

Our Reference: (10.2014.413.2)

Group Development Services Pty Ltd
PO Box 498
PENNANT HILLS NSW 1715

25 July 2018

Dear Sir/Madam,

DEVELOPMENT CONSENT NO. DD010.2014.00000413.002 – LOT: 4 DP: 262132, LOT: 222 DP: 10669, LOT: A DP: 365411, 38 TAHMOOR ROAD TAHMOOR, 42 TAHMOOR ROAD TAHMOOR, 30 PROGRESS STREET TAHMOOR.

APPLICATION FOR MODIFICATION OF CONSENT No. 010.2014.00000413.001 - SECTION 4.55(2) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Reference is made to your application received seeking to modify the abovementioned Development Consent. Pursuant to Section 4.55(2) of the abovementioned Act, Council, as the consent authority, has granted approval to the abovementioned application, and has modified the Development Consent as detailed below.

NOTE: You are advised that it is the applicant's responsibility to ensure that any modification to the covenants and/or restrictions on use over the subject land is submitted to the Land and Property Management Authority for amendment of the property title. Failure to do so may cause delays to future applications for development or the sale of the property.

Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to lodge an appeal with the Land and Environment Court of New South Wales within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request. You may also request a review of the determination under Section 8.2 within six (6) months of the date appearing above.

Section 8.7 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

If you require further information regarding this matter, **please contact Ms R Franzon, Development Assessment Planner on phone (02) 4677 1100** or email council@wollondilly.nsw.gov.au. Please quote File No. 010.2014.00000413.002.

Yours faithfully



Michael Buckley

**Team Leader Development Assessment
DEVELOPMENT ASSESSMENT**

NOTE: Text that has been symbolised by development, represents that the original consent condition has been deleted or amended by DA No. DD010.2014.00000413.002

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) CONDITION 1(1) MODIFIED BY CONSENT DD010.2014.00000413.002

Development Consent is granted for a staged 43 Lot subdivision at Lot: 4 DP: 262132, Lot: 222 DP: 10669, Lot: A DP: 365411, No. 38 & 42 Tahmoor Road and 30 Progress Street, Tahmoor.

~~Development Consent is granted for a staged 41 Lot subdivision at Lot: 4 DP: 262132, Lot: 222 DP: 10669, Lot: A DP: 365411, No. 38 & 42 Tahmoor Road and 30 Progress Street, Tahmoor.~~

(2) CONDITION 1(2) MODIFIED BY CONSENT DD010.2014.00000413.002

Development shall take place in accordance with the original plans and supporting documents approved by Council in respect of Development Application No. DD010.2014.00000413.001 except for those plans replaced by new plans, listed below and submitted to Council in respect of Application to Modify Development Consent No. 010.2014.00000413.002.

<i>New plan</i>				
<i>Plan Name</i>	<i>Author</i>	<i>Plan No.</i>	<i>Sheet</i>	<i>Date</i>
Stage 1 – Plan of Proposed Subdivision	Chadwick Cheng Consulting Surveyors	32142/PSU7 – STG12345- 2	2 of 7	09.07.2014

Development shall take place in accordance with the following endorsed plans, submitted in respect of Development Application No. 010.2014.00000413.001 except where varied by the following conditions:

Plan Title	Author	Reference	Sheet	Date
Stage 1 – Plan of Proposed Subdivision	Chadwick Cheng Consulting Surveyors	32142/PSU7 – STG12345-3	1 of 7	15/04/2016
Landscape Street Tree Plan	South East Environmental	N/A	N/A	As Stamped Approved

Development shall take place in accordance with the following endorsed plans, submitted in respect of Development Application No. 010.2014.00000413.001 except where varied by the following conditions:

Plan Title	Author	Reference	Sheet	Date
Stage 1— Plan of Proposed Subdivision	Chadwick-Cheng Consulting Surveyors	32142/PSU7— STG12345-3	1 of 7	15/04/2016
Stage 2—Plan of Proposed Subdivision	Chadwick-Cheng Consulting Surveyors	32142/PSU7— STG12345-3	2 of 7	15/04/2016
Landscape Street Tree Plan	South-East Environmental	N/A	N/A	As Stamped Approved

(3) **CONDITION 1(3) MODIFIED BY CONSENT DD010.2014.00000413.002**

The staging of the development is as follows:

Stage	Description
1	Construction of an 18m wide public road off Tahmoor Road and turning circle. Construction of a public road including future connection with No. 50 Tahmoor Road. 25 new residential lots and a residue lot (to be known as Lot 125). Removal of all trees approved by Council pursuant to Development Consent No. DA367-07.
2	Further Construction of an 18m wide public road and turning circle. Construction of 15m wide public road off Janice Drive to link with proposed 18m Public Road. 17 new residential lots and a residue lot (to be known as Lot 217).

The staging of the development is as follows:

Stage	Description
1	Construction of an 18m wide public road off Tahmoor Road and turning circle. Construction of a public road including future connection with No. 50 Tahmoor Road. 23 new residential lots and a residue lot (to be known as Lot 125). Removal of all trees approved by Council pursuant to Development Consent No. DA367-07.

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

- Statement of Environmental Effects prepared by CGG Urban Planning dated June 2014;
- Traffic Impact Assessment prepared by Thompson Stanbury Associates dated 8 July 2014; and
- Bushfire Assessment and Recommendations prepared by Sydney Bushfire Consultants dated 15 October 2014.

(5) **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. 010.2014.00000413.001 received on 09/07/2014 except where varied by the following conditions of consent.

- (6) In the event of an inconsistency of detail between the relevant plans and *elevations* the details shown in the *elevations* shall take precedent.
- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (8) Each residential allotment must be connected to the reticulated sewerage scheme and documentary evidence shall be provided to Council with the Subdivision Certificate application.

No allotment created by the terms and/or conditions of this development consent shall dispose of any effluent by an onsite sewage management system and/or a pump out system.

- (9) 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; or
 - (d) Tree removal has been approved by way of a previous consent granted by Council and that consent is still valid and has not lapsed.

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

- (10) This consent shall override Development Consent No. D367-07 with the exception of demolition works and tree removal.

2. INTEGRATED DEVELOPMENT

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

All Stages

- (1) The attached General Terms of Approval issued by the NSW Rural Fire Service dated 11 February 2016 are included as conditions of this Consent.
- (2) Certification from an appropriately qualified Bushfire Consultant shall be provided to Council demonstrating compliance with the conditions detailed in the General Terms of Approval referred to in Condition 2(1) prior to the release of any Subdivision Certificate.

3. 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, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by Council or the nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (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) 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.
- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) There shall be no burning of builder's rubble, felled trees or other material on site.

- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (8) 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.
- (9) Prior to the issue of a Construction Certificate for this development the following is required to be paid to Wollondilly Shire Council:
- Road Damage Inspection Fee (if development cost greater than \$5,000 and not paid at the time of lodgement of Development Application).

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

4. 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 for the proposed public road, footpath and stormwater drainage construction, **for all stages**, shall be submitted to Council or the nominated Accredited Certifying Authority. 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 before the issue of a Certificate of Practical Completion the, including CCTV recording for all road stormwater lines. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (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 Council. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council of the nominated Accredited Certifier with the Engineering Plans. **These plans must detail the provision of temporary sediment basins for the staged construction including the progressive re-vegetation of the site immediately upon completion of the earthworks.**
- (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 RMS's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to Council with the application for 138 Consent.

5. 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) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) All drainage details for stormwater quantity & quality shall be shown on the engineering plans for approval by the nominated Accredited Certifying Authority and Council, as the Road Authority, prior to the issue of a Construction Certificate.

The stormwater discharge from the site shall have adequate stormwater pollution control devices installed for the control of litter, sediment pollution and dissolved pollutants. Details of the pollution control devices shall be shown on the engineering plans for approval by Council before issue of a Construction

Certificate for this development. The Upper Nepean Stormwater Management Plan provides standards for pollution reduction treatments of:

Total Phosphorus 45%
Total Nitrogen 45%
Coarse Sediments 80% - particles 0.5mm or less,
Fine Sediments 50% - particles 0.1mm or less, and
Litter 70% - greater than 5mm

- (4) CONDITION 5(4) MODIFIED BY CONSENT DD010.2014.00000413.002

Stormwater drainage discharge for water quantity & quality shall be carried out generally as shown on the Stormwater Concept plans prepared by Group Development Services Pty Ltd Date of Issue 19/09/2017 Revision A, and Concept Stormwater and Water Quality Management Report (draft plan) dated 25/07/2017 approved by Council prior to the issue of an Construction Certificate.

~~Stormwater drainage discharge for water quantity (including detention tanks within each lot) & quality shall be carried out generally as shown on the Stormwater Concept plans prepared by Lucas Consulting Engineers plan 4081-DA-01 to 04 Revision E dated 28/04/16 including a report dated 14/04/16 approved by Council prior to the issue of an Construction Certificate.~~

- (5) CONDITION 5(5) DELETED BY CONSENT DD010.2014.00000413.002

~~All bio-retention areas and other stormwater and water quality structures designed to detain water for any period of time, must be appropriately fenced to prevent access to the Public. The extent of fencing shall be determined at time of Construction Certificate. Fencing must comply with Australian Standard AS1926 Safety Barrier for Pool. Appropriate warning signage shall be installed in accordance with Council's Design specifications. Details of fencing and signage shall be shown on the Engineering Design Plans and approved by Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate.~~

- (6) The person or company who has the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of the downstream system, including the negotiation and dedication of appropriate easements.
- (7) 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.
- (8) 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.
- (9) CONDITION 5(9) MODIFIED BY CONSENT DD010.2014.00000413.002

A Maintenance Management Plan for the complete drainage system and landscaping proposed for the proposed swales and detention tanks shall be submitted to Council for approval **prior to the issue of a Construction Certificate**. As proposed by the Applicant these stormwater detention and water quality systems are be managed in accordance with the signed voluntary planning agreement. The Management Plan must detail all aspects of the

permanent maintenance and monitoring including the Detention tanks and Bio-Retention swales.

~~A Maintenance Management Plan for the complete drainage system and landscaping proposed for lot 102 shall be submitted to Council for approval prior to the issue of a Construction Certificate. As proposed by the Applicant these stormwater detention and water quality systems are to be managed in accordance with the signed voluntary planning agreement. The Management Plan must detail all aspects of the permanent maintenance and monitoring including the Gross Pollutant Traps, Detention tanks and Bio-Retention swales, and include details for engagement of a private Company for maintenance and reporting to Council. All maintenance shall be to the satisfaction of Council. This plan must include provision for an Annual inspection by Council. The cost of the inspection will be in accordance with Council's Infrastructure Planning Section Fees and Charges.~~

(10) **CONDITION 5(10) DELETED BY CONSENT DD010.2014.00000413.002**

~~The person or company who has the benefit of this consent shall provide Easement Restrictions and Positive Covenants over all Basins under Private ownership on proposed lot 102 for the prevention of alterations, on-going maintenance, access and management in accordance with the approved Maintenance Management Plan. This must be approved by Council prior to the issue of a Construction Certificate.)~~

(11) **CONDITION 5 (11) MODIFIED BY CONSENT DD010.2014.00000413.002**

The approved stormwater system must be completed to the satisfaction of Council prior to the issue of a Certificate of Practical Completion. The following documentation is required to be submitted upon completion and prior to the final inspection:

- Work as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance from a suitably qualified engineer verifying that the constructed system will function hydraulically,
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

~~The Onsite Stormwater Detention, Bio-Retention and GPT approved stormwater system must be completed to the satisfaction of Council prior to the issue of a Certificate of Practical Completion. The following documentation is required to be submitted upon completion and prior to the final inspection:~~

- ~~• Work as executed plans prepared on a copy of the approved plans;~~
- ~~• A certificate of hydraulic compliance from a suitably qualified engineer verifying that the constructed system will function hydraulically,~~
- ~~• A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.~~

6. 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 or company having the benefit of this consent shall, at no cost to Council, construct and dedicate to Council suitable roads, including temporary turning areas for each stage, to ensure all lots will have access to an appropriate public road. All roads shall be constructed to Council's Design and Construction specifications.
- (2) Provision of kerb and gutter and asphalt surface road shoulder shall be constructed along the full frontage of the site in Tahmoor Road and Progress Street, including associated drainage works. The kerb and gutter shall be located to provide an 11.0 metre wide carriageway. Details shall be included on the engineering plans for approval by the nominated Accredited Certifying Authority and Council, as the Road Authority, prior to the issue of a Construction Certificate for the development.
- (3) 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.
- (4) The person or company who has the benefit of this consent shall at no cost to Council, construct a concrete pathway 1.5 metres wide on one side of each 18 metre & 15 metre wide road, and for the frontage of the site in Tahmoor Road and to a residential driveway standard.

Details shall be shown on the engineering plan for approval by Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate for any works associated with this development.
- (5) The applicant shall at no cost to Council, provide a 40mm asphalt overlay of the existing road pavement for the full intersection in Tahmoor Road. Details of this work shall be shown on the engineering plans for approval by Council and the nominated Accredited Certifying Authority.
- (6) Provision of vehicle access to all access handle lots through the construction of coloured concrete driveways along the full length of the access handle. Design details shall be included on the engineering plans for approval.
- (7) The minimum radius on the inside kerb return of through roads shall be 15.0 metres to remove the right angle bend. To comply with Council's Design Specification cul-de-sacs shall have a minimum radius of 10.0 metres or provide compliance with any conditions from Rural Fire Services.
- (8) 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.
- (9) Street lighting shall be provided using LED lighting within the subdivision and shall to comply with the current Australian Standards AS1158 and certified by an Endeavour Energy Approved design consultant.
- (10) The person having the benefit of this Consent shall provide three street names to Council before the application for Subdivision Certificate for the approval of the name of the proposed new roads which are to be dedicated to Council.

- (11) The applicant shall provide a Geotechnical Engineers report detailing the existing road pavement condition for Tahmoor Road. Where the pavement is determined to be sub-standard for compliance with Council's Design Specification, reconstruction of the pavement shall be carried out at the applicant's expense. The extent of this work shall be for the frontage of the site. Alternatively half road reconstruction shall be carried out for the site frontage. Details are to be shown on the engineering plans **for approval by Council prior to the issues of a Construction Certificate.**
- (12) A test report shall be provided on the asphaltic concrete works in public roads including certification of material, thickness and compaction from a qualified pavement engineer in compliance with Roads and Maritime Services specifications prior to issue of Certificate of Practical completion.
- (13) All services including water mains and power supply shall remain clear of all new footpaths unless required to cross the road.

Stage 1

- (14) Access to lots 103, 104, 108, 117, 119 and 120 shall be from the side street, a restriction to this effect shall be placed on the title of each lot.

Access to lots 103, 108, 117, 120, 122 shall be located on the southern side of the lot not closer than 1 metre to the boundary. Access to lots 104 and 119 shall be located on the eastern side of the lot not closer than 1 metre to the boundary. Details of this shall be shown on the engineering plans prior to the issue of the Construction Certificate. A Restriction to this effect shall be placed on the title of each lot to ensure future compliance.

Stage 2

- (15) Access to lots 206 and 214 shall be from the side street, a restriction to this effect shall be placed on the title of each lot.

Access to lot 212 shall be located on the eastern side of the lot not closer than 1 metre to the boundary. Access to lots 206, 209 and 214 shall be located on the western side of the lot not closer than 1 metre to the boundary. Details of this shall be shown on the engineering plans prior to the issue of the Construction Certificate. A Restriction to this effect shall be placed on the title of each lot to ensure future compliance.

7. STREET ADDRESSING

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

All Stages

- (1) Prior to the issue of a Construction Certificate for the subdivision an application to name all roads within the development (public and private) shall be submitted to Council in accordance with Section 5.3 of the NSW Address Policy.

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

8. ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**

Stage 1

- (1) An appropriate Restriction on the Use of Land shall be registered on the Certificate of Title for lot 121 restricting vehicular movements to a forward direction only by requiring an appropriate vehicle turning area adjacent to any carparking areas associated with a new dwelling.

Stage 2

- (2) Provision of vehicular access to proposed lots 210 and 211 shall be provided through the construction of a coloured concrete driveway 4.0 metres wide, and associated drainage, along the full length of the access handle and extending a minimum 5.0 metres into each lot. Details of the driveway and associated drainage shall be provided on the Engineering Plans for approval.
- (3) Reciprocal Rights of Carriageway shall be registered on the Certificate of Title for lots 210 and 211 over the access handle driveway and over the driveway extension into each lot a minimum 5.0 metres.
- (4) An appropriate Restriction on the Use of Land shall be registered on the Certificate of Title for lots 210 and 211 restricting vehicular movements to a forward direction only by requiring an appropriate vehicle turning area adjacent to any carparking areas associated with a new dwelling.
- (5) Lots 209 and 212 shall not be permitted access within the proposed Reciprocal Right of Carriageway for Lots 210 and 211.

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) Kikuyu will not be permitted to be used for turfing of any disturbed area.
- (6) The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council with the Engineering Plans.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 4(6) shall be completed prior to any construction taking place on the site.
- (8) These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (9) 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.
- (10) 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.
- (11) 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, shall be 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, types of materials used, in relation to the lot boundaries.

- (2) 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.
- (3) 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.
- (4) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (5) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (6) The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council with the Engineering Plans.
- (7) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan as per Condition 4(6) shall be completed prior to any construction taking place on the site.
- (8) These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (9) 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.
- (10) 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.
- (11) All excess material shall be removed from the site. The spreading or stock piling of excess material on site is not permitted.

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.
- When road works 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.
- During roller test, which is to be carried out using a three point roller or approved equivalent.
- At sealing
- 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 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. SALINITY MANAGEMENT

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

All Stages

- (1) A salinity assessment is to be carried out for the site prior to the issue of the Construction Certificate. The assessment shall be completed in accordance with "Site Investigations for Urban Salinity" published by the Department of Land and Water Conservation 2002. Electrical conductivity levels of the soil are to be calculated using the EC (1:5) method. Recommendations from the assessment are to be incorporated into the development and identified in the engineering plans or Environmental Management Plan as appropriate.

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 Council or the 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 under Condition 13(1)

14. 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) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (4) Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.
- (5) In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent must contact the OEH Enviroline 131 555, a suitably qualified archaeologist and representatives of the local registered Aboriginal Parties to determine an action plan for the management of skeletal remains, formulate management recommendations and to ascertain when work can recommence.

15. 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) The development shall be undertaken in accordance with the provisions of Clause 5.9 of *Wollondilly Local Environmental Plan 2011* (WLEP 2011) and Part 10 of Volume 1 of *Wollondilly Development Control Plan 2016* (DCP 2016).

Under these provisions a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree or vegetation without a permit unless it is exempted under WLEP 2011 or DCP 2016.

- (2) Landscaping is to be installed in accordance with the approved landscaping plans subject of Condition 1(2) associated with each stage of the development, prior to the release of the subdivision certificate for the relevant stage.

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

- (3) During construction no trees are to be cut down, lopped, destroyed or removed unless:
- The tree is located within 3 metres of an approved building; or
 - Separate, written approval is obtained from Council.
- (4) 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.

Stage 1

- (5) The Right of Carriageway servicing lot 121 shall be provided with landscaping between the edge of the driveway pavement and the property boundary. The width of landscaping shall vary from 2m to 0.5m to prevent a "gun barrel" appearance to the driveway. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas. Landscaping required by this condition shall be provided with:
- (a) An automatic watering system; and
 - (b) A mix of ground covers and shrubs that are appropriate for the width of the handle; and
 - (c) A mulched or rocked garden bed with permanent edging.

Details of the proposed landscaping within the Right of Carriageway shall be provided on a detailed landscape plan for approval by the Council or a nominated Accredited Certifier prior to the release of a Construction Certificate for Stage one of the development.

- (6) Landscaping within the Right of Carriageway of lot 121 shall not vehicle movements along the access handle.
- (7) Landscaping is to be installed in accordance with the approved Plan prior to the release of a stage one Subdivision Certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

Stage 2

- (8) The reciprocal Right of Carriageway servicing lots 210 and 211 shall be provided with landscaping between the edge of the driveway pavement and the property boundary. The width of landscaping shall vary from 2m to 0.5m to prevent a "gun barrel" appearance to the driveway. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle

parking or manoeuvring areas. Landscaping required by this condition shall be provided with:

- (a) An automatic watering system; and
- (b) A mix of ground covers and shrubs that are appropriate for the width of the handle; and
- (c) A mulched or rocked garden bed with permanent edging.

Details of the proposed landscaping within the Right of Carriageway shall be provided on a detailed landscape plan for approval by the Council or a nominated Accredited Certifier prior to the release of a Construction Certificate for Stage two of the development.

- (9) Landscaping within the reciprocal Right of Carriageway shall not vehicle movements along the access handle.
- (10) Landscaping is to be installed in accordance with the approved Plan prior to the release of a stage two Subdivision Certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

16. FENCING

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

Stage 1

- (1) CONDITION 16(1) MODIFIED BY CONSENT DD010.2014.00000413.002

Fencing shall be constructed on the following property boundaries:

- The eastern side property boundary of proposed 100, 107 and continuing to 108 – 112 (including the road and verge between lots 107 and 108);
- The western side property boundary of proposed lot 120 and 121; and
- The southern side property boundary of proposed lot 112 and 113 (only the section of the fence which shares a common boundary with Lot 2 in DP 263172).

Such fencing shall have a height of 1.8 metres, be non-combustible and a suitable colour to blend into the natural environment. Such fencing shall also taper forward of the building line to a height of 1.2 metres at the street boundary.

Details shall be provided to Council or a nominated Accredited Certifier prior to the release of the Construction Certificate for stage one.

~~Fencing shall be constructed on the following property boundaries:~~

- ~~• The eastern side property boundary of proposed 102, 107 and continuing to 108 – 112 (including the road and verge between lots 107 and 108);~~
- ~~• The western side property boundary of proposed lot 120 and 121; and~~
- ~~• The southern side property boundary of proposed lot 112 and 113 (only the section of the fence which shares a common boundary with Lot 2 in DP 263172).~~

~~Such fencing shall have a height of 1.8 metres, be non-combustible and a suitable colour to blend into the natural environment. Such fencing shall also taper forward of the building line to a height of 1.2 metres at the street boundary.~~

~~Details shall be provided to Council or a nominated Accredited Certifier prior to the release of the Construction Certificate for stage one.~~

Stage 2

(2) Fencing shall be constructed on the following property boundaries:

- The western side property boundary of proposed lot 207, 210 and a portion of 208 (that portion sharing a common boundary with Lot 1 in DP 360049); and
- The northern side property boundary of proposed lot 207.

Such fencing shall have a height of 1.8 metres, be non-combustible and a suitable colour to blend into the natural environment. Such fencing shall also taper forward of the building line to a height of 1.2 metres at the street boundary.

Details shall be provided to Council or a nominated Accredited Certifier prior to the release of the Construction Certificate for stage two.

All Stages

- (3) The fencing required by Condition 16(1) and (2) shall be constructed prior to the release of the Subdivision Certificate for the relevant stage of the development.
- (4) Any fencing that crosses or is located on the boundary of a drainage easement or easement to drain water shall comply with Council's *"Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses Policy."*

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*;
- *Eucapltus terricornis*; and
- *Lophostemon confertus*
- *Sapium*,
- *Angohora floribunda*,
- *Lophostermon confertus*,

- *Sapiums serbiferum*,
- *Fraxinun grifithii*
- *Liquidambar*
- *Cupressus torulosa*
- *Sapium sebiferum*
- *Conifers*
- *Exempt tree species specified in Clause 10.3 – Trees/other native vegetation that may be removed without consent and without a permit (i.e. exempt) in Wollondilly DCP 2016*
- *Species identified as Noxious Weeds under the Noxious Weeds Act and*
- *Council's Noxious Weeds Management Strategy*

NOTE: It is recommended that the person(s) having the benefit of this consent use "Table 1: Recommended Groundcover and Small Shrub Species (under 1 metre) for the Shire", "Table 2: Recommended Shrub Species (1 to 5 metres) for the Shire", "Table 5: Southern Area: Bargo, Buxton, Tahmoor and Thirlmere" from the *Wollondilly Development Control Plan 2016 Volume 1 – General Part 11* 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.

A bond shall be paid prior to the release of the subdivision certificate for each stage, with the amount determined at the time, to Council for a period of 3 years thereafter to cover the cost of replacing trees or landscaping that dies or is damaged irrevocably.

18. 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) All directional signage shall comply with the RMS guidelines.

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

19. 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 lighting 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.

20. VEGETATION MANAGEMENT

These conditions have been imposed to protect significant vegetation that has been identified on the subject land.

All Stages

- (1) No works are to be undertaken within 5m radius of the drip zone of the tree(s) or vegetation nominated for retention.

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

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

- (2) All weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate of any allotment approved in this development consent.

- (3) Weed treatment must be demonstrated either through the presentation of invoices and/or receipts of contractor work and/or inspections by Council's Weeds Officer prior to the release of the Subdivision Certificate of any allotment approved in this development consent.
- (4) A certificate from a suitably qualified person that the initial treatment measures identified in the Weed and Pest Eradication and Management Plan is to be submitted to Council prior to the release of the Linen Plan of Subdivision of any allotment approved in this development consent.

A certificate from a suitably qualified person that the follow up treatments identified in the Weed and Pest Eradication and Management Plan shall be provided to the Principal Certifying Authority (3) months after the release of the linen plan of any allotment approved in this development consent.

22. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

All Stages

- (1) Any vegetation to be felled as part of this consent or any prior consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted.

23. 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, dwellings in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed Lots in accordance with the requirements of Telstra or NBN Co. In this regard, written confirmation from Telstra Australia or NBN Co. that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate
- (3) All power and services provided to the development within the site shall be underground.
- (4) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

- (5) Every residential allotment approved in this consent must be serviced by the reticulated sewerage system prior to the release of the Subdivision Certificate.
- (5) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

24. SECTION 94 CONTRIBUTIONS

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

Stage 1

- (1) CONDITION 24(1) MODIFIED BY CONSENT DD010.2014.00000413.002

Payment of a Contribution for for twenty four (24) additional lots, in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$ 6,528
(ii)	Open Space, Sport & Recreation (Precinct)	\$ 267,024
(iii)	Library & Community Facilities (Shire)	\$ 30,840
(iv)	Library & Community Facilities (Precinct)	\$ 39,744
(v)	Transport & Traffic (Roads & Intersections)	\$ 110,644
(vi)	Transport & Traffic (Cycleways)	\$ 1,584
(vii)	Bushfire Protection	\$ 768
(ix)	Plan Administration	\$ 22,848
TOTAL		\$ 480,000

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

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

~~The current amount payable is:~~

(i)	Open Space, Sport & Recreation (Shire)	\$5,676
(ii)	Open Space, Sport & Recreation (Precinct)	\$231,858
(iii)	Library & Community Facilities (Shire)	\$44,242
(iv)	Library & Community Facilities (Precinct)	\$34,496
(v)	Transport & Traffic (Roads & Intersections)	\$96,096
(vi)	Transport & Traffic (Cycleways)	\$1,386
(vii)	Bushfire Protection	\$4,048
(viii)	Companion Animals	\$1,232
(ix)	Plan Administration	\$20,944
TOTAL		\$439,978

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

Stage 2

- (2) Payment of a Contribution for fifteen (16) additional lots, in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$4, 128
(ii)	Open Space, Sport & Recreation (Precinct)	\$168, 624
(iii)	Library & Community Facilities (Shire)	\$32, 176
(iv)	Library & Community Facilities (Precinct)	\$25, 088
(v)	Transport & Traffic (Roads & Intersections)	\$69, 888
(vi)	Transport & Traffic (Cycleways)	\$1, 008
(vii)	Bushfire Protection	\$2, 944
(viii)	Companion Animals	\$ 896
(ix)	Plan Administration	\$15, 232
TOTAL		\$319, 984

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

All Stages

- (3) Prior to the release of each Subdivision Certificate for each stage, the persons having the benefit of this consent shall provide Council with documentary evidence that works and the like subject of the Voluntary Planning Agreement entered into between the Minister of Planning and the developer, in accordance with Section 93G of the *Environmental Planning and Assessment Act 1979* have been undertaken in accordance with the lot creation anniversaries.

24A VOLUNTARY PLANNING AGREEMENT

These conditions are imposed to ensure that the Voluntary Planning Agreement is enforced by this consent

THE FOLLOWING CONDITIONS WITHIN THIS SECTION (24A) HAVE BEEN ADDED TO CONSENT DD010.2014.00000413.002

- (1) Prior to the issue of any amended construction certificate the persons having the benefit of this consent shall provide a draft Planning Agreement subject to Section 7.4 to 7.10 inclusive of the Environmental Planning & Assessment Act 1979 reflecting the applicants letter of offer signed 30 May 2018 and which is consistent with Councils Planning Agreements Policy.
- (2) The Draft Planning Agreement shall be provided to Council in a form that is suitable for public exhibition subject to Council obtaining its own legal advice on the content of the Draft Planning Agreement.

- (3) The applicant/owner and Council shall use their best endeavours to ensure that the planning agreement is executed within 120 days of the date of this modified consent.
- (4) The Planning Agreement shall make provision for any works or the like under the planning agreement to be completed to the satisfaction of Council prior to the issue of the subdivision certificate.

25. SUBDIVISION PLANS

These conditions have been imposed to ensure;

- (a) **To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) **To outline Council's requirements on work standards for the construction of land subdivision:**

Stage 1

- (1) Building envelopes shall be nominated and indicated on the Linen Plan for proposed Lots 103, 104, 108, 117, 119 and 120. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. 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.
- (2) A Section 88B Instrument shall be prepared which provides for the following Restrictions and/or Positive Covenants on the subject land:
 - Lot 121 vehicles are to enter and leave the site in a forward direction. Sufficient turning space shall be made available inside the lot for vehicle turning movements;
 - All future dwellings must contain a concrete slab using Class 32 (N32) concrete or a sulphate resisting type SR cement with a water cement ratio of 0.5:1. Where an assessment is undertaken and salinity is not found to be present, this dwelling construction measure will not be required.
 - Access to lots 103, 104, 108, 117, 119 and 120 shall be from the side street, a restriction to this effect shall be placed on the title of each lot.
 - Access to lots 103, 108, 117, 120, 122 shall be located on the southern side of the lot not closer than 1 metre to the boundary. Access to lots 104 and 119 shall be located on the eastern side of the lot not closer than 1 metre to the boundary.

Stage 2

- (3) Building envelopes shall be nominated and indicated on the Linen Plan for proposed Lots 206 and 214. The building envelope is to be the area to accommodate construction of a dwelling and any ancillary buildings, landscaping and active recreation space. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. 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.
- (4) Submission of a Section 88B Instrument creating the relevant Right-Of-Way and easement for services over Lot(s) 210 and 211 in favour of Lot 210 and 211 and a Restriction As To User preventing any present or subsequent proprietor of Lot(s) 210 and 211 from seeking to extinguish, remove, modify or restrict the enjoyment of the Right-Of-Way and easement for services without the prior written consent of Council being obtained.
- (5) A Section 88B Instrument shall be prepared which provides for the following Restrictions and/or Positive Covenants on the subject land:
- Lots 210 and 211 vehicles are to enter and leave the site in a forward direction. Sufficient turning space shall be made available inside the lot for vehicle turning movements;
 - Lots 209 and 212 shall be denied access from the Reciprocal Right of Carriageway;
 - All future dwellings must contain a concrete slab using Class 32 (N32) concrete or a sulphate resisting type SR cement with a water cement ratio of 0.5:1. Where an assessment is undertaken and salinity is not found to be present, this dwelling construction measure will not be required;
 - Access to lots 206 and 214 shall be from the side street;
 - Access to lots 206, 209 and 214 shall be located on the western side of the lot not closer than 1 metre to the boundary.
 - Access to lot 212 shall be located on the eastern side of the lot not closer than 1 metre to the boundary.

All Stages

- (6) 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.
- (7) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.
- (8) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (9) 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. This letter shall be submitted to Council prior to the release of the Subdivision Certificate.

25. 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
 - (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.

26. ADVICES

All Stages

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- (3) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit

(Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.

- Workers Compensation Insurance.
- Twenty Million Dollar Public Liability Insurance.

(4) The following service providers should be contacted before commencement of construction to establish their requirements:

- Dial before you dig (various services) 1100
- Telstra (telephone) 1 800 810 443
- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092

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

Offensive noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

(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.

(6) 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.

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