

# Ordinary Meeting Of Council

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## Wollondilly Shire Council

### Minutes

**Monday 16 November 2015**

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The meeting commenced at 6.32pm 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 16 November 2015, commencing at 6.32pm

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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, M Banasik, Hannan and Gibbs.

## **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 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

Apologies for Cr Amato and Cr Mitchell were accepted for this meeting.

Cr Hannan requested a leave of absence for the February 2016 meeting of Council.

**DECLARATION OF INTEREST**

TRIM 528-6

Cr B Banasik declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item IN1 – Recommendations Local Traffic Committee Meeting. His interest related to the Thirlmere Festival of Steam temporary road closures as he lives in the vicinity. Cr B Banasik stated that the Festival is an annual event and there are no financial implications for him of any loss or gain. He advised that he would remain in the meeting to consider and vote on this item.

Cr Landow declared a Non-Pecuniary (significant) Conflict of Interest in Item PE4 – Planning Proposal – Montpelier Drive Residential Lands as he had personally engaged the applicant as a contractor. He advised that he would leave the meeting during consideration of this item and not vote on the matter.

Cr Landow declared a Pecuniary Conflict of Interest in Item GO4 – Adoption of Councillors Fees, Expenses & Facilities Policy. He advised that he utilised the carer provision whilst attending to civic duties. Cr Landow stated that he would leave the meeting during consideration of this item and not vote on the matter.

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**CONFIRMATION OF MINUTES**

TRIM 88-10

**193/2015      Resolved on the Motion of Crs Hannan and Gibbs:**

**That the Minutes of the Ordinary Meeting held on Monday 19 October 2015, as circulated, be adopted as true and correct.**

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

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

## MAYORAL MINUTE

TRIM 531

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

- Tuesday 21 October 2015 Trainworks Certificate Presentation to Volunteers – attended by Cr Hilton Gibbs.
- Wednesday 22 October 2015 Health Alliance Wellbeing Forum held at Picton Bowling Club attended by Deputy Mayor Cr Hilton Gibbs and General Manager Luke Johnson
- Sunday 25 October 2015 Wollondilly Netball Association Presentation Ceremony
- Monday 26 October 2015 MACROC CEO Breakfast Forum – guest speaker Hon Julie Bishop MP
- Monday 26 October 2015 Trainworks Official Launch of the restoration of Locomotive 3830
- Friday 30 October 2015 MG My Gateway Awards Night
- Sunday 1 November 2015 Walk for Down Syndrome Awareness
- Monday 2 November 2015 Ingleburn Business Chamber Luncheon – guest speaker Hon. Rob Stokes MP
- Wednesday 4 November 2015 Macarthur Nature Photography Awards Night attended by Councillor Michael Banasik
- Friday 6 November 2015 Fisher's Ghost Art Award opening night and Award Announcement attended by Cr Michael Banasik
- Saturday 7 November 2015 Lachlan Regional Transport Committee Meeting attended by Cr Judith Hannan
- Wednesday 11 November 2015 Remembrance Day Ceremonies held throughout the Shire thankyou to Deputy Mayor Cr Hilton Gibbs and Cr Col Mitchell for attending with me on the day
- Friday 13 November 2015 Association of Mining Related Council Meeting attended by Councillor Michael Banasik
- Sunday 8 November 2015 The Oaks Historical Society official opening of WW1 Exhibition attended by Deputy Mayor Cr Hilton Gibbs
- Thursday 12 November 2015 National Growth Areas Alliance Congress attended by Cr Judith Hannan

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- Friday 13 November 2015 Association of Mining Related Council Meeting held in Molong attended by Cr Michael Banasik
- Saturday 14 November 2015 and Sunday 15 November 2015 Local Government NSW Mayors Weekend Seminar held in Sydney
- Saturday 14 November 2015 Sustainadilly Works Course attended by Deputy Mayor Cr Hilton Gibbs
- Sunday 15 November 2015 World Day of Remembrance for Road Traffic Victims attended by Deputy Mayor Cr Hilton Gibbs and Cr Lou Amato

During November 2015 Council received one (1) application for a Donation:

Council pledged \$250 to Ruby Smith a year 5 pupil at Thirlmere Public School. Ruby is suffering from Acute Lymphoblastic Leukaemia — her second battle with Leukaemia in her young life — to show their support and raise funds, the Thirlmere School community arranged a Ruby Day where Councillor Hilton Gibbs pledged the financial support on behalf of Council.

This request has been assessed against the program criteria and deemed eligible to receive funding through the Donation Program. I propose that Council support the application and approve the requested financial support.

I would like to request that Council write to The Hon. Pru Goward, The Hon. Angus Taylor, Member for Hume and Jai Rowell, Member for Wollondilly to seek financial support for the establishment of the Southern Highlands PCYC in Mittagong through the release of Rebuilding New South Wales Poles and Wires Capital Funding.

I would like to express sympathy to the families who have been impacted by the acts of terror that occurred, not only over the weekend in Paris, but in recent times. As a proud community leader for Wollondilly, I want to take this opportunity to condemn those, who through such acts of terror, seek to threaten our way of life and the freedom that we all value. I encourage leaders from all walks of life to do the same.

*The Mayor requested a one minute silence.*

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



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On Tuesday 21 October 2015 Trainworks Certificate Presentation for Volunteers was held at Trainworks Thirlmere. I would like to thank Deputy Mayor Cr Hilton Gibbs for attending this event on my behalf.

A 110 year old railway van once used for transporting Arnott's Biscuits will be put back on display at the Trainworks Museum following this official ceremony.

The reconstruction took three years to complete with a team of volunteers dedicating more than 3,500 hours and following strict heritage guidelines.



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Wollondilly Health Alliance (WHA) hosted the Wollondilly Wellbeing forum on 22 October for community service providers and community leaders. This is one of the many initiatives that WHA has successfully launched since its inception in 2014. I think that the establishment of the WHA has been one of Council's major achievements of the past few years.

The forum focussed on a wellbeing plan for Wollondilly and outlined five ways to enhance wellbeing. Evidence suggests that a small improvement in wellbeing can help people to thrive, cope through challenging times and prevent some mental health problems. The five key points for wellbeing are:

- Connect
- Be active
- Take notice
- Keep learning
- Give



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On Monday 26 October 2015 MACROC held their CEO Breakfast Forum at the Campbelltown Catholic Club. Guest speaker was the Hon Julie Bishop MP, Minister for Foreign Affairs and Deputy Leader of the Liberal Party.

I was unable to attend and would like to thank Deputy Mayor, Cr Hilton Gibbs, as well as other Councillors and Senior Staff at Council for attending.



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On Friday 30 October 2015 the Mayor, Cr Simon Landow and Executive Director, Ally Dench attended the MG My Gateway Trainee and Apprentice of the Year Awards held at The Cube at Campbelltown Catholic Club. Wollondilly Shire Council had an apprentice and a trainee who were nominated as Finalists. Apprentice Rachael D'Aran was a finalist in Women in Non-Traditional Trades - Horticulture (Parks and Gardens) Certificate III and Ellie Beggs was Local Government Trainee of the Year Finalist - Business Administration Certificate III.

“Congratulations to Rachael and Ellie for being nominated as finalists for Apprentice/Trainee of the Year.”

Council has been involved in the trainee and apprenticeship program through MG My Gateway since 2006. Council's role is to educate trainees and apprentices and prepare them for their future employment. The traineeships are also of great benefit to Council. The traineeship covers a period of 12 months, following this, the trainees and apprentices move on to further employment.



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On Wednesday 4 November 2015 the Macarthur Nature Photography Awards Night was held at the Campbelltown Performing Arts High School.

I would like to thank Cr Michael Banasik for attending this event.



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On Sunday 8 November 2015 the Oaks Historical Society held an official opening of exhibition Boys from Burratorang and Beyond in WW1 at the Wollondilly Heritage Centre & Museum, 43 Edward Street, The Oaks.

I would like to thank Deputy Mayor Cr Hilton Gibbs for attending this event on my behalf.



## WOLLONDILLY SHIRE COUNCIL

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On Wednesday 11 November 2015 Remembrance Ceremonies were held throughout the Shire. I attended the Picton ceremony and thank Executive Director, Ally Dench for also attending.

I would like to thank those listed below for attending ceremonies on behalf of Council.

Deputy Mayor, Cr Hilton Gibbs and General Manager, Luke Johnson attended Thirlmere Public School.

Cr Col Mitchell and Director Planning, Chris Stewart attended Queen Victoria.

Manager, Executive Services, Matthew Toro and Manager - Technology Information & Corporate Strategy attended Civic Park, Warragamba.

Director Infrastructure and Environment attended Taara Gardens, Thirlmere.



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On Saturday 14 November 2015 a Certificate presentation was held for Sustainadilly Works Course Graduates which was held at the Wollondilly Community Nursery.

The course ran for 5 weeks and covered topics such as Waste and Recycling, Composting / Worm Farming, no dig gardening, love food hate waste and outreach.

I would like to thank Deputy Mayor Cr Hilton Gibbs for attending this event.





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On Sunday 15 November 2015 the World Day of Remembrance for Road Traffic Victims was held in the Picton Botanic Gardens. I would like to thank Deputy Mayor, Cr Hilton Gibbs for attending on my behalf as well as Cr Ray Law, Cr Lou Amato and General Manager Luke Johnson.

Simon Landow  
MAYOR  
16 November 2015

**194/2015      Resolved on the Motion of Crs Landow and B Banasik:**

**That the Mayoral Minute be accepted.**

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

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

PLANNING AND ECONOMY

PE1 Development Application No. 010.2014.00000588.001 - One Hundred and Twenty-Five (125) Rural Residential Lot Subdivision and one (1) Open Space Lot in Six (6) Stages at 165-195 River Road, Tahmoor  
1006 DA010.2014.00000588.001

195/2015 Resolved on the Motion of Crs B Banasik and Terry:

- A. That Development Application 010.2014.00000588.001 *proposing* a one hundred and twenty-five (125) *lot* rural residential subdivision and one (1) open space lot in six (6) stages at *Lots A & B, DP 369710, Lots 85 & 86, DP 751270 and Lots 1 & 2 DP 1210433, No's 165-195 River Road, Tahmoor* be approved subject to the *attached Schedule of Conditions*:
- B. *That the land in Stage 6 of the subdivision located east of the 150 metre building envelope buffer line including the land beneath the escarpment shall be:*
- i. Gifted to National Parks & Wildlife Services for creation of a National Park / Reserve*
  - ii. Should National Parks & Wildlife Services not wish to acquire the land it shall be gifted to Council and Council seek an appropriate funding source for the purpose of environmental protection or bio-banking in accordance with Council's Dedication of Land Policy.*
- C. *That Council thank Julie Sheppard and Rowland Ware for their tireless efforts, meetings, reports, research and presentations to the Community Forums on this matter.*

Schedule of 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.

All Stages

- (1) Development Consent is granted for a one hundred and seventeen (117) *lot* rural residential subdivision and one (1) open space lot in six (6) stages at *Lots A & B, DP 369710, Lots 85 & 86, DP 751270 and Lots 1 & 2 DP 1210433, No's 165-195 River Road, Tahmoor.*

Planning and Economy

- (2) Development shall take place in accordance with the following plans/reports.

Plan Title	Drawn By/Author	Plan Reference	Dated
Subdivision Plan	Craig & Rhodes	1770 Amendment * (Dwg No. 1770P L07 {08} Sheet 1 of 1	27 July 2015

except where varied by the following conditions of consent:

- (3) Only those trees identified on the plan titled “Demolition, Tree Removal and Soil & Water Management Plan” prepared by Craig & Rhodes (Ref 1770) (Dwg No. 1770p Z01[06]) Sheet 1 of 1 are permitted to be removed but only within the land zoned R5 Large Lot Residential in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015).
- (4) The following allotments shall be amalgamated:
- Lots 319 and 320 to form one (1) lot
  - Lots 322 and 323 to form one (1) lot
  - Lots 324 and 325 to form one (1) lot
  - Lots 508 and 509 to form one (1) lot.
- (5) Lots 505, 506, 507 and 520 shall be combined to form three (3) allotments to be undertaken in the following manner:
- a) The common boundary of Lots 505 and 506 shall continue to across Lot 507 to adjoin the boundary of Lot 508 so that the land area of Lot 507 is shared between Lots 505 and 506.
  - b) The common property boundary between Lots 505 and 520 shall be relocated south of its current location along its junction with Road No.8 by no less than twenty (20) metres *and shall continue across Lot 507 so that the land area of the remainder of Lot 507 is shared between Lots 505 and Lot 520.*
- (6) Lots 501, 502, 503, 504, 518 and 519: these six (6) allotments shall be reduced to form four (4) allotments in the following manner:
- a) The common boundary between Lots 518 and 519, 501 and 504 and Lots 502 and 503 shall be maintained in the current location.

Planning and Economy

- b) The common boundary between Lots 501 and 502 shall be relocated no less than twenty (20) metres north of its current location.
- c) The common property boundary of Lots 503 and 504 shall be relocated no less than thirty (30) metres north of its current location.

The effect of the changes will result in the land area of Lots 501 and 504 *being* divided between Lots 502 and 518 and Lots 503 and 519.

(Reason for Conditions 4, 5 and 6: to ensure sufficient separation from watercourses in accordance with Tables 4 and 5 from the “Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households” and Australian Standard AS1547 “Onsite Domestic Wastewater Management”)

- (7) The staging of the development is as follows:

Stage	Description
1	creation of Lots 101 to 118 inclusive , one (1) public open space lot and residue
2	create Lots 201 to 220 inclusive and residue
3	create Lots 301 to 330 inclusive and residue <i>with Lots 319 &amp; 320, 322 &amp; 323, 324 &amp; 325 consolidated in accordance with condition 1(4)</i>
4	create Lots 401 to 421 inclusive and residue
5	create Lots 501 to 521 inclusive (except Lot 511) and residue <i>with Lots 508 &amp; 509 consolidated in accordance with condition 1(4), Lots 505, 506, 507 &amp; 520 combined to form three (3) Lots in accordance with condition 1(5) and Lots 501, 502, 503, 504, 518 and 519 combined to form four (4) Lots in accordance with condition 1(6)</i>
6	create Lots 601 to 615, inclusive and including Lot 511

- (8) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council’s records as Development Application No. 010.2014.00000588.001 received on 22/09/2014 and where subsequently superseded by the amended plans and information submitted to Council on 2 March 2015 and 9 June 2015 and except where varied by the following conditions of consent.

Planning and Economy

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

- Development Application and Statement of Environmental Effects To Wollondilly Shire Council – Large Lot Residential Subdivision, 165-185 River Road, Tahmoor” prepared by EJC Corporate Service Pty Ltd dated 16 September 2014
- “Vegetation Management Plan” prepared by Travers Bushfire and Ecology (Ref: A14091V)
- “Bushfire Protection Assessment” – Proposed Rural Residential Subdivision Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor – Under Section 100B of the Rural Fires Act (1997)” prepared by Travers Bushfire and Ecology dated August 2014 (Ref A14091B) except where superseded by the addendum reports dated October 2014 (Ref: A14091B), March 2015 (Ref: A14091B2), July 2015 (Ref: A14091B3)
- “Flora and Fauna Assessment Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor” prepared by Travers Bushfire and Ecology dated September 2014 (Ref: A14091F) except where superseded by the addendum report submitted in October 2014 (Ref A14091F)
- “Preliminary Contamination Assessment, 165-185 River Road, Tahmoor NSW” prepared by JBS Environmental dated July 2012 (Ref: JBS 41274-15405)
- “Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor” prepared by RPS, (Ref PR104838) dated August 2012
- “Riparian Corridor and Site Flood Assessment, 165-815 River Road, Tahmoor: prepared by Worley Parsons dated 31 July 2012 (Ref: 301015-02294-dbtm\_wjh120731 – Tahmoor Riparian + SFA.doc)
- “Report for Odour Impact Assessment for Mary Camilleri, Koorana Road, Tahmoor NSW” prepared by Benbow Environmental dated September 2011 (Ref: September 2011)
- “EG Property Group Tahmoor Recreation Precinct Transport Impact Assessment” prepared by ARUP dated 18 July 2012 (Ref: 220887)
- “Proposed Recreation Precinct, Tahmoor – Water Sensitive Urban Design Report for Rezoning” prepared by GCA Engineering Solutions dated 2 August 2012 (Ref: Final, Revision 3)
- “Preliminary Wastewater Assessment 165-185 River Road, Tahmoor for EJC Corporate Services Pty Ltd c/- Craig & Rhodes” prepared by SMEC Testing Services Pty Ltd dated August 2014 (Ref: 19747/4414C).

except where varied by the following conditions of consent:

Planning and Economy

- (10) A management plan shall be prepared and submitted to *Council* or a the nominated Accredited Certifier prior to the release of any Construction Certificate which details what measures and the like will be employed to prevent landowners of all allotments that share a common boundary with the E2 Environmental Conservation Zone from disposing of all domestic waste (particularly lawn clippings) into the E2 Environmental Conservation Zone.

A notation shall be placed on the contract of sale advising the responsibilities of all affected landowners in this regard.

- (11) 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.

- (12) 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.
- (13) No temporary or permanent engineering controls, stormwater management, headwalls, temporary sediment basins, stockpiles, shake down facilities, hay bale barriers and filters shall be located within any land that is zoned E2 Environmental Conservation Zone in accordance with the provisions from Wollondilly Local Environmental Plan 2011.
- (14) All such infrastructure and items referred to in this condition shall only be constructed and/or placed on land that is zoned R5 Large Lot Residential in accordance with the provisions from Wollondilly Local Environmental Plan 2011.

Planning and Economy

- (15) No vegetation shall be removed, pruned, lopped or topped (including ground covers) within any land that is zoned E2 Environmental Conservation Zone in accordance with the provisions from Wollondilly Local Environmental Plan 2011 to accommodate any part of the development.

**Stage 6 only:**

- (16) *Land in Stage 6 of the subdivision located east of the 150 metre building envelope buffer line including the land beneath the escarpment shall be:*

- i. Gifted to National Parks & Wildlife Services for creation of a National Park / Reserve*
- ii. Should National Parks & Wildlife Services not wish to acquire the land it shall be gifted to Council and Council seek an appropriate funding source for the purpose of environmental protection or bio-banking in accordance with Council's Dedication of Land Policy.*

**All Stages**

- (17) Any land to be dedicated to Council for public recreation purposes shall not be burdened with any easements and the like.

**2. MANAGEMENT OF CONTAMINATED LAND**

These conditions have been imposed to ensure that the site is suitable for the proposed development with regard to the possible contamination of soil and groundwater.

**Stage 1 only**

- (1) Prior to the issue of any Construction Certificate, an addendum report *shall* be prepared and submitted to verify there are no contaminants located immediately in the area of the former structures located across the development site and if any contaminants are found, a validation report is prepared for council to ensure that the site has been made suitable for the future use.

**3. INTEGRATED DEVELOPMENT**

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

Planning and Economy

- (1) The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service dated 19 December 2014 form conditions of this consent and are included as conditions of this Consent.
- (2) The attached General Terms of Approval issued by the *Department of Primary Industries – Office of Water* dated 8 December 2014 form conditions of this consent and are included as conditions of this Consent.
- (3) *A copy of the Controlled Activity Approval issued by the Department of Primary Industries – Office of Water is to be provided to Council or the Nominated Accredited Certifier prior to the issue of any Construction Certificate for the development.*
- (4) The approval obtained from the NSW MSB form conditions of this consent and are included as conditions of this Consent.
- (5) Certification from a suitably qualified and practising bushfire consultant shall be provided to Wollondilly Shire Council demonstrating that the works required by Condition 2(1) have been completed prior to the release of each and every Subdivision Certificate.
- (6) The onus is on the persons having the benefit of this consent to ensure that all requirements from the General Terms of Approval issued by each state authority are satisfied at the relevant stage of the development.

#### 4. CONSTRUCTION GENERAL

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

##### All Stages

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.



Planning and Economy

- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

**Accredited sewage management facility** means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**Approved by the Council** means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

**Sewage Management Facility** has the same meaning as it has in the Local Government (General) Regulation 2005.

- (4) All trees outside a radius of 3m from the external wall of the building shall be preserved unless prior approval in writing for their removal or lopping is obtained from Council.
- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (6) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

Planning and Economy

- (7) If the soil conditions require it:
- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) Adequate provision must be made for drainage.
- (8) PROTECTION OF PUBLIC PLACES
- (a) If the work involved in the erection or demolition of a building:
    - (i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
    - (ii) Building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.
  - (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be removed when the work has been completed.
- (9) There shall be no burning of builder's rubble, felled trees or other material on site.
- (10) Prior to the issue of any Construction Certificate, the persons having the benefit of this consent shall establish and implement *methods* to avoid direct impacts on any threatened fauna species that may be present *on* the site prior to dam(s) and vegetation removal.

**Note:** Dams are a known freshwater turtle habitat, under Part 7 Section 98 of the National Parks and Wildlife Act 1974 it is an offence to harm any protected fauna.

## 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:-

### All Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans and stormwater drainage calculations, for all road 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.

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

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

- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.
- (5) 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.

Planning and Economy

The applicant shall provide details of all new assets constructed within the public land as per Council's Asset Valuation sheet, available from the Design Specification on the Council's website.

- (6) 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 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 with the Engineering Plans.
- (7) 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 Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA'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 Council with the 138 Consent Application.

6. DRAINAGE/STORMWATER

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

All Stages

- (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. A drainage connection pit shall be located in each lot for dwelling connections and overland flow drainage.

Planning and Economy

- (4) Council drainage easements are to be a minimum 3.0 metres wide but may be larger depending on the size of the drainage structures. Interallotment drainage easements are to be a minimum 1.5 metres wide. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) A stormwater cut off drain shall be placed over all interallotment drainage lines to divert overland flows from affecting the adjoining lots.
- (6) The applicant shall provide stormwater drainage and water quality treatment generally as shown on the concept plan by Craig & Rhodes sheet no. 1770P Z03(03) amended date 9 Sept.. 2015. Details of this shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the construction certificate.
- (7) All stormwater channels draining road and upstream stormwater within easements in private property shall be piped, and include over land flow paths, to suitable outlet locations with appropriate controls. Details are to be included with the engineering plans for approval.
- (8) Stormwater runoff water quality treatment train shall meet the objectives of the Upper Nepean Stormwater Management Plan. Details to be included for approval with the engineering plans. Standards for pollution reduction treatments are:
- Total Phosphorus 45%
  - Total Nitrogen 45%
  - Coarse Sediments 80% - particles 0.5mm or less and
  - Litter 70% - greater than 5mm.
- (9) The extent and depth of the 1 in 100 year ARI flow path shall be shown on the engineering plans and indicated on the linen plans, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

Planning and Economy

- (10) The minimum floor level of any dwelling shall be 0.5 metres above the level of the 1 in 100 year ARI flood level, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

- (11) A restriction shall be placed on the Title of each lot for any fencing to comply with Council's "Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses".

#### 7. PUBLIC ROADS

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

##### All Stages

- (1) The person having the benefit of this consent shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design & Construction Specifications.
- (2) The applicant shall reconstruct the existing road pavement in River Road, at no cost to Council, from the intersection of Moorland Road to the proposed subdivision site. The road pavement shall be designed and constructed to conform with Council's Design and Construction Specifications. Details to be included with the engineering design plans for approval by Council, as the Road Authority, prior to the issue of a Construction Certificate.
- (3) The applicant shall widen the above section of River Road, at no cost to Council, to provide an 8.0 metre wide sealed pavement with a 1.2 metre wide concrete pathway. The road pavement and pathway shall be designed and constructed to conform with Council's Design and Construction Specifications. Details to be included with the engineering design plans for approval by Council, as the Road Authority, prior to the issue of a Construction Certificate.

Planning and Economy

- (4) The applicant shall construct public roads generally as shown on the concept plan by Craig & Rhodes sheet no. 1770C SK06 Rev. D dated 7 Sept. 2015 and sheet no. 1770P Z03(03) dated 9 Sept.15, with the below variations.
- All carriageways shown as 8.0 metres wide on the proposed plans shall be constructed as 9.0 metre wide asphaltic concrete pavement with placement of an edge line 1.0 metres off the edge of seal
  - The carriageway shall be placed to provide a minimum verge width of 3.0 metres
  - A heavy duty dish crossing shall be provided as shown on the proposed plans for the full frontage of lots 101, 102, 103, 117 and 118
  - The proposed roundabout shall be constructed with the use of kerb and gutter to contain vehicle turning paths and control stormwater runoff. The roundabout shall be designed and constructed for the turning paths of a 12.5 metre single unit truck, these turning paths are to be shown on the engineering plans.
  - A 1.5 metre wide concrete pathway shall be constructed from the proposed path in River Road (required by the Voluntary Planning Agreement) to the proposed roundabout. Concrete pathways are not required beyond this point
  - A raised kerb shall be constructed to separate the travel lanes from the central median of the entry road. Details are to be included on the engineering plans
  - Provision of Car parking shall be included for all road frontages of public land and to be detailed with the engineering plans and approved by Council prior to the issue of a Construction Certificate
  - Access shall be provided for Council's maintenance staff to the public land.

Details of all new roads shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the Construction Certificate.

- (5) The asphaltic concrete depth for roads shall be a minimum 40mm and 50mm in the cul-de-sacs.
- (6) The applicant shall provide test reports on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in accordance with relevant Australian standards and Roads and Traffic Authority Specifications.

Planning and Economy

- (7) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (8) 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.
- (9) 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 applicant's expense.
- (10) The person having the benefit of this consent shall, at no cost to Council, dedicate 10m x 10m splay corner at the junction of all public road in order to ensure intersection sight lines can be maintained.
- (11) The road width shall comply with section 4.1.3 of "Planning for Bush Fire Protection 2006" for a minimum 8.0m wide carriageway.

Stage 1 only

- (12) The speed environment *East No.78 River Road, Tahmoor* shall be reduced to 50km/h prior to the issue of a Construction Certificate for Stage 1.

The persons having the benefit of this consent shall install appropriate signage at no cost to Council.

All Stages

- (13) The persons having the benefit of this consent shall submit to *Council or a* the nominated Accredited Certifier for approval a design for an under road wombat crossing along River Road with the engineering design plans in accordance with the relevant guidelines and publications in regards to fauna sensitive road design specifications issued by the NSW Office of Environment and Heritage and other relevant authorities.

Should more information be required, it is recommended that the persons having the benefit of this consent contact Council's Environmental Services Section on 4677 1100).

(Reason: to ensure that fauna are able to cross from one site of River Road to the other without being struck by passing motor vehicles and the like).



## 8. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.

### All Stages

- (1) Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lightning engineers and designers to consider crime risk and fear when selecting lamps and lighting intervals.
- (2) Public area lighting must be bright and even to permit facial recognition of approaching persons at 15m.
- (3) Street trees shall be maintained to maintain good sight lines from private and public vantage areas and not inhibit surveillance.
- (4) Pedestrian and cycle tracks must be wide enough to allow emergency vehicles to attend.

## 9. EROSION AND SEDIMENT CONTROL

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

### All Stages

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

Planning and Economy

- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

10. EARTH FILL

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

All Stages

- (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. This includes filling of the existing dam.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) There shall be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (5) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (6) The person having the benefit of this consent shall provide Council with an audit report for the fill to be used in carrying out this development prior to commencing works. The audit report must be undertaken by a suitably qualified and practising professional.

Planning and Economy

- (7) Prior to Council or a nominated Accredited Certifier issuing any Construction Certificate for this development, a geotechnical report prepared by a NATA registered laboratory shall be submitted. Such a report must demonstrate that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 500mm in depth or the land has been identified as previously filled.
- (8) Prior to the issue of any Occupation Certificate for the development a site audit report shall be prepared in accordance with the requirements of the NSW Office of Environment & Heritage Guidelines for Consultants Reporting on Contaminated Sites (published 2011). The report shall be prepared by a Site Auditor accredited under the Contaminated Land Management Act, 1997, and shall state in an end statement that the fill material is suitable for the proposed use of the land.
- (9) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity *Approval* has been issued by the Department of Primary Industries – Office of Water.
- (10) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (11) 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.
- (12) Where Council cannot 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.
- (13) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site.

The certification shall be provided within three (3) months of the completion of the development. If the development is not completed within three (3) years of the date of this consent then a surveyors report detailing the extent and depth of fill shall be submitted within the first three (3) years of the consent and annually thereafter until the development is completed.

Planning and Economy

- (14) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.

11. INSPECTIONS

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

All Stages

- (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:
- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
  - When drainage lines have been laid, jointed and bedded, prior to backfilling
  - Prior to pouring of the drainage pits, when the formwork and steel is in place
  - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
  - When roadworks have been excavated to subgrade, prior to placing of pavement
  - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
  - After shaping and prior to topsoil/turf placement of overland flow paths
  - When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed
  - During the roller test, which is to be carried out using a three point roller or approved equivalent
  - At sealing
  - At completion of the preparation of kerb and guttering subgrade
  - At completion of the preparation of all concrete layback gutter crossing subgrade
  - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place
  - Prior to pouring vehicle crossing slabs, when formwork and steel is in place

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

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

- (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.

## 12. SERVICES

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

### All Stages

- (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 *any* 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 *any* 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.

Planning and Economy

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.

### 13. 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:

#### All Stages

- (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 approved by Council or a nominated Accredited Certifier in response to a condition of this consent.

### 14. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

#### All Stages

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.
- (2) No advertising flags or banners or the like are to be erected or *displayed on the land*.
- (3) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.
- (4) All directional signage shall comply with the Roads and Maritime Services guidelines.

Planning and Economy

- (5) Information with regard to directional signage shall be detailed and provided on the engineering design plans and submitted to the nominated Accredited Certifier prior to the release of the Construction Certificate.

15. HERITAGE

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

All Stages

- (1) Should any potential archaeological deposit likely contain Aboriginal artefacts be identified during the planning or historical assessment stage, application shall be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (2) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (3) in addition to the above, the works required to fulfil the conditions of this consent shall be undertaken in accordance with the recommendations and findings from the "Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor" prepared by RPS, (Ref PR104838) dated August 2012, being:
- a) Recommendation 1  
RPS TA1 (Rock shelter with PAD) must be avoided by the proposed development and 50m buffer maintained around this site.

OEH has required that development free buffer along the eastern boundary of Lot 86

DP751270 be adhered to. This has been required on the basis that crown land is located east of Lot 86 DP751270 and this crown land has not been subject to a heritage assessment. The proponent should consider whether a development free buffer zone along the eastern boundary of Lot 86 DP751270 can be adhered to, if not, then the crown land adjacent should be assessed.

Planning and Economy

- b) **Recommendation 2**  
A development free buffer along the eastern boundary of Lot 86 DP751270 be adhered to, or if this is not possible then the crown land adjacent to this lot must be subject to a heritage assessment.

As there was no identified need for an Aboriginal Heritage Impact Permit (AHIP) the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) have not been followed. However, Tharawal LALC has been consulted in this assessment. If Aboriginal artefacts are later identified and an AHIP is required, then the ACHCRs must be followed.

OEH has suggested that the ACHCRs be run for the project, but they are not mandatory unless an AHIP is required.

- c) **Recommendation 3**  
The Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) should be considered by the proponent on the advice of OEH, but at this stage it is not a mandatory requirement.
- d) **Recommendation 4**  
Prior to the commencement of work, all relevant staff and contractors should be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction/training workshop. Staff and contractors should also learn of their responsibilities relating to the impact of Aboriginal objects and identification of Aboriginal objects.
- e) **Recommendation 5**  
If works are planned outside of the Study Area, then this area will need to be assessed for European and Aboriginal archaeological heritage.
- f) **Recommendation 6**  
If Aboriginal objects/s are identified in the study area during development, then all works in the area should cease, the area cordoned off and contact made with Department of Environment, Climate Change and Water Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.



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- g) **Recommendation 7**  
In the event that skeletal remains are uncovered, work is to stop in the vicinity immediately and the relevant command area of the NSW Police contacted. If skeletal remains are deemed to be of Aboriginal origin, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.
- h) **Recommendation 8**  
If, during the course of clearing works, significant European cultural heritage material is uncovered, work should cease in that area immediately. The NSW Heritage Branch should be notified and works only recommence when an appropriate and approved management strategy instigated.
- (4) The persons having the benefit of this consent shall provide documentary evidence with each application for a Subdivision Certificate demonstrating compliance with the above conditions.

**16. LANDSCAPING**

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

**All Stages**

- (1) Landscaping is to be installed in accordance with the "River Road, Tahmoor EJC" plan prepared by Arcadia Landscape Architects dated September 2014 prior to the release of the subdivision certificate.

The landscaping must be maintained in accordance with the details provided on that Plan at all times.

- (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) All existing trees and shrubs that are transplantable shall be salvaged for reuse. Non salvageable materials shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.

## 17. STREET TREES

- These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.

### All Stages

- (1) Plans shall be provided that detail the location of all utility services, share ways and street trees including tree protection to be approved by Council prior to the issue of a Construction Certificate.

- (2) The following street trees species shall not be used:

- *Angophra costata*
- *Plantus x acerifolia 'Columbia'*
- *Allocasuarina littoralis*
- *Eucalyptus heamastoma*
- *Populus fastigiata*
- *Eucapltys territicornis*
- *Lophostemon confertus*
- *Sapium*
- *Angohora floribunda*
- *Lophostermon confertus*
- *Sapiums serbiferum*
- *Fraxinun grifithii*
- *Liquidambar*
- *Cupressus torulosa*
- *Sapium sebiferum.*

**NOTE:** It is recommended that the person(s) having the benefit of this consent use Tables 1, 2 and 5 from Wollondilly Development Control Plan 2011 Volume 1 – General as a guide for tree planting for this and the remainder of the estate.

- (3) Root guards are to be installed where street trees may affect infrastructure. Details shall be shown on the landscaping plans.
- (4) All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 36 months defects liability period from the date of the release of each subdivision certificate for a subdivision creating residential lots.
- (5) A bond shall be paid, with the amount determined at the time, to Council for a period of 3 years thereafter to cover the cost of replacing *street trees* or landscaping that dies or is damaged irrevocably.

## 18. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

### All Stages

- (1) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.
- (2) Details of the construction of dog proof fencing *shall* be submitted with *each* Subdivision Certificate demonstrating that the fencing shall be adequate to contain domestic dogs within the building envelope. Dog proof fencing must be erected prior to the release of the linen plan for *each stage of the* subdivision.

## 19. TREE REMOVAL AND VEGETATION MANAGEMENT

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner and to protect vegetation that has been identified on the subject land.

### All Stages

- (1) Prior to the commencement of any work, only those trees permitted to be removed subject to conditions of this consent trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.
- (2) Prior to the commencement of any work a joint inspection shall be arranged between the Arborist and Council's Environmental Management Officer to confirm that all suitable trees have been clearly marked for retention.
- (3) All trees greater than 3 metres in height or with a branch spread greater than 3 metres are to be clearly marked on the Engineering Plans.

The road layout and lot boundaries shall be adjusted as necessary to maximise the retention of healthy significant trees (i.e. lot boundaries shall be adjusted so that the erection of dwellings won't inevitably result in tree removal).

- (4) No works are to be undertaken within 15m radius of the drip zone of the tree(s) or vegetation nominated for retention.

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- (5) Earthworks are not permitted within a 15 metre radius of the drip zone of nominated and significant trees or the E2 Environmental Conservation Zone.
- (6) Precautions must be adequately adopted to minimise the impact around the identified significant vegetation. Soil is not to be built up around the drip zone around significant vegetation or the E2 Environmental Conservation Zone.
- (7) Solid or liquid waste materials shall not be deposited in the E2 Environmental Conservation Zone.
- (8) *The plant identified as **Persoonia bargoensis (Bargo Geebung)** be identified and GPS location placed on the approved site plan. It should then be retained and a restriction placed on title to protect the ecologically significant item. All boundary fences in this locality shall be constructed of either plain strand wire or rural post and rail so that the plant may stand unaffected by any boundary fence or disturbance. The plant must be retained or a licence obtained under the Threatened Species Conservation Act 1995 for its destruction. Council should be notified in writing if approval under the Threatened Species Conservation Act 1995 is sought and granted.*

**20. WEED MANAGEMENT**

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

**All Stages**

- (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;

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- 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.

## 21. SECTION 94 CONTRIBUTIONS

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

### All Stages

- (1) Developer Contributions shall be paid/levied/provided and the works in kind shall be completed in full for each stage of the development in accordance with the Voluntary Planning Agreement dated 12 August 2013.
- (2) Prior to the release of each Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works in kind and the like subject of the Voluntary Planning Agreement have been undertaken in accordance with the lot creation anniversaries.

## 22. SUBDIVISION PLANS

These conditions have been imposed

- (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:

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**All Stages**

- (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 Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) Submission of the appropriate instruments under the Conveyancing Act (e.g. Section 88B) with the linen plan to create the following restrictions as to User on the lots and responsibilities on future owners:
  - a) Building envelopes shall be nominated and indicated on the Linen Plan for the following lots:
    - The lot resultant of the consolidation between Lots of 319-320
    - The lot resultant of the consolidation between Lots of 322-323
    - The lot resultant of the consolidation between Lots of 324-325
    - The three (3) lots resultant of the consolidation between Lots of 505-507 & 520
    - The four (4) lots resultant of the consolidation between Lots of 501-504, 518 & 519
    - Lot 606, 607, 608, 419, 418.

The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings.

Each building envelope shall be:

- at least 400 square metres in size
- of low risk to geotechnical instability

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- satisfy the setback requirements as detailed in Section 4.5 setbacks in accordance with the setback controls from Section 4.5 Single Dwelling Houses (Rural Lifestyle Lots) from Wollondilly Development Control Plan 2011 Volume 3 Residential Development or subsequently amending plan
  - outside of land shown as asset protection zones delineated on the approved plan of development subject of Condition 1(2)
  - avoid any public utility and/or other existing easements
  - no less than ten (10) metres from any watercourse, drainage depression and/or creekline (measured from top of bank) in accordance with the Water Management Act 2000.
- b) Effluent disposal envelopes shall be created for the following allotments in the following locations:
- The lot resultant of the consolidation between Lots of 319-320
  - The lot resultant of the consolidation between Lots of 322-323
  - The lot resultant of the consolidation between Lots of 324-325
  - The *three (3) lots* resultant of the consolidation between Lots of 505-507 & 520
  - The *four (4) lots* resultant of the consolidation between Lots of 501-504, 518 & 519
  - Lots 107, 108, 209 to 211 inclusive, 311 to 318 inclusive, 321, 326, 327, 307, 306, 303, 302, 419, 418, 510, 511, 521, 604, 603, 606 to 615 inclusive.

Effluent disposal envelopes shall be delineated on the plan of development and shall be no less than 1,500m in size.

Each effluent disposal envelope shall be located:

- no less than forty (40) metres from each intermittent watercourse shown on the approved plan of development (to be measured from top of bank)
- within any land that is zoned E2 in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015)
- no less than land that is located within thirty (30) metres of land that is zoned E2 in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015)
- on land that is less than 12% in grade.

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- c) For each lot: all future residential development must contain a concrete slab using Class 32 (N32) concrete or sulphate resistant type SR cement with a cement ration of 0.5 unless a salinity assessment report has been submitted with a future development application to demonstrate the land is not saline.
- d) For Lots 209, 210, 211, 311, 312, 313, 314, 315, 316, 317, 318, 319-320, 321, 322-323, 324-325, 326, 327, 520, 505-507, 508-509, 510, 511, 606 to 615 inclusive: no development, the construction of a dwelling and any other structures (including all types of fences), removal of vegetation, grazing of any animals, the construction of any earth dams, the creation/establishment of an asset protection zones, and any other similar purpose is permitted to be undertaken within the land shown on the approved plan of development shaded to represent the land zoned E2 Environmental Conservation in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015).
- e) For Lots 314, 315, 316, 317, 318, 319-320, 321, 322-323, 324-325, 326, 327, 521, 520, 505-507, 508-509, 510, 511, 606 to 615 inclusive: no development, the construction of a dwelling and any other structures, removal of vegetation, grazing of any animals, the construction of any earth dams and any other similar purpose is permitted to be undertaken within the land shown on the approved plan of development located beyond or east of the 150m Offset from Escarpment line.
- For all allotments: no development is permitted to be serviced by a pump out onsite sewer management system.
- f) For all allotments: each lot shall only be serviced by one (1) driveway access.
- g) For each corner allotment: a building envelope shall be delineated on the linen plan identifying the primary and secondary setbacks in accordance with the setback controls from Section 4.5 Single Dwelling Houses (Rural Lifestyle Lots) from Wollondilly Development Control Plan 2011 Volume 3 Residential Development or subsequently amending plan.
- h) For each corner allotment: a driveway access location is to be shown on the linen plan and where practical, access shall be from a secondary road so as to limit any conflict upon the operation of the public system.



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- i) For every allotment: the erection and maintenance of dog-proof fencing enclosing the boundaries of the building envelope. Dogs may only be permitted outside the building envelope if they are on a leash and suitably controlled under the supervision of a responsible person.
- j) For every allotment: the prohibition of keeping of cats within all lots unless cats are confined to suitable enclosures at all times.

The Section 88B 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.

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

- (5) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.
  - (6) 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.
23. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

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

All Stages

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, 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

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- (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.
- (b) 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.
- (c) 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.

**ADVICES**

**All Stages**

- (1) 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., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) 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.
- (3) 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.
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Planning and Economy

**Offensive noise means noise:**

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:**
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or**
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.**
- (5) 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.**
- (6) 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.**
- (7) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:**
  - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.**
  - Workers Compensation Insurance.**
  - Twenty Million Dollar Public Liability Insurance.**
- (8) 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.**

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm


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**The following attachments form part of the conditions of consent:**

- **Bushfire Safety Authority issued by the NSW Rural Fire Service dated 19 December 2014**

All communications to be addressed to:

Headquarters 15 Carter Street Lidcombe NSW 2141	Headquarters Locked Bag 17 Granville NSW 2142
Telephone: 1300 NSW RFS e-mail: csc@rfs.nsw.gov.au	Facsimile: 8741 5433



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

Your Ref: 010.2014.00000588.00  
Our Ref: D14/3225  
DA14103094444 KV

WOLLONDILLY SHIRE COUNCIL  
TRIM No.  
PROP. No.  
19 DEC 2014  
AUTH. No.  
ASSIGNED TO: A. Long

ATTENTION: A Long

19 December 2014

Dear Sir/Madam

**Integrated Development for A & B//369710 85 & 86//751270 165 & 185 River Road Tahmoor 2573**

I refer to your letter dated 29 October 2014 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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

**Asset Protection Zones**

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

1. At the issue of subdivision certificate and in perpetuity, Asset Protection Zones (APZs) shall be provided as indicated on the drawing 'Schedule 1 - Bushfire Protection Measures' in the 'Bushfire Protection Assessment' prepared by Travers bushfire & ecology dated October 2014 and referenced A14091B, except for the proposed 49 metre wide APZ within proposed Lots 509, 510, 511, 512 and 513.

An APZ of 50 metres shall be provided within proposed Lots 509, 510, 511, 512 and 513 to comply with the requirements for residential and rural residential subdivisions under Appendix 2 of 'Planning for Bush Fire Protection 2006' for forest on >10-15 degrees down slope.

ID:94444/88028/5

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APZs associated with the development shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

2. At the issue of subdivision certificate and in perpetuity, the proposed Public Park located in the central portion of the subject site shall be maintained as a grassland or to the standards of an Asset Protection Zone (APZ) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Water and Utilities**

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

3. Water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Access**

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

4. Public access roads shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

**Landscaping**

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

**General Advice – consent authority to note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

It is advised to consider the possible connection of the cul-de-sac Road No.7 located to the south of the subject site with the public access road network servicing future subdivision on the adjoining lot to the west should the current planning proposal and subsequent development be approved by the Wollondilly Shire Council.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

For any queries regarding this correspondence please contact Kalpana Varghese on 1300 NSW RFS.

Yours sincerely



Catherine Ryland  
**Team Leader, Development Assessment and Planning**


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

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Planning and Economy

- **General Terms of Approval issued by the Department of Primary Industries – Office of Water dated 8 December 2014**



**Department of  
Primary Industries**  
Office of Water

Contact: Jeremy Morice  
Phone: 02 4224 9736  
Fax: 02 4224 9740  
Email: [jeremy.morice@water.nsw.gov.au](mailto:jeremy.morice@water.nsw.gov.au)

Our ref: 10 ERM2014/1065  
Our file: 9058882  
Your ref: 10.2014.588.1

**WOLLONDILLY SHIRE COUNCIL**

TRIM No 00010.2014.588.1

PROF. No.

11 DEC 2014

AUTH. No.

ASSIGNED TO: *ALong*

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

Attention: Alex Long

8 December 2014

Dear Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: 10.2014.588.1**  
**Description of proposed activity: 134 Lot Residential Subdivision**  
**Site location: Lot A & B DP 369710 and Lot 85 & 86 DP 751270 165-185 River Road Tahmoor**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

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[www.water.nsw.gov.au](http://www.water.nsw.gov.au)  
 Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740  
 e information@water.nsw.gov.au | ABN 72 189 919 072  
 170912

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-2-

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

**The attached GTA are not the controlled activity approval.** The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)    [Water licensing](#) » [Approvals](#) » Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Jeremy Morice  
Water Regulation Officer  
Water Regulation Group | Sydney & South Coast  
NSW Department of Primary Industries | NSW Office of Water



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### General Terms of Approval for work requiring a controlled activity approval under s91 of the Water Management Act 2000

**Our Reference:** 10 ERM2014/1065 **File No:** 9058882  
**Site Address:** Lot A & B DP 369710 and Lot 85 & 86 DP 751270 165-185 River Road Tahmoor  
**DA Number:** 10.2014.588.1  
**LGA:** Wollondilly Shire Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2014.588.1 and provided by Council:</p> <ul style="list-style-type: none"> <li>(i) Statement of Environmental Effects</li> <li>(ii) Civil Plans</li> <li>(iii) Riparian Corridor and Site Flood Assessment Report</li> <li>(iv) Water Sensitive Urban Design Report</li> </ul> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plan</li> <li>(ii) Detailed Construction Plans</li> <li>(iii) Soil and Water Management Plan</li> </ul>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plans</li> <li>(ii) Laying pipes and cables in watercourses</li> <li>(iii) Riparian Corridors</li> <li>(iv) In-stream works</li> <li>(v) Outlet structures</li> <li>(vi) Watercourse crossings</li> </ul>

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)  
 Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740  
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**Our Reference:** 10 ERM2014/1065 **File No:** 9058882  
**Site Address:** Lot A & B DP 369710 and Lot 85 & 86 DP 751270 165-185 River Road Tahmoor  
**DA Number:** 10.2014.588.1  
**LGA:** Wollondilly Shire Council

Number	Condition
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
<b>Rehabilitation and maintenance</b>	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
<b>Reporting requirements</b>	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
<b>Security deposits</b>	
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.
<b>Access-ways</b>	
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
<b>Disposal</b>	
11	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
12	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)  
 Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740  
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**Our Reference:** 10 ERM2014/1065 **File No:** 9058882  
**Site Address:** Lot A & B DP 369710 and Lot 85 & 86 DP 751270 165-185 River Road Tahmoor  
**DA Number:** 10.2014.588.1  
**LGA:** Wollondilly Shire Council

Number	Condition
<b>Erosion control</b>	
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>Maintaining river</b>	
17	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
18	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
19	The consent holder must establish a riparian corridor along Myrtle Creek, Bargo River, and Nepean River and tributaries in accordance with a plan approved by the NSW Office of Water.
<b>END OF CONDITIONS</b>	

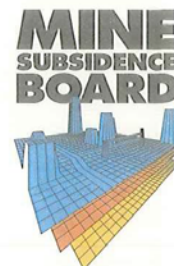
[www.water.nsw.gov.au](http://www.water.nsw.gov.au)  
 Level 0, 84 Crown Street WOLLONGONG PO Box 53 WOLLONGONG NSW 2520 Australia t (02) 4224 9744 | f (02) 4224 9740  
 e information@water.nsw.gov.au | ABN 72 189 919 072  
 170912

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

▪ **The approval obtained from the NSW MSB**

In reply please send to: Picton  
Our reference: FN79-00231P0 DB:LE  
Your reference: DWG REF 1770P L07 (00)  
Contact: Darren Bullock (02) 4677 1967



CRAIG & RHODES  
P O BOX 233  
EPPING NSW 1710

9 September 2014

Dear Sir or Madam

**SUBDIVISION APPLICATION NO. TSUB14-00979P2**  
**LOTS A & B DP 369710 & LOTS 85 & 86 DP751270 NO 165-185 RIVER RD**  
**TAHMOOR**  
**CREATING: PROPOSED LOTS (101-613) STAGES 1-6**

The Mine Subsidence Board has granted its approval for this subdivision, subject to:

- (a) the number, size and boundaries of lots being substantially as shown on the approved plan, and
- (b) notification being made to the Board of any changes to lot numbering and of the registered DP number.

**The Mine Subsidence Board's approval is required for the erection of all improvements.**

As a guide to persons intending to erect improvements on this property, the Board has adopted the following surface development guidelines and will consider applications for:

1. Single or two storey timber or steel framed improvements clad with weatherboards or other similar materials, erected on reinforced concrete footings and/or slabs to comply with AS 2870. These improvements are limited to a maximum length of 30 metres and maximum width of 18 metres.
2. Single storey brick veneer improvements erected on reinforced concrete footings and/or slabs to comply with AS 2870.
  - a) Improvements erected on strip footings or waffle raft slabs are limited to a maximum length of 30 metres and maximum width of 18 metres.
  - b) Improvements erected on stiffened raft slabs are limited to a maximum length of 24 metres and maximum width of 18 metres.

S 7 (Auto) Apr 2008

ABN: 87 445 348 918

**NEWCASTLE**

Ground Floor  
NSW Government Offices  
117 Bull Street  
Newcastle West 2302  
PO Box 488G Newcastle 2300  
Telephone: (02) 4908 4300  
Facsimile: (02) 4929 1032  
DX 4322 Newcastle West

**PICTON**

100 Argyle Street  
Picton 2571  
PO Box 40 Picton 2571  
Telephone: (02) 4677 1967  
Facsimile: (02) 4677 2040  
DX 26053 Picton

**SINGLETON**

The Central Business Centre  
Unit 6, 1 Pitt Street  
Singleton 2330  
PO Box 524 Singleton 2330  
Telephone: (02) 6572 4344  
Facsimile: (02) 6572 4504

**WYONG**

Suite 3 Feldwin Court  
30 Hely Street  
Wyong 2259  
PO Box 157 Wyong 2259  
Telephone: (02) 4352 1646  
Facsimile: (02) 4352 1757  
DX 7317 Wyong

**HEAD OFFICE**

PO Box 488G  
Newcastle 2300  
Telephone: (02) 4908 4395  
Facsimile: (02) 4929 1032



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PUTTING SERVICE AND THE NEEDS OF PEOPLE FIRST

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

2

File No: 79-00231P0

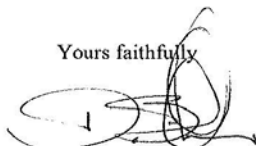
3. Two storey brick veneer improvements erected on reinforced concrete footings and/or slabs to comply with AS 2870.
  - a) Improvements erected on strip footings are limited to a maximum length of 24 metres and maximum width of 18 metres.
  - b) Improvements erected on stiffened/waffle raft slabs are limited to a maximum length of 21 metres and maximum width of 18 metres.
4. Full masonry and other types of improvements will be considered for this property under the Board's 'Graduated Guidelines for Residential Construction'. The improvements will be subject to length restriction and may require engineering design. Details of the requirements may be obtained from the Board's technical staff.

*Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joints in brickwork to comply with the requirements of the Building Code of Australia and best building practices.*

This approval is valid for two (2) years from this letter.

During planning and design of proposed improvements, applicants should consult with our staff.

Yours faithfully



Darren Bullock  
District Manager

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

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

Planning and Economy

PE2 Draft Planning Proposal - Cawdor TRIM 7258  
259421

196/2015 Resolved on the Motion of Crs Terry and Hannan:

1. That Council advise the Department of Planning & Environment that a decision on the Cawdor Planning Proposal would be premature and should wait until the Review of the Wollondilly Growth Management Strategy has been completed.
2. That if the pre-Gateway review cannot be put on hold that Council does not support the draft Cawdor Planning Proposal.
3. That if the outcome of the pre-Gateway Review is that the planning proposal should proceed then a condition of the Gateway Determination should prevent the amendments to the WLEP being finalised until the preferred corridor for the Outer Sydney Orbital (M9) is known and can be planned for as part of the planning proposal where necessary (this includes preserving a road corridor if necessary or ensuring the most appropriate land zones once the location is known).
4. That *if it is not put on hold* Council request the Department also consults with Camden Council *and the community of Bridgewater and Cawdor* on the pre-Gateway Review.
5. *That Camden Council be advised of this resolution.*

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

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

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Planning and Economy

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**PE3**                    **Planning Proposal - Clearview**                    TRIM 5875  
41

**197/2015**            **Resolved on the Motion of Crs B Banasik and Hannan:**

- 1. That Council support the amendments to Wollondilly Development Control Plan 2011 and/or 2015 described in Section 2.4 to this report.**
- 2. That the amendments come into force on the day the amendment to Wollondilly Local Environmental Plan 2011 for the Clearview site is notified on the NSW legislation website.**
- 3. That the applicant and persons who made submissions regarding the amendment to Wollondilly Development Control Plan 2011 and the Clearview Planning Proposal be notified of Council's decision.**

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

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

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Planning and Economy

PE4 **Planning Proposal - Montpelier Drive Residential Lands** TRIM 6961  
41

Cr Landow left the meeting at 7.00pm due to a previously declared Conflict of Interest in this item. Cr Gibbs took the chair.

198/2015 **Resolved on the Motion of Crs Hannan and Law:**

1. That the amendments to Wollondilly Development Control Plan 2011 and/ or 2015 as described in Section 2.4 to this report be placed on public exhibition for a period of 28 days in accordance with the provisions of Clause 18 of the Environmental Planning and Assessment Regulation 2000.
2. *That the owners of the corner block that are included in the proposal be consulted with and any concerns they are left with be addressed in any further reports and be identified as such.*
3. That the applicant, adjoining and nearby landowners and persons who made submissions to the planning proposal shall be notified about the public exhibition.

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

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

Cr Landow returned to the meeting at 7.02pm and resumed the chair.



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Planning and Economy

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PE5                    **Planning Proposal - Coull Street, Picton**                    TRIM 8035  
259421

199/2015            **Resolved on the Motion of Crs M Banasik and Hannan:**

1.    That in relation to the land at No. 2 - 14 Coull Street, Picton, Council no longer support the Planning Proposal to amend Wollondilly Local Environmental Plan, 2011.
  
2.    That Council write to the NSW Government Department of Planning & Environment to advise that the planning proposal has been withdrawn.
  
3.    That the proponent and submitters be notified of Council's Resolution.

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

Vote:            Crs Terry, M Banasik, B Banasik, Hannan, Gibbs, Law 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 16 November 2015, commencing at 6.32pm

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Planning and Economy

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PE6                    **Appin Workshop - Growth In and Around Appin**                    TRIM 8529  
259421

200/2015            **Resolved on the Motion of Crs B Banasik and Hannan:**

1.    **That Council note the contents of the Community Engagement Report on the Appin Workshop; Growth In and Around Appin.**
2.    **That a Councillor Workshop with the independent consultant / facilitator be arranged to examine the findings in the Community Engagement Report.**
3.    ***That Council continue to seek better engagement practices for the people of Appin.***

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

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

Planning and Economy

PE7 **Greater Macarthur Land Release Investigation** TRIM 8520  
266876

201/2015 **Resolved** on the Motion of Crs Terry and Law:

That the comments relating to the Greater Macarthur Land Release Investigation, outlined in this report and summarised below, be forwarded to NSW Department of Planning & Environment for their consideration:

- Council is supportive of a new town at Wilton
- The co-existence issue needs further resolution so that key infrastructure and the town centre are not delayed
- Key infrastructure including rail electrification, Spring Farm Link and bus corridors are essential to the success of Greater Macarthur *and upgrades to the Southern Highlands*
- Appin bypass is also essential and should be part funded by urban growth in Campbelltown (Menangle Park and Mount Gilead)
- The increase in the developer contributions cap from \$20,000 to \$34,000 *plus indexation* is essential to enable Council to ensure local infrastructure is provided at required levels *using the National Growth Areas Alliance Data*
- The increase in dwelling numbers requires re-consideration of infrastructure provision and sequencing. Re-examination of social infrastructure is also required.
- Further justification is required for a heavy industrial area at Maldon
- References to individual proposals need to be corrected
- Council's preference remains that health services are provided through a new hospital *using National Growth Areas Alliance data to guide decision making*
- *Council's Growth Management Strategy be re-considered in light of the development forecast in the Campbelltown local government area and likely traffic and other impacts*
- *Council write to the JRPP and raise concern about the appropriateness of considering the Station Street Planning Proposal before 2036 given the lack of suitable infrastructure and impending growth in Menangle Park*
- *Council opposes the land north of Douglas Park being identified as an future industrial site given:*
  - *Air quality issues previously identified in the Macarthur South Regional Study 1991,*
  - *The scenic quality of the area and proximity to the Nepean River,*
  - *The isolation from road and rail infrastructure,*
  - *The extent of employment lands identified elsewhere in the study area in particular Maldon.*

Planning and Economy

- ***Council opposes the inclusion of a proposed double lane road from Menangle Park through to Douglas Park, which will need to be constructed over the Nepean River, under a heritage listed rail bridge and through a village that does not have the space to accommodate four lanes and falls within a with a Landscape Conservation Area. Council also opposes the map reference called Douglas Park North.***
- ***Council ensure that all heritage reports held in relation to Menangle village be forwarded to the Department of Planning for their consideration***
- ***Beyond 2036, the Department of Planning investigate growth options consistent with Council's Growth Management Strategy which seeks preservation of agricultural land, biodiversity conservation and rural living through the separation of towns and villages in line with Council's desire for classification as a peri-urban area.***
- ***Council supports the classification of Class 2 soils as encumbered land and recognises its value as a resource which benefits from a water allocation from the Nepean River***
- ***Council supports agriculture being identified as a prominent land use in the study area and considers it to be an important provider of employment which has a multiplier effect***
- ***Further threshold testing be conducted by the Department of Planning to ascertain the need for a civic centre at Wilton and capacity of existing cemeteries***
- ***The Air Quality Study which is part of a future DA for a Gas Plant proposal at Douglas Park be forwarded to the Priority Growth Area Technical Working Group when it becomes available***
- ***The Department of Planning be advised that Council supports an application to establish a National Park / Reserve in the Nepean Gorge adjacent to West Wilton and hence a significant buffer is required to protect the Gorge from the impacts of development.***
- ***Council oppose any Sewer infrastructure Augmentation and Upgrade Plan which involves piping across Rivers and Gorges given the environmental risk and visual impact***
- ***Council request the Wilton Structure and Draft Vision Structure be amended to reflect the Wilton Junction Master Plan***
- ***Council request that the Wilton Junction Precinct rezoning be placed on public exhibition as soon as possible. At the latest the rezoning should be placed on public exhibition concurrently with the Greater Macarthur Land Use and Infrastructure Strategy, currently timetabled for early 2016. This will ensure that the delivery of the new town, including housing supply, jobs and required infrastructure not be further delayed.***
- ***That the State Government be requested to confirm with RMS and the Federal Government to formalise where future roads and rail infrastructure is going to be placed.***

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 16 November 2015, commencing at 6.32pm

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Planning and Economy

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

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

Planning and  
Economy

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

PE8 **Planning Proposals In Appin**  
105 TRIM 4985, 6585, 6984, 7896, 7966 & 7967

202/2015 **Resolved on the Motion of Crs Law and B Banasik:**

1. That Council re-commence assessment of the Bulli - Appin Rd Planning Proposal in line with the advice contained in the Greater Macarthur Land Release Investigation Area report and Council's 2011 Growth Management Strategy. A further report relating to the relevant merits of each proposal will be presented to Council at a later date.
2. That Council writes to the proponents for the Appin Vale, Brooks Point, North Appin, *Macquariedale Rd and Brooks Point Rd* Planning Proposals inviting them to withdraw their rezoning applications.
3. That all proponents and the Appin community be notified of Council's decision with regards to the individual planning proposals in Appin.
4. *That we note that there is lobbying to leave Appin alone however those lobbying need to recognise that any infrastructure provision is beyond Council's jurisdiction other than to lobby for them as no extra development will give no extra developer contributions to Council to alter the status quo.*

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

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

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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 16 November 2015, commencing at 6.32pm

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Governance

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**GOVERNANCE**

**GO1            Notice of Motion Status Report – November 2015**

103

TRIM 5253

Items GO1 to GO3 were moved concurrently.

**203/2015        Resolved on the Motion of Crs B Banasik and Law:**

- 1.     That Council note the November Notice of Motion Status Report.**
- 2.     *That a workshop be held on the Notice of Motion Status Report.***

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

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

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Governance

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**GO2            Investment of Funds as at 30 September 2015**

112

TRIM 1022-3

**204/2015        Resolved on the Motion of Crs B Banasik and Law:**

**That the information and certification in relation to the investment of Council funds as at 30 September 2015 be noted.**

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

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

Governance



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Governance

GO3 Presentation of 2014-15 Annual Financial Statements to the Public  
56 TRIM 234-10

205/2015 Resolved on the Motion of Crs B Banasik and Law:

1. That the Audited Financial Reports for the year ended 30 June 2015 be received.
2. That public submissions on the Audited Financial Reports be received up until the close of business Monday 23 November 2015.
3. That any public submissions received by the due date are to be referred to Council's Auditors.
4. That the Audited Financial Report be included in the 2014/15 Annual Report.
5. That the 2014/15 Annual Report be provided to the Minister by 30 November 2015 as prescribed by the Local Government Act 1993.
6. That the 2014/15 Annual Report be made available to the general public by posting on Council's website.

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

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

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Governance

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**GO4**                    **Adoption of Councillors Fees, Expenses & Facilities Policy**                    TRIM 111  
256

Cr Landow left the meeting at 7.53pm due to a previously declared Conflict of Interest in this Item. Cr Gibbs took the chair.

**206/2015**                    **Resolved on the Motion of Crs M Banasik and Terry:**

**That the Councillors Fees, Expenses & Facilities policy be adopted.**

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

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

Cr Landow returned to the meeting and resumed the chair at 7.55pm.

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 16 November 2015, commencing at 6.32pm

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Governance

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**GO6**            **Draft Farmland Rating Policy for Public Exhibition**  
56

TRIM 91

**208/2015**       **Resolved on the Motion of Crs Hannan and Terry:**

1.    **That the Draft Farmland Rating Policy be placed on Public Exhibition for a period of 21 days.**
2.    **That any submissions received during the exhibition period be considered prior to the finalisation and subsequent adoption of the Policy.**
3.    ***That after exhibition and prior to coming to Council a workshop be held detailing the likely number of property changes.***
4.    ***That a copy go to the Rural Liaison Committee with notice that it is on exhibition.***

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

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

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Governance

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**GO7**            **Tender for Internal Audit Services**  
238

TRIM 8521

**209/2015**      **Resolved on the Motion of Crs Gibbs and M Banasik:**

1. That in accordance with the Local Government (General) Regulation 2005, cl. 178 (1)(a), Council accept the tender of InConsult as per Tender EX00036.
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.
3. That Council grant the authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to the resolution.
4. That the Council maintain the confidentiality of the Local Government Procurement Recommendation Report under Section 10A, Cl. 2(c) & (d) of the Local Government Act 1993.

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

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

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Governance

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**GO8**                    **Supporting Employees Experiencing Domestic Violence**                    TRIM 8717  
253

**210/2015**            **Resolved on the Motion of Crs M Banasik and B Banasik:**

1.    **That Council note the new Administrative Protocol Supporting Employees Experiencing Domestic Violence.**
2.    **That Council endorse the implementation of paid Domestic Violence Leave, as part of employee's sick leave entitlements.**

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

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

Governance

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Governance

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**GO9**            **Governance Health Check**  
235

TRIM 1609

**211/2015**       **Resolved on the Motion of Crs Hannan and Law**

1.    **That Council place the draft Interaction with Developers, Lobbyists and Submitters Policy on public exhibition for a period of 21 days and that a further report comes back to Council following exhibition.**
2.    **That Council place the draft Customer Service Policy on public exhibition for a period of 21 days and that a further report comes back to Council following exhibition.**
3.    ***That Council's Access to Information and Interaction with Staff Policy come back to Council at the December Council Meeting.***
4.    **That Council rescind the Unreasonable Complainant Conduct Policy and the Complaint Handling Policy.**
5.    **That Council note the endorsement of the two Administrative Protocols of Unreasonable Complainant Conduct Protocol and the Complaint Handling Protocol.**

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

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

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Governance

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**GO10**      **Fit for the Future**  
241

TRIM 8280

Cr Hannan left the meeting at 8.01pm and returned at 8.03pm.

**212/2015**      **Resolved on the Motion of Crs M Banasik and Gibbs:**

**That Council respond to the NSW State Government welcoming the findings of the IPART report and confirming that Council intends to continue as a standalone Council.**

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

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



Infrastructure

INFRASTRUCTURE

IN1 Recommendations Local Traffic Committee Meeting - 21 October 2015  
52 TRIM 1087

213/2015 Resolved on the Motion of Crs B Banasik and Law:

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

1. Thirlmere Festival of Steam 2016 – Request for temporary Road Closures  
52 TRIM 2487

RECOMMENDATION  
T19/15

That Council approve road closures of the following streets:

1. Oaks Street from the railway crossing to Carlton Rd
2. Westbourne Avenue from South St. to Oaks St
3. Barbour Road from Oaks Street to Close Street
4. Mason Street from Barbour Road to Goodlet St. (proposed to be used for accessible parking)
5. Westbourne Avenue from South Street to Oaks Street
6. Goodlet Street and a small section of Oaks Street between Goodlet Street and Carlton Road for 30mins only at 1.00pm for the traditional street parade.

In Thirlmere, between the hours of 8:00am and 5:00pm on Sunday, 6 March 2016 for the staging of the Thirlmere Festival of Steam 2016 subject to the requirements for the issue of a permit for “Road Event – Road Closure”.

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Infrastructure

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2. **Request to extend existing No Stopping (R5-400) zone in front of BP Service Station on Railside Ave, Bargo near Nooral St junction**  
52 TRIM 1093

**RECOMMENDATION**  
T20/15

That Council endorse the proposal for the adjustment to the existing and the proposed new “No Stopping” zone of 4m either side of the northern access and reduced (from 6.5m) to 4m from the northern side of the southern access of the BP service station at 116–118, Railside Ave, Bargo.

*Note: That Council request that the “No Stopping” Zone be policed.*

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

Vote: Crs Terry, M Banasik, B Banasik, Hannan, Gibbs, Law 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 16 November 2015, commencing at 6.32pm

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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 Law on 7 October 2015 regarding support for Save our Council's Coalition (SOCC)**

**214/2015**      **Resolved on the Motion of Crs Law and Hannan:**

1.    **That Wollondilly Council support the following aims of the Save our Council's Coalition:**
  - **To keep our local councils local**
  - **To ensure that the NSW State Government keeps its promise of "No forced amalgamations"**
  - **That where a merger is proposed, a valid referendum be held of all electors in each affected local government area.**
  
2.    **That Council write to the Save our Council's Coalition advising of this resolution.**

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

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

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Notice of Motion

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TRIM 6416-5

**NOM 2      Notice of Motion No. 2 submitted by Cr Hannan on 2 November 2015 regarding the Western Sydney Airport**

**215/2015      Resolved on the Motion of Crs Hannan and Landow:**

**That after the date of the Airport Information Session (14 November) we convene a public meeting in Warragamba (and/or undertake other community engagement processes) to hear from the community about their concerns/questions about the likely impacts and what response government is going to make to these.**

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

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

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Notice of Motion

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TRIM 6416-5

**NOM 3**      **Notice of Motion No. 3 submitted by Cr B Banasik on 13 November 2015 regarding Bingara Gorge Golf Course**

**216/2015**      **Resolved on the Motion of Crs B Banasik and Law:**

**That a report be presented to the December 2015 Ordinary Meeting regarding the works undertaken in relation to completion of the 18 hole golf course at Bingara Gorge committed by Lendlease Communities.**

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

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Notice of Motion

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TRIM 6416-5

**NOM 4**      **Notice of Motion No. 4 submitted by Cr Terry on 13 November 2015 regarding landscaping of the Appin and Rixon Road Roundabout at Appin**

**217/2015**      **Resolved on the Motion of Crs Terry and B Banasik:**

**That Council write to RMS requesting they consider renewing and embellishing the landscaping on the roundabout at the intersection of Appin and Rixon Roads Appin and that Council be consulted on the works so as to encourage a treatment which provides an attractive sense of arrival to Appin township.**

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

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Notice of Motion

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TRIM 6416-5

**NOM 5**      **Notice of Motion No. 5 submitted by Cr Landow on 13 November 2015 regarding Pedestrian safety upgrade for Remembrance Driveway Tahmoor**

**218/2015**      **Resolved on the Motion of Crs Landow and B Banasik:**

**That a project for the improvement of pedestrian safety at the intersection of Remembrance Driveway and Progress Street Tahmoor be included on the Road Safety Improvement Priority list such that a grant application under the Roads & Maritime Service Safer Roads Program could be submitted for the 2017/18 program year.**

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

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

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

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Notice of Motion

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TRIM 6416-5

**NOM 6**      **Notice of Motion No. 6 submitted by Cr Landow on 13 November 2015 regarding the sale of Tubestock from the Wollondilly Community Nursery**

**219/2015**      **Resolved on the Motion of Crs Landow and Law:**

**That Council investigate the development of a price structure for the sale of plants from the Wollondilly Community Nursery which supports the purchase of bulk tubestock for residents undertaking voluntary revegetation of their properties and that this price structure is favourably comparable to commercially available tubestock.**

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

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



Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

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Notice of Motion

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TRIM 6416-5

**NOM 7      Notice of Motion No. 7 submitted by Cr Landow on 13 November 2015 regarding NSW Government's Fixing Country Roads Program**

**220/2015      Resolved on the Motion of Crs Landow and Hannan:**

**That Council writes to the Honourable Duncan Gay MP, Minister for Roads, Maritime & Freight and request that Wollondilly Shire Council be included on the list of eligible councils such that we can apply for this much needed funding.**

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

Vote:        Crs Terry, M Banasik, B Banasik, Hannan, Gibbs, Law 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 16 November 2015, commencing at 6.32pm

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Closing

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**CLOSING**

There being no further business, the Mayor declared the Ordinary Meeting closed at 8.31 pm.

This and the preceding 89 pages are the Minutes of the Ordinary Meeting of Council held on Monday 16 November 2015 and were confirmed in the subsequent meeting held on Monday 21 December 2015.

  
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Mayor

Closing