

# Ordinary Meeting Of Council

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# Wollondilly

## Shire Council

### Minutes

### Monday 21 December 2015

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The meeting commenced at 6.33pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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## **RECORDING OF MEETINGS**

The Mayor stated that in accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

## **PRESENT**

Councillors: Landow (Mayor), B Banasik, Law, Terry, Amato, M Banasik, Hannan, Gibbs and Mitchell.

## **ALSO PRESENT WERE**

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Executive Services, Acting Manager Governance and one Governance/Administration Officer.

## **NATIONAL ANTHEM**

The Mayor requested that everyone stand for the Australian National Anthem.

## **ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

## **APOLOGIES AND LEAVE OF ABSENCE REQUESTS**

TRIM 88-10

There were no apologies noted for this meeting.

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## DECLARATION OF INTEREST

TRIM 528-6

There were no declarations of interest.

## CONFIRMATION OF MINUTES

TRIM 88-10

**221/2015      Resolved on the Motion of Crs Gibbs and Amato:**

**That the Minutes of the Ordinary Meeting held on Monday 16 November 2015, as circulated, be adopted as true and correct.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

## MAYORAL MINUTE

TRIM 531

During the past month the following events were attended by either myself or as indicated by other Councillors:

- Thursday 19 November 2015 UDIA Greater Macarthur Land Release Strategy
- Saturday 21 November 2015 Wollondilly Arts Group opening of exhibition attended by Cr Michael Banasik
- Monday 23 November 2015 tour of Wollondilly Anglican College
- Tuesday 24 November 2015 Economic Development Strategy Information Session attended by Cr Michael Banasik
- Wednesday 25 November 2015
  - White Ribbon Day BBQ and signing of White Ribbon
  - Family Day Care Xmas Party.
- Friday 27 November 2015 Macarthur Region Ice Summit attended by Deputy Mayor Cr Hilton Gibbs and Ally Dench

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- Thursday 3 December 2015
  - White Ribbon Day Breakfast attended by myself, Deputy Mayor Cr Hilton Gibbs, Luke Johnson, Ally Dench, Michael Malone, *Cr M Banasik* and other Council staff
  - Launch of MAGIC attended by Deputy Mayor Cr Hilton Gibbs and General Manager, Luke Johnson
  - Roadblock Wollondilly Launch attended by Deputy Mayor Cr Hilton Gibbs and General Manager, Luke Johnson
  - Local Government NSW President's Christmas Reception attended by Cr Michael Banasik.
- Friday 4 December 2015 Buxton Community Association Carols in the Park attended by myself and Cr Michael Banasik
- Saturday 5 December 2015 Warragamba Carols in the Park attended by myself and Cr Judith Hannan
- Thursday 10 December 2015 Wollondilly Events Forum attended by myself, General Manager, Luke Johnson, Executive Director, Ally Dench and Director Planning, Chris Stewart
- Friday 11 December 2015 Official Opening Wingecarribee PCYC attended by myself and Executive Director Ally Dench
- Monday 14 December 2015 Visit to QV Park attended by myself and General Manager, Luke Johnson
- Wednesday 16 December 2015 Councillors Community Christmas Function
- Thursday 17 December 2015
  - Citizenship Ceremony.
  - Christmas Lights Presentation Evening.
- On Friday 18 December 2015 Premier and Minister for Local Government Webinar for Council Amalgamation Decision attended by myself, fellow Councillors, All Executive and Managers.

I would like to take this opportunity to thank my fellow Councillors who attended events on my behalf over the last few months, and in particular those who attended the 17 School Awards Ceremonies held throughout the Shire wherein Council had a Councillor representative attend each of these ceremonies.

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I would like to table two (2) plaques presented to Council, one plaque is from the Department of Immigration and Border Protection in appreciation of Council's ongoing support of Australian Citizenship.

The second plaque is from Safe Work Australia acknowledging Council's participation as a Mentor in the SafeWork NSW Mentor Program.

I will now hand over to General Manager, Luke Johnson to speak in regards to a late item relating to Fit for The Future.

#### Wollondilly Shire Council is Fit for the Future

- The purpose of this late item is to advise Council of the NSW Government's announced merger proposals for NSW Councils and new measures to strengthen the system of Local Government.
- The Minister for Local Government the Hon Paul Toole MP, has advised Wollondilly Shire Council is not the subject of a merger proposal.
- As a result of this advice there will be no change to our structure as a standalone Council.

The Office of Local Government (OLG) advised NSW Councils in September 2014 that they would need to prepare a submission by June 2015 which would be assessed by IPART to see if they were "Fit for the Future".

IPART determined Wollondilly Shire Council was Fit for the Future, as a result of this assessment, as Council meet all of the Fit for the Future benchmarks and criterion of Scale and Capacity, Sustainability, Infrastructure and Service Management.

As a result of being assessed "fit for the future" with no merger proposal, Council now:

- has access to the TCorp borrowing facility;
- can implement the submitted fit for the future proposal; and
- participate in other reform initiatives.

In Greater Sydney, the NSW Government is proposing 15 new Council entities which will bring the number of metropolitan Councils down from 43 to 25.

In regional NSW, 20 new Council entities are proposed which will bring the total number of regional Councils down from 109 to 87.

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Detailed merger proposals are now being finalised and will be referred to the Chief Executive of the Office of Local Government (OLG) for examination and report under the existing process set out in the Local Government Act 1993. The Chief Executive will appoint qualified delegates, who will commence a public consultation process for all 35 proposals, including public hearings.

Following this stage, final proposals will be referred to the Boundaries Commission for comment.

While Wollondilly Shire Council is not the subject of a merger proposal, the Government's announcement includes a response to the IPART assessment of Councils and changes that will impact on all Councils.

The NSW Government announced that it:

- Has commissioned IPART to review the rating system, and has asked IPART to advise on the best way to achieve the policy commitment on freezing rates as part of the rating review. IPART will provide its report to the NSW Government by the end of 2016.
- Will commence consultation on proposed amendments to the Local Government Act 1993, including previously announced changes such as two year terms for Mayors and new financial intervention powers.
- Will work towards strengthening local leadership by providing support to elected leaders through training programs, encouraging more women and young people to stand for election, defining clearer the roles of Councillors and Mayors and review Councillor remuneration during 2016.

Wollondilly Shire Council will be periodically required to report on our progress against the projected measures included within our "Fit for the Future" application as well as continuing to implement service reviews and efficiencies through our Success Management business improvement, cultural change program and regular review of Council's fees and charges.

Council's adopted Delivery Program 2013/14 – 2016/17 and Operational Plan 2015/16 identifies the responsibility of Council officer's for each strategy listed in the FFTF improvement plan and the FFTF criteria.

The Fit for the Future information has featured in Council's adopted Integrated Planning and Reporting framework documents, Wollondilly Delivery Program 2013/14 - 2016/17 & Operational Plans 2014/15 & 2015/16. The Fit for the Future improvement plan lists all of our initiatives and is detailed in the Productivity Improvements and Cost Containment Strategies in the adopted Operational Plan 2015/16. The next review of the Wollondilly Community Strategic Plan in 2017 and will incorporate new strategies to maintain our Fit for the Future status.



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As noted previously, Council undertook an extensive community engagement process in late 2014 with 'Addressing Your Future Needs' to ensure that all target audiences were aware of Council's Special Rate Variation proposal.

*The General Manager handed back over to the Mayor.*

**222/2015      Resolved on the Motion of Crs Landow and Hannan:**

**That Council note the decision of the NSW State Government confirming that Wollondilly Shire Council is a "fit" Council that is not the subject of a merger proposal and will continue as a standalone Council in the Local Government reforms.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

*The Mayor then gave his Christmas Message wishing everyone a safe and happy Christmas.*

I would now like to table the following pages of this document which provide more details in regard to the above events.

**223/2015      Resolved on the Motion of Crs Law and B Banasik:**

**That the Mayoral Minute be accepted.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

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Planning and Economy

PLANNING AND ECONOMY

**PE1      Development Application No. 010.2015.00000526.001 – Subdivision of Land (including new roads) into 1 Torrens Title Lot, Twenty-Six Community Title Lots and One Neighbourhood Property**

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DD010.2015.00000526.001P2

Planning and  
Economy

Moved on the motion of Crs Terry and Law:

*That in relation to Development Application No 010.2015.00000526.001 for subdivision of land at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road, Appin:*

1. *The Development Application be refused on the following grounds:*
  - *The road infrastructure provided at Appin has insufficient capacity to cope with additional traffic given the proposed Priority Precinct planned for Mt Gilead*
  - *Insufficient information has been provided in relation to the impact upon Aboriginal heritage / culture to permit a full and proper assessment of the application*
  - *The unsuitable nature of the site given the potential contamination of the land*
  - *The unacceptable amenity impacts should the proposed lots be developed by way of dual occupancy development.*
2. *Council recognise the ownership issue associated with the parcel of land immediately west of 4 Sportsground Parade, Appin (Lot 34 in DP 246207) and request that Walker Corporation dedicate the land to Council as public road.*

Cr Mitchell and Hannan foreshadowed the motion:

That Council determine Development Application No. 010.2015.00000526.001 for the staged 28 lot subdivision of Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin by the granting of development consent subject to the following conditions:

1. COMPLIANCE

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

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Planning and Economy

- (1) Development Consent is granted for a staged subdivision at Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin as outlined below:

Stage 1: Two (2) lot Torrens Title Subdivision

Stage 2: Community Title Subdivision comprising twenty-six (26) residential lots and one neighbourhood property.

- (2) Development shall take place in accordance with the endorsed plans 26705/41641 Revision D sheets 1 and 2 and 26705/41174 Revision F Sheet 1, prepared by LTS Lockley and submitted in respect of Development Application No. 010.2015.00000526.001 dated 14 July 2015 except where varied by the following conditions:

- (3) Development shall take place in accordance with the recommendations of the following reports:

- *Stormwater Management Strategy Document No S14053-RPT-C-0001 REV C Dated 30 June 2015 prepared by BG&E Engineering*
- *Endeavour Appin Subdivision Stage 1A Transport Impact Assessment Reference Number 14S1076100 Dated 4 May 2015 prepared by GTA Consultants*
- *Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services*
- *Preliminary Site Investigation report number 76589.00 dated December 2013 and prepared by Douglas Partners.*

- (4) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

Planning and Economy

- (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. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works that propose to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
  - Is a chemical installation
  - Involves a tower crane on site
  - Involves a mobile crane with a rated capacity of more than 100 tonnes
  - Has structural components that are pre-tensioned or post-tensioned
  - Involved floor popping
  - Involves explosives
  - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
  - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors.

shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.

Planning and Economy

- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the "NSW Waste Avoidance and Resource Recovery Strategy 2014-21" (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication "*Demolition work code of practice July 2014*" including provision for:
  - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality
  - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.

Planning and Economy

- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. REMEDIATION OF LAND

To ensure the development complies with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

- (1) Prior to the release of any subdivision certificate for stage 2 the certifier shall be provided with a category “A” site audit statement under the Contaminated Land Management Act, 2008, specifying that the site is suitable for “Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry”. This condition applies only to the part of the site that is located within Zone R3 Medium Density Residential.
- (2) For the avoidance of doubt, this consent does authorise any remediation work that may require development consent to comply with condition (1) above.

4. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments’ best management practices for the management of urban salinity.

- (1) A salinity assessment is to be carried out for the site prior to the issue of the Subdivision Certificate. The assessment shall be completed in accordance with “Site Investigations for Urban Salinity” published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the engineering plans or Environmental Management Plan as appropriate.

Planning and Economy

5. 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 Specifications.
- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or the nominated Accredited Certifier for the development.
- (4) 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 the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.
- (5) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and submitted to RMS with the 138 Consent application.
- (6) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council 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.



Planning and Economy

- (7) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, 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.

6. 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 applicant 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. The road shall be constructed to Council's Design Specification and Construction Specifications *including kerb and gutter and* bitumen sealed temporary turning heads as shown on the submitted proposed plans.
- (2) The person having benefit of this consent shall dedicate the 20m wide strip of land along the western boundary of Lot 34 DP 246207 (No 4 Sportsground Parade, APPIN) to Council as public road. This land dedication shall take place as part of stage 1 of the development and shall be detailed on the subdivision certificate for that stage.
- (3) The proposed road layout shall be amended with the following variations:
- King Street shall be widened to provide an 11.0 metre carriageway and 2.5 metre verge each side
  - The kerb return on the northern side of the intersection of King Street and Appin Road shall be located to allow for the footpath connection to Appin Road. It may be necessary to acquire a splay corner from the adjoining property
  - A 1.5 metre wide concrete path shall be constructed, on the northern side, for the full length of King Street
  - *A 1.5 metre wide concrete path shall be constructed on each road for the frontage of the proposed lots*
  - The intersection of King Street and Appin Road shall be designed and constructed for truck turning movements as shown on BG & E plan No. SK-C-0180 Rev. A for compliance with Urban BAL (Basic Left turn treatment ) in accordance with Austroads Guide to Road Design, Part 4A
  - Proposed garden landscaping within the public road verge shall be deleted unless included within the Community Association Management Plan for the ongoing maintenance.



Planning and Economy

- (4) The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (5) All Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (6) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Roads and Maritime Services prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (7) All services including water mains shall not be located beneath the concrete paths unless required to cross from one side of a road to another.
- (8) The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in cul-de-sacs.
- (9) The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.
- (10) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicants expense.
- (11) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (12) For all pathways the surface finish and grades shall comply with AS1428-1-2001 for accessibility and shall be constructed for the full road frontage of all lots for a width of 1.5 meters.
- (13) To overcome damage of footpaths during dwelling building works the concrete paths shall to constructed to a residential driveway standard. Details to be included on the engineering plans.

Planning and Economy

- (14) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

7. 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) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) 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 located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) Drainage for stormwater discharge and water quality treatment shall be designed generally in accordance with the submitted Stormwater Management Report by BG & E dated 30 June 2015 Rev/C and approved by Council, as the Road Infrastructure Authority, prior to the issue of a Construction Certificate. The maximum achievable catchment area shall be drained to the western side of the site.
- (6) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.

Planning and Economy

8. EROSION AND SEDIMENT CONTROL

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

- (1) 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.
- (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) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitably stabilized within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

9. 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 Construction Specification 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) Only fill characterized 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 imported from offsite (i.e. from outside of the Bingara Gorge development site) used onsite shall be retained and presented to Council on request.
- (3) There is to be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There is to be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.

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- (5) Prior to use of the fill material, Condition 1 from Weed Management must be complied with.

*(Reason: to ensure that adequate weed control so that weeds and their seed bank are not distributed during construction works).*

- (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.
- (7) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (8) No land filling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Approval has been issued by NSW Office of Water.
- (9) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

10. 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 the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- 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
  - When part of the pavement depth (as indicated by Council) has been placed
  - During the roller test, which is to be carried out using a three point roller or approved equivalent

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- At completion of pavement shaping, prior to 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 vehicle crossing 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.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

#### 11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the 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 telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia 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.

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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.
- (5) The community management statement shall include an indemnity against damage to the private infrastructure including, but not limited, to road surfaces, kerb and gutter, caused by solid waste collection vehicles.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application, plan submitted in response to the conditions of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (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.
- (2) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

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14. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained *for a minimum 12 months and* in accordance with the details provided on that Plan at all times.
- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (3) Development consent is not granted for the removal of the trees identified as Trees 5 and 6 in the Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services.
- (4) The species of trees detailed on the approved landscape plan are not approved as part of this consent. An amended species list is to be provided and shall comply with Council's Development Control Plan and Street Tree Risk Management Plan. No Construction Certificate shall be issued under this consent until an amended species list is approved by Wollondilly Shire Council. In this condition the reference to Wollondilly Shire Council is a reference to the council in its capacity as the future owner of the roads and not a reference to the council in its capacity as a certifier under the Environmental Planning and Assessment Act, 1979.

15. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
  - a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high).



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- b) A treatment schedule in tabulated form, specifying for each species:
  - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
  - ii) The rates of application methods of all herbicide treatments;
  - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
  - iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site.
- d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate for Stage 1.

## 16. 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 of a Contribution for twenty-two (22) lots for which contributions will be levied in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 2.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 6,182.00
(ii) Open Space, Sport & Recreation (Precinct)	\$146,454.00
(iii) Library & Community Facilities (Shire)	\$ 29,150.00
(iv) Library & Community Facilities (Precinct)	\$ 38,456.00
(v) Transport & Traffic (Roads & Intersections)	\$ 43,934.00
(vi) Transport & Traffic (Cycleways)	\$ 8,184.00
(vii) Bushfire Protection	\$ 748.00
(viii) Plan Administration	\$ 13,655.00
<b>TOTAL</b>	<b>\$286,763.00</b>



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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.

17. 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 nine (9) copies suitable for certification by the General Manager and lodgement at the Land and Property Information. A fee for the release of the Subdivision Certificate applies.
  - (3) The plan of subdivision for Stage 2 shall incorporate appropriate instruments under the Conveyancing Act or the Community Land Development Act to create the following restrictions on the lots and responsibilities on future owners:
    - Building envelopes shall be nominated and indicated on the Linen Plan for each residential lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as active recreation space; and
    - All lots that are within 150m of Appin Road shall be constructed to adequately attenuate road noise in accordance with the guidelines of the NSW Government; and
    - Any dwelling constructed on Proposed Lots 2 and 17 shall be limited to single storey in height and appearance and shall be designed with similar architectural form to the Appin Inn Heritage Item located on Lot 2 DP 529457.
    - *That dual occupancy development is not permitted on individual allotments under the community subdivision plan.*

The instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

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- (4) The community scheme for stage 2 of the development shall include detailed design guidelines to ensure all dwelling have a high quality and consistent external finish. The scheme is to be prepared to the satisfaction of Wollondilly Shire Council prior to the release of any subdivision certificate for stage 2 of the development.
  - (5) 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.
18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

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

(1) ERECTION OF SIGNS

- (a) For the purposes of section 80A (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.
- (d) 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.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

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- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

ADVICES

- (1) A Bushfire Safety Authority has been issued for this development under Section 100B of the Rural Fires Act, 1997. This authority was issued without any conditions and is attached to this consent.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) 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.
- (4) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (5) 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 RTA 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.

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- (6) 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.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 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.

On being put to the meeting the motion of Crs Terry and Law was declared LOST.

Vote For: Crs Terry, Law and B Banasik

Vote Against: Crs Mitchell, Hannan, M Banasik, Landow, Gibbs and Amato

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Crs M Banasik and Landow moved an amendment:

That Council determine Development Application No. 010.2015.00000526.001 for the staged 28 lot subdivision of Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin by the granting of development consent subject to the following conditions:

1. COMPLIANCE

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

- (1) Development Consent is granted for a staged subdivision at Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin as outlined below:

Stage 1: Two (2) lot Torrens Title Subdivision

Stage 2: Community Title Subdivision comprising twenty-six (26) residential lots and one neighbourhood property.

- (2) Development shall take place in accordance with the endorsed plans 26705/41641 Revision D sheets 1 and 2 and 26705/41174 Revision F Sheet 1, prepared by LTS Lockley and submitted in respect of Development Application No. 010.2015.00000526.001 dated 14 July 2015 except where varied by the following conditions:
- (3) Development shall take place in accordance with the recommendations of the following reports:
- *Stormwater Management Strategy Document No S14053-RPT-C-0001 REV C Dated 30 June 2015 prepared by BG&E Engineering*
  - *Endeavour Appin Subdivision Stage 1A Transport Impact Assessment Reference Number 14S1076100 Dated 4 May 2015 prepared by GTA Consultants*
  - *Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services*
  - *Preliminary Site Investigation report number 76589.00 dated December 2013 and prepared by Douglas Partners.*

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- (4) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
  - (c) Within the footprint of an approved building, access driveway or other structure; or
  - (d) Within three (3) metres of the footprint of an approved building; or
  - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (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. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works that propose to demolish (or partially demolish) any building, structure or installation that:
  - Is over 15 metres in height
  - Is a chemical installation
  - Involves a tower crane on site
  - Involves a mobile crane with a rated capacity of more than 100 tonnes
  - Has structural components that are pre-tensioned or post-tensioned
  - Involved floor popping
  - Involves explosives
  - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
  - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors.

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shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “*Demolition work code of practice July 2014*” including provision for:
  - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality



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- Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

3. REMEDIATION OF LAND

To ensure the development complies with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

- (1) Prior to the release of any subdivision certificate for stage 2 the certifier shall be provided with a category “A” site audit statement under the Contaminated Land Management Act, 2008, specifying that the site is suitable for “Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry”. This condition applies only to the part of the site that is located within Zone R3 Medium Density Residential.
- (2) For the avoidance of doubt, this consent does authorise any remediation work that may require development consent to comply with condition (1) above.

4. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments’ best management practices for the management of urban salinity.



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- (1) A salinity assessment is to be carried out for the site prior to the issue of the Subdivision Certificate. The assessment shall be completed in accordance with "Site Investigations for Urban Salinity" published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the engineering plans or Environmental Management Plan as appropriate.

5. 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 Specifications.
- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or the nominated Accredited Certifier for the development.
- (4) 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 the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.
- (5) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and submitted to RMS with the 138 Consent application.

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- (6) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council 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.

- (7) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, 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.

6. 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 applicant 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. The road shall be constructed to Council's Design Specification and Construction Specifications *including kerb and gutter and* bitumen sealed temporary turning heads as shown on the submitted proposed plans.
- (2) The person having benefit of this consent shall dedicate the 20m wide strip of land along the western boundary of Lot 34 DP 246207 (No 4 Sportsground Parade, APPIN) to Council as public road. This land dedication shall take place as part of stage 1 of the development and shall be detailed on the subdivision certificate for that stage.
- (3) The proposed road layout shall be amended with the following variations:
- King Street shall be widened to provide an 11.0 metre carriageway and 2.5 metre verge each side
  - The kerb return on the northern side of the intersection of King Street and Appin Road shall be located to allow for the footpath connection to Appin Road. It may be necessary to acquire a splay corner from the adjoining property

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- A 1.5 metre wide concrete path shall be constructed, on the northern side, for the full length of King Street
  - *A 1.5 metre wide concrete path shall be constructed on each road for the frontage of the proposed lots.*
  - The intersection of King Street and Appin Road shall be designed and constructed for truck turning movements as shown on BG & E plan No. SK-C-0180 Rev. A for compliance with Urban BAL (Basic Left turn treatment ) in accordance with Austroads Guide to Road Design, Part 4A
  - Proposed garden landscaping within the public road verge shall be deleted unless included within the Community Association Management Plan for the ongoing maintenance.
- (4) The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (5) All Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (6) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Roads and Maritime Services prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (7) All services including water mains shall not be located beneath the concrete paths unless required to cross from one side of a road to another.
- (8) The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in cul-de-sacs.
- (9) The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.
- (10) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicants expense.
- (11) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.

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- (12) For all pathways the surface finish and grades shall comply with AS1428-1-2001 for accessibility and shall be constructed for the full road frontage of all lots for a width of 1.5 meters.
- (13) To overcome damage of footpaths during dwelling building works the concrete paths shall be constructed to a residential driveway standard. Details to be included on the engineering plans.
- (14) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) months from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

7. 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) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) 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 located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.

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- (5) Drainage for stormwater discharge and water quality treatment shall be designed generally in accordance with the submitted Stormwater Management Report by BG & E dated 30 June 2015 Rev/C and approved by Council, as the Road Infrastructure Authority, prior to the issue of a Construction Certificate. The maximum achievable catchment area shall be drained to the western side of the site.
- (6) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.

8. EROSION AND SEDIMENT CONTROL

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

- (1) 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.
- (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) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitably stabilized within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

9. 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 Construction Specification 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.

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- (2) Only fill characterized 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 imported from offsite (i.e. from outside of the Bingara Gorge development site) used onsite shall be retained and presented to Council on request.
- (3) There is to be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There is to be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) Prior to use of the fill material, Condition 1 from Weed Management must be complied with.

*(Reason: to ensure that adequate weed control so that weeds and their seed bank are not distributed during construction works).*

- (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.
- (7) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (8) No land filling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Approval has been issued by NSW Office of Water.
- (9) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

10. 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 the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

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- 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
- When part of the pavement depth (as indicated by Council) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At completion of pavement shaping, prior to priming
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing 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.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

#### 11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the 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.



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- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia 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.
- (5) The community management statement shall include an indemnity against damage to the private infrastructure including, but not limited, to road surfaces, kerb and gutter, caused by solid waste collection vehicles.

## 12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application, plan submitted in response to the conditions of this consent.



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13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (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.
- (2) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (3) *Buildings be of Heritage Style.*

14. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained *for a minimum 12 months and* in accordance with the details provided on that Plan at all times.
- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (3) Development consent is not granted for the removal of the trees identified as Trees 5 and 6 in the Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services.

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- (4) The species of trees detailed on the approved landscape plan are not approved as part of this consent. An amended species list is to be provided and shall comply with Council's Development Control Plan and Street Tree Risk Management Plan. No Construction Certificate shall be issued under this consent until an amended species list is approved by Wollondilly Shire Council. In this condition the reference to Wollondilly Shire Council is a reference to the council in its capacity as the future owner of the roads and not a reference to the council in its capacity as a certifier under the Environmental Planning and Assessment Act, 1979.

15. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high).
  - b) A treatment schedule in tabulated form, specifying for each species:
    - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
    - ii) The rates of application methods of all herbicide treatments;
    - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
    - iv) The timing of treatments.
  - c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site.
  - d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

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- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate for Stage 1.

16. 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 of a Contribution for twenty-two (22) lots for which contributions will be levied in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 2.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 6,182.00
(ii) Open Space, Sport & Recreation (Precinct)	\$146,454.00
(iii) Library & Community Facilities (Shire)	\$ 29,150.00
(iv) Library & Community Facilities (Precinct)	\$ 38,456.00
(v) Transport & Traffic (Roads & Intersections)	\$ 43,934.00
(vi) Transport & Traffic (Cycleways)	\$ 8,184.00
(vii) Bushfire Protection	\$ 748.00
(viii) Plan Administration	\$ 13,655.00
<b>TOTAL</b>	<b>\$286,763.00</b>

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.

17. 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.

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- (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Land and Property Information. A fee for the release of the Subdivision Certificate applies.
- (3) The plan of subdivision for Stage 2 shall incorporate appropriate instruments under the Conveyancing Act or the Community Land Development Act to create the following restrictions on the lots and responsibilities on future owners:
  - Building envelopes shall be nominated and indicated on the Linen Plan for each residential lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as active recreation space; and
  - All lots that are within 150m of Appin Road shall be constructed to adequately attenuate road noise in accordance with the guidelines of the NSW Government; and
  - Any dwelling constructed on Proposed Lots 2 and 17 shall be limited to single storey in height and appearance and shall be designed with similar architectural form to the Appin Inn Heritage Item located on Lot 2 DP 529457.
  - *That dual occupancy development is not permitted on individual allotments under the community subdivision plan.*

The instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (4) The community scheme for stage 2 of the development shall include detailed design guidelines to ensure all dwelling have a high quality and consistent external finish. The scheme is to be prepared to the satisfaction of Wollondilly Shire Council prior to the release of any subdivision certificate for stage 2 of the development.
- (5) 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.

18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

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

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(1) ERECTION OF SIGNS

- (a) For the purposes of section 80A (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.
- (d) 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.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

ADVICES

- (1) A Bushfire Safety Authority has been issued for this development under Section 100B of the Rural Fires Act, 1997. This authority was issued without any conditions and is attached to this consent.

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- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) 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.
- (4) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (5) 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 RTA 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.
- (6) 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.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 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.

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- (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.

On being put to the meeting the amendment of Crs M Banasik and Landow was declared LOST.

Vote For: Cr M Banasik

Vote Against: Crs B Banasik, Law, Terry, Amato, Mitchell, Hannan, Gibbs and Landow

**224/2015      Resolved on the Motion of Crs Mitchell and Hannan:**

**That Council determine Development Application No. 010.2015.00000526.001 for the staged 28 lot subdivision of Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin by the granting of development consent subject to the following conditions:**

**1. COMPLIANCE**

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

- (1) Development Consent is granted for a staged subdivision at Lots 1 and 3 DP 209779, Lot 1 DP 558807, Lot 1 DP 529457 and Lot 2034 DP 1198686 located at 50 and 55 Macquariedale Road and 41, 61 and 65 Appin Road Appin as outlined below:**

**Stage 1: Two (2) lot Torrens Title Subdivision**

**Stage 2: Community Title Subdivision comprising twenty-six (26) residential lots and one neighbourhood property.**

- (2) Development shall take place in accordance with the endorsed plans 26705/41641 Revision D sheets 1 and 2 and 26705/41174 Revision F Sheet 1, prepared by LTS Lockley and submitted in respect of Development Application No. 010.2015.00000526.001 dated 14 July 2015 except where varied by the following conditions:**



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(3) Development shall take place in accordance with the recommendations of the following reports:

- *Stormwater Management Strategy Document No S14053-RPT-C-0001 REV C Dated 30 June 2015 prepared by BG&E Engineering*
- *Endeavour Appin Subdivision Stage 1A Transport Impact Assessment Reference Number 14S1076100 Dated 4 May 2015 prepared by GTA Consultants*
- *Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services*
- *Preliminary Site Investigation report number 76589.00 dated December 2013 and prepared by Douglas Partners.*

(4) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (e) Within the footprint of an approved building, access driveway or other structure; or
- (f) Within three (3) metres of the footprint of an approved building; or
- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

(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. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

Planning and Economy

- (1) All demolition works that propose to demolish (or partially demolish) any building, structure or installation that:

- Is over 15 metres in height
- Is a chemical installation
- Involves a tower crane on site
- Involves a mobile crane with a rated capacity of more than 100 tonnes
- Has structural components that are pre-tensioned or post-tensioned
- Involved floor popping
- Involves explosives
- Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
- Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors.

shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the *How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia)*, SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan to be submitted and approved by Wollondilly Shire Council prior to the commencement of the demolition work.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).

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- (7) Care should be taken when demolishing building structures likely to have been treated with pesticides to avoid contact with the top 10-20mm of soil. The top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.
- (8) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication *“Demolition work code of practice July 2014”* including provision for:
- Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality
  - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (9) Fire fighting services onsite shall be maintained at all times during demolition works.
- (10) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (11) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (12) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (13) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

### **3. REMEDIATION OF LAND**

To ensure the development complies with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.

- (1) Prior to the release of any subdivision certificate for stage 2 the certifier shall be provided with a category “A” site audit statement under the Contaminated Land Management Act, 2008, specifying that the site is suitable for “Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry”. This condition applies only to the part of the site that is located within Zone R3 Medium Density Residential.
- (2) For the avoidance of doubt, this consent does authorise any remediation work that may require development consent to comply with condition (1) above.

### **4. SALINITY MANAGEMENT**

These conditions have been imposed in response to the NSW State Governments’ best management practices for the management of urban salinity.

- (1) A salinity assessment is to be carried out for the site prior to the issue of the Subdivision Certificate. The assessment shall be completed in accordance with “Site Investigations for Urban Salinity” published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the engineering plans or Environmental Management Plan as appropriate.

### **5. 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 Specifications.

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- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by Council or the nominated Accredited Certifier for the development.
- (4) 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 the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.
- (5) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and submitted to RMS with the 138 Consent application.
- (6) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council 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.

- (7) A certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, 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.

## 6. 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 applicant 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. The road shall be constructed to Council’s Design Specification and Construction Specifications *including kerb and gutter* and bitumen sealed temporary turning heads as shown on the submitted proposed plans.
- (2) The person having benefit of this consent shall dedicate the 20m wide strip of land along the western boundary of Lot 34 DP 246207 (No 4 Sportsground Parade, APPIN) to Council as public road. This land dedication shall take place as part of stage 1 of the development and shall be detailed on the subdivision certificate for that stage.
- (3) The proposed road layout shall be amended with the following variations:
- King Street shall be widened to provide an 11.0 metre carriageway and 2.5 metre verge each side
  - The kerb return on the northern side of the intersection of King Street and Appin Road shall be located to allow for the footpath connection to Appin Road. It may be necessary to acquire a splay corner from the adjoining property
  - A 1.5 metre wide concrete path shall be constructed, on the northern side, for the full length of King Street
  - *A 1.5 metre wide concrete path shall be constructed on each road for the frontage of the proposed lots*
  - The intersection of King Street and Appin Road shall be designed and constructed for truck turning movements as shown on BG & E plan No. SK-C-0180 Rev. A for compliance with Urban BAL (Basic Left turn treatment ) in accordance with Austroads Guide to Road Design, Part 4A

Planning and Economy

- **Proposed garden landscaping within the public road verge shall be deleted unless included within the Community Association Management Plan for the ongoing maintenance.**
- (4) **The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.**
- (5) **All Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.**
- (6) **In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Roads and Maritime Services prior to commencement of work. A fee is payable for issue of this Consent Certificate.**
- (7) **All services including water mains shall not be located beneath the concrete paths unless required to cross from one side of a road to another.**
- (8) **The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in cul-de-sacs.**
- (9) **The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.**
- (10) **The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicants expense.**
- (11) **All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.**
- (12) **For all pathways the surface finish and grades shall comply with AS1428-1-2001 for accessibility and shall be constructed for the full road frontage of all lots for a width of 1.5 meters.**
- (13) **To overcome damage of footpaths during dwelling building works the concrete paths shall to constructed to a residential driveway standard. Details to be included on the engineering plans.**



Planning and Economy

- (14) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.

**7. 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) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) 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 located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) Drainage for stormwater discharge and water quality treatment shall be designed generally in accordance with the submitted Stormwater Management Report by BG & E dated 30 June 2015 Rev/C and approved by Council, as the Road Infrastructure Authority, prior to the issue of a Construction Certificate. The maximum achievable catchment area shall be drained to the western side of the site.
- (6) The person having the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of downstream drainage.

## 8. EROSION AND SEDIMENT CONTROL

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

- (1) 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.
- (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) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitably stabilized within 30 days of completion.
- (5) Kikuyu will not be permitted to be used for turfing of any disturbed area.

## 9. 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 Construction Specification 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) Only fill characterized 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 imported from offsite (i.e. from outside of the Bingara Gorge development site) used onsite shall be retained and presented to Council on request.
- (3) There is to be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There is to be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.

Planning and Economy

- (5) Prior to use of the fill material, Condition 1 from Weed Management must be complied with.

(Reason: to ensure that adequate weed control so that weeds and their seed bank are not distributed during construction works).

- (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.
- (7) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (8) No land filling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Approval has been issued by NSW Office of Water.
- (9) Where Council can not be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

## 10. 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 the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- 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
  - When part of the pavement depth (as indicated by Council) has been placed

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- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At completion of pavement shaping, prior to priming
- At completion of the preparation of kerb and guttering subgrade.
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing 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.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

## 11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the 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 telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia 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.

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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.
- (5) The community management statement shall include an indemnity against damage to the private infrastructure including, but not limited, to road surfaces, kerb and gutter, caused by solid waste collection vehicles.

## 12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council’s Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application, plan submitted in response to the conditions of this consent.

## 13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (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.

Planning and Economy

- (2) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

#### 14. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained *for a minimum 12 months* and in accordance with the details provided on that Plan at all times.
- (2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (3) Development consent is not granted for the removal of the trees identified as Trees 5 and 6 in the Arboricultural Assessment and Impact Report dated 5 November 2014 prepared by Horticultural Management Services.
- (4) The species of trees detailed on the approved landscape plan are not approved as part of this consent. An amended species list is to be provided and shall comply with Council's Development Control Plan and Street Tree Risk Management Plan. No Construction Certificate shall be issued under this consent until an amended species list is approved by Wollondilly Shire Council. In this condition the reference to Wollondilly Shire Council is a reference to the council in its capacity as the future owner of the roads and not a reference to the council in its capacity as a certifier under the Environmental Planning and Assessment Act, 1979.

#### 15. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:

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- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high).
- b) A treatment schedule in tabulated form, specifying for each species:
  - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
  - ii) The rates of application methods of all herbicide treatments;
  - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
  - iv) The timing of treatments.
- c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site.
- d) Details of any methods of disposal of weed material.

**NOTE:** If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate for Stage 1.

## 16. 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 of a Contribution for twenty-two (22) lots for which contributions will be levied in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 2.



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The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$ 6,182.00
(ii) Open Space, Sport & Recreation (Precinct)	\$146,454.00
(iii) Library & Community Facilities (Shire)	\$ 29,150.00
(iv) Library & Community Facilities (Precinct)	\$ 38,456.00
(v) Transport & Traffic (Roads & Intersections)	\$ 43,934.00
(vi) Transport & Traffic (Cycleways)	\$ 8,184.00
(vii) Bushfire Protection	\$ 748.00
(viii) Plan Administration	\$ 13,655.00
<b>TOTAL</b>	<b>\$286,763.00</b>

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.

### 17. 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 nine (9) copies suitable for certification by the General Manager and lodgement at the Land and Property Information. A fee for the release of the Subdivision Certificate applies.
  - (3) The plan of subdivision for Stage 2 shall incorporate appropriate instruments under the Conveyancing Act or the Community Land Development Act to create the following restrictions on the lots and responsibilities on future owners:
    - Building envelopes shall be nominated and indicated on the Linen Plan for each residential lot. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings as well as active recreation space; and

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- All lots that are within 150m of Appin Road shall be constructed to adequately attenuate road noise in accordance with the guidelines of the NSW Government; and
- Any dwelling constructed on Proposed Lots 2 and 17 shall be limited to single storey in height and appearance and shall be designed with similar architectural form to the Appin Inn Heritage Item located on Lot 2 DP 529457.
- *That dual occupancy development is not permitted on individual allotments under the community subdivision plan.*

The instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (4) The community scheme for stage 2 of the development shall include detailed design guidelines to ensure all dwelling have a high quality and consistent external finish. The scheme is to be prepared to the satisfaction of Wollondilly Shire Council prior to the release of any subdivision certificate for stage 2 of the development.
  - (5) 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.
18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

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

(1) ERECTION OF SIGNS

- (a) For the purposes of section 80A (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:

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- (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.
- (d) 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.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the *Environmental Planning and Assessment Regulation 2000* which currently imposes a maximum penalty of \$1,100).

**ADVICES**

- (1) A Bushfire Safety Authority has been issued for this development under Section 100B of the Rural Fires Act, 1997. This authority was issued without any conditions and is attached to this consent.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

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- (3) 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.
- (4) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (5) 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 RTA 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.
- (6) 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.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 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.

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- (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.**

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs B Banasik, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

Vote Against: Crs Terry and Law

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Planning and Economy

PE2 Star Street Former Road Reserves Planning Proposal  
41

TRIM 7965

225/2015 Resolved on the Motion of Crs M Banasik and B Banasik:

1. That Council as the responsible planning authority adopt the draft Local Environmental Plan amendment to Wollondilly LEP for land being Lot 1 DP 1182837 Star Street and Connellan Crescent, Picton to make the following amendments:
  - Amend the Land Zoning Map to R2 Low Density Residential
  - Amend the Lot Size Map to allow a 450m<sup>2</sup> minimum lot size
  - Amend the Height of Buildings Map to include a 9m height limit
  - Amend the Urban Release Area Map to include this land.
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Department of Planning and Environment with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report and in the Planning Proposal.
3. That the applicant and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

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Planning and Economy

PE3 Assisting Agriculturalists  
19

TRIM 1150

226/2015 Resolved on the Motion of Crs Landow and Hannan:

1. That grant funding from the Department of Planning & Environment be sought to undertake a Rural Lands Study to inform Council with future strategic planning decisions.
2. That review of the Wollondilly Local Environmental Plan 2011, include consideration of permissible land uses in rural zones, additional exempt development provisions and amendments to the rural boundary adjustment provisions.
3. That Council implement the process efficiencies identified in this report including a review of current pre-lodgement services, the manner in which requests for additional information are communicated to the proponent and notification of draft conditions of development consent.
4. That Council continue to review options to secure additional resources for the Strategic Planning, Development Assessment and Building Assessment Teams.
5. *That Council thank the Rural Liaison Committee and the Economic Development Committee.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow



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Planning and Economy

PE4 Wollondilly Development Control Plan 2016  
1010

TRIM 3615-6

227/2015 Resolved on the Motion of Crs Hannan and Terry:

1. That Council adopt Wollondilly Development Control Plan, 2016 in the form attached to this report, *with the following changes:*
  - *In Volume 1 Part 10 (Tree Removal) section 10.2(b) the words "The trunk..." are added at the beginning of the control for the purposes of measuring the circumference of the tree*
  - *In Volume 3 Section 2.1 (Traffic and Transport) the table in control 5 require "kerb and gutter or grass swale as appropriate" in R5 zones for medium subdivisions (10-100 lots) and large subdivisions (more than 100 lots).*
  - *In volume 5 Section 4.9 (Warragamba and Silverdale) control 4, the final sentence of the control be changed from "....Part 3 of this volume...." To "....Part 2 of this volume...."*and repeal Wollondilly Development Control Plan 2011.
2. That Council not request any applicant for a Development Application submitted but not determined prior to the commencement of Wollondilly Development Control Plan, 2016 to submit an amended Statement of Environmental Effects to address the new Development Control Plan, except where the original Statement was inadequate or where the proposal changes.
3. That Council advertise this decision as soon as practicable to ensure that the new provisions commence promptly.
4. That Council write to all submitters advising them of this outcome.
5. *That in the next review of the Development Control Plan that a review be undertaken of the controls and objectives applicable to the Menangle Landscape Conservation Area.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

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PE5

**Completion of 18 Hole Golf Course at Bingara Gorge**

266876

DD010.2013.00000411.001

Moved on the motion of Crs Terry and Mitchell:

That in relation to completion of the 18 hole golf course at Bingara Gorge:

1. Council encourage the proponent to lodge an Application to Modify Development Consent to amend the development cap created by Condition 20.4 in the Bingara Gorge Master Plan Consent (ID 993-05).
2. Subject to lodgement of an Application to Modify Development Consent, Council support an increase in the development cap from 585 to 612 lots to facilitate registration of the serviced land at Bingara Gorge.
3. In addition to the above, any Modified Development Consent issued by Council introduce further development caps at various stages of the remaining Bingara Gorge project to ensure the golf course footbridge and Country Club are completed and made available for use.
4. *That progress in relation to the proposed golf course bridge be reviewed quarterly by Council.*

Crs M Banasik and Amato moved an amendment:

*That Council issue Subdivision Certificates at Bingara Gorge to permit registration of land beyond the 585<sup>th</sup> residential allotment, subject to receipt of a security bond / bank guarantee equal to the construction cost of the golf course footbridge plus provision for contingencies, supervision and cost escalation.*

On being put to the meeting the amendment was declared LOST.

Vote For: Cr M Banasik

Vote Against: Crs B Banasik, Law, Terry, Amato, Mitchell, Hannan, Gibbs and Landow

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**228/2015      Resolved on the Motion of Crs Terry and Mitchell:**

**That in relation to completion of the 18 hole golf course at Bingara Gorge:**

- 1. Council encourage the proponent to lodge an Application to Modify Development Consent to amend the development cap created by Condition 20.4 in the Bingara Gorge Master Plan Consent (ID 993-05).**
- 2. Subject to lodgement of an Application to Modify Development Consent, Council support an increase in the development cap from 585 to 612 lots to facilitate registration of the serviced land at Bingara Gorge.**
- 3. In addition to the above, any Modified Development Consent issued by Council introduce further development caps at various stages of the remaining Bingara Gorge project to ensure the golf course footbridge and Country Club are completed and made available for use.**
- 4. *That progress in relation to the proposed golf course bridge be reviewed quarterly by Council.***

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Mitchell, Hannan, Gibbs and Landow

## WOLLONDILLY SHIRE COUNCIL

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### Governance

#### GOVERNANCE

**GO1            Notice of Motion Status Report – December 2015**  
103

TRIM 5253

Cr Mitchell left the meeting at 7.51pm.

Items GO1 to GO9 were moved concurrently.

**229/2015        Resolved on the Motion of Crs Hannan and M Banasik:**

**That Council note the December Notice of Motion Status Report.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
                    and Landow

Governance

## WOLLONDILLY SHIRE COUNCIL

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### Governance

**GO2**            **Investment of Funds as at 31 October 2015**  
112

TRIM 1022-3

**230/2015**       **Resolved on the Motion of Crs Hannan and M Banasik:**

**That the information and certification in relation to the investment of Council funds as at 31 October 2015 be noted.**

On being put to the meeting the motion was declared CARRIED.

Vote:           Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
                    and Landow

Governance

**G03**      **Ordinary Council Meeting and Community Forum Dates – 2016**  
234777      TRIM 1934

**That the Ordinary Council Meeting and Community Forum dates for 2016 as outlined in this report be adopted and advertised.**

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

G04	<u><b>The Role of the Mayor during the Ordinary Council Meeting Recess</b></u>	TRIM 1934
	234777	

**That Council acknowledge the role of the Mayor (or in the absence of the Mayor, the Deputy Mayor) to exercise in cases of necessity the policy making functions of the governing body of the Council between meetings of the Council.**

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Governance

**GO5**      **Annual Review of Closed Reports**  
234777

TRIM 2269

**233/2015**      **Resolved on the Motion of Crs Hannan and M Banasik:**

1.    That the Planning report, Item 1 of this report not be released.
2.    That Governance reports Items 2, 4, 5 and 6 of this report be released in full.
3.    That Governance report, Item 3 of this report not be released.
4.    That the Environment report, Item 7 of this report not be released.
5.    That the Infrastructure report Item 8 of this report be released in full noting the attachment remains confidential as it is subject to copyright and privacy considerations.
6.    That the Infrastructure report Item 9 of this report not be released.

On being put to the meeting the motion was declared CARRIED.

Vote:        Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Governance

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Governance

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**GO6**      **Annual Report – Code of Conduct Complaints**  
238

TRIM 98

**234/2015**      **Resolved on the Motion of Crs Hannan and M Banasik:**

**That the annual report in relation to Code of Conduct Complaints be received and noted.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Governance

**GO7**            **Audit Committee Annual Review**  
238

TRIM 5374-2

**235/2015**      **Resolved on the Motion of Crs Hannan and M Banasik:**

1.    That Council receive the Audit Committee Annual Review report.
2.    That Council note the appointment to the Audit Committee of Julie Walton at the commencement of the new financial year.
3.    That Council forward a letter to the external representatives thanking them for their contribution to the effectiveness of Council's Audit Committee in the 2014/15 financial year.

On being put to the meeting the motion was declared CARRIED.

Vote:           Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Governance

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Governance

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**GO8**                    **Delegations for Local Environmental Plan Amendments**  
256

TRIM 572-6

**236/2015**            **Resolved on the Motion of Crs Hannan and M Banasik:**

**That Council agree to the Director Planning and the Manager Growth and Strategic Planning, having delegated Authority to make a Local Environmental Plan Amendment.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Governance

**G09** **Participation in Class Action Seeking Refund of Overpaid GST**  
56 TRIM 278-2

**That Council accept Genesis Accounting's offer to participate in the proposed Class Action for refund of overpaid GST.**

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Governance

**GO10**      **Draft Customer Service Policy and Draft Interaction with Developers, Lobbyists and Submitters Policy**  
243371      TRIM 6923

**238/2015**      **Resolved on the Motion of Crs Hannan and Gibbs:**

- 1.      That the Customer Service Policy be adopted.**
- 2.      *That the Interaction with Developers, Lobbyists and Submitters Policy be workshopped.***

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Governance

G011	<u>Draft Councillor Access to Information and Interaction with Staff Policy</u>	255943	TRIM 1609
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**That Council adopt the Councillor Access to Information and Interaction with Staff Policy *with 4.2.7 removed from Policy.***

Vote For : Crs B Banasik, Terry, M Banasik, Amato, Hannan, Gibbs and Landow  
Vote Against: Cr Law



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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Governance

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**GO12**      **Draft Social Media Policy**  
234992

TRIM 5764-1

Items GO12 to EN1 were moved concurrently.

**240/2015**      **Resolved on the Motion of Crs Hannan and Amato:**

**That the Social Media Policy be adopted.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
and Landow

Governance

## WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

### Governance

**GO13**      **Draft Farmland Rating Policy**  
56

TRIM 5907

**241/2015**      **Resolved on the Motion of Crs Hannan and Amato:**

**That the Farmland Rating Policy be adopted.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Governance

**GO14**      **Revised Financial Policies (Investment, Borrowing & Overdraft Policies)**  
56      TRIM 5907

**242/2015**      **Resolved on the Motion of Crs Hannan and Amato:**

1.      That the revised Investment Policy (GOV0024) be adopted.
2.      That the revised Borrowing Policy (GOV0061) be adopted.
3.      That the revised Overdraft Policy (GOV0060) be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
             and Landow

Governance

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Environment

ENVIRONMENT

EN1                    **Shire Wide Vegetation Mapping – Prioritisation Corridors**                    TRIM 3241  
225

243/2015            **Resolved** on the Motion of Crs Hannan and Amato:

1.     That Council adopt the Shire Wide Vegetation Mapping.
2.     That the Shire Wide Vegetation Mapping form part of the final Wollondilly Biodiversity Strategy.
3.     That Council further investigates opportunities for incorporation into the Shire Wide vegetation mapping within planning controls.

On being put to the meeting the motion was declared CARRIED.

Vote:                Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Environment

EN2 Bin Contamination Policy and Clean Up Collection Policy Review  
1031 TRIM 1693

**That the revised Bin Contamination Policy (ENV 0012) and Clean Up Collection Policy (ENV 0011) be adopted.**

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

## INFRASTRUCTURE

Items IN1 to IN3 were moved concurrently.

**That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 21 October 2015 as follows:**

1. **Macarthur Collegians Cycling Cub (MCCC) – Request for temporary Road Closures**  
52 TRIM 2487
  - Cawdor from the junctions of Cawdor Rd to Mt. Hercules Rd on 7 August 2016 between 8.00am to 11.00am subject to the requirements for the issue of a permit for “Road Event – Road Closure”
  - Ridge Rd Oakdale for a period up to 31 December 2016 subject to the requirements for the issue of a permit for “Road Event – Road Closure” prior to each individual race event.
2. **IlluminARTe Wollondilly Festival 2016 – Request for temporary Road Closures**  
253 TRIM 8263
  - Menangle St from Colden St to Argyle St on Saturday 7 May 2016 from 10.00am to 12.00 midnight, subject to the requirements for the issue of a permit for “Road Event Road Closure”.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Infrastructure

**IN2                    Cleaning of Council's Operational Buildings – Tender Assessment and Recommendations**

42

TRIM 8758

**246/2015           Resolved on the Motion of Crs Hannan and Amato:**

1. That in accordance with the Local Government (General) Regulation 2005, Clause 178 (1), Council accept the tender of The Sparkle Team Pty Ltd - ABN 37 122 687 898 for the Cleaning of Council's Operational Buildings for a tendered sum of \$8034.44 excluding GST per month for 24 months.
2. That Council delegate to the General Manager (or their delegate) the authority to finalise and execute the Contract and any other documentation required to give effect to the resolution, including those requiring the Common Seal of Council.
3. That no contract be formed between the parties until the Execution of the Formal Instrument of Agreement by both parties.

On being put to the meeting the motion was declared CARRIED.

Vote:                Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow



IN3 Conversion of the Crown Road Portion of Brooks Point Road, Appin to Council Public Road

- 1. That Council approve the application to the Department of Primary Industries to have ownership of the Crown Road portion of Brooks Point Road, Appin dedicated to Council as a Public Road on the basis that Council does not intend to close and sell the road reserve for the foreseeable future.**
- 2 That the Mayor and General Manager be authorised to execute all documentation pertaining to this matter including those requiring the Common Seal of Council.**

On being put to the meeting the motion was declared CARRIED.

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
and Landow

IN4 Status Report and Project Directions on the Bargo RFS Project 198 TRIM 7392-1

1. That Council note the progress to date and the planned process for delivering this important community project.
2. *That subject to confirmatory legal advice, Council authorise the purchase of the subject land, the 2550 sqm portion of land at 10 Avon Dam Road, Bargo subject to subdivision and development consent (Lot 1 of proposed DP1210340), if this is not possible a special Council Meeting be convened at the earliest opportunity.*

Vote: Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Notice of Motion

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**NOTICE OF MOTION**

TRIM 6416-5

**NOM 1      Notice of Motion No. 1 submitted by Cr Hannan on 19 November 2015 regarding Hurlstone Agricultural High School**

**249/2015      Resolved on the Motion of Crs Hannan and M Banasik:**

**That Council write to the state government, opposition and all local members asking that the plan to move Hurlstone Agricultural High School to the Western Sydney University Hawkesbury campus be rescinded.**

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Late Report

LATE REPORT

**250/2015      Resolved on the Motion of Crs M Banasik and Amato:**

**That Council suspend standing orders to deal with the later report EN3 – Bargo Waste Management Centre Management and Rehabilitation Options.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

**EN3            Bargo Waste Management Centre Management and Rehabilitation Options**  
291 TRIM 1807

**251/2015      Resolved on the Motion of Crs M Banasik and Amato:**

- 1.    That Council reaffirms its decision for the continued operations and rehabilitation of the Bargo Waste Management Centre as the means of continuing to provide landfill capacity as well as garden organics (green waste) and general recycling facilities within the Shire.**
- 2.    That Council note the start of a project to confirm the scope and procurement method for the rehabilitation and ongoing operations of the Bargo Waste Management Centre.**
- 3.    That the existing Bargo Waste Management Centre Operations contract (2006/21) be extended on a month by month basis until approximately December 2016, with up to an additional six months on a month by month basis, subject to review, until the new operations and/or rehabilitation contract(s) are in place.**
- 4.    That \$110,000 (for 2015/16) be allocated from the Domestic Waste Management reserve through the second 2015/16 quarterly review to undertake procurement of detailed concept designs, including revised cost estimates, for the design of Bargo Waste Management Centre.**

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Late Report

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**252/2015      Resolved on the Motion of Crs Hannan and B Banasik:**

**That Council resume standing orders.**

On being put to the meeting the motion was declared CARRIED.

Vote:        Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs  
              and Landow

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Notice of Motion

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**NOTICE OF MOTION CONTINUED**

TRIM 6416-5

**NOM 2**      **Notice of Motion No. 2 submitted by Cr Hannan on 16 December 2015 regarding Warragamba Police Station**

**253/2015**      **Resolved on the Motion of Crs Hannan and Landow:**

**That council get a report on the plans for Warragamba police station.**

On being put to the meeting the motion was declared CARRIED.

Vote:        Crs B Banasik, Law, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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Notice of Motion

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TRIM 6416-5

**NOM 3      Notice of Motion No. 3 submitted by Cr Hannan on 16 December 2015 regarding Bingara Gorge**

**254/2015      Resolved on the Motion of Crs Hannan and Gibbs:**

**That council re-enter negotiations with Lend lease on the issue of the number of house blocks in Bingara.**

On being put to the meeting the motion was declared CARRIED.

Vote For:      Crs Landow, Amato, Hannan, Gibbs and M Banasik

Vote Against: Crs Terry, Law and B Banasik

Cr Law left the meeting at 8.26pm.

Notice of Motion



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Notice of Motion

TRIM 6416-5

**NOM 4      Notice of Motion No. 4 submitted by Cr Terry on 11 December 2015 regarding the Mine Safety Gas Management Project associated with the Bulli Seam Project**

**255/2015      Resolved on the Motion of Crs Terry and M Banasik:**

1.    That Council send correspondence to South 32 requesting:
  - That air quality monitoring to collect baseline data include measurements collected at the Douglas Park Public School (subject to receipt of the necessary approval) or at an appropriate nearby location within the Douglas Park Village.
  - That the air quality monitoring employs demonstrated world's best practice.
  - That greenhouse gas emissions from the Vent Shaft on the Mountbatten property *be* reported to the Commonwealth Department of Environment as well as predicted greenhouse gas emissions associated with proposed modifications to the Mine Safety Gas Management Project at Douglas Park be provided to Council.
2.    That the correspondence also be sent to the State Member for Wollondilly and the NSW Department of Planning and Environment.
3.    *That this matter be raised directly with the local Member at our monthly meetings.*

On being put to the meeting the motion was declared CARRIED.

Vote:      Crs B Banasik, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

Notice of Motion

TRIM 6416-5

**NOM 5      Notice of Motion No. 5 submitted by Cr Terry on 17 December 2015 regarding traffic safety issues on Menangle Road, Menangle**

**256/2015      Resolved on the Motion of Crs Terry and Hannan:**

1. That the upgrade of the intersection of Menangle Rd/Woodbridge Rd/Station St, by the construction of a roundabout, be included on council's traffic facilities priority list to allow works to be undertaken as soon as funding becomes available.
2. That opportunities for intermediate safety works i.e. not requiring a full intersection upgrade; be identified and implemented as resources permit.
3. That Council write to the Roads & Maritime Services to reaffirm our request for a reduction in the speed limit in Menangle Rd through Menangle from 60 to 50kph *extended substantially beyond Durham Green.*

On being put to the meeting the motion was declared CARRIED.

Vote:            Crs B Banasik, Terry, M Banasik, Amato, Hannan, Gibbs and Landow

## WOLLONDILLY SHIRE COUNCIL

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Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 December 2015, commencing at 6.30pm

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### Closing

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#### CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 8.32pm.

This and the preceding 98 pages are the Minutes of the Ordinary Meeting of Council held on Monday 21 December 2015 and were confirmed in the subsequent meeting held on 15 February 2016.

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Mayor

Closing