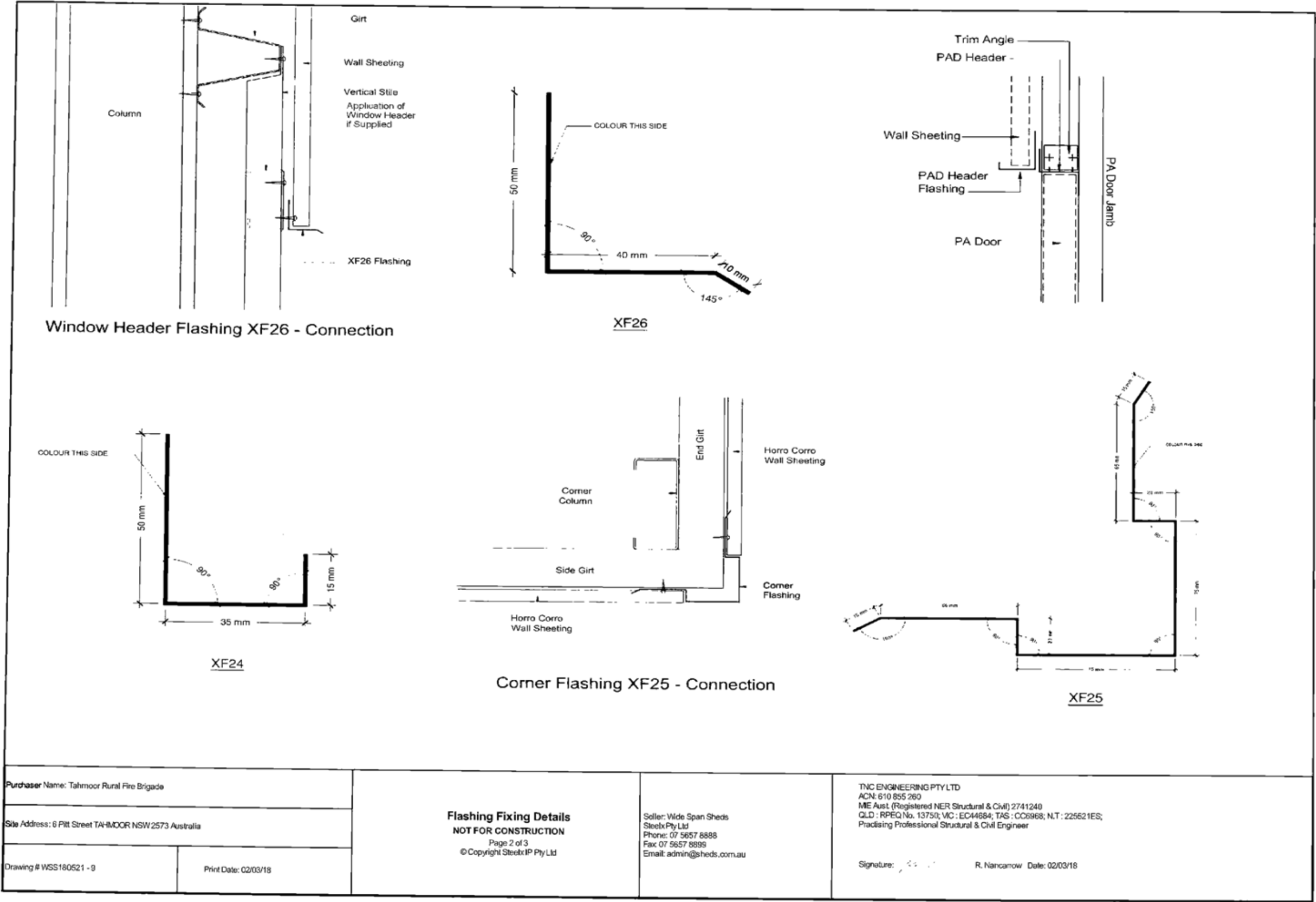
MEZZANINE FLOOR CONNECTION DETAILS (1 of 2)

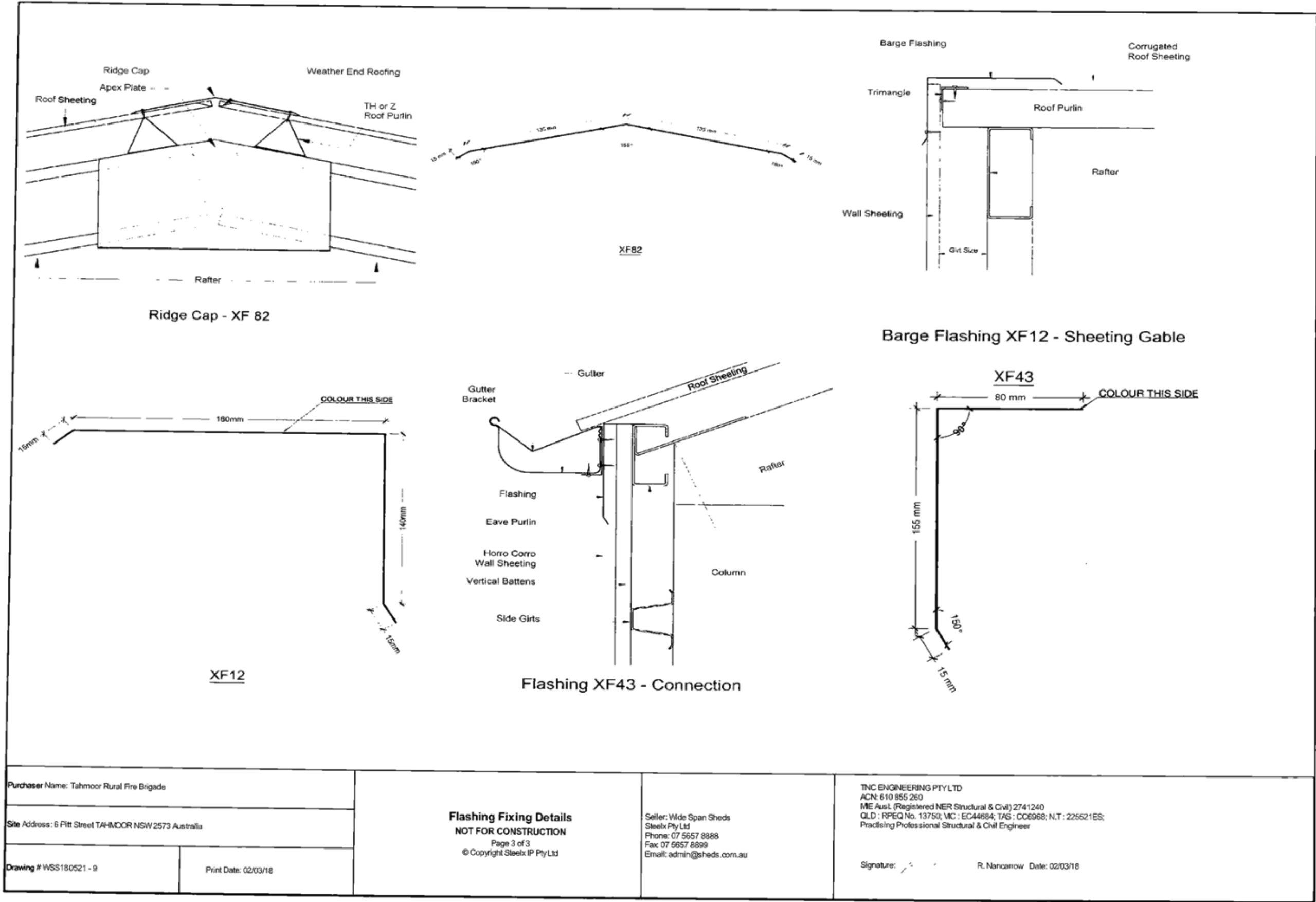
Purchaser Name: Tahmoor Rural Fire Brigade		<div>Connection Details</div> <div>NOT FOR CONSTRUCTION</div> <div>Page 5 of 7</div> <div>© Copyright Steelx IP Pty Ltd</div>	<div>Seller: Wide Span Sheds Steelx Pty Ltd</div> <div>Phone: 07 5657 8888</div> <div>Fax: 07 5657 8899</div> <div>Email: admin@sheds.com.au</div>	<div>TNC ENGINEERING PTY LTD</div> <div>ACN: 610 855 260</div> <div>ME Aust. (Registered NER Structural &amp; Civil) 2741240</div> <div>QLD : RPEQ No. 13750; VIC : EC44684; TAS : CC6968; N.T : 225521ES;</div> <div>Practising Professional Structural &amp; Civil Engineer</div>
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Drawing # WSS180521 - 8	Print Date: 02/03/18			

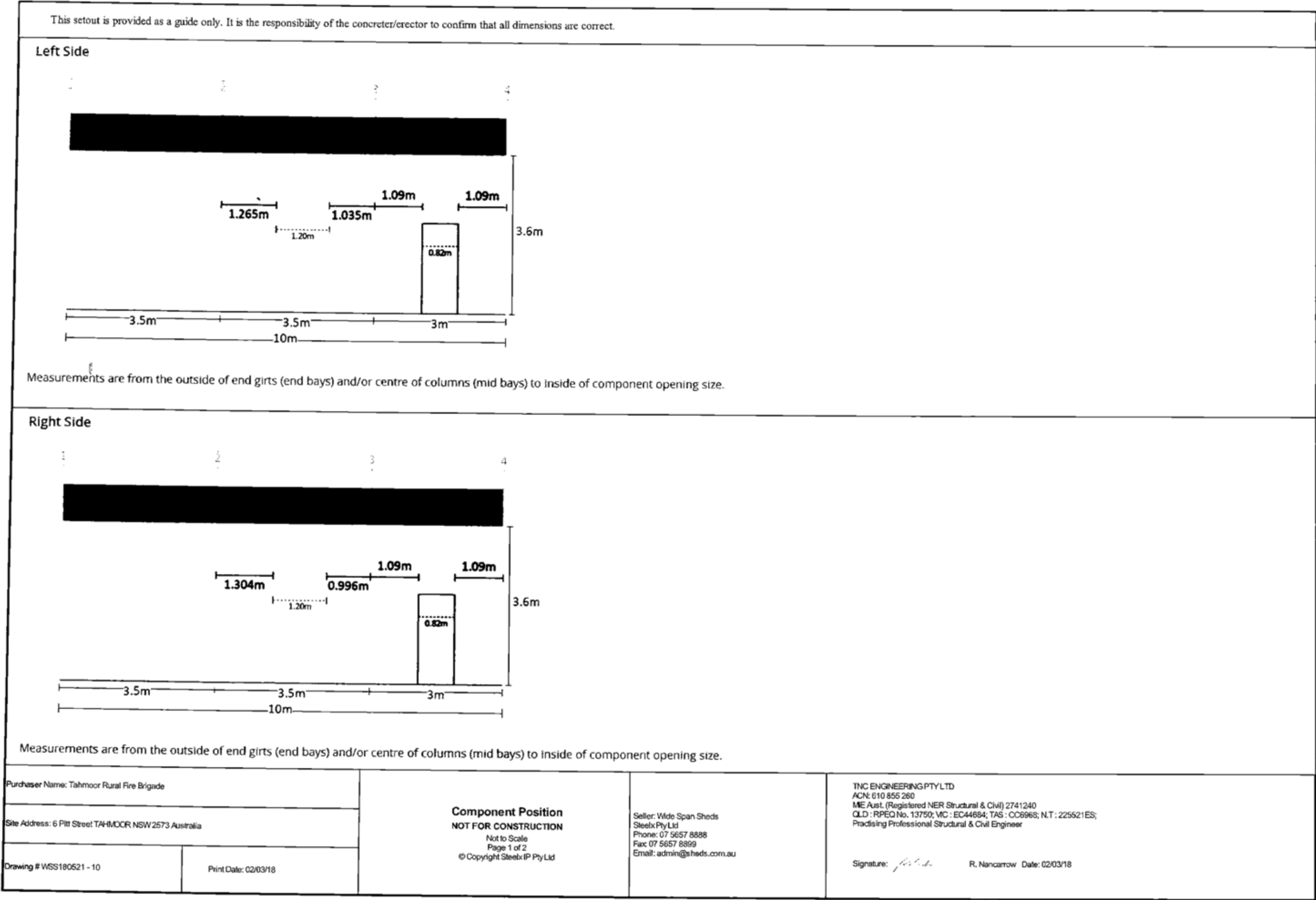


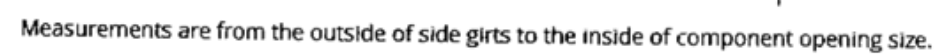










Page 42



**GENERAL NOTES**

These documents show the general arrangement of the building and include some items not supplied (refer to the quotation for nomination of all items to be provided). All items not nominated therein shall be supplied and installed by others.

**DESIGN CRITERIA**

These building plans have been prepared to comply with the standards nominated in the engineer's letter and itemised details in the attached Design Information Sheet. All plans are not to Scale.

The plans provided here are the latest at the time of print. Earlier plans provided may have become outdated due to engineering changes and should not be used. The plans and drawings are extensive and give all the information needed for a competent person to erect the building. The building is not designed to stand up by itself when it is partially complete. Consequently, construction bracing is critical during erection.

The owner has been requested to check off the BOM after the building delivery. You should check that you are able to locate all materials nominated in the BOM. You should also confirm that the length and size (including thickness), nominated in the BOM is what has been provided. Any missing items are the responsibility of the client once correct delivery has been confirmed as per Terms and Conditions of Sale.

**ADDITIONAL DOCUMENTATION TO BE SUPPLIED BY PURCHASER/OWNER**

The Purchaser/Owner is responsible for:

- \*Provision of Soils Report for the site and in the building area on which the building is to be erected
- \*Site/Drainage Plans
- \*Any other plans not covered by these engineering plans requested by the local Council or the authority

**BUILDING CONSTRUCTION REQUIREMENTS**

The Purchaser/Owner is to be ensured that all building construction is carried out in accordance with the Plans, the Construction Manual and the Bill of Materials (BOM).

**SLAB AND/OR PIER DETAILS - GENERAL**

- \* The minimum size of Piers under the columns and End Wall Mullions are nominated on the Material Specifications Plan. When the slab and piers are poured as one pour, the depth of the pier is to the bottom of the slab.
- \* Pier Reinforcement: for any piers over 1100mm, deformed bar to within 100mm of base and minimum 75mm top cover. Minimum side cover 75mm, maximum 100mm. Rod to be caged horizontally at least twice and at a maximum of 300mm spacing. Tie with a minimum of 6mm diameter cage tie. Where pier diameter is less than 450mm diameter, use 4 N12. For diameters equal to and over 450mm, use 4 N16. \* Column supports for mezzanine bearer internal support columns are not shown and should be of the same size and spacing as the end wall mullion piers.
- \* Where columns or end wall mullions have been removed, piers are not required.
- \* End wall mullion spacing may move due to location of openings or doors. Check layout and component position plan, and relocate piers as required.
- \* Footings and slabs, including internal and edge beams, must be founded on natural soil with a minimum allowable bearing capacity of 100kPa. Design covers soil classifications of A, S, M, H1 or H2 for a class 10 building.

- \* The footing designs have been calculated with adhesion values of 0kPa, 25kPa and 50kPa for clay soils and dense sand soils only.
- \* Site conditions different to those specified require a modified design.
- \* Sub grade shall be excavated and compacted to a minimum of 100% standard dry density ratio and within 2% of the OMC to comply with AS2159.
- \* A site specific geotechnical investigation has not been performed, uno.
- \* Designs are in accordance with AS 3600:2009
- \* All concrete to be in accordance with AS 3600:2009. Minimum 25 Mpa, with 80mm slump.
- \* Concrete should be cured for 7 days before commencing construction of the building.

**Concrete Slab****For Class A, S or M Sites**

- \* Slab thickness to be a minimum of 100mm with SL 72 mesh and 40mm top cover.

\* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  
C20019 - 450mm dia x 500mm deep, centered to the C Section  
C20015 - 450mm dia x 400mm deep, centered to the C Section  
Where heavy traffic is to go through the roller door, it is recommended that the slab edge should be thickened to 200mm deep by 300mm wide for the length between the mullions. Place an additional section of SL 72 mesh, 50mm from the base in all thickenings.

**For Class H1 or H2 Sites**

- \* Slab thickness to be a minimum of 125mm with SL 82 mesh and 40mm top cover.

\* Edge beam 400mm deep x 300mm wide with Y12 3 bar Trench Mesh to the perimeter of the building.  
\* Thickening beams 400mm deep by 300mm wide with Y12 3 bar Trench Mesh at a max spacing of 6.2m.  
\* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  
C20019 - 450mm dia x 650mm deep, centered to the C Section  
C20015 - 450mm dia x 500mm deep, centered to the C Section

**Concrete Piers Only****For Class A, S or M Sites**

\* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  
C20019 - 450mm dia x 1000mm deep, centered to the C Section  
C20015 - 450mm dia x 800mm deep, centered to the C Section

**For Class H1 or H2 Sites**

\* Concrete piers under Roller Door Jambs and Mezzanine Mid posts to be a minimum size as below:  
C20019 - 450mm dia x 1300mm deep, centered to the C Section  
C20015 - 450mm dia x 1000mm deep, centered to the C Section

**BRACING NOTES**

- \* Refer to Connection Details.
- \* All Cross Bracing (roof) is achieved with 1.2mm Strap G450

- \* Cross bracing is to be fixed taught and secured with 2 x 14.20 x 22 frame screws at each end.
- \* Fly bracing to be fixed to the purlins/girts at all mid portal rafters, columns and end wall mullions. The spacing between fly braces is determined by column/rafter sizes as follows:

C150 - maximum 1800mm spacing  
C200, C250 - maximum 2200mm spacing  
C300 - maximum 2800mm spacing  
C350 - maximum 3400mm spacing

Initial measurement is from the haunch of the column/rafter, and from the rafter for any end wall mullions.

- \* Where windows/GSD are placed in any bay where cross bracing is shown, then  
a) this can be replaced by moving the bracing to another bay OR  
b) due to the bracing provided by the window jambs, where space permits, bracing should be placed under and over the window.
- \* All bracing strap ends to be located as close as practical to structural members (columns, rafters, mullions) centerline.

**BOLTS**

- \* Unless otherwise nominated, all bolts are grade 4.6
- \* All tensioned bolts shall be tensioned using the part turn method (refer to AS4100). For the erector, full details are in the construction manual.

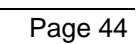
**MEZZANINE FLOOR**

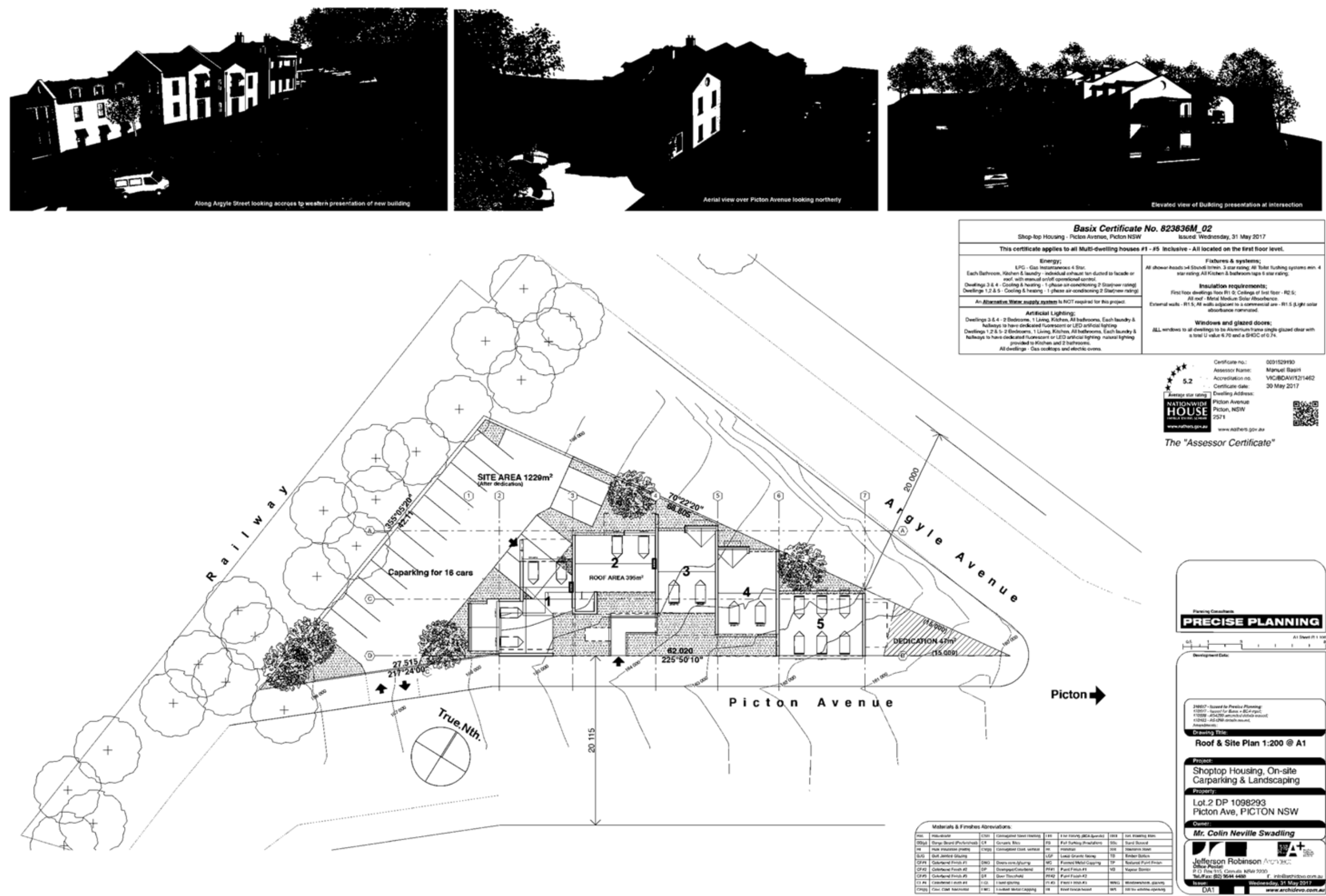
- \* Mezzanine floor designed for 1.5kPa live loading.
- \* No point loads allowed for.

**OTHER MATERIALS NOTES**

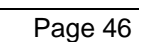
- \* All Sheeting, Flashing and framing screws are Climaseal 4.
- \* All purlin material has Z350 zinc coating with minimum strength of 450MPa.

Purchaser Name: Tahmoor Rural Fire Brigade		<b>General Notes</b> <b>NOT FOR CONSTRUCTION</b> Page 1 of 1 © Copyright Steelx IP Pty Ltd	Seller: Wide Span Sheds Steelx Pty Ltd Phone: 07 5657 8888 Fax: 07 5657 8899 Email: admin@sheds.com.au	TNC ENGINEERING PTY LTD ACN: 610 855 260 ME Aust. (Registered NER Structural & Civil) 2741240 QLD: RPEQ No. 13750; VIC: EC44684; TAS: CC6968; N.T: 225521ES; Practising Professional Structural & Civil Engineer
Site Address: 6 Pitt Street TAHMOOR NSW 2573 Australia				
Drawing # WSS180521 - 2	Print Date: 02/03/18			

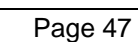




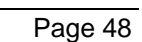




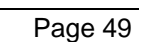


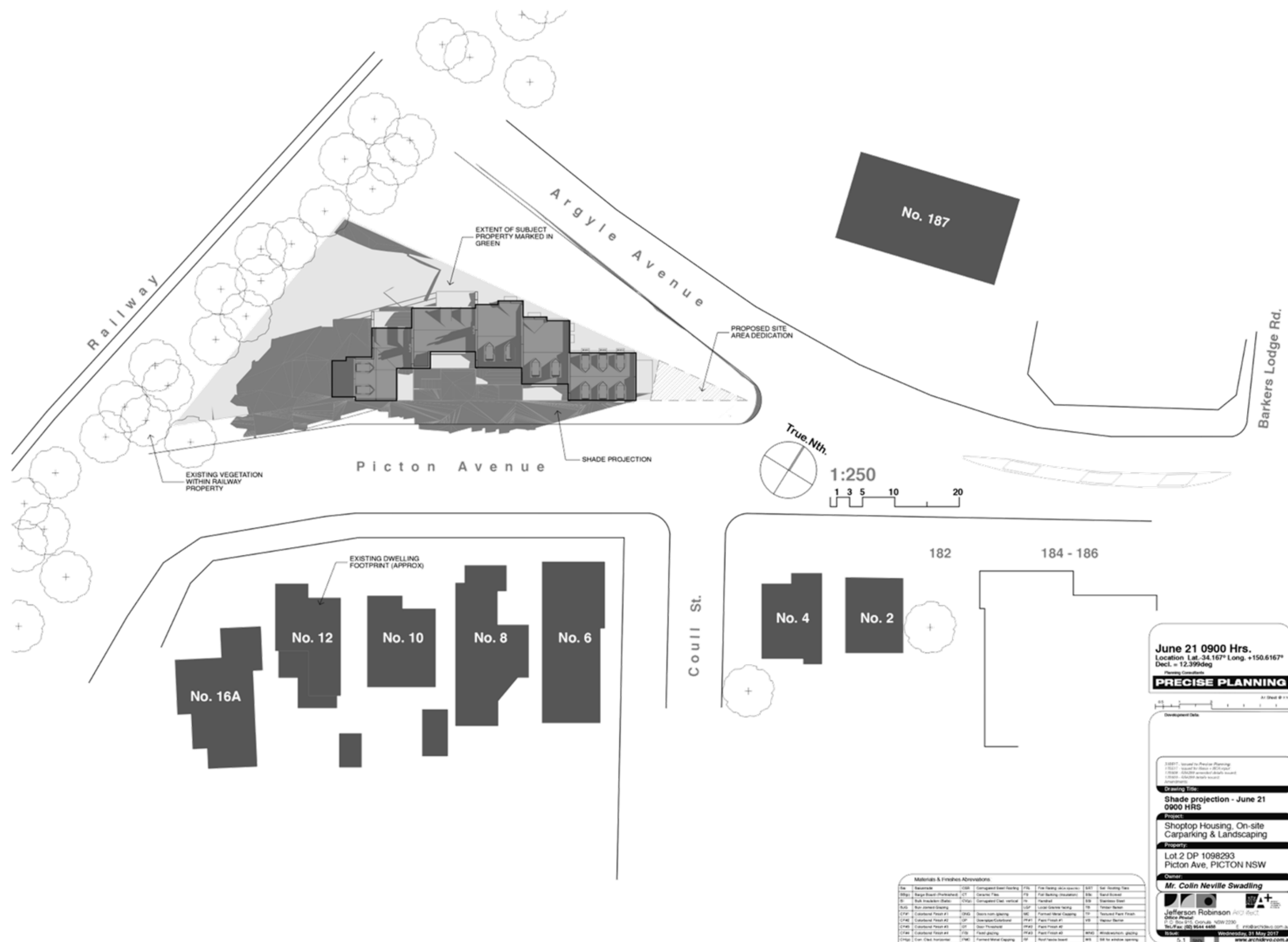




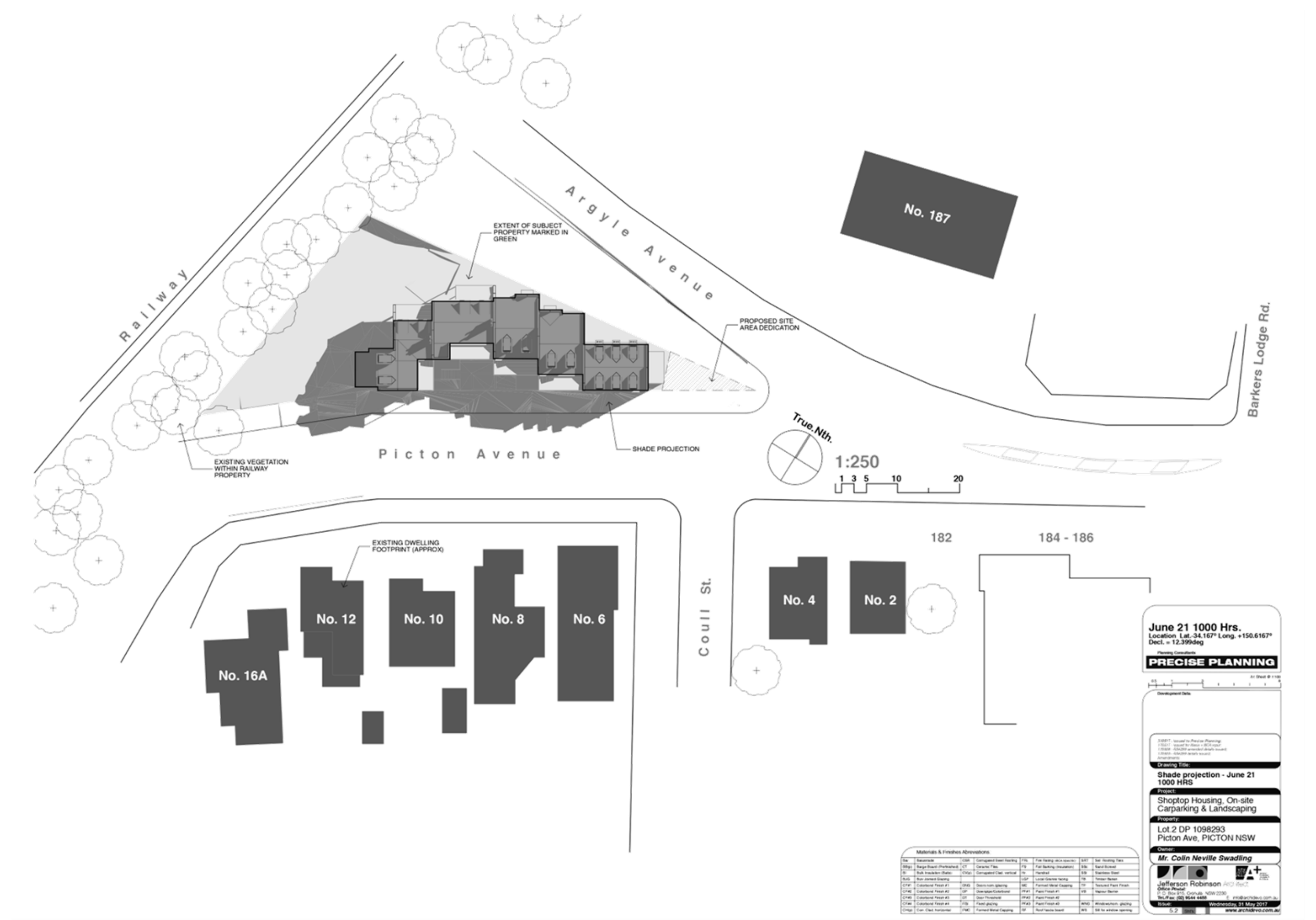


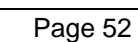


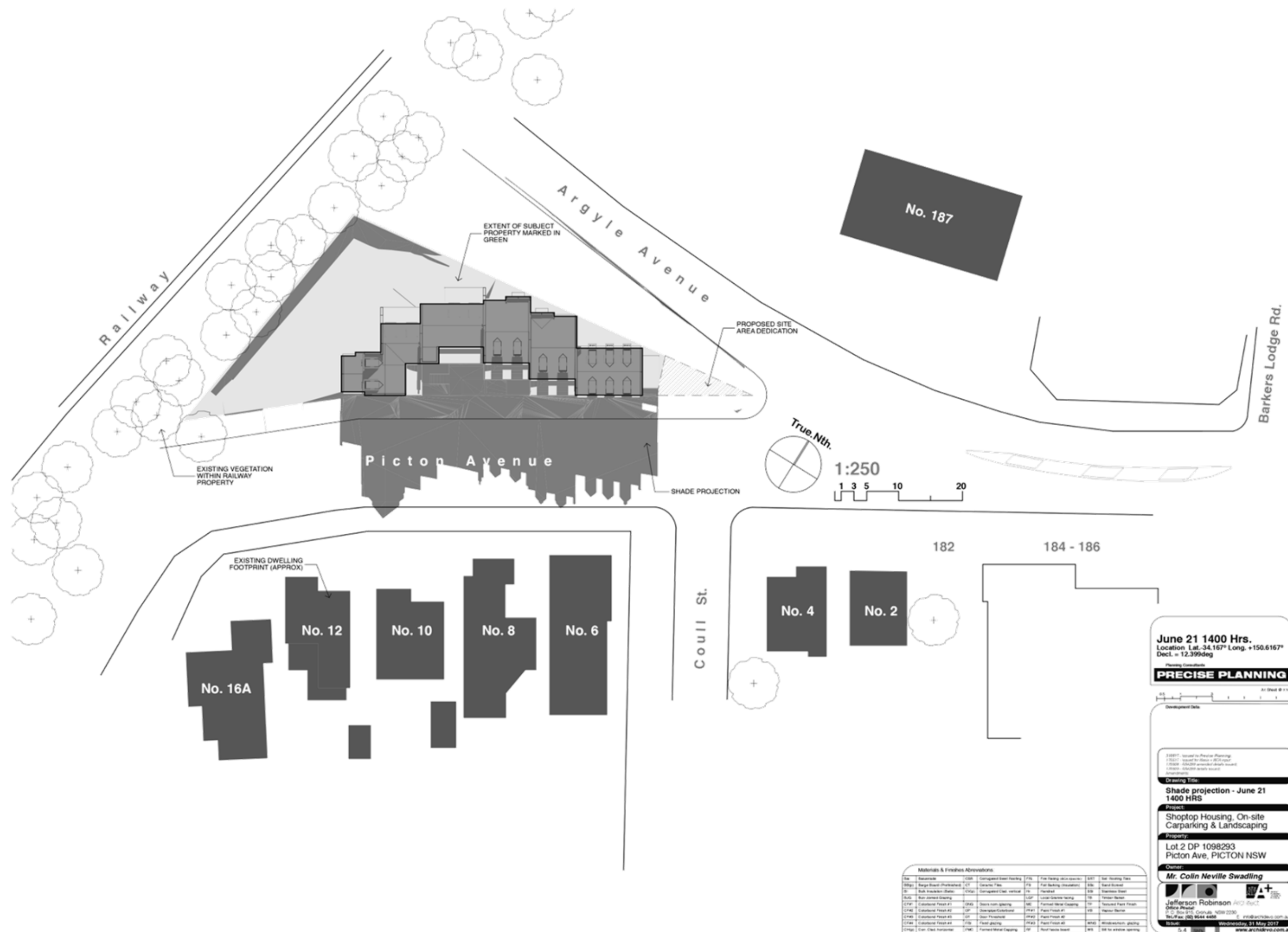


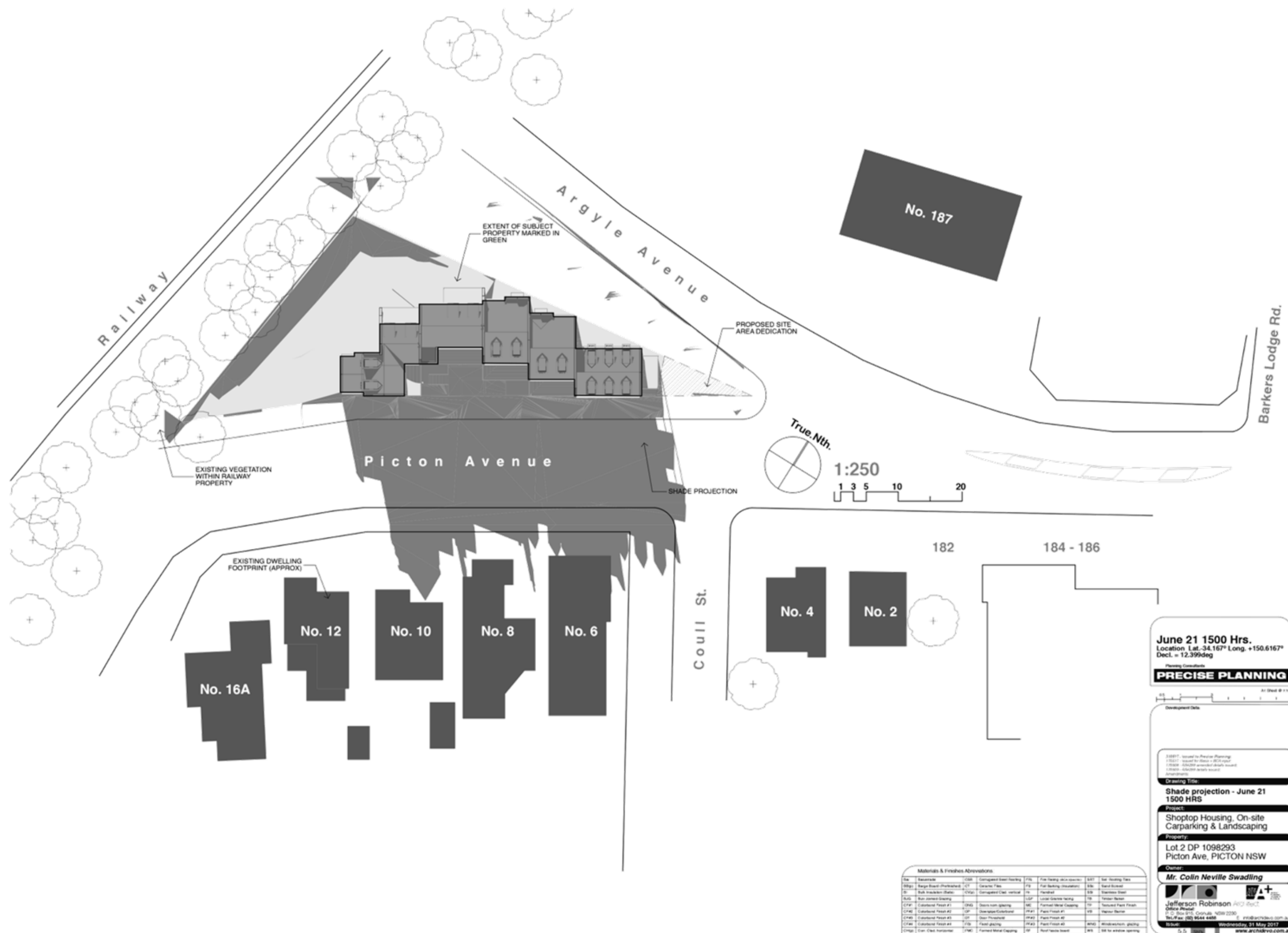


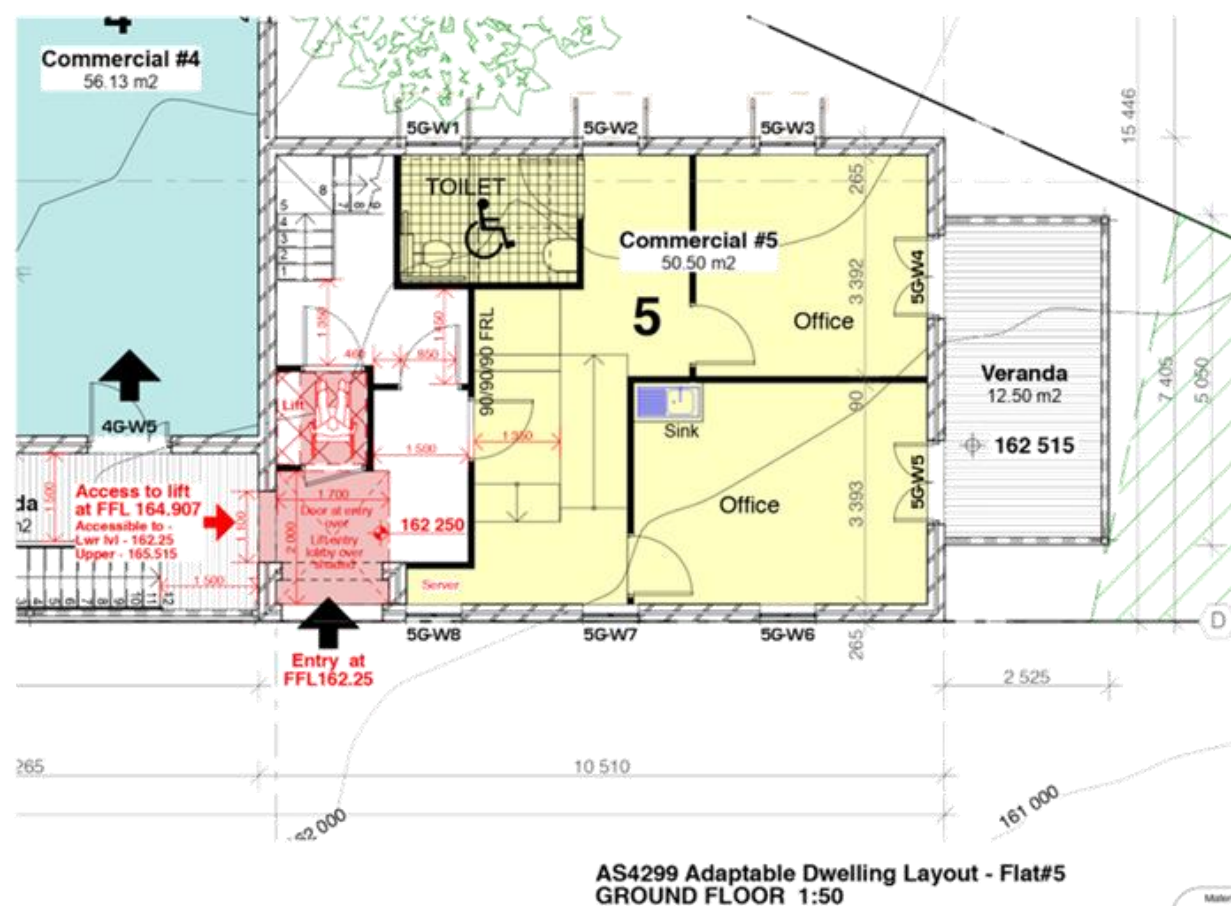










[illegible]

Planning Consultants

# PRECISE PLANNING

0 5 1 2 3 4 5 6 7 8 9 10 11 12

Development Data

AS4299 - based on *Precise Planning*  
1992/93 - based on *Planning* 1993/94  
1994/95 - AS4299 amended details issued  
1995/96 - AS4299 amended issued  
Amended/1996

Drawing Title

**AS4299 Adaptable Dwelling  
Floor Plans 1:50**

Project:

**Shoptop Housing, On-site  
Carparking & Landscaping**

Property:

**Lot 2 DP 1098293  
Picton Ave, PICTON NSW**

Owner:

**Mr. Colin Neville Swadling**

**Jefferson Robinson Architects**  
Online Portal:  
2/100 Riverlink, Gungahlin, NSW 2220  
Tel/Fax: (02) 9544 4400 E: [info@jeffersonrobinson.com.au](mailto:info@jeffersonrobinson.com.au)

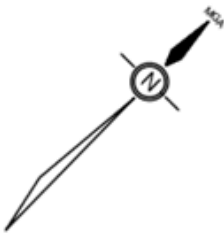
**Issue:** **Wednesday 31 May 2012**

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Page 56

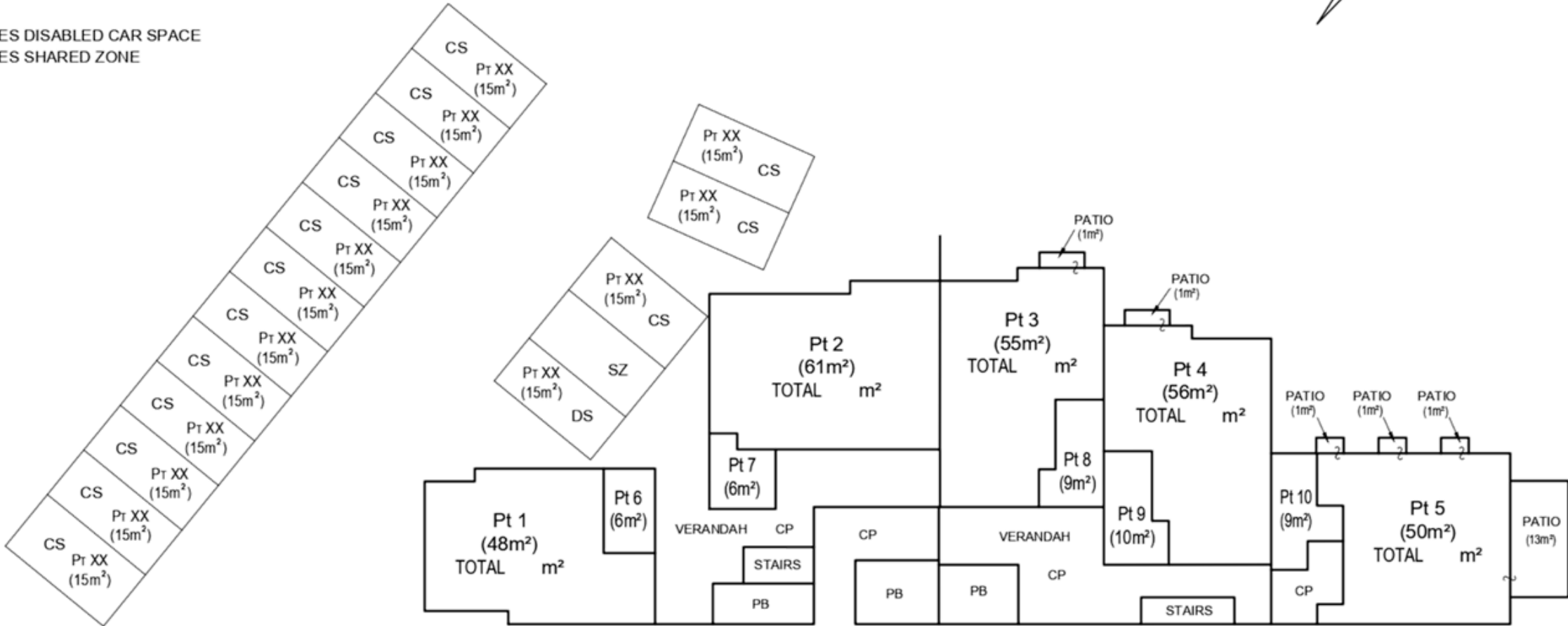


GROUND FLOOR PLAN



NOTES:

DS      DENOTES DISABLED CAR SPACE  
SZ      DENOTES SHARED ZONE



NOTES:

CP      DENOTES COMMON PROPERTY  
B      DENOTES BALCONY  
CS      DENOTES CAR SPACE  
STAIRS      ALL EXTERNAL STAIRS ARE COMMON PROPERTY

THIS DRAFT STRATA PLAN HAS BEEN COMPILED FROM ARCHITECTURAL DRAWINGS ONLY. NO FINAL STRATA SURVEY OF THE LAND HAS OCCURRED. AS SUCH, ALL LOT AND COMMON PROPERTY AREAS ARE DRAFT AND SUBJECT TO CHANGE.

ALL AREAS ARE APPROXIMATE

THE STRATUM OF EACH PATIO IS LIMITED IN HEIGHT FROM ITS TILED UPPER SURFACE FLOOR LEVEL TO 3 METRES ABOVE, EXCEPT WHERE COVERED.

AREAS ARE APPROXIMATE AND FOR THE PURPOSED OF STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973

ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY

Surveyor: Paul Brandon  
Of: Australian Survey Solutions  
Surveyor's Ref: 170618  
Subdivision No:  
Lengths are in metres. Reduction Ratio:

Registered

Rev A

Draft Strata Plan

10	20	30	40	50	60	Table of mm	90	100	110	120	130	140	150
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NOTES:

CP     DENOTES COMMON PROPERTY  
B       DENOTES BALCONY

THIS DRAFT STRATA PLAN HAS BEEN COMPILED FROM ARCHITECTURAL DRAWINGS ONLY. NO FINAL STRATA SURVEY OF THE LAND HAS OCCURRED. AS SUCH, ALL LOT AND COMMON PROPERTY AREAS ARE DRAFT AND SUBJECT TO CHANGE.

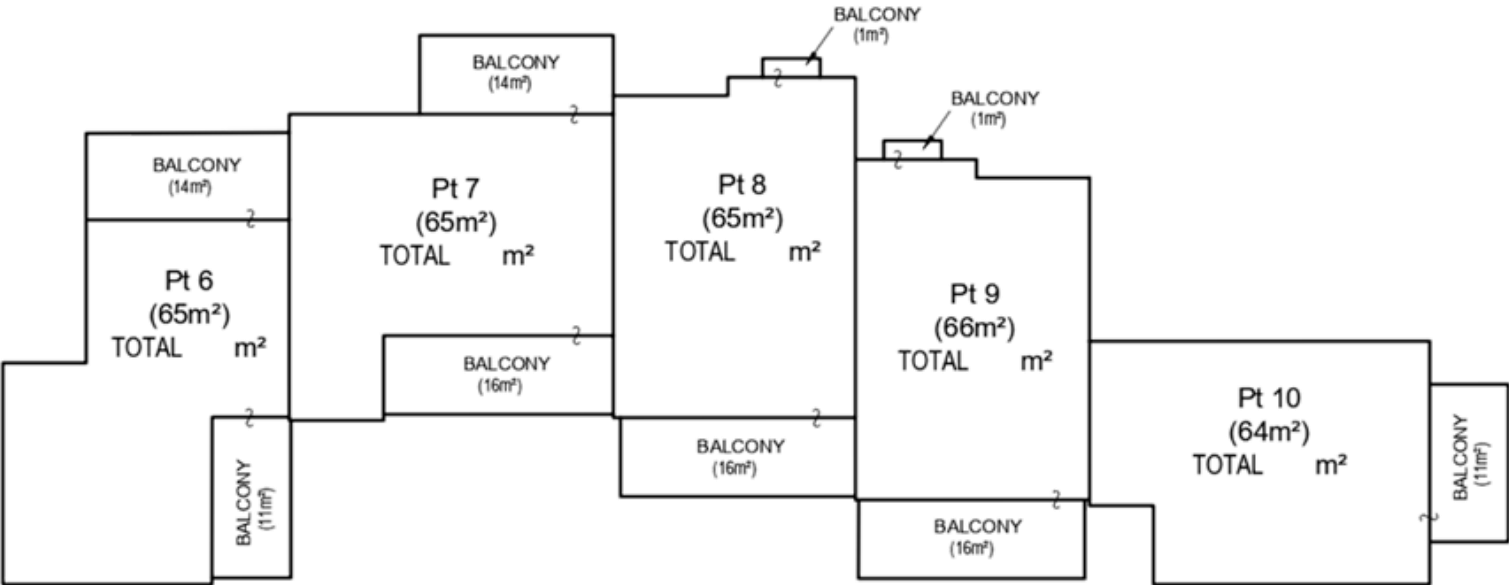
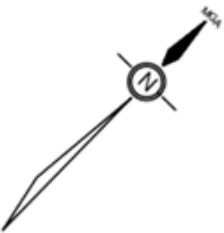
ALL AREAS ARE APPROXIMATE

THE STRATUM OF EACH BALCONY IS LIMITED IN HEIGHT FROM ITS TILED UPPER SURFACE FLOOR LEVEL TO 3 METRES ABOVE, EXCEPT WHERE COVERED.

AREAS ARE APPROXIMATE AND FOR THE PURPOSED OF STRATA SCHEMES (FREEHOLD DEVELOPMENT) ACT 1973

ANY SERVICE LINE WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY

FIRST FLOOR PLAN



Surveyor: Paul Brandon Of: Australian Survey Solutions Surveyor's Ref: 170618 Subdivision No: Lengths are in metres. Reduction Ratio:	Registered  Rev A	Draft Strata Plan
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10	20	30	40	50	60	Table of mm	90	100	110	120	130	140	150
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16<sup>th</sup> October 2017

20 Station Place  
Wagga Wagga NSW 2650  
PO Box 2150  
Wagga Wagga NSW 2650

P. 02 6939 5444  
F. 02 6939 5741  
E. [info@artc.com.au](mailto:info@artc.com.au)  
W. [artc.com.au](http://artc.com.au)

Wollondilly Shire Council  
PO BOX 21  
PICKTON NSW 2571

[council@wollondilly.nsw.gov.au](mailto:council@wollondilly.nsw.gov.au)

Dear Sir/ Madam,

**RE: DEVELOPMENT APPLICATION 010.2017.00000578.001 – 1 Picton Avenue Picton – Lot 2 DP 1098293**

Thank you for your correspondence dated 26 September 2017 regarding the abovementioned Development Application.

The New South Wales Government's Transport for NSW is the land owner of the railway lines across NSW. The rail corridor at PICKTON is leased to the Australian Rail Track Corporation (ARTC). As such ARTC is responsible for reviewing developments, plans and policies adjoining the rail corridor to ensure any potential impacts of or on future rail operations are considered.

It is requested that Council consider *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* (the Infrastructure SEPP) and *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* when determining this application. A copy of the guideline can be found at the following link:

[http://www.planning.nsw.gov.au/planningsystem/pdf/guide\\_infra\\_devtrailroadcorridors\\_interim.pdf](http://www.planning.nsw.gov.au/planningsystem/pdf/guide_infra_devtrailroadcorridors_interim.pdf)

ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application;

#### **Visual Issues**

The proposal is located in close proximity to the rail corridor and has the ability to involve car lights shining onto the rail corridor. It is requested that appropriate conditions be imposed to mitigate any potential impacts from car lights shining toward the rail corridor. Such conditions may include effective screening.

#### **Fencing and Safety**

The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access.

CONFIDENTIAL

Page 1 of 3



### Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor.

A review of the proposal submitted did not appear to include details of stormwater disposal. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

### Noise and Vibration

ARTC requests that the Council consider the requirements of *Development Near Rail Corridors And Busy Roads – Interim Guideline* and whether any noise sensitive uses within the development are likely to be adversely affected by rail noise or vibration.

To assist Council in assessing and determining the development immediately adjacent to the railway corridor, it is recommended that all residential and other noise-sensitive proposals located within 60-80m of an operational railway line be subject to an acoustic assessment and that Council may use their discretion to extend the acoustic assessment beyond the preferred 60-80m buffer to address any developments that are:

- Located outside of the preferred 60-80m buffer;
- In the vicinity of steel bridges or cuttings;
- Near sections of high speed track or regularly used track; or
- In locations where no acoustic shielding by topography or buildings exist.

Furthermore Clause 87 of the Infrastructure SEPP requires consideration of the impact of noise and vibration on non-rail development. The SEPP requires that the consent authority **must not grant consent** to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

### Excavation

Should excavation exceeding 2m be proposed within 25m of the track the application will require additional review and further details will need to be provided to ARTC.

Section 6 of the *Interim Guideline* should be considered by Council, together with the need for a geotechnical assessment or structural assessment for the earthworks, particularly for the works in close proximity to the rail corridor.

## ARTC

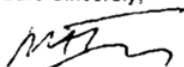
### **Construction**

Further consultation with ARTC should occur if construction will involve the use of cranes, or involve any access onto ARTC's land or air space. Mitigation measures should ensure that stormwater and dust during construction cannot affect the rail corridor.

### **Maintenance Access**

ARTC currently has an access gate off Picton Avenue immediately adjacent to the subject land. The plan provided does not clearly show how the new footpath will link with the existing foot path and how ARTC's access will be allowed for. We request that an updated design be provided to show this and Council include as a condition of approval that ARTC's access is to be maintained

Yours Sincerely,



Michael Irons  
Property Manager Wagga

PHONE: 02 6939 5467  
FACSIMILE: 02 6939 5437  
EMAIL: [mirons@artc.com.au](mailto:mirons@artc.com.au)

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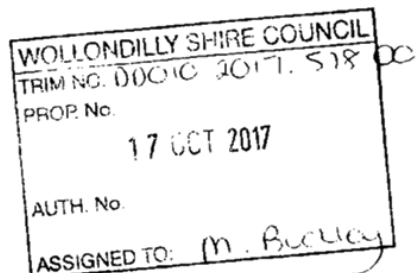
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Sensitive – Law Enforcement

D/2017/345949



**NSW Police Force**  
www.police.nsw.gov.au



Mr M Buckley  
62/64 Menangle Street.  
Picton, NSW 2571.

11<sup>th</sup> October, 2017.

**DA: 578/2017, LOT: 2, DP: 1098293. 1 Picton Avenue, Picton.**

On Wednesday 11th October 2017, a Safer by Design Evaluation was conducted on **DA: 578/2017**, for the proposed development of 5 Commercial Premises, 5 Shop Top Houses, strata Subdivisions.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development on the grounds that crime risk cannot be appropriately minimised'.

The Guidelines contain two parts. 'Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification proposals to minimise risk'. (DUAP 2001:2)

### **Crime Prevention Through Environmental Design (CPTED)**

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place

**CAMDEN Local Area Command**

Narellan Police Station

278 Camden Valley Way, NARELLAN NSW 2567

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## Sensitive – Law Enforcement

management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

- Surveillance
- Access Control,
- Territorial re-enforcement and
- Space/activity management.

## Site Description

The proposed development is for the proposed development of 5 Commercial Premises, 5 Shop Top Houses, strata Subdivisions, located at 1 Picton Avenue , Picton.

## Site Risk Rating

The NSW Police Safer by Design Evaluation process is based upon Australia and New Zealand Risk Management Standard ANZS4360:1999. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

After conducting this process the rating for this development has been identified as, **low Crime Risk.**

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## Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space. *Technical/mechanical Surveillance* is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. *Technical/mechanical Organised Surveillance* is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

*Natural surveillance* is an important element capable guardianship. When supervision is lacking, the perception of surveillance can be created to deter opportunistic criminals. Offenders often scan their surroundings to see if they are being watched. Objects, areas and structures capable of concealing an offender (especially near pedestrian routes) increase crime risk.

Natural surveillance opportunities during construction for this development in the day will be acceptable with the substantial amount of workers required. The issues will come overnight and the weekend. Building materials including copper wiring and piping are highly sought after as scrap metal due to their value, therefore measures should be put in place to deter offenders when there are no persons around. With this in mind it may be necessary to increase surveillance opportunities by using either technical/mechanical (Closed Circuit Television Systems etc) or organised (using people to supervise areas) treatment options.

### Recommendations:

- 1) Entry points should be designed so as to maximize surveillance opportunities to and from these areas from both inside, as well as outside.
- 2) Residential setbacks (such as front yards) act as a transition or buffer between private and public space. These areas require good sight lines from private vantage points to public areas.
- 3) Store and Electrical Meter Rooms need to have doors locked at all times.
- 4) Doors into Electrical Meter Rooms, to have approved Power Company locks and doors to be kept locked at all times.

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## Sensitive – Law Enforcement

- 5) All vegetation/ Landscaping to be trimmed on a regular basis to ensure it is kept to a minimal height i.e eye level, at all times.
- 6) Ensure all barriers and panels around the dwellings are transparent.
- 7) CCTV cameras to be installed in and around car parking areas, lift areas and stair wells, and to be installed by licensed, qualified security professionals.
- 8) Effective lighting to be installed in and around the car parking areas as well as the public / private areas internal and external.
- 9) As the proposed development may be exposed to Break Enter and Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit television system (CCTV) which complies with the Australian Standard – Closed Circuit Television System (CCTV) AS:4806:2006 needs to be implemented to receive, hold or process data for the identification of people involved in anti social or criminal behaviour. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation. This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise.
- 10) CCTV Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas.
- 11) One or more CCTV cameras should be positioned at the entry and exit points to monitor these areas ( i.e underground car park, and stair well access).
- 12) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- 13) It is crucial even in the development stage that the CCTV cameras are installed as soon as power is available to the site.

**Lighting ( Surveillance)**

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area. Further information is required within the plans, which were reviewed to indicate the lighting proposals for the street lighting and car park, i.e the positioning of the lights next to vegetation is of a concern due to reducing the spread of the lighting.

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Lighting should meet minimum standards. Crime and fear reduction are specified as key objectives in Australian lighting standard AS1158 for public streets, car parks and pedestrian areas.

Effective lighting contributes to public safety by reducing fear, increasing community activity, improving visibility and increasing the chance that offenders will be detected and apprehended. The Canadian METRAC Group (Toronto City Council) recommends a 15 metre facial recognition test in public places. This yardstick is often applied as a non-technical measure of lighting effectiveness.

Walking from overtly bright places into dark places, or dark to light places can lessen a pedestrian's ability to see and recognize people, objects and colours. Transition lighting can help to reduce (night) vision impairment.

#### **Recommendations:**

- 1) Lighting should be designed to the Australian and New Zealand Lighting Standards.
- 2) Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.
- 3) Lighting layout for the outdoor areas should be Anti Vandal type lights which are a better option, for both lighting and maintenance.
- 4) Australian and New Zealand Lighting Standard 1158 – Car Parks, must be used especially in undercover type parking in each block.
- 5) Public area lighting must be bright and even (to permit facial recognition of approaching persons at 15 metres).
- 6) Public or outdoor lighting to be addressed to ensure it complies and is effective.
- 7) All lighting should be vandal proof throughout the complex.
- 8) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.

#### **Landscaping ( Surveillance)**

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Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can also provide concealment or entrapment areas for people involved in *criminal behaviour*.

**Recommendations:**

- 1) Some predatory offenders seek pockets and enclosures created by vegetation/landscaping. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future especially at rear open space areas.
- 2) A safety convention is to have 3-5 metres of cleared space on either side of pathways. Thereafter, vegetation is stepped back in height to maximise sightlines.
- 3) A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment.
- 4) Landscaping can greatly interfere with residential setbacks (such as front yards). These areas require good sight lines from private vantage points to public areas therefore it is important that landscaping does not inhibit surveillance.
- 5) Landscaping close to and around the dwelling should be regularly maintained to ensure branches cannot act as natural ladders to gain access to higher parts of the dwelling, and to assist with natural surveillance in and around the dwellings.
- 6) Vegetation to be 3-5 metres clear of pathways.
- 7) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime. Warning, trespassers will be prosecuted. Warning, these premises are under electronic surveillance.
- 8) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- 9) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.

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- 10) Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.
- 11) Signage needs to be provided to assist occupants to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- 12) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within **24 hours**.

## Access Control

Access control should be designed to limit the opportunity for crime by taking steps to clearly delineate public, semi-public and private space. This can be achieved by using physical and symbolic barriers to attract, channel or restrict the movement of people into and throughout the development. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegal boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. However, care needs to be taken to ensure that the barriers are not tall or hostile, creating the effect of a compound.

Effective access control can be achieved by creating:

- Landscapes and physical locations that channel and group people into target areas
- Spaces which attract, rather than discourage people from gathering.
- Restricted access to internal areas or high risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.

### Recommendations:

- 1) The door and door frames to these premises should be of solid construction. Doors should be fitted with locks that comply with the Australian Standard – Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg.

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Locking bars, electronic locking devices and detection devices) **Dead locks are required for residential units.**

- 2) All exit doors from the car park to the stairwell and lifts ,should have striker plates installed to minimise chance of tampering.
- 3) There needs to be a limit to how many exit and entry points are available to the car park.

## **Territorial Re-enforcement**

Territorial re-enforcement promotes control through increased definition of space and improved proprietary controls. An environment designed to clearly delineate private and public spaces does a number of things. Owners have a vested interest in the space and are more likely to take the appropriate action to protect such space. Strangers or intruders stand out in that space and are more easily identified. Buildings, fences, footpaths, signs, lighting and landscape can be used to delineate space and express ownership of space. Space which is not clearly defined may encourage anti-social or criminal behaviour.

Territorial reinforcement can be achieved through:

- Design that encourages people to gather in space and to feel some responsibility for its use and condition.
- Design with clear transitions and boundaries between public and private space
- Clear design cues on who is to use the space and what it is to be used for. Care is needed to ensure that territorial reinforcement is not achieved by making public spaces, private spaces through gates and enclosures.

**Landscaping :** Can be an effective and pleasant instrument to define space. Hedges and trees should not cause an area to be enclosed, restricting natural surveillance. Landscaping should lead pedestrians onto the nominated pathways.

**Vegetation:** Hedges and shrubs should not be higher than 900mm. Large high branching trees provide shade, shelter and add to the attraction of environments. The lower tree limbs should be above average head height so they do not restrict vision. The use of thorny bushes may aid in restricting access to areas while still appealing to the eye.

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**Recommendations:**

- 1) The boundaries of the development to be well defined and re-enforced by fencing and landscaping.
- 2) Car park design and definitional legibility can help (or hinder) way finding. Knowing how and where to enter/exit and find assistance can impact perceptions of safety, victim vulnerability and crime opportunity. Signage should reinforce (not be an alternative to effective design).
- 3) Signage needs to be provided at entry/exit points indicating public and private access points and areas throughout the development, to assist users and warn intruders that they will be prosecuted.
- 4) All car parking areas of each block should have signage "residents only", and signs for all visitor parking.
- 5) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such materials generally with a forty-eight hour period.
- 6) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development

**Space / Activity Management**

Popular space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space activity management ensures that space is appropriately utilised and well cared for.

Space/activity management strategies should include activity coordination, maintenance, rapid repair of vandalism and graffiti and the replacement of burned out lighting and the removal or refurbishment of decayed physical elements.

Space/activity management should support and increase the use of the built environment for safe activities with the intent of increasing the risk of detection to criminals and undesirable activities.

Highly functional areas are susceptible to opportunistic crime when inactive. CBDs and large developments often experience high levels of night time burglary, theft of commuter vehicles and other crime.

**Recommendations:**

The key recommendations from the assessment include:

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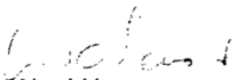
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- Installation of CCTV cameras within and around the development
  - Improved lighting around the footpaths and car park areas within the development
  - Ensuring the building design minimises the potential for climbing onto balconies
  - Landscaping that promotes natural surveillance of common areas
  - Underground car park that does not have hidden areas or dark spots
  - Security measures in place for entry doors and lifts (security passes)
- 
- 1) As residents within this area have been targeted for malicious damage, break enter and steal, and stealing's, it is important that access to and from the development be established and maintained.
  - 2) There is little information to indicate the access control treatments in and around the development.
  - 3) Natural ladders are building features, trees or nearby structures that can help a criminal to climb to balconies, rooftops, ledges and windows.
  - 4) Consideration to be given to enhancing the entry into buildings with electronic access control equipment to enhance physical security.
  - 5) Intercom facilities should be incorporated into these entry/exit points at the front and back of the dwelling to enable residents to communicate and identify with people prior to admitting them to the premises. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
  - 6) Having electronic access control equipment fitted to these areas to enhance physical security should control the doors from public to private areas.
  - 7) 'Residents only' access to underground parking through the interior of the dwelling can reduce opportunities for theft from vehicles, motor vehicle theft, and entrapment.
  - 8) Bench seating and Common Open space areas ( Public Reserve) to be maintained. Re The broken window Theory. The theory states "That maintaining and monitoring urban environments in a well-ordered condition may stop further vandalism and escalation into more serious crime".

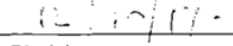
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We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Greg Loudon, Crime Prevention Officer, Camden Local Area Command, phone 46324459 or Email loud1gre@police.nsw.gov.au

Yours faithfully,



Ward Hanson.  
Superintendent  
Commander  
Camden Local Area Command.



**Disclaimer**

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:-

1. It is not possible to make areas evaluated by the New South Wales Police, absolutely safe for members of the community or their property.
2. It is based upon the information provided to the New South Wales Police, at the time the evaluation was made.
3. The evaluation is a confidential document and is for use by the consent authority or organization referred to on page 1 only.
4. The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

The New South Wales Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

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*All communications to be addressed to:*

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Facsimile: 8741 5433



The General Manager  
Wollondilly Shire Council  
PO Box 21  
PICKTON NSW 2571

Your Ref: 010.2017.00000578.00  
Our Ref: D17/3688  
DA17101809811 SD

**ATTENTION:** M Buckley

29 November 2017

Dear Sir / Madam

#### **Integrated Development for 1 Picton Avenue Picton 2571**

I refer to your letter dated 12 October 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Precise Planning numbered Issue DA2, dated 31 May 2017.

#### **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. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) 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 a 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 conditions shall apply:

3. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
  - Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.
  - Fire hydrants shall not be located within any road carriageway.
  - Where the rear or most distant part of a proposed building is greater than 70 metres from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'. Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.
  - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

#### **Access**

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 conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. New construction shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

#### **Landscaping**

6. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.



For any queries regarding this correspondence please contact Stephen Dwight on 1300 NSW RFS.

Yours sincerely



Amanda Moylan  
**Team Leader Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.





## **Code of Conduct**

**August 2018**

Planning Panels Code of Conduct  
© State of New South Wales through the NSW Department of Planning and Environment  
August 2018  
NSW Department of Planning and Environment  
320 Pitt Street Sydney NSW Australia  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
ISBN 978-1-74263-032-8

August 2018

## Code of Conduct

### Introduction

This Code of Conduct (Code) applies to all members of Regional Planning Panels and Sydney Planning Panels (planning panels), including:

- chairs,
- state appointed members,
- council nominees, and
- alternates acting for planning panel members.

The Code outlines the standards of conduct expected of panel members. It is the personal responsibility of each panel member to comply with this Code. The Code will be kept under review and will be subject to changes that may be required to reflect the experience of the implementation and operation of the panels.

### Purpose of the Code

This Code sets out the minimum requirements of behaviour for planning panel members in carrying out their functions. The Code has been developed to assist planning panel members to:

- a) understand the standards of conduct that are expected while carrying out the functions of a planning panel member,
- b) act honestly, ethically and responsibly,
- c) exercise a reasonable degree of care and diligence, and
- d) act in a way that enhances public confidence in the integrity of the role of panels in the planning system.

As public officials, members of planning panels have a particular obligation to act in the public interest. All members of planning panels must:

- comply with the ethical framework for the public sector set out in the *Public Sector Employment and Management Act 2002* and the *Government Sector Employment Act 2013*,
- have a clear understanding of their public duty and legal responsibilities, and
- act for a proper purpose and without exceeding their powers.

### Application of the Model Code of Conduct for Local Councils in NSW (Model Code)

Councils are required under the *Local Government Act 1993* to adopt a code of conduct. Such codes must incorporate the provisions of the 'Model Code' prescribed under the *Local Government (General) Regulation 2005*.

Council's adopted code applies to, amongst others, councillors, the general manager, council staff and members of council committees. The Model Code does not apply to planning panel members. However, parts of the Model Code have been used to assist in the development of this Code, along with other relevant codes of conduct applying to members of state boards and other statutory bodies.

It is recognised that councillors and council staff may undertake functions as a member of a planning panel separate to their ordinary functions as a councillor or member of council staff. When exercising functions as a panel member, councillors and council staff must ensure that they comply with this Code.

Council staff are not subject to this Code where they are responsible for:

- dealing with development matters under the *Environmental Planning and Assessment Act 1979* (EP&A Act),
- preparing assessment reports, and/or

August 2018

- assisting a planning panel in the exercise of its functions.

The Model Code requires that council staff act lawfully, ethically and fairly. In relation to development decisions, council staff must ensure decisions are properly made and parties involved in the development process are dealt with fairly. People must not use their position to influence other council officials in the performance of their duties or to obtain a private benefit for themselves or for somebody else.

August 2018

## Code of Conduct

### 1. Key principles

#### *Integrity*

- 1.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be reasonably thought to influence you in the exercise of your functions as a planning panel member.

#### *Leadership*

- 1.2 You have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in planning panels and their role in the planning system.

#### *Selflessness*

- 1.3 You have a duty to make decisions in the public interest. You must not make a decision or take action that causes or results in you obtaining:
- a financial benefit (including avoiding a financial loss), or
  - other benefits for yourself, your family, friends or business interests.

#### *Impartiality*

- 1.4 You should make decisions on merit and in accordance with your statutory obligations when carrying out your functions as a planning panel member.

#### *Accountability*

- 1.5 You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others.

#### *Openness*

- 1.6 You have a duty to be as open as possible about your decisions and actions.

#### *Honesty*

- 1.7 You have a duty to act honestly and in good faith for the proper purpose.

#### *Respect*

- 1.8 You must treat others with respect at all times.

### 2. General conduct obligations

#### *General conduct*

- 2.1 You must not conduct yourself in carrying out your functions as a planning panel member in a manner that is likely to bring the planning panel into disrepute. Specifically, you must not act in a way that:
- a) contravenes the EP&A Act<sup>1</sup>,
  - b) is improper or unethical,
  - c) is an abuse of power,
  - d) causes, comprises or involves intimidation, harassment or verbal abuse, or
  - e) causes, comprises or involves discrimination, disadvantage or adverse treatment.
- 2.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions as a planning panel member, having regard to the statutory obligations under the EP&A Act.

<sup>1</sup> A reference to the *Environmental Planning and Assessment Act 1979* (EP&A Act) includes a reference to the *Environmental Planning and Assessment Regulation 2000*.

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*Fairness and equity*

- 2.3 You must consider issues consistently, promptly, conscientiously and fairly.
- 2.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

*Making decisions and taking actions*

- 2.5 You must ensure that decisions and actions are reasonable, fair and for the proper purpose and that parties involved in the development process are dealt with fairly.
- 2.6 You must ensure that no action, statement or communication between yourself and others (such as applicants, objectors, councillors and members of the public) conveys any suggestion of willingness to provide improper concessions or preferential treatment, or suggests that you are not bringing an open mind to the decision.
- 2.7 You should attend all meetings of the planning panel as far as is possible, and allow the necessary time to prepare for meetings.

**3. Conflicts of interests**

*General*

- 3.1 A conflict of interests exists where there is an actual, potential, or reasonably perceived conflict between a panel member's private interests or other duties, and the impartial performance of their functions as a planning panel member.

An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.

- 3.2 Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.
- 3.3 Any conflicts of interests must be managed to uphold the probity of planning panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.
- 3.4 Private interests can be of two types: pecuniary or non-pecuniary.
- 3.5 A conflict of duties may also constitute a conflict of interest.



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### *Management of conflicts*

- 3.6 Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest / issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict, or ceasing to provide services.
- 3.7 The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual planning panel members.
- 3.8 Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.
- 3.9 When the conflict of interest arises as a result of an interest of the chair, the deputy chair is to assume the chair's leadership role in the management of the conflict process.

### *Pecuniary interests*

- 3.10 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person<sup>2</sup>.
- 3.11 A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make<sup>3</sup>.
- 3.12 A member has a pecuniary interest in a matter if the pecuniary interest is the interest of the member, the member's spouse or de facto partner or a relative<sup>4</sup> of the member, or a partner or employer of the member, or a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
- 3.13 The obligation on planning panel members with respect to pecuniary interests are set out in clause 27 of Schedule 2 of the EP&A Act (attached at **Appendix A**). All planning panel members must comply with the requirements set out in this provision. In particular:
  - (a) If a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of a planning panel and the interest appears to

<sup>2</sup> The term 'pecuniary interests' adopted by this Code is based on the definition of that term in s.442(1) of the *Local Government Act 1993*.

<sup>3</sup> See s.442(2) *Local Government Act 1993* or if it is an interest referred to in s.448(a), (b), (e) or (g) of the *Local Government Act 1993*.

<sup>4</sup> The term 'relative' adopted by this Code is the definition of that term under s 3 of the *Local Government Act 1993*.

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raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's attention, disclose the nature of the interest at or before a meeting of the planning panel.

- (b) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning panel otherwise determines:
- be present during any deliberation of the panel with respect to the matter, or
  - take part in any decision of the panel with respect to the matter.

#### *Non-pecuniary interests*

- 3.14 A non-pecuniary interest is a private or personal interest that a person has that may, for example, be based on a family or personal relationship, membership of an association, society or trade union or involvement or interest in an activity which may include an interest of a financial nature<sup>5</sup>.
- 3.15 You should consider possible non-pecuniary interests that may arise while carrying out your duties as a planning panel member. Where possible, the source of potential conflict should be removed.
- 3.16 However, where this is not possible, if a member has a non-pecuniary interest in a matter and the interest appears to raise a conflict with the proper performance of the member's duties, the member must follow the procedures set out in clause 27 of schedule 2 of the EP&A Act in the same manner as if the interest was a pecuniary interest.

#### *Conflicts of duties*

- 3.17 A conflict of duties is a conflict between competing and incompatible public duties. For example, a conflict of duties arises where public officials hold more than one official position which requires them to address competing objectives or interests.
- 3.18 Panel members must ensure that any employment, business or other roles or activities they engage in will not:
- a) conflict with, impair or otherwise prevent the full exercise of their functions as a planning panel member,
  - b) involve using confidential information or resources obtained through their role as a planning panel member, or
  - c) discredit, bring into disrepute or disadvantage the reputation of the planning panel.
- 3.19 The following situations are considered to represent a conflict of duties for panel members (however this list is not exhaustive):
- a) members who have current or previous involvement in a specific project, or site, that is subject of a DA for regional development, or a planning proposal that is subsequently reviewed by a planning panel, for example as a consultant,

<sup>5</sup> The term 'non-pecuniary interest' as adopted by this Code is based on the meaning of that term under the Local Government Model Code of Conduct.

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- b) councillor members where they have deliberated or voted on, or otherwise considered, a matter, and/or been present when such consideration is undertaken, in their role at council and that matter, or a related matter, subsequently comes before the panel. Matters which are considered to be related to a panel matter include, but are not limited to:
    - a planning proposal for the site
    - a voluntary planning agreement for the development or planning proposal
    - a Masterplan for the development or planning proposal
    - a Plan of Management for the development
    - property matters related to the site, including leases, licences, purchase of land, disposal of land and management of lands
    - legal matters related to the site, development or proposal
  - c) council staff members that have:
    - presented, or been present at a council meeting, that considers an assessment report for the planning panel, or a related matter as per section 3.19(b)
    - been directly or indirectly involved in the preparation of the assessment report for the planning panel
    - approved agenda items for reporting to council meetings, or have been a signatory to correspondence in relation to matters that may come before a panel.
- 3.20 Members of a particular planning panel will have a close working relationship with each other. Therefore, to avoid a perception of bias, a planning panel member must not represent an applicant, council or submitter at a planning panel meeting for a planning panel of which they are a permanent member or have been used regularly as an alternate member. A planning panel chair must not represent an applicant, council or submitter at any planning panel meeting.
- 3.21 A planning panel member may not undertake any employment, business or other roles or activities, in relation to a DA, planning proposal or development site for which the member has participated in making a determination on as a panel member, for at least two (2) years following the determination.
- 3.22 Councillors who have deliberated or voted on a matter in their role at council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council's nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgement.
- 3.23 A councillor must stand aside from their place on the panel if suspended as a councillor for any reason (including under sections 438I, 438W 440C, 440I, 482 or 482A of the *Local Government Act 1993*), for the period of that suspension. This is because the roles and responsibilities of a panel member are so similar to that of a councillor that the continuation of the suspended councillor on the panel during the period of his or her suspension would adversely affect the reputation of the panel.
- 3.24 A councillor must stand aside from their place on the panel if dismissed as a councillor due to misconduct under section 440B, 482 or 482A of the *Local Government Act 1993*. This is because the roles and responsibilities of a panel

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member are so similar to that of a councillor that the continuation of the dismissed councillor on the panel would adversely affect the reputation of the panel.

- 3.25 A conflict of duties may arise for council staff<sup>6</sup> (including general managers and other senior staff) who are nominated to sit as a member of the planning panel. In selecting its members to a planning panel, council should have regard to the conflict of duties that may be created for a person nominated to the planning panel if they were in any way responsible for or involved in the assessment and recommendation of a matter to be determined by the planning panel, approving agenda items for reporting to council meetings, or being signatory to correspondence in relation to matters that may come before a panel.

Council employees (including general managers and other senior staff) who are nominated to sit as a member of the planning panel must ensure that appropriate measures are in place to manage potential conflicts and ensure they will be able to comply with the requirements of this Code.<sup>7</sup>

#### *Political Donations*

- 3.26 Planning panel members should be aware that political contributions or donations may give rise to a pecuniary or non-pecuniary interest. It is the responsibility of planning panel members to determine in each instance whether such an interest arises and whether the provisions of this Code and clause 27 of schedule 2 of the EP&A Act applies.
- 3.27 Where a planning panel member makes a disclosure under clause 27(1)(b) of schedule 2 to the EP&A Act with respect to an interest which arises because of a political donation, the planning panel is required to take this into consideration in determining under clause 27(6) whether it is appropriate for the member to be present during any deliberations or take part in any decision with respect to the matter.

#### **4. Recording declarations of interest**

- 4.1 Planning panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the panel, either before, or at the commencement of, the panel meeting.
- 4.2 Where any pecuniary or non-pecuniary interest in a matter before the planning panel has been disclosed by a member, whether declared before or at the commencement of the panel meeting, this will be noted in the minutes of the relevant panel meeting, even when the member is not in attendance.

The minutes of all panel meetings will be made available on the planning panels' website.

- 4.3 As a member of a government board or committee, all planning panel members are also required to adhere to the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' ("the DPC Guidelines").

In accordance with the DPC Guidelines, planning panel members are required to disclose interests which include positions and pecuniary interests in corporations,

<sup>6</sup> A reference in this section to council 'staff' includes a reference to council contractors or consultants.

<sup>7</sup> In particular Part 6 of the Code.

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partnerships or other businesses that may be relevant to the activities of the planning panel.

These declarations will be required to be made by panel members on an annual basis. Taken together, schedule 2 of the EP&A Act and the requirements of the DPC Guidelines ensure that the pecuniary interest disclosure requirements for planning panel members are the same as those for local government councillors.

- 4.4 A register of declarations made by planning panel members, will be maintained by the Planning Panels Secretariat (secretariat), in accordance with the DPC Guidelines.

Upon request, the register of declarations will be available for inspection at the secretariat during normal office hours.

## 5. Personal benefit

### *Personal dealings with council*

- 5.1 Planning panel members may have reason to have private dealings with a council that is within the region where they are a planning panel member (for example as a ratepayer). Planning panel members must not expect or request preferential treatment in relation to any matter in which they have a private interest because of their role as a planning panel member. Planning panel members must avoid any action that could lead members of the public to believe that they are seeking preferential treatment.

### *Gifts and benefits*

- 5.2 Planning panel members must not:

- a) seek or accept a bribe or other improper inducement,
- b) seek gifts or benefits of any kind,
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty,
- d) accept any gift or benefit of more than token value, or
- e) accept an offer of money, regardless of the amount.

- 5.3 A gift or benefit is any item, service, prize, hospitality or travel which has an intrinsic value and/or value to the recipient, a member of their family, relation, friend or associate.

- 5.4 Generally speaking token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
  - i. the discussion of matters before the planning panel,
  - ii. conferences, or
  - iii. social functions organised by groups.
- b) invitations to and attendance at local social, cultural and sporting events,
- c) gifts of single bottles of reasonably priced alcohol at end of year functions and public occasions, and
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

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- 5.5 Gifts and tokens that have more than a token value include, but are not limited to, tickets to major sporting events, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.
- 5.6 As a general rule, any gift from an applicant, objector or associate of an applicant or objector in relation to a matter to be determined by a planning panel would fall into a category referred to in paragraph 5.2(c) and therefore should not be accepted.
- 5.7 The planning panels secretariat is to maintain a register of gifts for each planning panel to ensure the receipt and disposal of gifts is conducted in an open and transparent manner. When offered a gift or benefit, planning panel members must inform the secretariat of the following information for the purposes of making a recording on the register of gifts:
- the person who made the offer and the date on which the offer was made,
  - whether or not you accepted the gift/benefit,
  - whether the gift or benefit was allocated to another person or body, and
  - the value of the gift or benefit.

Planning panel members should also advise the planning panel chair of any such notification to the planning panels secretariat.

## **6. Relationship between planning panel members, council and council staff**

### *Obligations of planning panel members*

- 6.1 Section 2.27 of the EP&A Act provides that a planning panel is entitled:

- a) to have access to, and to make copies of and take extracts from records of the council relevant to the exercise of the planning panel's functions, and
- b) to the use of staff and facilities of the council in order to exercise the planning panel's functions, and
- c) to any assistance or action by the council for the purposes of exercising the planning panel's functions.

All such requests for assistance will be made by the planning panel chair to the general manager (or such other staff member nominated by the general manager).

- 6.2 Planning panel members have a responsibility to promote and support an effective and co-operative working relationship with the council, general manager and council staff and contractors.

### *Inappropriate interactions*

- 6.3 Planning panel members must not engage in inappropriate interactions when exercising functions as a planning panel member.

- 6.4 In relation to council staff<sup>8</sup>, planning panel members must not:

- a) approach, make requests of, make enquiries or issue instructions to council staff other than through the planning panels secretariat and in accordance with this Code,

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<sup>8</sup> A reference in this clause to council 'staff' includes a reference to council contractors or consultants.

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- b) be overbearing or threatening to council staff,
- c) make personal attacks on council staff in a public forum,
- d) direct or pressure council staff in the performance of their work or recommendations they make, or
- e) influence or attempt to influence staff in the preparation of assessment reports or other information to be submitted to the planning panel.

6.5 If a planning panel member is approached by any person about a development application that is to be determined by the planning panel, the planning panel member must not discuss the development.

6.6 The planning panels' Operational Procedures recognises that there may be some circumstances where it is appropriate for the planning panel to meet with applicants in private. Where this occurs, a record of the meeting, including attendees and matters discussed, will be made publicly available.

However, individual members of the planning panel must not hold private meetings, briefings, site visits or discussions in respect of the matter.

6.7 Where meetings, briefings or site visits occur you should not express any views that would indicate pre-judgement of the matter.

## **7. Relationship between planning panel members and others**

7.1 Planning panel members must adhere to the Key Principles and General Conduct Obligations contained in this Code when dealing with others, including council staff, councillors, Department of Planning and Environment staff and the secretariat.

## **8. Protecting and using information**

8.1 Information must be handled in accordance with section 10.5 of the EP&A Act.

8.2 In addition to the obligations under section 10.5 of the EP&A Act, planning members must:

- a) protect confidential information,
- b) only release confidential information if you have authority to do so,
- c) only use confidential information for the purpose it is intended to be used,
- d) not use confidential information gained through your position as a planning panel member for the purpose of securing a private benefit for yourself or for any other person,
- e) not use confidential information with the intention to cause harm or detriment to the planning panel or any other person or body, and
- f) not disclose any information discussed during a confidential session of a planning panel.

8.3 When dealing with personal information, planning panel members must comply with the *Privacy and Personal Information Protection Act 1998*.

## **9. Use of public resources**

9.1 Planning panel members may be provided with equipment and other resources to perform planning panel functions. All such resources are to be used only for planning panel purposes and in accordance with any guidelines or rules about the use of those resources.

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**10. Public comment/media**

- 10.1 The planning panel chair is responsible for speaking to the media on behalf of the planning panel, to allow its decisions to be properly represented and communicated. The chair can authorise another planning panel member to speak to the media on behalf of the planning panel at any time. Other non-authorised members can speak to the media about planning panel matters however, in doing so, they do not represent the views of the planning panel.

**11. Lobbying**

- 11.1 All planning panel members must comply with the *NSW Lobbyists Code of Conduct* published on the Department of Premier and Cabinet's website ([www.dpc.nsw.gov.au](http://www.dpc.nsw.gov.au)). The Lobbyists Code regulates contact between registered lobbyists and Government representatives and *M2014-13- NSW Lobbyists Code of Conduct* restricts the circumstances in which a lobbyist can be appointed to a NSW Government board or committee.
- 11.2 Members of the planning panel have a responsibility to consider the Lobbyists Code and declare if they could potentially be considered a lobbyist. The application of the Lobbyists Code then takes precedence for further action and decisions and would be monitored by the chair.

**12. Breaches of this Code***Reporting suspected breaches*

- 12.1 Planning panel members are required to report suspected breaches of the Code to the planning panel chair or the Minister.
- 12.2 Any other person may report a suspected breach of the Code under the planning panels' Complaints Handling Policy.

*Reporting possible corrupt conduct*

- 12.3 Planning panel members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*. Planning panel members are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.
- 12.4 The *Public Interest Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. Planning panel members can make reports concerning suspected corrupt conduct<sup>9</sup> to the planning panel chair. The planning panel chair is under a duty to report to the Independent Commission Against Corruption (ICAC) any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct<sup>10</sup>.
- 12.5 Planning panel members, or any other persons, can also report directly to the following investigative bodies:
- Corrupt conduct should be reported to the ICAC<sup>11</sup>,
  - Maladministration<sup>12</sup> should be reported to the NSW Ombudsman, and

<sup>9</sup> Corrupt conduct has the meaning given to that term under the *Independent Commission Against Corruption Act 1988* ('ICAC Act').

<sup>10</sup> Section 11, ICAC Act.

<sup>11</sup> Section 10 of the ICAC Act allows any person to make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.



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- Serious and substantial waste of public money should be reported to the NSW Auditor General.

#### *Handling of suspected breaches*

- 12.6 Suspected breaches of the Code will be handled in accordance with the planning panels' Complaints Handling Policy.
- 12.7 The planning panel chair may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach.
- 12.8 A person who is alleged to have breached the Code must be given:
- a) the full particulars of the alleged breach<sup>13</sup>,
  - b) an opportunity to respond to the allegations, and
  - c) the right to have a legal or other representative present during any meetings/discussions in respect of the matter.
- 12.9 Serious breaches of the Code may be referred to the Minister in respect of state members or the relevant council with respect to council nominees. Proven breaches of the Code may warrant removal from office.
- 12.10 The Minister may remove a planning panel state member from office at any time and without notice. The Minister must provide a written statement of the reasons for removing the member from office and make that statement publicly available.
- 12.11 The relevant council may remove its nominee/s from office at any time and without notice. The general manager of the applicable council must provide a written statement of the reasons for removing the member from office and make that statement publicly available. The council must also notify the planning panels secretariat.
- 12.12 The Minister may remove any member if the Independent Commission Against Corruption recommends that consideration be given to the removal of the member because of corrupt conduct by the member.

### **13. Acknowledgement of this Code**

- 13.1 On appointment all planning panel members are required to acknowledge in writing that they will abide by the principles, obligations and requirements of this Code.

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<sup>12</sup> Maladministration is defined in s 11(2) of the *Public Interest Disclosures Act 1994*

<sup>13</sup> These particulars should not include the details of the person who made the allegation.

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## Appendix A

### Extract from Schedule 2 of the *Environmental Planning and Assessment Act 1979*

#### 27 Disclosure of pecuniary interests

(1) If:

- (a) a member has a pecuniary interest in a matter being considered or about to be considered at a meeting of the planning body, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,
- the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the planning body.

(2) A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- (a) the member, or
- (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
- (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.

(3) However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):

- (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
- (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.

(4) A disclosure by a member at a meeting of the regional panel that the member, or a spouse, de facto partner, relative, partner or employer of the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(5) Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the planning body.

(6) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning body otherwise determines:

- (a) be present during any deliberation of the panel with respect to the matter, or
- (b) take part in any decision of the panel with respect to the matter.

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- (7) For the purposes of the making of a determination by the planning body under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the panel for the purpose of making the determination, or
  - (b) take part in the making by the panel of the determination.
- (8) A contravention of this clause does not invalidate any decision of the planning body.
- (9) This clause extends to a council nominee of a Sydney district or regional planning panel, and the provisions of Part 2 (Duties of disclosure) of Chapter 14 of the *Local Government Act 1993* do not apply to any such nominee when exercising functions as a member of the panel.



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**Part 1 – Introduction**

This code of conduct has been approved by the Minister for Planning (the Minister) for members of Local Planning Panels (panels) under clause 28 of Schedule 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This code is based on the *Model Code of Conduct for Local Councils in NSW* where it would apply to panel members.

Panels are independent panels appointed by councils. Their main functions are to determine development applications and to provide advice on planning proposals. Panels are not subject to the direction or control of the council, except on matters relating to procedures of the panel or the time within which it is to deal with a matter (unless these directions are inconsistent with a direction of the Minister). Panels are subject to any directions made by the Minister under section 9.1 of the EP&A Act.

Failure by a panel member to comply with this code is the responsibility of councils to address. In cases of serious breaches council has the option to remove a panel member from office (clause 16 of schedule 2 of the EP&A Act).



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**Part 2 – Definitions**

In the Code the following definitions apply:

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LG Act	<i>Local Government Act 1993</i>
code	means the Code of Conduct for Local Planning Panels
conflict of interest	a conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
councillor	any person elected or appointed to civic office, including the mayor
conduct	includes acts and omissions
Panel	Local Planning Panel
Panel Member	member of a local planning panel, including the chair, independent expert members, community representatives and alternates
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion



**Part 3 – General Conduct Obligations**General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that:
- a) is likely to bring the council, the panel or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or applicable policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a personal benefit
  - g) constitutes harassment or bullying behaviour under this code, or is improperly discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the EP&A Act, LG ACT, or any other Act.
- 3.3 You should attend all meetings of the panels, which require your attendance, as far as possible, and allow necessary time to prepare for meetings. Where possible you should provide a three-day notice for non-attendance.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clause 3.4 or 3.5.

Harassment and discrimination

- 3.7 You must not harass or improperly discriminate against others, and you must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.
- 3.8 For the purposes of this code, "harassment" is any form of behaviour towards a person that is:
- a) not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.





Bullying

- 3.9 You must not engage in bullying behaviour.
- 3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably and
  - b) the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards.

Work health and safety

- 3.13 You have statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council, or panel to ensure workplace health and safety



- d) cooperate with any reasonable policy or procedure of the council, or panel relating to workplace health or safety that you have been notified of
- e) report accidents, incidents and near misses to the panel chair and take part in any incident investigations.

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
- 3.16 You must not approach an applicant or proponent, a consultant representing an applicant or a proponent or an objector.
- 3.17 If you are approached by an applicant or proponent, their consultant or an objector, you must not discuss any application which is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the applicant or proponent, their consultant or an objector has a right to be heard by the panel.
- 3.18 You must disclose in writing to the panel chair any efforts made to lobby you by any persons, including councillors, property developers or real estate agents.
- 3.19 The chair must report these disclosures to the council's general manager. If the approach has been made by the general manager the chair must report these disclosures to the Office of Local Government.
- 3.20 If you are the chair of the panel and you have been approached, then you must disclose this to the general manager. If the approach has been made by the general manager you must report this disclosures to the Office of Local Government.

Note: Reporting of these disclosures must be included in the regular activity reports provided by the council to the Department of Planning and Environment (Planning Panels Secretariat).

Obligations in relation to meetings

- 3.21 You must comply with rulings by the panel chair at panel meetings, or site inspections.
- 3.22 You must not harass the panel chair, council officials or any members of the public present during panel meetings or other proceedings of the council.
- 3.23 You must not engage in conduct that disrupts panel meetings, or that would otherwise be inconsistent with the orderly conduct of meetings.



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**Part 4 – Conflicts of Interest**What is a conflict of interest**4.1 A conflict of interests includes:**

- a) an 'actual' conflict of interests, which is where there is a direct conflict between your duties and responsibilities as a panel member and your private interests or other duties
- b) a 'potential' conflict of interests, is where your duties and responsibilities as a panel member could conflict in the future with your private interest or other duties
- c) a 'reasonably perceived' conflict of interests, is where a person could reasonably perceive that your private interests or other duties are likely to improperly influence the performance of your duties as a panel member, whether or not this is in fact the case
- d) Private interests can be of two types: pecuniary or non-pecuniary.

**4.2 Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.****4.3 Any conflicts of interests must be managed to uphold the probity of panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.****4.4 The following situations are considered to represent a conflict of interest for panel members (however this list is not exhaustive):**

- a) members who have current or previous involvement in a specific project, or site, that is subject of a DA or a planning proposal that is subsequently reviewed by a panel, for example as a consultant.
- b) Members, who are ex-councillors, where they have deliberated or voted on, or otherwise considered, a matter, and/or been present when such consideration is undertaken, in their previous role at council and that matter, or a related matter, subsequently comes before the panel. Matters which are considered to be related to a panel matter include, but are not limited to:
  - a planning proposal for the site
  - a voluntary planning agreement for the development or planning proposal
  - a Masterplan for the development or planning proposal
  - a Plan of Management for the development
  - property matters related to the site, including leases, licences, purchase of land, disposal of land and management of lands
  - legal matters related to the site, development or proposal
  - consideration on whether to make a submission to the panel on a DA
- c) Members, who are ex-council staff, that have:
  - presented, or been present at a council meeting, that considered an assessment report that is to come before the panel, or a related matter as per section 3.19(b)
  - been directly or indirectly involved in the preparation of an assessment report that is to come before the panel
  - approved agenda items for reporting to council meetings, or have been a signatory to correspondence in relation to matters that may come before a panel.



4.5

*Management of conflicts*

- 4.6 Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest/issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict, or ceasing to provide services.
- 4.7 The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual panel members.
- 4.8 Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.
- 4.9 When the conflict of interest arises as a result of an interest of the chair, an alternate chair or the panel is to assume the chair's leadership role in the management of the conflict process.
- 4.10 All panel members must sign a declaration of interest in relation to each matter on the agenda before or at the beginning of each meeting. These declarations and any management measures put in place are to be published on the relevant council's website as soon as practicable.

What is a pecuniary interest?

- 4.11 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person.
- 4.12 You have a pecuniary interest if the interest is:
- a) yours,
  - b) your spouse's, your de facto partner's or your relative's, or
  - c) your partner's or employer's, or is the interest of a company or other body of which you, or your nominee, your partner or your employer, is a member.
- 4.13 You do not have a pecuniary interest:
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body,
  - b) just because you are employed by a council, statutory body or employed by the Crown, or
  - c) just because you are a member of or a delegate of a council, company or other body that has a pecuniary interest in the matter, so long as you do not have any beneficial interest in shares of the company or body (clause 27, schedule 2 of the EP&A Act).



4.14 For the purposes of this:

Your "relative" is any of the following:

- a) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- b) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

"de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.15 If you have a pecuniary interest, you:

- a) must prepare and submit written returns of interests in accordance with clause 4.15, and
- b) must disclose pecuniary interests in accordance with clause 4.22.

4.16 You must as soon as practicable disclose in writing to the panel chair (or if you are the panel chair, to the general manager) the nature of any pecuniary interest you have in any panel matter with which the panel chair is dealing.

4.17 The panel chair, or the general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

Disclosure of interests in written returns

4.18 You must make and lodge with the panel chair a return in the form set out in schedule 2 to this code, disclosing your interests as specified in schedule 1 to this code within one month or prior to your first panel meeting, whichever occurs earlier after:

- a) becoming a panel member, or
- b) 30 June of each year, and
- c) if you become aware of an interest you are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.19 You need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:

- a) you have made and lodged a return under that clause in the preceding 3 months, or
- b) you have ceased to be a panel member in the preceding 3 months.

4.20 You must not make and lodge a return that you know or ought reasonably to know is false or misleading in a material particular.

4.21 The panel chair must provide returns to the general manager who must keep a register of returns.

4.22 Returns required to be lodged with the panel chair under clause 4.15(a) and (b) must be tabled at the first meeting of the panel after the last day the return is required to be lodged.

4.23 Returns required to be lodged with the panel chair under clause 4.15(c) must be tabled at a panel meeting as soon as practicable after the return is lodged.



- 4.24 The general manager must cause the information contained in returns made and lodged by panel members and the panel chair under clause 4.15, other than information disclosing the address of the panel member's principal place of residence, to be published on the website used by the panel as soon as practicable after the returns are lodged, and the information must be kept up to date.

Disclosure of pecuniary interests at meetings

- 4.25 If you have a pecuniary interest in any matter with which the panel is concerned, and you are present at a meeting of the panel at which the matter is being considered, you must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26 You must not be present at, or in sight of, the meeting of the panel:
- a) at any time during which the matter is being considered or discussed by the panel, or
  - b) at any time during which the panel the matter, or making a recommendation on a planning proposal.
- 4.27 A disclosure made at a meeting of a panel must be recorded in the meeting record.
- 4.28 A general notice may be given to the panel chair in writing by a panel member to the effect that the panel member, or the member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.
- 4.29 Such a notice is, unless and until the notice is withdrawn, sufficient disclosure of the panel member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the panel after the date of the notice.
- 4.30 You do not breach clause 4.22 or 4.23 if you did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.



**Part 5 – Non-Pecuniary Conflicts of Interest**What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests you have that do not amount to a pecuniary interest as defined in clause 4.8 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 5.3 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of the panel decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in favour of your public duty.
- 5.4 When considering whether or not you have a non-pecuniary conflict of interest, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.5 Where you have a non-pecuniary conflict of interest for the purposes of clause 5.2, you must disclose the relevant private interest fully and in writing as soon as practicable.
- 5.6 If a disclosure is made at a panel meeting, both the disclosure and the nature of the interest must be recorded in the meeting record. This disclosure constitutes disclosure in writing for the purposes of clause 5.5.
- 5.7 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.8 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.8, but it involves:
  - a) a relationship between a panel member and another person that is particularly close, for example, a current or former spouse or de facto partner, a relative for the purposes of clause 4.11 or another person from the panel member's extended family that the panel member has a close personal relationship with, or another person living in the same household
  - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
  - c) an affiliation between the panel member and an organisation, sporting body, club, corporation or association that is particularly strong, including, but not limited to, active participation in its management or administration and other activities
  - d) a financial interest that is not a pecuniary interest for the purposes of clause 4.8
  - e) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.



- 5.9 If you have a significant non-pecuniary conflict of interest, you must manage it by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clause 4.15-4.17 and 4.22-23.
- 5.10 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Note: Loss of quorum as a result of compliance with this Part

- 5.11 A quorum for a determination meeting of a panel is a majority of its members, including the chair, i.e. a total of three members.
- 5.12 In accordance with the operational procedures for panels a determination meeting is to be deferred if a quorum is not present.
- 5.13 These procedures also provide that where conflicts of interest are known before the meeting, alternate members will be used to ensure there is a quorum.
- 5.14 You must ensure that any employment or business, or other roles or activities you engage in will not:
- a) conflict with, impair or otherwise prevent the full exercise of your official duties
  - b) involve using confidential information or resources obtained through your work with the panel
  - c) require you to work while on panel duty
  - d) discredit or disadvantage the panel or the council
  - e) pose, due to fatigue, a risk to your health or safety, or to the health and safety of others.

Personal dealings with council to which you have been appointed as a panel member

- 5.15 You may have reason to deal with your council in your professional capacity (for example, acting as a consultant on behalf of a developer) or personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any professional or personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
- a) access council information for professional or personal purposes
  - b) undertake professional or personal dealings with the council during work time, or
  - c) approach council staff in staff only areas to discuss your professional or personal dealings with the council.
- 5.17 You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.





**Part 6 – Personal Benefit**Gifts and benefits

- 6.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you.
- 6.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.

How are offers of gifts and benefits to be dealt with?

- 6.3 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit of any kind.
- 6.4 Where you are offered or receive a gift or benefit, you must disclose this promptly to the panel chair and the general manager in writing. If you are the chair of the panel you must make the disclosure to the general manager. The recipient and general manager must ensure that, at a minimum, the following details are recorded in the panel's gift register:
- a) whether the gift was accepted or refused
  - b) the nature of the gift
  - c) the estimated monetary value of the gift
  - d) the name of the person who offered the gift, and
  - e) the date on which the gift was offered or received.
- 6.5 Where you receive a gift or benefit of value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the general manager.

Improper and undue influence

- 6.6 You must not use your position to influence other panel members or council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else.
- 6.7 You must not take advantage (or seek to take advantage) of your status or position, or of functions you perform, in order to obtain a private benefit for yourself or for any other person or body.



**Part 7 – Relationships and Interactions**Interactions with councillors and council staff

- 7.1 You may only approach and liaise with council staff nominated by the general manager to assist the panel to obtain information and clarify matters relating to its duties, responsibilities and functions and matters before it.
- 7.2 You may not direct or pressure council staff in the performance of their work, or recommendations they should make. Any direction to staff can only be given by the general manager.
- 7.3 You must not approach a councillor, or if approached by a councillor must not discuss any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting.
- 7.4 Panel members must:
  - a) give their attention to the business of the panel while on duty
  - b) ensure that their work is carried out efficiently, economically and effectively
  - c) carry out lawful directions given by any person having authority to give such directions.



**Part 8 – Access to Information and Council Resources**

- 8.1 The general manager is responsible for ensuring that panel members can access information necessary for the performance of their official functions, including the reporting of development applications to the panel in a timely manner or as requested by the panel.

Panel members to properly examine and consider information

- 8.2 Panel members must ensure that they to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Use of certain council information

- 8.3 In regard to information obtained in your capacity as a panel member, you must:
- a) only access council information needed for panel business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your panel membership
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.4 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 8.5 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any information discussed during a confidential forum.



Personal information

- 8.6 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
  - b) the *Health Records and Information Privacy Act 2002*
  - c) the Information Protection Principles and Health Privacy Principles
  - d) the council's privacy management plan
  - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.7 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.8 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 8.9 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.10 You must not use the council letterhead, council crests or other information that could give the appearance it is official council material for.
- 8.11 You must not convert any property of the council to your own use unless properly authorised.

Internet access and use of social media

- 8.12 You must not use council's computer resources or other mobile devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.13 You must not use social media to post comments, photos, sound recordings or other information that:
- a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to anyone
  - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
  - e) divulges confidential council information
  - f) breaches the privacy of other panel members
  - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code or the council's code of conduct, or



- h) could be perceived to be an official comment on behalf of the panel or council where you have not been authorised to make such comment.

Council record keeping

- 8.14 All information received in your official capacity is a council record and must be managed in accordance with the council's approved record management practices and policies.
- 8.15 All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.

Panel member access to council buildings

- 8.16 Panel members are entitled to have access to any room designated by the general manager for the use of the panel and public areas of the council's buildings during normal business hours and for meetings.



**Part 9 – Maintaining the Integrity of this Code**

- 9.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

**Complaints made for an improper purpose**

- 9.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 9.3 For the purposes of clause 9.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
  - b) to damage another's reputation
  - c) to obtain a political advantage
  - d) to influence a panel member or council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under this code
  - g) to take reprisal action against a person for making a complaint under this code
  - h) to take reprisal action against a person for exercising a function prescribed under Part 10 of this code
  - i) to prevent or disrupt the effective administration of this code.

**Detrimental action**

- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code.
- 9.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code.
- 9.6 For the purposes of clause 9.4 and 9.5, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.



Compliance with requirements under this code

- 9.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 9.8 You must comply with a reasonable and lawful request made by a person exercising a function under Part 10. A failure to make a written or oral submission invited under Part 10 will not constitute a breach of this clause.

Disclosure of information about the consideration of a matter under this code

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with Part 10.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under Part 10.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code panel meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made under this code or a matter being considered under this code except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under Part 10.



**Part 10 – Breaches of this Code**What is a code of conduct complaint?

- 10.1 For the purpose of this code, a code of conduct complaint is a complaint that alleges conduct on the part of a panel member in connection with their role as a panel member or the exercise of their functions as a panel member that would constitute a breach of the standards of conduct prescribed under this code of conduct.
- 10.2 The following are not "code of conduct complaints" for the purposes of this code:
- a) complaints about the standard or level of service provided by the panel or a panel member
  - b) complaints about the merits of a decision made by the panel or a panel member or the exercise of a discretion by the panel or a panel member
  - c) complaints about the policies or procedures governing the operations of the panel or of the council
  - d) complaints about the exercise in good faith by the panel or a panel member of their functions, whether or not involving error.
- 10.3 Only code of conduct complaints are to be dealt with under this code. Complaints that are not a code of conduct complaint for the purposes of clause 10.1, are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 10.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 10.5 A complaint made after 3 months may only be accepted if the general manager or their delegate is satisfied that there are compelling grounds for the matter to be dealt with under this code.

How may a code of conduct complaint about a panel member be made?

- 10.6 All code of conduct complaints about panel members are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 10.7 Where a code of conduct complaint about a panel member cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 10.8 Notwithstanding clause 10.6 and 10.7, where the general manager becomes aware of a possible breach by a panel member of this code, he or she may initiate the process for the consideration of the matter without a written complaint.

Delegation by general managers of their functions under this Part

- 10.9 A general manager may delegate his or her functions under this Part to a member of staff of the council or to a person or persons external to the council other than a state government agency. References in this Part to the general manager are also to be taken to be references to their delegates.





What complaints may be declined at the outset?

10.10 Without limiting any other provision in this code, the general manager may decline to deal with a complaint under this code where he or she is satisfied that the complaint:

- a) is not a code of conduct complaint for the purposes of clause 10.1, or
- b) subject to clause 10.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or
- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of this code to be readily identified.

How are code of conduct complaints about panel members to be dealt with?

10.11 The general manager is responsible for the management of code of conduct complaints about panel members and for determining the outcome of such complaints.

10.12 The general manager may decide to take no action in relation to a code of conduct complaint about a panel member on the grounds that he or she considers that no action is warranted in relation to the complaint.

10.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a panel member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.

10.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about panel members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or a voluntary apology. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of this code.

10.15 Where the general manager resolves a code of conduct complaint under clause 10.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under this code of conduct.

10.16 Sanctions for breaches of the code of conduct by panel members depend on the severity, scale and importance of the breach and may include one or more of the following:

- a) censure
- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
- c) prosecution for any breach of the law
- d) removing the person from membership of the panel.



10.17 Prior to imposing a sanction against a panel member under clause 10.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of this code that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager or their delegate must consider the person's response in deciding whether to impose a sanction under clause 10.16.

Complaints about the consideration of matters under this Part

10.18 Complaints about the consideration of a code of conduct complaint by the general manager or his or her delegate under this Part, may be made in writing to the Office of Local Government or the Department of Planning and Environment.



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**Schedule 1: Disclosures of Interest****Part 1: Preliminary****Definitions**

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the panel member disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.



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*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a panel member
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the panel member became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a panel member has an interest includes a reference to any real property situated in Australia in which the panel member person has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a panel member by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.



**Part 2: Pecuniary interests to be disclosed in returns****Real property**

5. When making a return under clause 4.15 of this code you must disclose:
- a) the street address of each parcel of real property in which you had an interest on the return date, and
  - b) the street address of each parcel of real property in which you had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
- a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to your duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if you ceased to hold the interest prior to becoming a panel member.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

**Gifts**

9. When making a return under clause 4.15 of this code you must disclose:
- a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.

**Contributions to travel**

10. When making a return under clause 4.15 of this code you must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by you in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
11. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to his or her functions as the holder of a position requiring the making of a return, or



- d) did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Expenditure and Disclosures Act 1981*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a panel member.
12. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

13. When making a return under clause 4.15 of this code you must disclose:
- a) the name and address of each corporation in which you had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which you had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
14. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
15. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
16. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a panel member.

Positions in trade unions and professional or business associations

17. When making a return under clause 4.15 of the code you must disclose:
- a) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and



c) a description of the position held in each of the unions and associations.

18. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a panel member.

#### Dispositions of real property

19. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property by you (including the street address of the affected property) in the period since 30 June of the previous financial year, under which he or she wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
20. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
21. A disposition of real property need not be disclosed if it was made prior to you becoming a panel member.

#### Sources of income

22. When making a return under clause 4.15 of this code you must disclose:
- a) each source of income that the you reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by you in the period since 30 June of the previous financial year.
23. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by you is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of his or her employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
24. The source of any income need not be disclosed by you in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$1000, or is not reasonably expected to exceed \$1000, as the case may be.
25. The source of any income received by the person that they ceased to receive prior to becoming a panel member need not be disclosed.



Debts

26. When making a return under clause 4.15 of this code you must disclose the name and address of each person to whom you were liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
27. A liability to pay a debt must be disclosed by you in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
28. A liability to pay a debt need not be disclosed by you in a return if:
- a) the amount to be paid did not exceed \$1000 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that you were liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$1000, or
  - b) you were liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money you were liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of you that is not related to your duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to you becoming a panel member.

Discretionary disclosures

29. You may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.





**Schedule 2: Form of Return**Disclosures return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Code of Conduct for Local Planning Panels in NSW (the Code).
2. If this is the first return you have been required to lodge do not complete Parts C, D of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a panel member.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.
8. "" means delete whichever is inapplicable.

Important information

This information is being collected for the purpose of complying with clause 4.15 of the Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.17 of the Code). Complaints about breaches of these requirements are to be referred to the general manager and may result in disciplinary action by the council.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information in this return other than information about your principal place of residence will be published on the council's website.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



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Disclosure of pecuniary interests and other matters by [full name]

\*as at [return date]

\*in respect of the period from [date] to [date]

[person's signature]

[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest *at the return date/*at any time since 30 June	Nature of interest

#### B. Sources of income

1 \*Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 \*Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from a trust since 30 June:

Name and address of settlor	Name and address of trustee

3 \*Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of other income I received at any time since 30 June:

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor



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## D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

## E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position *at the return date/*at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

## F. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date/*at any time since 30 June	Description of position

## G. Debts

Name and address of each person to whom I was liable to pay any debt *at the return date/*at any time since 30 June

## H. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

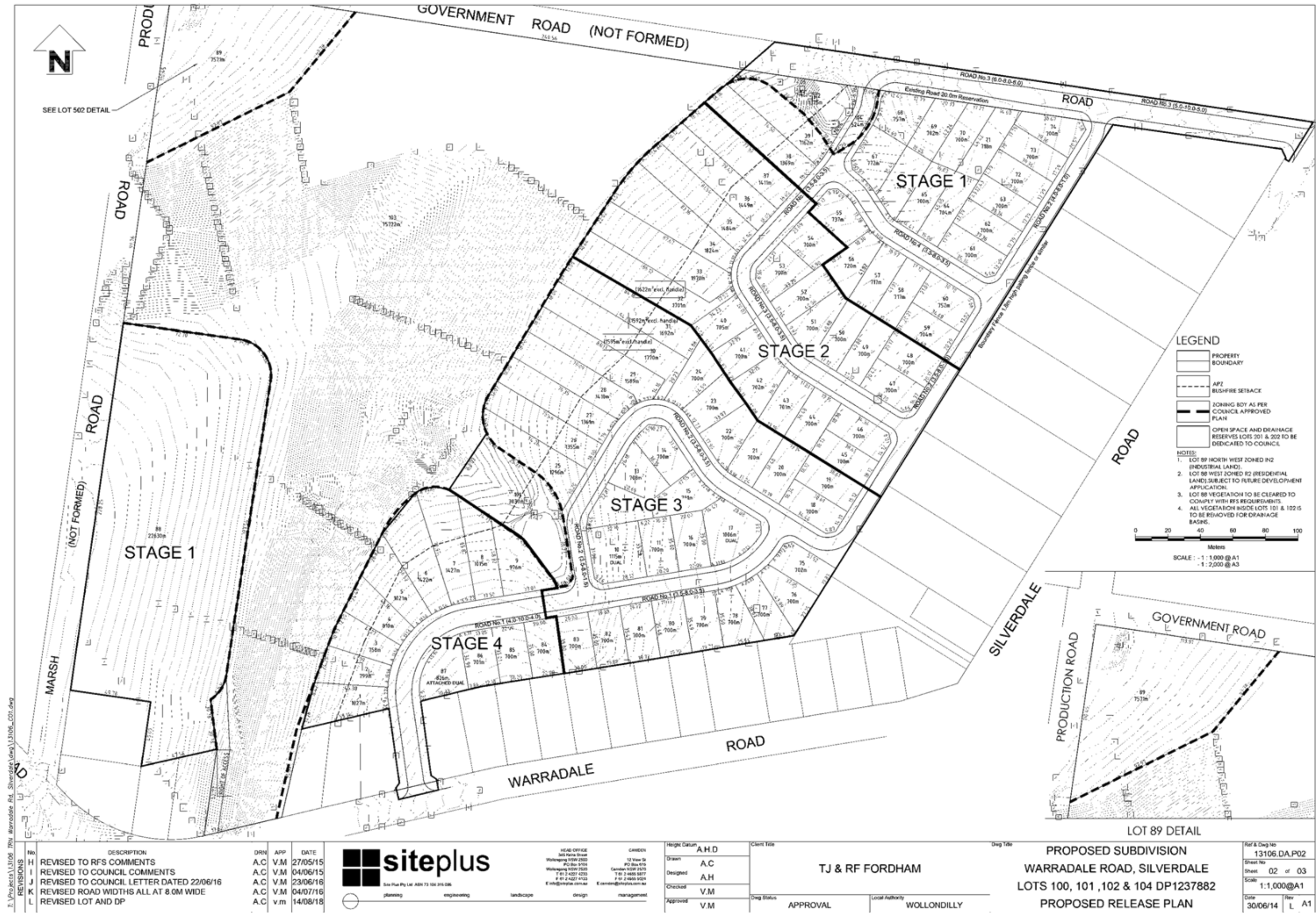
2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

## I. Discretionary disclosures

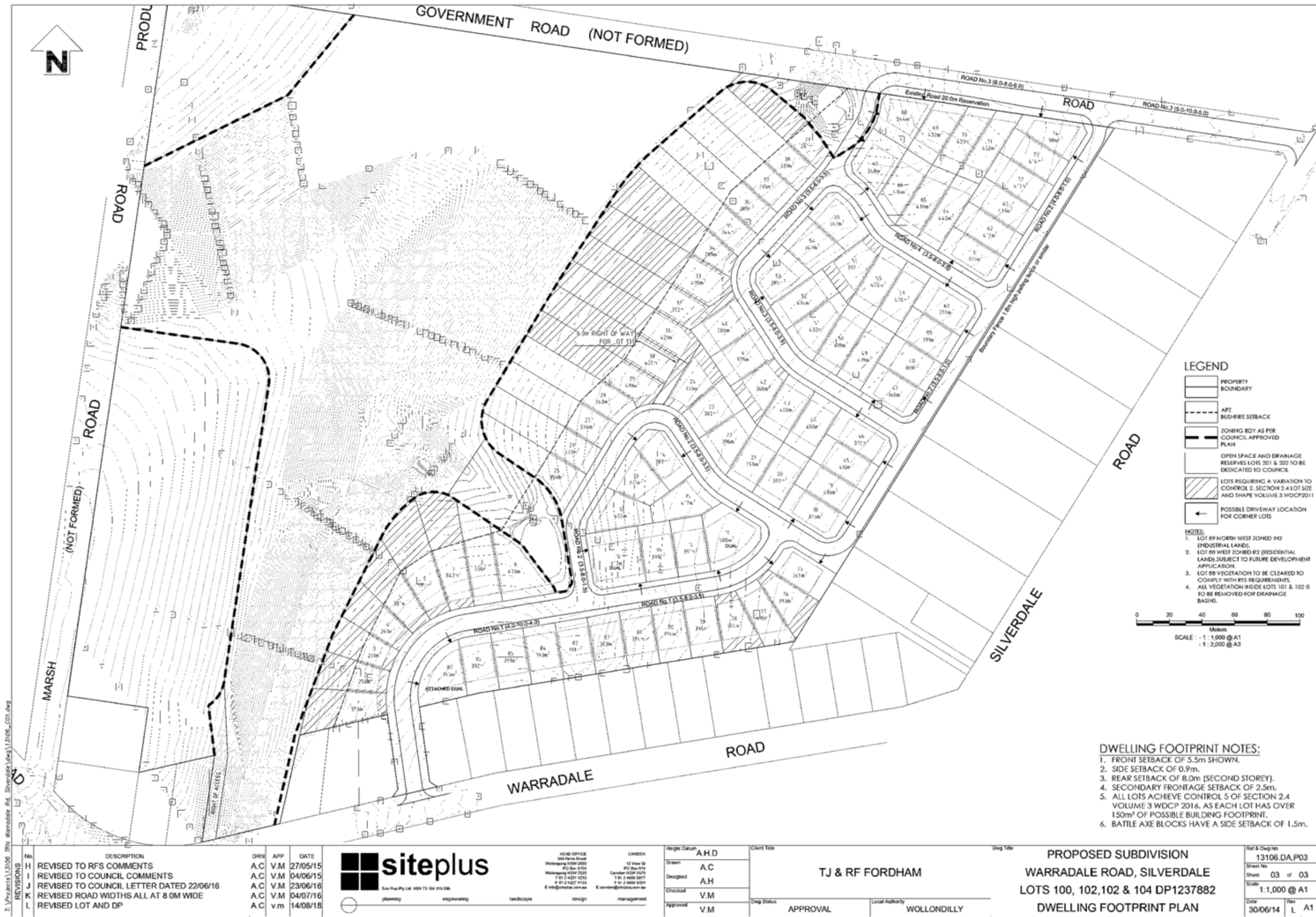
















**Draft Conditions of Consent****1. COMPLIANCE**

**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.

Proposed Subdivision	Site Plus		
Proposed Layout		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
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- (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 25<sup>th</sup> 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](http://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 94 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
<b>TOTAL</b>	<b>\$1,660,000.00</b>

\* 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](http://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](http://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.

## Attachment 3 – Assessment against SREP 20

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is consistent with the aims of the plan.
<b>6. Planning Policies and Recommended Strategies</b>	
(1) Total catchment management	<p>The subdivision is not likely to result in significant adverse environmental effects on downstream local government areas from the proposal. The cumulative environmental impact of development proposals on the catchment has been considered and will not result in a significant impact.</p> <p>A Stormwater Management Study prepared by Site Plus has assessed the stormwater and water quality. Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans. The philosophy for stormwater management describes utilising the natural drainage depression of the site for the primary drainage infrastructure. The development will be serviced with appropriate stormwater management controls that have been designed to conservatively accommodate the level of development anticipated.</p>
(2) Environmentally sensitive areas	The subject land is not an environmentally sensitive area in the Hawkesbury-Nepean catchment.
(3) Water quality	<p>The development is unlikely to prejudice the achievement of the goals or use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. The current water quality shall be maintained or improved, and the proposal will not jeopardise the achievement of the goals in the future.</p> <p>Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans.</p>
(4) Water quantity	The proposal is consistent with the interim or final river flow objectives.



	<p>To comply with Council's Design Specification 2016 Council's engineers will require that the post development stormwater discharge from the site does not exceed the pre-development discharge from the site. To achieve this an on-site stormwater detention basin is proposed which must comply with the above Specification.</p> <p>There will be no impact on the downstream receiving creek system. Any necessary amplification of the existing drainage system within Warradale Road will be at the cost of the developer.</p> <p>Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans.</p> <p>It is proposed that the On-site Detention &amp; Bio-Retention Basin will become the property of Council. Therefore, to a Voluntary Planning Agreement will need to be entered into for the long-term maintenance of this system.</p>
(5) Cultural heritage	<p>The site did not contain a registered Aboriginal Heritage site. However, during the site inspection survey one new Aboriginal site was identified. The new site has been assigned the name MC-OS-01 which consists of 4 Aboriginal artefacts. The site is located on the western side of Megarrity's Creek, south of the unnamed tributary. It is situated at the top of the creek of slope before it descends into Megarrity's Creek, the site is located wholly within the E2 zoned land.</p> <p>The Heritage Officer has made a recommendation that the registered site requires no action to manage by Council.</p> <p>Conditions are recommended to mitigate risks to aboriginal heritage should any items be found unexpectedly during construction.</p>
(6) Flora and fauna	<p>Council's Environment Officers initially identified the presence of Shale Sandstone Transition Forest within the R2 zoned land which was subsequently confirmed with the submission of a Biodiversity Assessment Report, prepared by Biosis, dated 9 July 2015. Officers recommended that the</p>

	<p>applicant obtain a biobanking agreement from OEH as one option to address the presence of threatened species on the site.</p> <p>Council's Environment Officer have made a number of recommendations in relation to this development which are all addressed in the recommended conditions of consent.</p>
(7) Riverine scenic quality	The proposed development is consistent with the landscape character as described in the Scenic Quality Study to the extent that the development does not fall within the extent of the SREP 20.
(8) Agriculture/aquaculture and fishing	While the proposal does not involve Agriculture/aquaculture or fishing, the development is considered to be sufficiently separated from existing intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts. Furthermore, the development will not impede agricultural sustainability from the adverse impacts of other forms of proposed development.
(9) Rural residential development	<p>The assessing officer has considered any adverse environmental impacts of the development concerned. The proposal will not significantly impact on rural or residential land uses.</p> <p>The development shall maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development.</p>
(10) Urban development	<p>A Total Water Cycle Management Study or Plan or plan is not required for the development where effluent equivalent to that is produced does not exceed 2,500 people.</p> <p>Council has considered urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).</p>
(11) Recreation and tourism	Not applicable
(12) Metropolitan strategy	<p>Development shall complement the vision, goal, key principles and action plan of the Metropolitan Strategy. Council in assessing the application has considered:</p> <ul style="list-style-type: none"> <li>- the impacts of transport infrastructure proposals on water quality and air quality.</li> <li>- the impacts of metropolitan waste disposal on water quality.</li> <li>- the impacts of development on air quality.</li> <li>- the need for waste avoidance, waste reduction, reuse and recycling measures.</li> </ul>

	- the implications of predicted climate change on the location of development and its effect on conservation of natural resources.
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## Attachment 4 – Assessment against WLEP 2001

## Clause 1.2 Aims of Plan

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) Subject to conditions, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	<p>(b) The site did not contain a registered Aboriginal Heritage site. However, during the site inspection survey one new Aboriginal site was identified. The new site has been assigned the name MC-OS-01 which consists of 4 Aboriginal artefacts. The site is located on the western side of Megarrity's Creek, south of the unnamed tributary. It is situated at the top of the creek of slope before it descends into Megarrity's Creek, the site is located wholly within the E2 zoned land.</p> <p>Council's Heritage Advisor has made a recommendation that the registered site requires no action to manage by Council.</p> <p>Conditions are recommended to mitigate risks to aboriginal heritage should any items be found unexpectedly during construction.</p>
(c) to protect water quality in land that is situated within water supply catchments,	(c) The subject site is not located within the Sydney drinking water catchment.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	<p>(d) The proposal will not impede future growth or the provision of integrated transport and infrastructure system. The application is supported by a Traffic Impact Assessment and plans for the upgrade of the local road network in the locality.</p> <p>The Assessment indicates that the site is compliant with all required internal road widths and other legislative requirements and will not have a detrimental impact on surrounding street networks.</p> <p>The internal road network has been designed to incorporate varying traffic calming measures to control the speed of traffic within the internal road network. These works also include pavement changes at designated intersections so that vehicles are visually cued to slow down.</p>

	<p>The developer is required to construct all vehicle access roads to the site and within the development. Conditions of consent are recommended to ensure these works are carried out in accordance with Council's requirements.</p> <p>It is considered that the development satisfies this aim.</p>
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) The development will not impact upon rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The development will not fragment the rural setting and the separation between urban and rural areas is maintained.

Objective	Comment
<b>R2 Low Density Residential</b>	
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	The proposed development is consistent with this objective.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	This development is to utilise the existing facilities at Warragamba and other local facilities including the local park areas to be constructed within the development at 1-41 Marsh Road Silverdale.

## LEP Clauses

	Clause	Comment
<b>Part 2 Permitted or prohibited development</b>		
2.4	Unzoned land	Not applicable
2.5	Additional permitted uses for particular land	Not applicable
2.6	Subdivision—consent requirements	Development consent is requested.
2.7	Demolition requires consent	Not applicable
2.8	Temporary use of land	Not applicable
<b>Part 4 Principal development standards</b>		
4.1	Minimum subdivision lot size	R2 – 700m <sup>2</sup> . All residential lots in the development site are 700m <sup>2</sup> minimum up to the largest lot being 1970m <sup>2</sup> .
4.1A	Minimum lot size for dual occupancies in residential zones	

4.1B	Subdivision of certain land in Zone E4 Environmental Living	Not applicable
4.2	Rural subdivision	Not applicable
4.2A	Erection of dwelling houses on land in certain residential, rural and environmental protection zones	Not applicable
4.3	Height of buildings	Not applicable at this stage as there are no buildings proposed.
4.4	Floor space ratio	Not applicable
4.5	Calculation of floor space ratio and site area	Not applicable
4.6	Exceptions to development standards	No variations proposed.
<b>Part 5 Miscellaneous provisions</b>		
5.1	Relevant acquisition authority	Not applicable
5.1A	Development on land intended to be acquired for public purposes	Not applicable
5.2	Classification and reclassification of public land	Not applicable
5.3	Development near zone boundaries	Not applicable
5.4	Controls relating to miscellaneous permissible uses	Not applicable
5.5	Development within the coastal zone	Repealed
5.6	Architectural roof features	Not applicable
5.7	Development below mean high water mark	Not applicable
5.8	Conversion of fire alarms	Not applicable
5.9 and 5.9AA	Preservation of trees or vegetation	Repealed
5.10	Heritage conservation	<p>This clause provides for the retention of items or precincts that have been identified as having heritage significance. There are no heritage sites, either Aboriginal or European listed on the site.</p> <p>The Warragamba Supply Scheme and Warragamba Emergency Scheme is located west of the subject site. The Warragamba Supply Scheme and Warragamba Emergency Scheme is identified as an Item of State Heritage under Clause 5 of WLEP 2011 and</p>

		Section 170 of the Heritage Act. Council has considered the impact of the proposed development relative to clause 5.10 of WLEP 2011 and with reference to Warragamba Supply Scheme Conservation Management Plan
5.11	Bush fire hazard reduction	Not applicable to this application.
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable.
5.13	Eco Tourist Facilities	Not applicable
<b>Part 6 Urban release areas</b>		
6.1	Arrangements for designated State public infrastructure	Not applicable
6.2	Public utility infrastructure	<p>Water and sewer services will be augmented to service the site because of the development proposal as required.</p> <p>Electricity is available to the site and negotiations will occur with Endeavour Energy for its extension through the site.</p> <p>Appropriate conditions of consent are recommended to ensure services are provided to all lots prior to the release of a subdivision certificate for a lot on the subject site.</p> <p>All proposed lots are to be serviced by reticulated sewage and water.</p>
6.3	Development control plan	According to this clause, development on land in an urban release area can occur in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan (DCP) that includes specific controls has been prepared for the land. The subject land is not located within an urban release area.
<b>Part 7 Additional local provisions</b>		
7.1	Essential services	The requisite essential services are available on-site/or available to the site and can be readily "augmented" to service the proposed subdivision prior to the release of a subdivision certificate for any stage in the development.
7.2	Biodiversity protection	The clause is relevant in the subject context (Subclause 2). Council has considered any relevant adverse impact of the proposed development under Subclause 3.

7.3	Water protection	<p>The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers.</p> <p>The site is not identified as "sensitive land" on the Natural Resources—Water Map. No further assessment is required.</p>
7.4	Flood planning	<p>This clause applies to land at or below the flood planning level. The flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. The area proposed for residential subdivision is not affected by this level and the clause does not apply. No further assessment is required.</p>
7.5	Earthworks	<p>Site preparatory works have been considered and no separate approval is required.</p>
7.6	Development within a designated buffer area	<p>Not applicable</p>



## Attachment 5 – Assessment against relevant provisions of WDCP 2016

Volume 1 - General	
Relevant Provisions	Comment
Part 1 - Preliminary	Noted
Part 2 - General Considerations for All Development	Consistent
Part 3 - Variations to the Plan	The development scheme does not proposal any variations.
Part 4 - Community engagement	On 5 August 2015, the development application was advertised for a period of 15 days. A total of 2 submissions were received by Council.
Part 5 - Colonial Heritage	<p>This section primarily relates to items of European Heritage and how development is appropriately managed within conservation precincts and on items that have heritage value.</p> <p>There are no items of European heritage value located or listed on the site.</p> <p>The Warragamba Supply Scheme and Warragamba Emergency Scheme, located west of the subject site, is identified as an Item of State Heritage under Clause 5 of WLEP 2011 and Section 170 of the Heritage Act.</p> <p>Council has considered the impact of the proposed development relative to clause 5.10 of WLEP 2011 and with reference to Warragamba Supply Scheme Conservation Management Plan.</p>
Part 6 – Heritage (Specific Locations)	Not applicable.
Part 7 – Aboriginal Heritage	<p>The site did not contain a registered Aboriginal Heritage site. However, during the site inspection survey one new Aboriginal site was identified. The new site has been assigned the name MC-OS-01 which consists of 4 Aboriginal artefacts. The site is located on the western side of Megarrity's Creek, south of the unnamed tributary. It is situated at the top of the creak of slope before it descends into Megarritys Creek, the site is located wholly within the E2 zoned land.</p> <p>Council's Heritage Advisor has made a recommendation that the registered site requires no action to manage by Council.</p> <p>Conditions are recommended to mitigate risks to aboriginal heritage should any items be found unexpectedly during construction.</p>

Part 8 - Flooding	This section is not relevant to this assessment as the land where the lots for residential development are proposed are above the flood level.
Part 9 - Environmental Protection	The site is identified on the Natural Resources – Biodiversity Map but is not identified as Natural Resources – Water Map as sensitive land. See previous comments relating to the Biodiversity Assessment Report.
Part 10 - Tree Removal	Vegetation proposed to be removed is proposed in accordance with the plans and reports for approval.
Part 11 - Landscaping	A Landscape Concept Plan has been provided in accordance with Council's requirements. A standard condition is recommended to ensure that all landscaping works within the drainage and public road reserves is completed prior to the release of a subdivision certificate.
Part 12 - Signage	No signage proposed.

Volume 3 - Subdivision of Land	
Part 2 - General Requirements for all Development	
Relevant Provision	Comment
1.2 Objectives	The proposal is consistent with the objectives of this volume.
Part 2 - General Requirements for all Development	
2.1 Traffic and Transport	
Objectives	
1. To ensure that new allotments created by the subdivision of land are provided with adequate public roads.	The proposal is considered satisfactory in this regard subject to conditions.
2. To ensure that the subdivision of land is only undertaken in locations where the road network is able to provide or be made capable of providing adequate servicing.	The proposal is considered satisfactory in this regard subject to conditions.
3. To ensure new roads are safe and efficient.	The proposal is considered satisfactory in this regard subject to conditions.
4. To ensure access points for rural subdivisions are located at safe locations within the road network.	Not a rural subdivision.
5. To ensure pedestrian and cycle paths are provided where required to maximise the uptake of healthy and sustainable transport options.	Conditions recommended for perimeter shared paths and paths through to be dedicated to Council.

<p>6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.</p>	<p>Noted</p>
<p>Controls</p> <p>1. All new public roads must comply with Council's design specifications including kerb and guttering, drainage pedestrian paths and street lighting.</p> <p>2. All access handles must comply with the following minimum widths:</p> <p>(a) In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is serving.</p> <p>(b) In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is serving with reciprocal rights of carriageway provided.</p> <p>3. Road infrastructure enhancement shall be provided to existing roads in accordance with the DCP table.</p> <p>6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.</p> <p>7. New street lighting must use only LED type lights.</p> <p>8. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.</p>	<p>The construction of the new road shall be conditioned to comply with kerb and guttering, drainage pedestrian paths and street lighting</p> <p>There is are 3 battle axe allotments proposed with access handles that are 5m wide as per the DCP. Complies.</p> <p>Not applicable.</p> <p>Council's Development Engineer has reviewed the proposal and confirmed the proposed road design complies with the DCP requirements. Conditions of consent will ensure the delivery of the new roads and paths as per Council's standards.</p> <p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p>

9. Splay corners shall be provided for newly created corner lots with the following sizes: 4m by 4m.	Satisfactory subject to conditions.
<p>2.2 Wastewater</p> <p>Objectives</p> <ol style="list-style-type: none"> <li>1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health.</li> <li>2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.</li> <li>3. To ensure development within the Sydney Drinking Water Catchment has a neutral or beneficial effect on water quality.</li> </ol>	<p>Satisfactory subject to conditions.</p> <p>Not applicable - Reticulated sewerage available.</p> <p>Satisfactory subject to conditions.</p>
<p>Controls</p> <ol style="list-style-type: none"> <li>1. All lots created must have access to one or more of the following: <ol style="list-style-type: none"> <li>a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or</li> <li>b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or</li> <li>c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.</li> </ol> </li> <li>2. A "pump out" system is not a satisfactory method of wastewater disposal for the purposes of Control 1.</li> <li>3. Any subdivision that is carried out on unsewered land (i.e. carried out under control 1(c) above) must meet the requirements of Council's "On-site Sewage Management System and Grey Water re-use Policy".</li> </ol>	<p>Satisfactory - Reticulated sewerage and water infrastructure is available to the land.</p> <p>Not applicable - see above.</p> <p>Not applicable - see above</p>
<p>2.3 Stormwater</p> <p>Objectives</p> <ol style="list-style-type: none"> <li>1. To ensure stormwater is appropriately managed to prevent environmental</li> </ol>	Satisfactory subject to conditions.

<p>harm and to reduce the risk of damage to property and human life.</p> <p>2. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.</p> <p>3. To ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.</p>	<p>Satisfactory subject to conditions.</p> <p>The subject site is not located within the Sydney drinking water catchment.</p>
<p>Controls</p> <p>1. Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.</p> <p>2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long-term maintenance management plan.</p>	<p>Satisfactory subject to conditions.</p> <p>A stormwater management strategy has been prepared having regard to the objectives expressed and will prevent environmental harm and reduce the risk of damage to property and human life by:</p> <ul style="list-style-type: none"> <li>- minimising long-term flooding impacts</li> <li>- have a beneficial effect on water quality in the Sydney Drinking Water Catchment, subject to the implementation and maintenance of appropriate water quality control measures both during and after construction works.</li> </ul> <p>The stormwater management system proposed achieves Controls 1 and 2 in regard to its integration with the natural system, relevant risk profile compliance and employment of Water Sensitive Urban Design technology.</p>
2.4 Lot Size and Shape	
Objectives	1. Satisfactory
<p>Controls</p> <p>1. Other zones</p> <p>2. Lots in residential zones shall have the following minimum dimensions:</p>	<p>There are no minimum lot width requirements for industrial lots.</p> <p>There are 15 lots that do not strictly comply with the minimum requirements of the DCP. It should be noted that Lots 30 &amp; 32 are battleaxe blocks and the</p>

Area	Min. Lot Width	Min. Lot Width (Crn Allotment)	Minimum Lot Depth	
Between 650m <sup>2</sup> & 1500m <sup>2</sup> (exclusive)	15m	20m	25m	width of their access handle does not comply with the 15m minimum lot width requirement.
1500m <sup>2</sup> or Greater	20m	30m	30m	Despite variation to the DCP, the applicant, in accordance with clause 5, has prepared a building footprint plan demonstrating all the residential lots are of supporting dwelling with a footprint of 150m <sup>2</sup> as well as any required asset protection zone. In this regard, no objection is raised to the variation.
<p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <p>a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or</p> <p>b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.</p>				Not applicable, no dwellings proposed as part of this application.
<p>4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.</p>				Noted.
<p>5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:</p> <ul style="list-style-type: none"> <li>• a dwelling with a footprint of at least 150m<sup>2</sup>; and</li> <li>• Any required asset protection zone wholly within the proposed lot boundaries</li> <li>• If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required;</li> </ul> <p>and the resulting character of that development would be consistent with the character of the area.</p> <p>Council may require the submission of specialist studies to justify development carried out under this control.</p>				Compliant.

6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services.	Compliant
<p>2.5 Landscape Character Objectives</p> <p>1. To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.</p>	The application is supported by a landscape plan for future street tree planting.
<p>Controls</p> <p>1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.</p> <p>2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.</p> <p>3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.</p> <p>4. Landscaping required by control 2.5(3) shall be provided with:</p> <p>a. An automatic watering system; and</p> <p>b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and</p> <p>c. A mulched or rocked garden bed with permanent edging.</p> <p>5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.</p> <p>6. The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.</p>	<p>Not applicable – R2 zone.</p> <p>Noted. Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>A Street Tree Landscaping Plan has been provided.</p>

<p>2.6 Corner Allotments</p> <p>Objectives</p> <ol style="list-style-type: none"> <li>1. To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.</li> </ol>	<p>Satisfactory subject to conditions.</p>
<p>Controls</p> <ol style="list-style-type: none"> <li>1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.</li> <li>2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.</li> <li>3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.</li> </ol>	<p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p> <p>Not applicable - no dwellings.</p>
<p>2.7 Building Envelopes</p> <p>Objectives</p> <ol style="list-style-type: none"> <li>1. To identify the constraints on rural and environmental land at the subdivision stage.</li> <li>2. To ensure integrated housing lots are provided with adequate covenants for a future zero lot line.</li> </ol>	<p>Not applicable – R2 zone.</p> <p>Not applicable – R2 zone</p>
<p>Controls</p> <ol style="list-style-type: none"> <li>1. Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land: <ol style="list-style-type: none"> <li>a. Land that is moderate or higher risk of geotechnical instability; and</li> <li>b. Land that is within a setback identified in Volume 4 of this DCP; and</li> <li>c. Land that is within 40 metres of the top of bank of a watercourse; and</li> <li>d. Land that contains significant native vegetation; and</li> <li>e. Land that has been identified as being subject to the 1% AEP flood extent; and</li> </ol> </li> </ol>	<p>Controls 1 and 2 not applicable – R2 zone.</p>



<p>f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and</p> <p>g. Land that is subject to a transmission line or other utility service easement; and</p> <p>h. Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.</p> <p>2. Town Centre Residential Lots and residential small lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.</p>	
<p>2.8 Environmental Protection</p> <p>Objectives</p> <p>1. To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.</p>	<p>Noted.</p>
<p>Controls</p> <p>1. The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.</p> <p>2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.</p>	<p>The impacts on native vegetation have been discussed in detail previously with regard to flora and fauna.</p> <p>Not applicable.</p>
<p>2.9 Non-Residential Development</p> <p>Objectives</p>	

1. To ensure that the subdivision of land is carried out with due regard to other forms of existing non-residential development in the locality.	Not applicable
<p>Controls</p> <p>1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of <i>Inghams Enterprises vs Kira Holdings</i>.</p>	<p>Noise impacts will be experienced during the construction of the subdivision however these can be managed through the imposition of relevant conditions.</p> <p>The Federal Government recently commenced construction of the Western Sydney Airport at Badgerys Creek. The impact of potential noise impact contours was fully investigated during the rezoning and it was determined that ANEF contours did not encroach on the subject site.</p>