



# Bingara Gorge – Subdivision and associated works Precincts 1, 2 & 7

**elton**  
consulting

Statement of Environmental Effects

**Client:** Lendlease Communities Pty. Ltd.

**Date:** 20 November 2018

A Veris Company

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<b>Date</b>	20 November 2018
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<b>Version</b>	Final
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# Executive summary

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application (DA) to Wollondilly Shire Council (Council) on behalf of Lendlease Communities (Wilton) Propriety Limited (Lendlease) to progress the development of land at Bingara Gorge, Wilton (the site).

This DA follows the original approval of a Staged DA for the Bingara Gorge Concept Plan (ID993-05) in May 2006 and consent orders from a Land and Environment Court (LEC) appeal for DA No. 283/2015 granted in September 2016.

This DA seeks approval for:

- » Subdivision of land in the following precincts:
  - > Precinct 1 (Fairways North) (Stage 2): 134 residential lots, two residue lots and public road dedication
  - > Precinct 2 (Fairways West) (Stage 1): 112 residential lots, two residue lots, one precinct association lot and public road dedication
  - > Precinct 7 (Golf North) (Stage 2): 101 residential lots and two residue lots.
- » Construction of fire trails in precinct land
- » All subdivision works to prepare the land for the future development comprising site preparation and grading, stormwater and drainage works, road network construction, utility provision, and any required boundary treatment with the Environmental Protection and Recreational Lands (EP&R Lands) and Additional Conservation Land (ACL)
- » Associated street tree planting, landscaping, and embellishments.

Once the DA is determined it will enable the physical construction of pedestrian/cycleway fire trails and physical vegetation removal in the development precincts aforementioned as approved in the LEC Consent Orders (Refer **Section 2.2.3** and **0**).

The estimated capital investment value is \$22,194,170 (excluding GST). The proposal constitutes local development and therefore will be assessed by Council and determined by the Local Planning Panel.

This application requires referrals and concurrences with other State agencies and departments under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and other Environmental Planning Instruments (EPIs) including:

- » The proposed development is 'integrated development' in accordance with Section 4.46 of the EP&A Act - A bushfire safety authority issued by the Commissioner of the Rural Fire Service (RFS), in accordance with Section 100B of the *Rural Fires Act 1997* since the proposal is on land that is bushfire prone
- » Under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), the proposed development is defined as traffic-generating development, since it proposes over 200 allotments and the opening of public roads. Under clause 104 of the ISEPP, the application is therefore required to be referred to Roads and Maritime Services (RMS).

It is noted that an approval has already been granted by the Chief Executive of Subsidence Advisory NSW in accordance with Section 22 of the *Coal Mine Subsidence Compensation Act 2017 No 37*, for the subdivision of site (see accompanying Determinations and Stamped Plans).

This SEE demonstrates that:

- » The proposal is consistent with the controls in the Wollondilly Local Environmental Plan (LEP) 2011, Development Control Plan (DCP) and Voluntary Planning Agreement (VPA) and intended use of the site
- » The proposal complies with conditions of consent (ID993-05) and consent orders for DA No. 283/2015
- » Adverse impacts can be appropriately managed. The supporting technical studies which informed previous DAs and accompany this DA establish that the environmental impacts of the proposed development can be managed through appropriate measures.

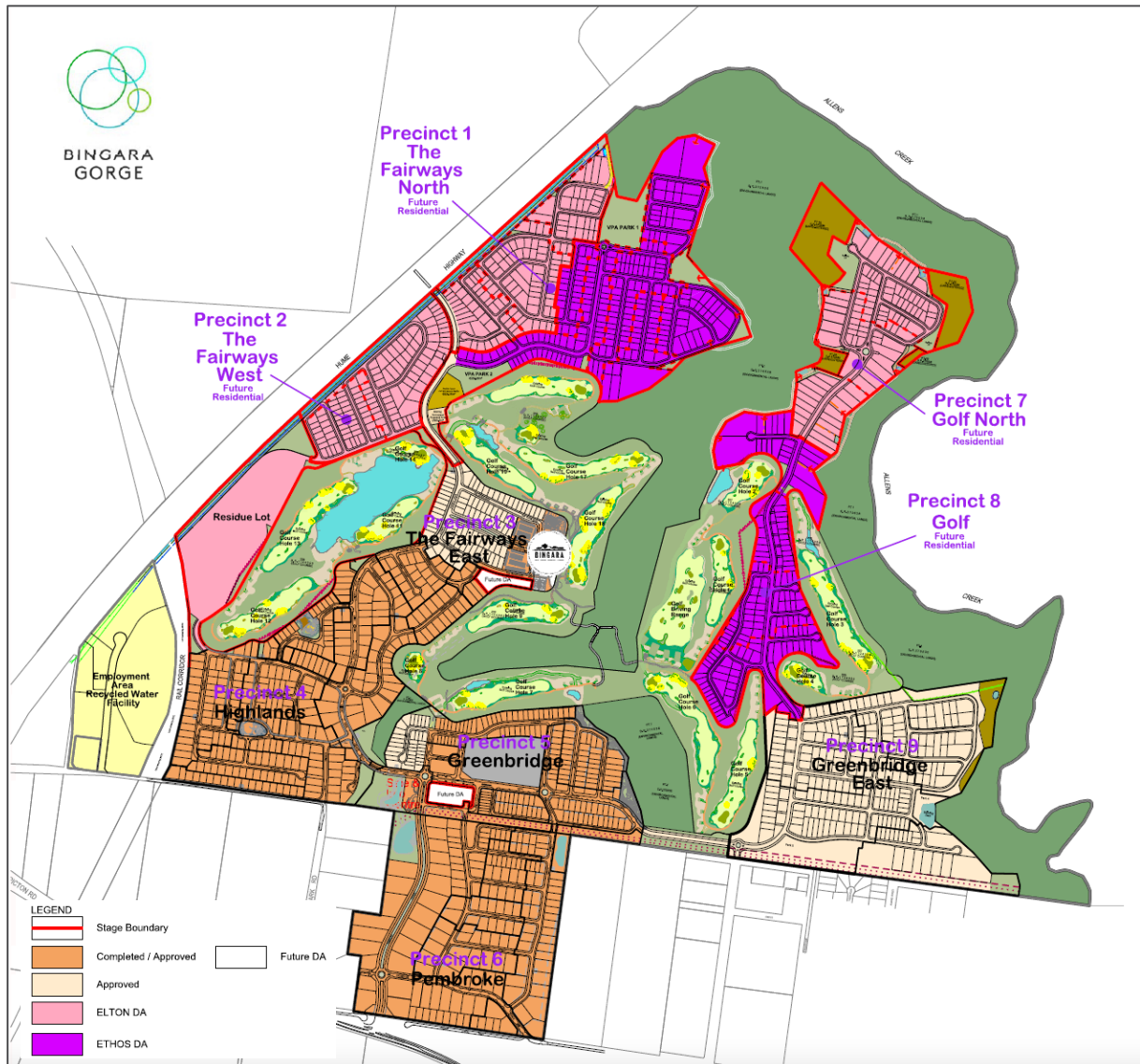
The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:

- » Providing a variety of residential lots, in a mix of sizes and dwelling typologies, to meet the growing demands of the population as well as lifestyle and budget preferences
- » Providing a range of high-quality walking and cycling facilities that address the cultural, health and recreational needs of the community
- » Encouraging healthy lifestyles and physical activity, by providing walkable neighbourhoods, accessible local facilities, and safe pedestrian and cyclist pathways within the street network
- » The orientation of proposed lots promotes good solar access, to provide maximum opportunities for energy efficient house design
- » Provides good access to public open space, community and recreational facilities, retail, commercial and educational opportunities to meet future residents social cultural and economic needs.
- » Will support the existing commercial uses at the site and provide construction jobs as well as longer term economic benefits associated with ongoing employment within the commercial component, and flow on effects from establishing a new residential community
- » Provides bus service network that connects nodes of activity within the Estate and provides access to Wilton.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that is consistent with intended use of the site and is therefore recommended for approval.



**Figure 1 The site and DA boundaries**



Source: Lendlease (September 2018)

# Abbreviations

Abbreviation	Description
ACL	Additional Conservation Lands
APZ	Asset Protection Zone
BMP	Bushland Management Plan
CBD	Central Business District
CMP	Conservation Management Plan for Aboriginal Archaeology
Cu.m	Cubic metres
DA	Development Application
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
ELA	Eco Logical Australia
EMP	Environmental Management Plan
EPBC Act	<i>Environmental Protection Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EP&R Lands	Environmental Protection and Recreation Land
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Reg	<i>Environmental Planning and Assessment Regulation 2000</i>
GST	Good and Services Tax
JWP	J. Wyndham Prince
Km	Kilometres
KMP	Koala Management Plan
LEC	Land and Environment Court
Lendlease	Lendlease Communities Pty. Ltd
LEP	Local Environmental Plan
LGA	Local Government Area
MNES	Matters of National Significance
NSW	New South Wales
OEH	Office of Environment and Heritage
SDA	State Development Agreement
SSTF	Shale Sandstone Transition Forest
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy



Abbreviation	Description
SIC	State Infrastructure Contribution
SPA	State Planning Agreement
SREP	Sydney Regional Environmental Plan (deemed SEPP)
STP	Sewerage Treatment Plant
RWTP	Recycled Water Treatment Plant
RFS	Rural Fire Services
RMS	Roads and Maritime Services
UFP	Unexpected Finds Protocol
UXO	Unexploded ordinance
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement
WEMP	Weed Eradication and Management Plan

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany the development application (DA) to Wollondilly Shire Council (Council) on behalf of Lendlease Communities (Wilton) Propriety Limited (Lendlease)

The DA seeks consent to progress development of remaining land at Bingara Gorge, Wilton (the site) as follows:

This DA seeks approval for:

- » Subdivision of land in the following precincts:
  - > Precinct 1 (Fairways North) (Stage 2): 134 residential lots, two residue lots and public road dedication
  - > Precinct 2 (Fairways West) (Stage 1): 112 residential lots, two residue lots, one precinct association lot and public road dedication
  - > Precinct 7 (Golf North) (Stage 2): 101 residential lots and two residue lots.
- » Construction of fire trails in precinct land
- » All subdivision works to prepare the land for the future development comprising site preparation and grading, stormwater and drainage works, road network construction, utility provision, and any required boundary treatment with the Environmental Protection and Recreation Land (EP&R Lands) and Additional Conservation Lands (ACL)
- » Associated street tree planting, landscaping, and embellishments.

Once the DA is approved it will enable the physical construction of pedestrian/cycleway fire trails and physical vegetation removal in the development precincts aforementioned as approved in the LEC Orders (Refer **Section 2.2.3** and **0**).

The SEE has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) as well as the requirements of Council. It includes a summary of the background of the project and previous approvals, a detailed description of the site and the proposal, and an assessment of the proposal.

The SEE is based on and to be read in conjunction with the accompanying documentation for approval (i.e. DA documentation) listed in **Table 1**.

It also relies upon documentation prepared as part of the previously approved DAs as well as additional documentation required by way of conditions of consent and/or court orders namely:

- » ID993-05, Bingara Gorge Concept Plan, then known as Wilton Parklands (original staged consent), May 2006
- » Court DA 283/2015 (also referred to as DA No. 010.21500000283.001) - Case No. 158921 of 2016, 28 September 2016.
- » A description of the above referenced applications is detailed in **Section 2** and an assessment of compliance of the proposal against the conditions of consent/court orders in **Appendix A**.

**Table 1** below notes where documentation supporting this DA has been required by condition of ID993-05 or the LEC consent orders.

A copy of documentation from ID993-05 referred to in this DA and a full copy of the consent orders and documentation referenced has been provided to Council as a separate package. Refer to **Appendix B** for a list of this documentation.

**Table 1 Accompanying documentation (DA Documentation for approval)**

Document	Prepared by	Dated	Condition ref.
<b>Plans</b>			
Civil Engineering Drawings – Fairways North (Stage 2)	J. Wyndham Prince (JWP)	Oct 2018	N/A
Civil Engineering Drawings – Fairways West (Stage 1)	J. Wyndham Prince (JWP)	Oct 2018	N/A
Civil Engineering Drawings – Golf North (Stage 2)	J. Wyndham Prince (JWP)	Oct 2018	N/A
Subsidence Advisory NSW Notice of Determinations and Stamped Plans	Subsidence Advisory NSW	Nov 2018	
» Fairways North (Stage 2)			
» Fairways West (Stage 1)			
» Golf North (Stage 2)			
Site Boundary Context Plan	Lendlease	Nov 2018	N/A
Site Plan (with aerial)	Elton Consulting	Nov 2018	N/A
Site Plan (aerial) Precincts 1 (Stage 2), Precinct 2 (Stage 1), Precinct 7 (Golf North) (Stage 2)	Elton Consulting	Nov 2018	N/A
Streetscape Master Plan	TaylorBrammer	Nov 2018	N/A
Subdivision Plans – Fairways North (Stage 2)	RPS	Nov 2018	N/A
Subdivision Plans – Fairways West (Stage 1)	RPS	Nov 2018	N/A
Subdivision Plans – Golf North (Stage 2)	RPS	Nov 2018	N/A
<b>Reports</b>			
Aboriginal Cultural Heritage Conservation Management Plan	Lendlease	2007	Condition 1(7)
Bushfire Protection Assessment – Fairways North (Stage 2) and Fairways West (Stage 1)	Eco Logical Australia (ELA)	Nov 2018	Condition
Bushfire Protection Assessment – Golf North	Eco Logical Australia (ELA)	Nov 2018	Condition
Bushland Management Plan (BMP) (updated)	ELA	May 2017	Condition 1(5)(c)(iv)
Capital Investment Value Report	Hughe B. Gage	Nov 2018	N/A

Document	Prepared by	Dated	Condition ref.
Koala Management Plan (KMP) (updated)	ELA	May 2017	Condition 1(5)(c)(v)
Unexploded Ordinance Field Validation Survey	G-tek Australia P/L	Nov 2018	Court DA 283/2015 – Condition 8
Vegetation Management Plan (VMP)	ELA	July 2017	Condition 1(5)(c)(i)
Weed Eradication and Management Plan (WEMP)	ELA	Aug 2015	Condition 1(5)(c)(vi)
<b>Compliance Letters</b>			
Community Facilities	Elton Consulting	Nov 2018	Court DA 283/2015 – Condition 1(8)
Ecology	ELA	Nov 2018	Court DA 283/2015 – Condition 1(8)
Heritage	Kyandel Archaeological Services	Nov 2018	Court DA 283/2015 – Condition 1(8)
Stormwater	JWP	Nov 2018	Court DA 283/2015 – Condition 1(8)
Traffic	Cardno	Nov 2018	Court DA 283/2015 – Condition 1(8)
Utilities	JWP	Nov 2018	Court DA 283/2015 – Condition 1(8)

## 2 Background

### 2.1 Policy Context

Bingara Gorge was rezoned in 2005, following the preparation of a local environmental study and an Expert Panel reporting to the State Government.

Subsequently in 2006, LendLease purchased the project from the landowner Bradcorp as rezoned land with initial DAs approved.

Major infrastructure works began in the second half of 2006 and the first residential lots were released in 2007, with the Graham Marsh-designed golf course delivering recreational opportunities.

Most of the land in Bingara Gorge is zoned R2 Low Density Residential with a 'sensitive land' layer placed over the EP&R Lands and small parts of the golf Course and other lands, to aid in the formalisation of proposed conservation of known habitat. The project also has a site-specific development controls which are now included in the Council wide Development Control Plan (DCP) (Refer **Section 5.2** and **Appendix D**), as well as a state and local voluntary planning agreements (VPAs) addressed in **Section 5.3** of this report.

### 2.2 Previous development consents

This detailed subdivision DA follows the original approval of a Staged DA for the Bingara Gorge Concept Plan, then known as Wilton Parklands (ID993-05) in May 2006 and consent orders from the LEC appeal for DA No. 283/2015, as detailed below.

There are currently 975 lots approved under past DAs with over 600 of these occupied with homes (Refer **Section 0**).

#### 2.2.1 Staged DA ID993-05

Staged development consent (ID993-05) was approved by Wollondilly Council on 15 May 2006 for the overall development of land at the Bingara Gorge site (then referred to as Wilton Parklands). The consent comprised:

- » The use of the land for the purposes (and generally in the areas) shown on the concept plan for the site:
  - > Housing
  - > Open space
  - > A mixed-use village centre, incorporating but not limited to, commercial and retail uses
  - > Community facilities
  - > Recreational facilities (such as the golf course)
  - > Landscaped streets and access paths
  - > A sewerage treatment plant and treated waste water reuse scheme
  - > Utility services.
- » 1,165 residential lots with the minimum lot sizes as shown on the Concept Plan.

ID993-05 also included development consent for Stage 1 development, which comprised:

- » Torrens title subdivision to create 215 residential lots, a series of lots for further future subdivision, environmental protection and community recreation lands and infrastructure provision
- » The construction and operation of a sewerage treatment plant and treated effluent reuse irrigation scheme
- » Construction of a golf driving range and the final 8 holes of the 18-hole on site golf course (the first 10 holes having been approved via Development Consent ID01558-04
- » Infrastructure, access, earthworks, landscaping and other ancillary works.

A number of modification applications have been approved since the original consent. Refer **Section 5.1** and **Appendix A-1** of this report for an assessment of the proposal against the development consent provisions (as modified).

## 2.2.2 Detailed DAs

Since approval of the Staged DA in 2006, development has substantially commenced on the site including the delivery of Pembroke Village located to the southern part of the site, Greenbridge Village, elements of Fairways East and Highlands Villages to the west of the site, as well as the Country Club (Stage 1), Wilton Public Primary School, Site Office, retail facilities, Childcare Facility and the construction of the 18-hole golf course.

At the time of lodgement of DA 283/2015, described below, incremental detailed subdivision approvals across the Bingara Gorge Estate totalled 973 allotments (since increased to 975). As such, development across the remaining four of the nine originally proposed precincts would be restricted to a total of 192 additional allotments when considering the total 1,165 lots approved under the Concept Plan.

Lendlease subsequently lodged a DA to increase the yield at the site as detailed in the section below.

## 2.2.3 Court DA 283/2015 (Case No. 158921 of 2016)

DA No. 283/2015 (also referenced as DA 010.2015.00000283.001) submitted to Council in April 2015 sought development consent for the following, on land that was not already subject to a detailed DA for residential subdivision or construction works under ID993-05:

- » A maximum of 827 residential lots (resulting in a total of 1800 lots for the overall Bingara Gorge Estate)
- » A minimum and maximum lot yield within each identified development precinct
- » Consent for physical works to remove vegetation for which in principal approval was granted under the previously approved Staged DA ID993-05 i.e. removal of vegetation within the developable footprint of the site, and for sensitively located pedestrian, cycle and fire trails within the environmental protection and recreation lands, in addition to that already approved as part of the golf cart bridge and pathway and Stringy Bark bridge DAs
- » Development guidelines to guide future detailed residential subdivision DAs.

DA 283/2015 proceeded to a LEC appeal (Case Number 158921 of 2016) on the basis of a deemed refusal. As a result of the LEC appeal, a number of conditions were agreed between Lendlease and Council which formed consent orders under direction from Justice Moore. The consent orders impose a number of conditions to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

Under the consent orders, consent was granted for the following on land to which this application relates:





### Summary of consent orders

- » The removal of vegetation within development precincts 1 Rural, 2 Fairways West, 3 Fairways East, 7 Bushland and 8 Golf Town
- » The construction of pedestrian paths, cycle ways and fire trails within the EP&R Lands and the associated removal of a maximum of 1.2 hectares of vegetation.
- » Concept approval for:
  - > Up to 827 residential allotments within development precincts 1 Rural, 2 Fairways West, 3 Fairways East, 7 Bushland and 8 Golf Town of the Bingara Gorge Estate, Wilton resulting in a maximum of 1,800 residential allotments
  - > Indicative minimum and maximum residential lot yields within precincts 1, 2, 3, 7 and 8.

As per the consent orders, while approved the physical removal of vegetation and the construction of the fire trails within EP&R Lands cannot occur until such time a subdivision layout was approved for which this application relates.

It is noted that an amendment to Condition 1(4)(b) of the consent orders was agreed to by Council by way of a correspondence between Lendlease lawyer's Allens (12 April 2017) and Council's lawyers Pikes (19 April 2017). A copy of this correspondence is included in the separate package of LEC Court Order documentation as listed in **Appendix B**.

Since the Consent Orders were published, Lendlease has renamed a number of the remaining precincts at Bingara Gorge as follows:

**Table 2 Bingara Precincts**

Precinct Number	Consent Orders (2016)	Lendlease name (2018)
Precinct 1	Rural	Fairways North
Precinct 2	Fairways West	Fairways West (no change)
Precinct 3	Fairways East	Fairways East (no change)
Precinct 7	Bushland	Golf North
Precinct 8	Golf Town	Golf

Please note that the precincts in this report and documentation submitted utilises the new names developed by Lendlease. The boundaries have not changed from those detailed in the LEC Consent Orders.

Refer **Section 5.1** and **Appendix A-2** of this report for an assessment of the proposal against the consent orders (as amended).

## 2.3 Current DAs under assessment

### 2.3.1 Additional Conservation Lands (DA 145/2018)

A DA was lodged with Council on 15 March 2018 for the subdivision of land to enable the creation of Additional Conservation Lands (ACL) to be managed and protected in perpetuity by Community Association Lot 1. The transfer of ACL into an expanded EP&R Land is required to give effect to the conditions of consent issued by the LEC, discussed above (condition 1(6)).

The application is currently being assessed by Council. It is understood that at the time of writing, the DA had been referred to the Local Planning Panel and is due to be heard at the November meeting.

### 2.3.2 Ethos DA (DA641/2018)

A DA was recently lodged by Ethos Urban (DA No. 010.2018.00000641.001 or DA641/2018) on behalf of Lendlease for the subdivision of land and associated works within the following precincts: Precinct 1 Fairways North (Stage 1); Part Precinct 7 Golf North; and Precinct 8 Golf. The DA seeks approval for:

- » The subdivision of part Lot 5 DP270536 (part future Lot 34 DP 270536), to be known as part Golf (Precinct 8) and part Golf North (Precinct 7), to create: 131 residential lots, 11 residue lots, 2 association property lots; and public road dedications.
- » The subdivision of part Lot 31 DP270536, to be known as Fairways North (Stage 1, to create: 232 residential lots, 7 residue lots, 1 association property lot; and Public road dedications.
- » The subdivision of future Lot 81 DP280044 in Lot 5 DP270536 to create one residential lot and one public road dedication within the Greenbridge East Precinct.
- » Design and construction of the proposed internal road network
- » Provision of utility infrastructure such as stormwater drainage, sewerage, telecommunications and water
- » Grading of the site for final residential lots, landscape shaping, boundary interfaces and roadway levels
- » Associated street tree planting, landscaping, lighting and embellishments
- » Construction a 350sqm bio-retention rain garden.

Once the DA is approved it will enable the physical construction of relevant pedestrian/cycleway fire trails and vegetation removal as approved in the Court DA.

This DA is currently being assessed by Council.

Our DA represents the proposed subdivision of the of subdivision of the residue lots created by the Ethos Urban DA.

## 2.4 Future DA Acoustic wall - Hume Highway

The implementation of the future linear park and construction of the acoustic wall adjoining the F5 Hume Highway along this application's western boundary is to be delivered as part future separate DA. The DA for the acoustic wall is anticipated to be lodged early in 2019.

The construction of the acoustic wall is an obligation under the State VPA executed on the 2 October 2012, identified in Schedule 4 (Clause 5) 2 Development Contributions, Item 5: Sound Barriers to F5 Hume Highway and Picton Road.

Under the terms of the State VPA, the acoustic wall must be completed prior to the registration of the draft Plan of Subdivision for any residential allotment situated within 200m of Hume Highway or Picton Road. Further, Lendlease is required to deliver this project in accordance with the design and other reasonable requirements of the relevant agencies being Roads and Maritime Services (RMS) and Wollondilly Shire Council.

A number of lots proposed in this DA fall within the 200m of Hume Highway. Prior to these lots being registered, the acoustic wall will need to be completed.

## 2.5 EPBC Referral

Approval from the Commonwealth Environment Minister is required if a development is likely to have a significant impact on matters considered to be of National Environmental Significance (MNES).

There are MNES protected under the *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act) that require further assessment in relation to potential impacts from the development. These include the critically endangered ecological community Shale Sandstone Transition Forest (SSTF), as well as records and potential habitat for seven listed flora species and five listed fauna species.

An *EPBC Act* referral has been made, with the process expected to be complete by the end of 2018. It is noted that the EPBC referral process is separate to the DA process. The outcome of the EPBC referral process will be provided to Council.

This DA has been prepared in accordance with the EPBC referral documents.

## 3 Site analysis

### 3.1 Site location and context

The site is located at Bingara Gorge, Wilton the Wollondilly Local Government Area (LGA). It is located at the foothills of the Southern Highlands, approximately 60kilometres (km) south-west of the Sydney Central Business District and approximately 26km north-west of Wollongong. It is adjacent to the M5 Freeway/Hume Highway and to the north-west of the town Wilton. Picton lies approximately 7.8km to the north-west of the site. The locational context of the site is shown at **Figure 2**.

**Figure 2** Location context of site



Source: Nearmap November 2018

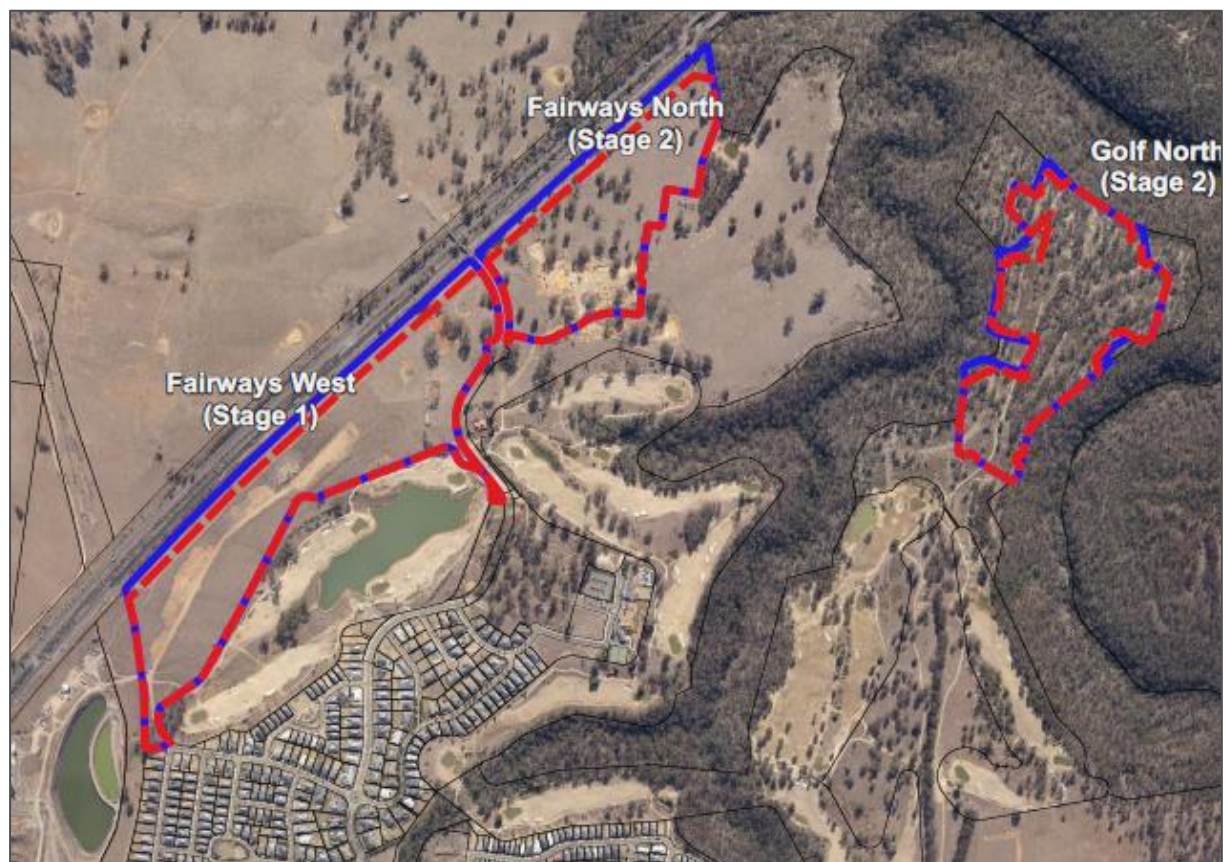
## 3.2 Site description

The site comprises three distinct, separate portions of land that make up three of the nine total precincts of the Bingara Gorge Estate. The precincts and land to which this DA relates is described in **Table 3** below and illustrated in the figures below.

**Table 3 Site description**

Site	Approx. Area (ha)	Legal description	Address	Description
Precinct 1 - Fairways North (Stage 2)	14.6	Part Lot 31 DP270536 and Lot 26 DP270536 Fairway Drive, Wilton Future Road	Stirling Drive, Wilton Fairway Drive, Wilton Future Road	Located in the north-western portion of the Bingara Gorge Estate. It is between the Hume Highway to the north-west, EP&R Lands to the north-east, Fairways North Stage 1 to the east and south, and Fairway Drive and Fairways West to the west.
Precinct 2 - Fairways West (Stage 1)	22.4	Part Lot 31 DP270536	Stirling Drive, Wilton	Located in the in the south-western portion of the Bingara Gorge Estate. It is between the Hume Highway to the north-west, golf course to the south, Fairways North (Stage 2) to the east and the existing Golf Course to the south and south-east.
Precinct 7 - Golf North (Stage 2)	15.1	Part Lot 5 DP270536	Greenbridge Drive, Wilton	Located in the north-eastern portion of the Bingara Gorge Estate. It is surrounded by the EP&R Lands to the north-west and east and borders Precinct 8 – Golf Town to the south.

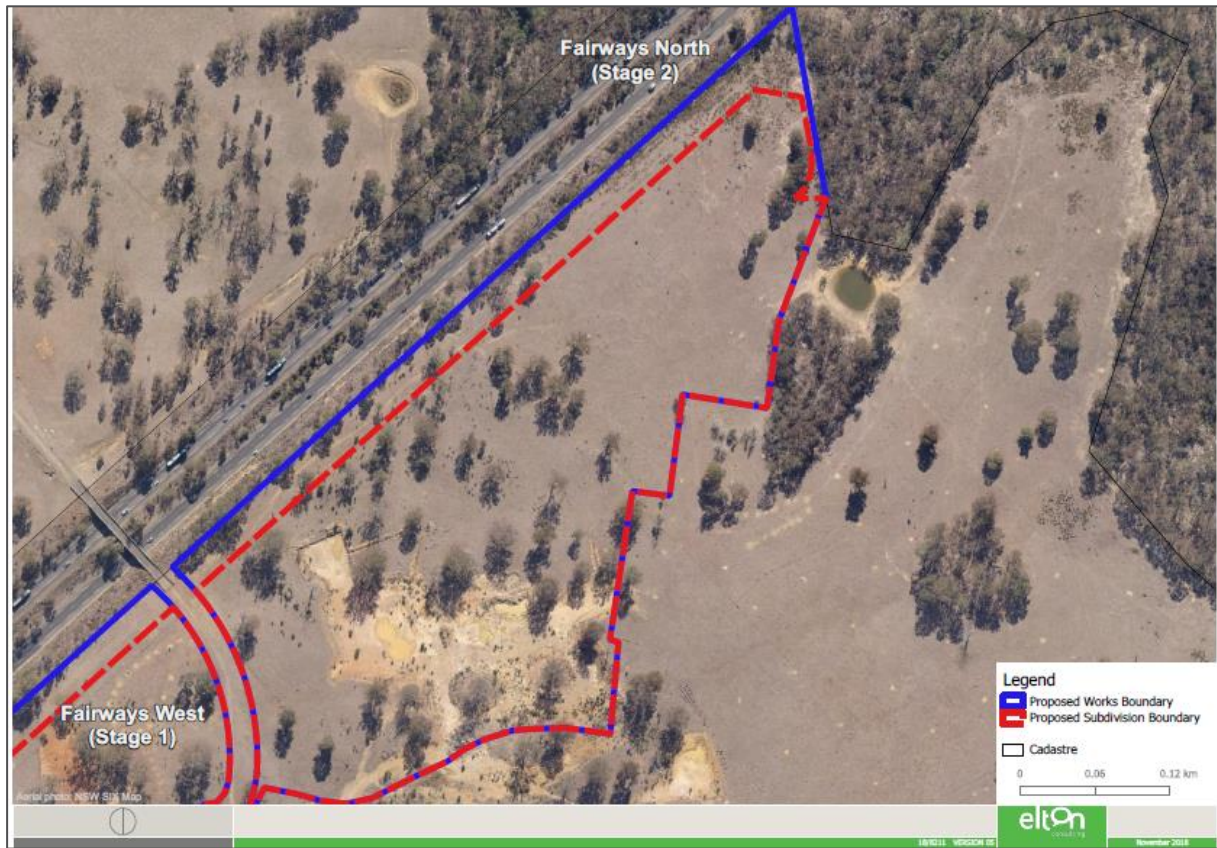
**Figure 3 Aerial view of the site**



Source: Nearmap November 2018



**Figure 4 Precinct 1 (Fairways North) (Stage 2)**

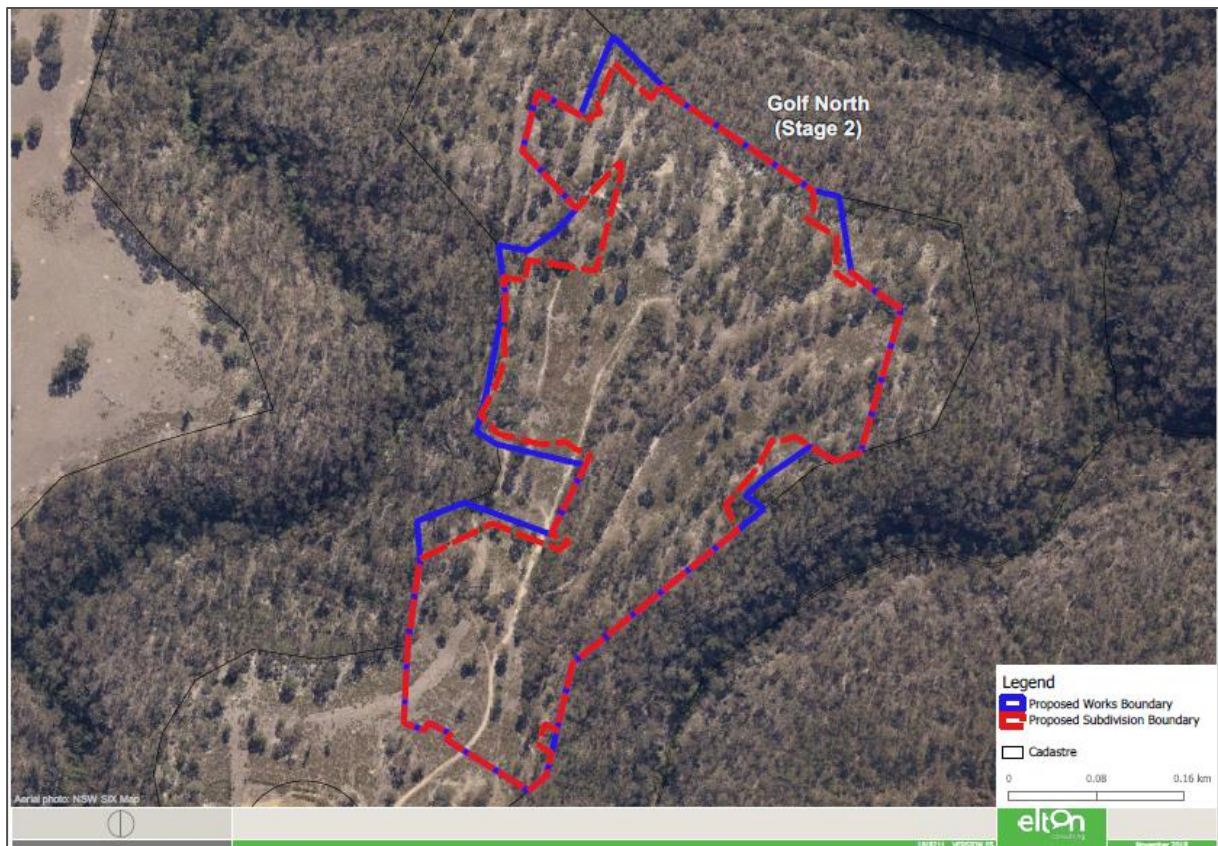


**Figure 5 Precinct 2 (Fairways West) (Stage 1)**

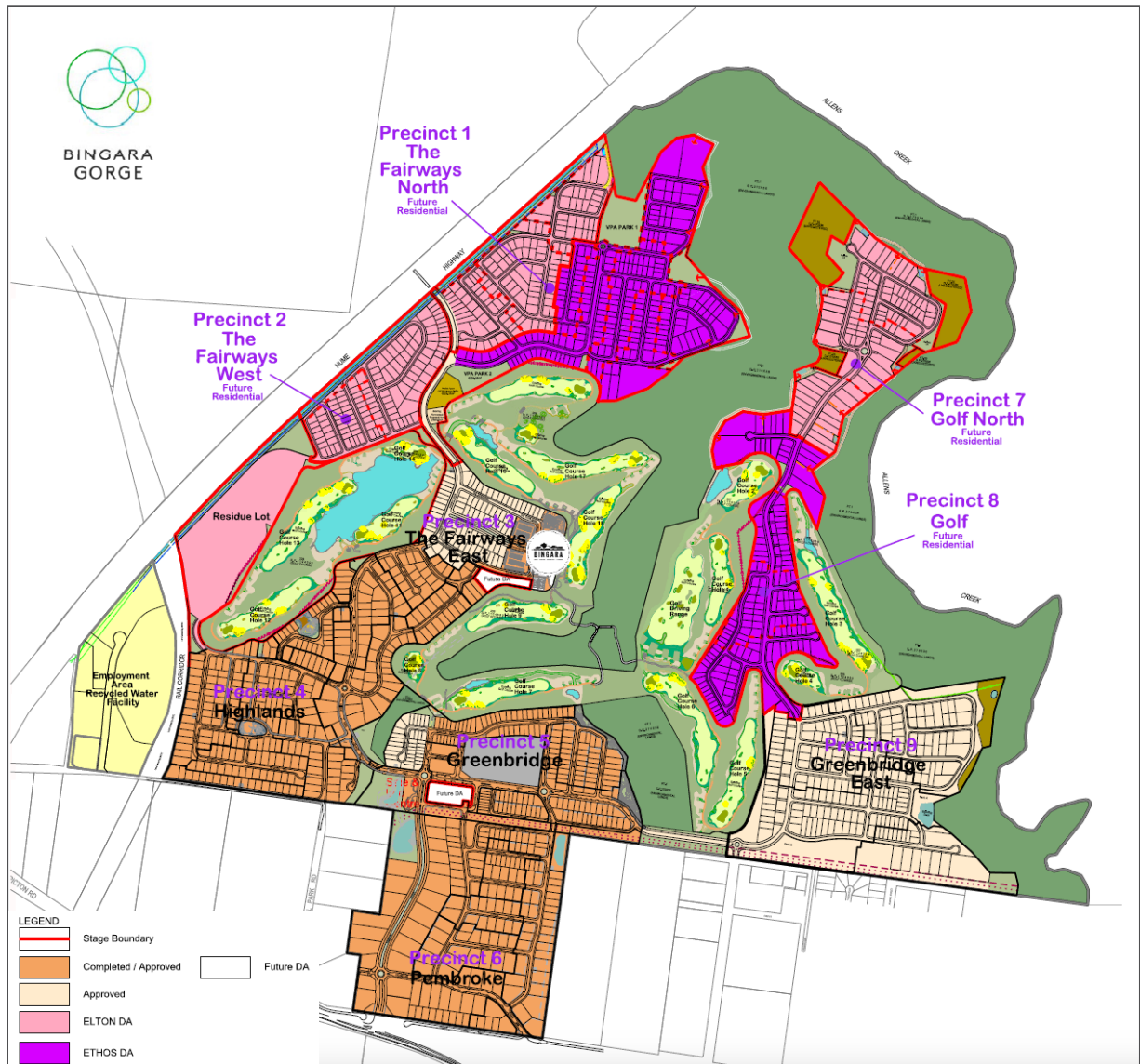




**Figure 6 Precinct 7 (Golf North) (Stage 2)**



**Figure 7 The site in the context of the Bingara Estate**



Source: Lendlease September 2018

### 3.3 Existing site conditions

The site has historically been cleared for agricultural grazing with some significant areas of bushland located in the gorges at the periphery of Fairways North (Stage 2) and Golf North. A brief description of the existing development and topography of each of the precincts is provided below.

- » Precinct 1 - Fairways North (Stage 2): comprises vacant grassland with scattered mature trees. There is also a shed associated with the cottage which is located on Fairways North (Stage 1). The land falls gradually from west to east from Fairway Drive towards the EP&R Lands from an RL175 to RL159
- » Precinct 2 - Fairways West (Stage 1): comprises vacant grassland with scattered mature trees. The land falls gradually from west to east approximately RL187 to RL176.
- » Precinct 7 - Golf North (Stage 2): comprises vacant grassland with a number of mature trees. The land falls gradually from south to north and north-east approximately RL175 to RL160.

A summary of other key characteristics and land affectations are detailed in the table below.

**Table 4 Site key characteristics and land affectations**

Characteristic	Description
<b>Access</b>	Access to the existing precincts is provided by a series of unsealed vehicle tracks.
<b>Bushfire Hazard</b>	The site is identified as bushfire prone land on Wollondilly Shire Council's bushfire prone land map. Refer <b>Section 5.4.2</b> for an assessment of bushfire risk and mitigation measures proposed.
<b>Geology</b>	<p>The Wollongong-Port Hacking 1:100 000 Geology Sheet indicates that the majority of the site is underlain by Hawkesbury Sandstone which comprises medium to coarse-grained quartz sandstone, very minor shale and laminate lenses. Parts of the site in the west (including parts Fairways West and North) are indicated to be underlain by Ashfield Shale which comprises laminite and dark-grey siltstone.</p> <p>The Wollongong-Port Hacking 1:100,000 Soils Landscape Sheet indicates that the site has natural soils formed by residual processes, apart from a relatively small part of the western area where it is indicated that soils are formed by erosional processes.</p>
<b>Contamination</b>	<p>A preliminary site investigation by Douglas Partners prepared for the Court DA identified that the site has generally a low potential for contamination with the exception of a few localised impacted areas around the cottage and nearby shed (located within the site Precinct 1) and remnants of previous structures in the western development area as well as contractors fuel storage.</p> <p>For further detail refer <b>Section 5.4.4</b>.</p>
<b>Heritage</b>	<p>There are no items of European heritage located within or surrounding the site and the site is not located within a conservation area under Wollondilly LEP. Portions of both the Fairways North and the EP&amp;R Lands is mapped as an Aboriginal item of local heritage significance (item I285 – Aboriginal Shelter Sites) under the WLEP. There are also number of aboriginal objects located within the site as detailed in the following report prepared "Development Application "Balance of Site" Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW – Cultural Heritage Assessment Report prepared on behalf of Lend Lease Wilton Pty Ltd' dated April 2015".</p> <p>Refer <b>Section 5.4.1</b>.</p>

Characteristic	Description
<b>Vegetation</b>	<p>Extensive studies of the existing vegetation at the site and within the surrounding EP&amp;R lands have been carried out across the Bingara Gorge site. Details of the existing vegetation communities and threatened species at the site are provided in the Ecological Reports prepared for the Court DA (included in sperate package to Council and listed in <b>Appendix B</b>) and accompanying Ecology Compliance Letter.</p> <p><b>Section 5.4.5</b> provides a summary of vegetation at the site approved to be removed under Condition 1(4) (Refer <b>Section 0</b> of this report) of the LEC consent orders, impacts associated with the removal and mitigation measures.</p>

## 3.4 Surrounding development

To the south of the site is the developed areas of the Bingara Estate including Pembroke Village, Greenbridge Village, parts of Fairways East and Highlands Villages as well as the Country Club (Stage 1), Wilton Primary School, retail facilities, a childcare centre and the 18-hole golf course. As detailed above, a DA for residential subdivision within the Fairways North (Stage 1) and Golf has been lodged separately and will form boundaries to the site in the east of Fairways North (Stage 2) and south of Golf North (Refer **Figure 7**). Forest associated with Stringybark Creek, Allens Creek and Clements Creek extends to the north and east away of the Bingara Estate.

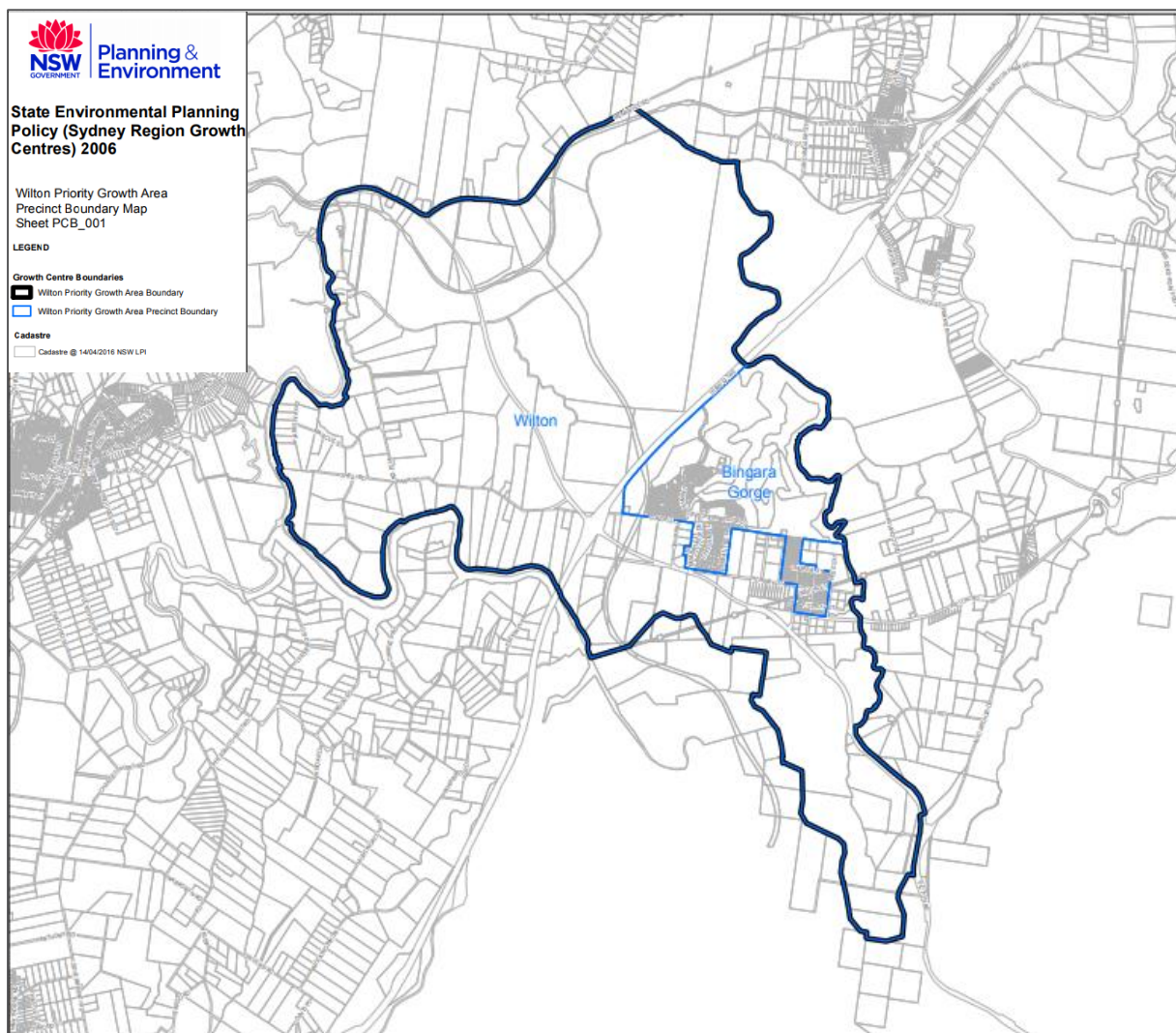
Wilton Village lies immediately to the south-east of Bingara Gorge Estate. Wilton is a small township surrounded by rural residential development, with a predominant pattern of rural cottages located on larger farming lots. The dwellings on these lots are typically single and two storey detached houses. Surrounding the town centre and existing rural lots are farming areas and bushland areas, with rivers and creeks nearby. Wilton accommodates approximately circa 500 dwellings and small-scale retail facilities with a population of over circa 1000.

In July 2016 the NSW Minister for Planning gazetted the State Environmental Planning Policy (Sydney Region Growth Centres) (SEPP) Amendment (Wilton) 2016. This identified the boundaries of the Wilton Priority Growth Area. Bingara Gorge is a precinct within the mid-eastern area of the growth area, as shown in **Figure 8** below.

In September 2018, 'Wilton 2040 A Plan for the Wilton Growth Area' was finalised by the NSW Department of Planning and Environment (DPE) for the Wilton Priority Growth Area. As shown in **Figure 9** below, the structure plan identifies potential employment lands to the south-west of the Bingara Gorge Estate, with potential urban lands to the south and across the Hume Highway to the west of Bingara Gorge. Up to 15,000 new homes are expected to be developed, with approximately 60,000sqm of retail and business space catering for 15,000 jobs. A new town centre is proposed across the Hume Highway to the west of Bingara Gorge. Bingara Gorge is identified as existing urban land in the structure plan, it is zoned separately and does not form part of the investigations for the Wilton Growth Area.



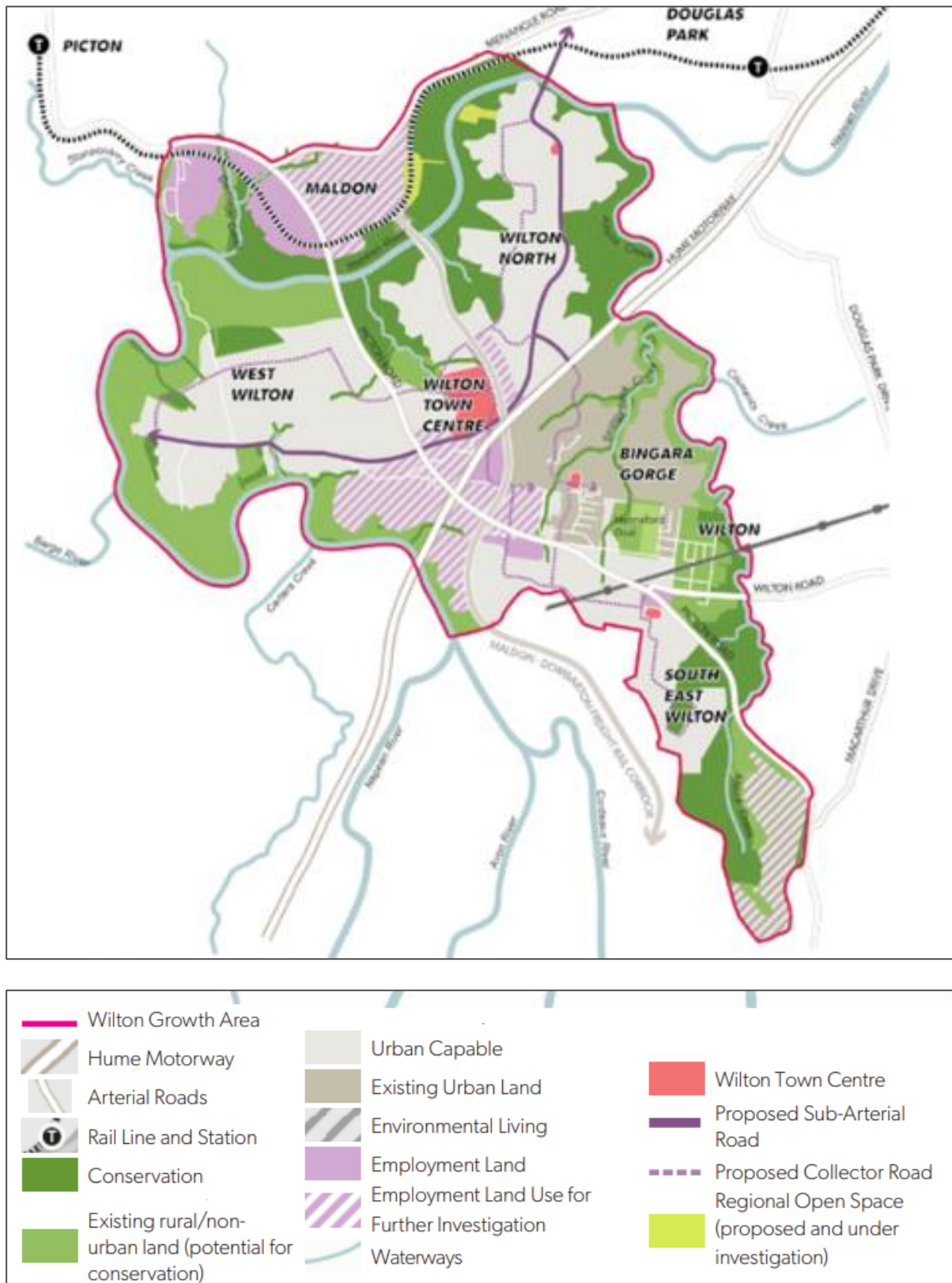
**Figure 8 Wilton Priority Growth Area**



Source: SEPP (Sydney Region Growth Centres) 2006, NSW Legislation 2018



**Figure 9 Wilton Growth Area Structure Plan**



Source: A Plan for the Wilton Growth Area, DP&E 2018

# 4 The proposal

## 4.1 Overview of proposed development

The DA seeks consent to progress development of remaining land at the site as follows:

This DA seeks approval for:

- » Subdivision of land in the following precincts:
  - > Precinct 1 (Fairways North) (Stage 2): 134 residential lots, two residue lots and public road dedication
  - > Precinct 2 (Fairways West) (Stage 1): 112 residential lots, two residue lots, one precinct association lot and public road dedication
  - > Precinct 7 (Golf North) (Stage 2): 101 residential lots and two residue lots.
- » Construction of fire trails in precinct land
- » All subdivision works to prepare the land for the future development comprising site preparation and grading, stormwater and drainage works, road network construction, utility provision, and any required boundary treatment with the EP&R Lands and ACL
- » Associated street tree planting, landscaping, and embellishments.

Once the DA is determined it will enable the physical construction of pedestrian/cycleway fire trails and physical vegetation removal in the development precincts aforementioned as approved in the LEC Consent Orders (Refer **Section 2.2.3** and **0**).

The development, embellishments and/or use of these lots will be the subject of separate future applications.

The estimated capital investment value is \$22,194,170 (excluding GST) as detailed in the accompanying Quantity Surveyors Report. The proposal constitutes local development and therefore will be assessed by Council and determined by the Local Planning Panel.

A detailed description of the works and consultation with Council with respect to this proposal is provided in the sections below.

## 4.2 Consultation with Council

A pre-lodgement meeting was held with Council on the 4 October 2018 in respect of this DA. Key matters discussed and actions agreed are listed below.

- » Council noted a discrepancy with the total number of residential lots approved to date – Lendlease to confirm.
- » Update was provided on the EPBC approval process – draft conditions expected to be issued to Lendlease in late October, with determination by the end of 2018. It was noted by Elton Consulting that the EPBC process under the EPBC Act is wholly separate from Council's assessment of the proposed subdivision DA under the EP&A Act.
- » A number of minor changes will be made to the proposal (from what was submitted for the pre-lodgement meeting) in response to engineering / design updates.
- » Vegetation removal is consistent with the LEC Consent Orders approval – supplementary letter will be submitted with the DA and will highlight the mitigation measures to be implemented. This will also be addressed in the DA.
- » Supplementary letters relating to contamination and street tree master plan to be provided with the DA.
- » Lendlease confirmed that the permanent Recycled Water Treatment Plant (RWTP) (also referred to as the Sewerage Treatment Plant (STP) at Bingara has been sized to accommodate the full development (1800 dwellings). Refer 0.
- » Lendlease confirmed that the following VPA items will be delivered under separate applications acoustic wall along the boundary of:
  - > Hume Highway Picton Road
  - > Intersection upgrades (signals x 2)
  - > Fairway Drive (upgrade).
- » Draft Wilton State Infrastructure Contribution (SIC) recently released does not apply and State VPA for Bingara Gorge does not require amendment. However, the local VPA may be amended to reflect the consent orders or alternatively, local contributions may be paid. Lendlease and Council propose to resolve this separately to this DA process.
- » Lendlease to lodge plans with the Subsidence Advisory NSW prior to lodgement of the DA. This has been completed and approval granted. Refer accompanying Determinations and Stamped Plans.
- » Council noted that a recent Koala sighting had been reported in the vicinity of Picton Road, and that Council is currently working with OEH to develop additional water quality monitoring criteria for Wilton PGA. Council are to provide any relevant information to Lendlease.
- » Lendlease to provide Council with an additional copy of the DA documentation for submission to the DPE for satisfactory arrangements purposes.

Refer **Appendix C** for a copy of the meeting notes issued by Council and table detailing noted in Council's notes and how they have been addressed in this SEE.

## 4.3 Subdivision, yield and lot mix

The proposed subdivision will create 347 residential lots, 6 residue lots and one association lot as well as dedication of public roads. The layout of has been developed from the approved Concept Plan, LEC Consent Orders and has been refined from the detailed design work undertaken by Lendlease and JWP.

This proposal is will subdivide land that is proposed to be created in the Ethos DA.

### 4.3.1 Staging

The subdivision within each precinct is proposed to be staged, as follows:

- » Precinct 1 - Fairways North (Stage 2) subdivision will deliver 134 residential lots and two residue lots over three stages, as shown in **Figure 10**
- » Precinct 2 - Fairways West (Stage 1) subdivision will deliver 112 residential lots, two residue lots and a precinct association lot over two stages, as shown in **Figure 11**
- » Precinct 7 - Golf North (Stage 2): will deliver 101 residential lots and two residue lots over three stages, as shown in **Figure 12**.

A breakdown of the components of each stage is provided in Table 5 below.

Detailed subdivision plans for each stage accompany this SEE.

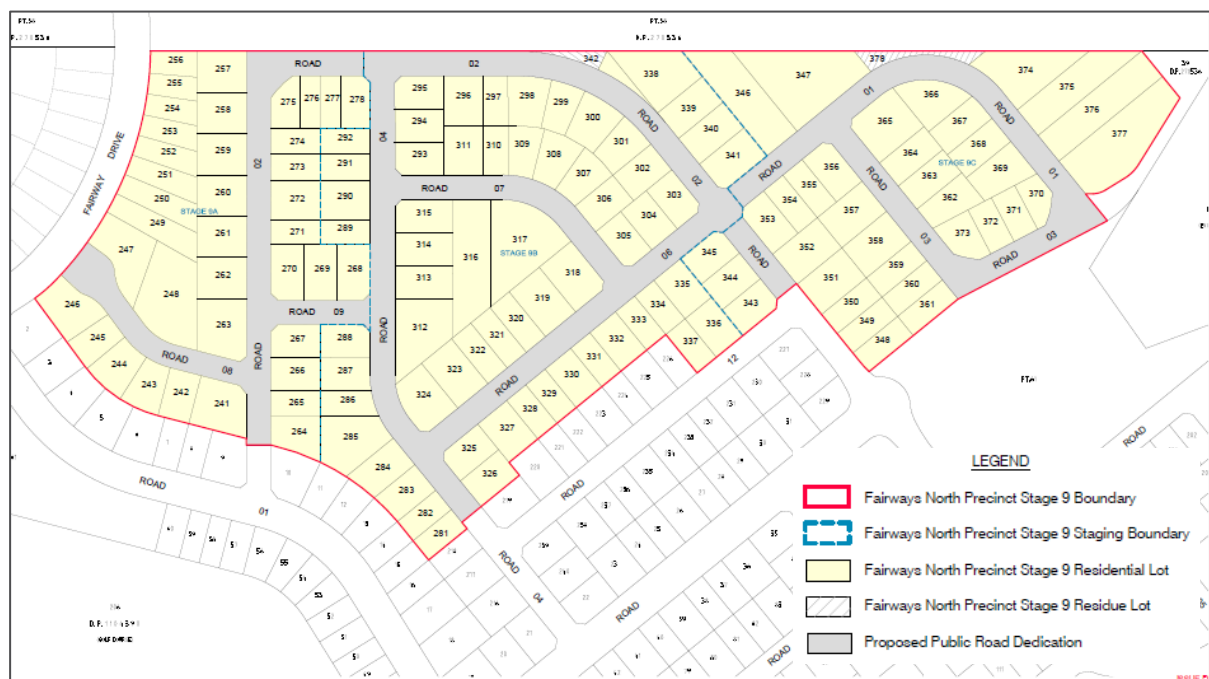
**Table 5 Subdivision Summary**

Stage	
<b>Precinct 1 Fairways North (Stage 2)</b>	
9A	38 residential lots (241-278)
	2 residue lots (279-280)
	Public road dedication
9B	61 residential lots (281-341)
	1 residue lot (342)
	Public road dedication
9C	35 residential lots (343 -377)
	1 residue lot (378)
	Public road dedication
<b>Precinct 2 - Fairways West (Stage 1)</b>	
10A	68 residential lots (2-69)
	3 residue lots (70-72)
	Public road dedication
	1 Association Lot (1)
10B	44 residential lots (73-116)
	Public road dedication

Stage	
Precinct 7 - Golf North (Stage 2):	
7A	18 residential lots (26-43)
	2 residue lots (44-45)
	Public road dedication
7B	31 residential lots (46-76)
	Public road dedication
7C	52 residential lots (77-128)
	2 residue lots (129-130)
	Public road dedication

Please note: that the residue lots (Precinct 1: 279-280; Precinct 2: 71 and Precinct 7: 44-45) are temporary and subdivided in subsequently as part of future stages Stage 9B/C, 10B and 7B/C respectively.

**Figure 10 Proposed lot layout and staging – Precinct 1 Fairways North (Stage 2)**



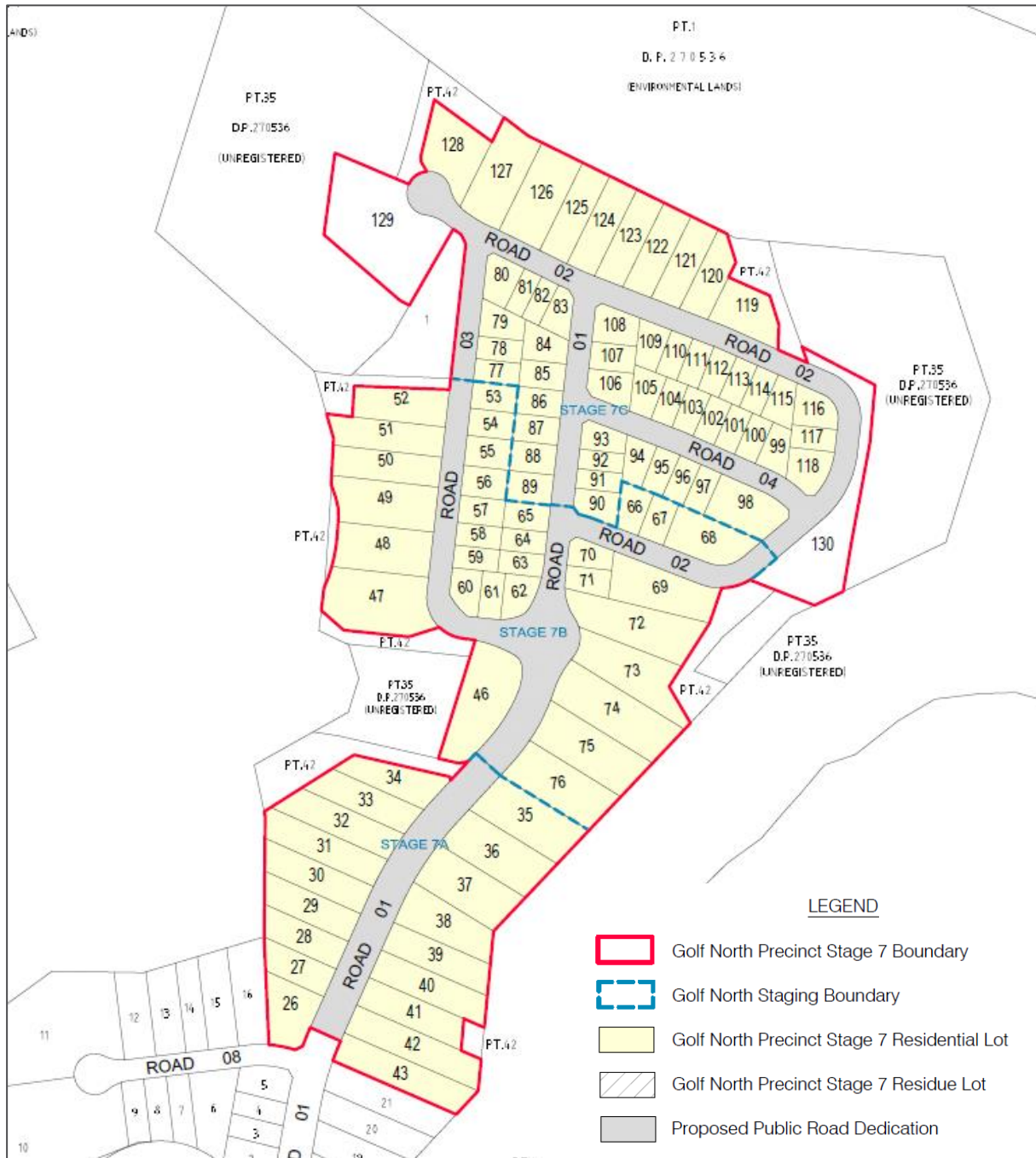
Source: RPS, Plan Ref. P360 13/11/2018

Please note: the red line shows the boundary of the proposed subdivision. The proposed works boundary includes additional adjoining lots.

Please note: the red line shows the boundary of the proposed subdivision. The proposed works boundary includes additional adjoining lots.



**Figure 12 Proposed lot layout and staging – Golf North (Stage 2)**



Source: RPS, Plan Ref. P369 13/11/2018

Please note: the red line shows the boundary of the proposed subdivision. The proposed works boundary includes additional adjoining lots.

## 4.3.2 Yield and density

The number of lots has been developed in accordance with the total and indicative precinct yield of 1,800 dwellings established by the LEC Consent Orders.

At the time of lodgement of this application, 975 residential lots had been approved. This application proposes a total of 347 residential allotments, bringing the cumulative total to 1,686 lots including the 364 proposed in the Ethos DA.

It is noted that the proposed subdivision located in Greenbridge East not covered by the LEC Consent Orders, since it forms a part of Development Precinct 9. However, the lot will contribute to the total number of lots within the overall Bingara Gorge Precinct and therefore contributes to the maximum 1,800 lot yield. **Table 6** below provides a breakdown of the cumulative lot distribution.

In accordance with the site's bushland/golf course character, lot sizes are highly varied, but are generally large to accommodate detached residential dwellings. **Table 7** below provides a summary of the proposed lot sizes for each precinct subject to this application. Refer accompanying Subdivision Plans for detail.

**Table 6 Cumulative Lot distribution**

Application	No. of residential lots	Cumulative total residential lots	Remaining lot balance
<b>Determined DAs</b>			
Various DAs (2007-2014)	666	666	-
010.2014.00000505.001	135	801	-
010.2015.00000213.001	77	878	-
010.2015.00000230.001	83	961	-
010.2015.00000214.001	12	973	827
010.2015.00000213.002	2	975	825
<b>Ethos DA</b>			
Fairways North (Stage 1)	232	1,207	593
Golf Town & part Golf North	131	1,338	462
Greenbridge East	1	1,339	461
<b>This DA</b>			
Fairways North (Stage 2)	134	1,473	327
Fairways West (Stage 1)	112	1,585	215
Golf North (Stage 2):	101	1,686	114
<b>Total:</b>	<b>347</b>	<b>1,686</b>	<b>114</b>

**Table 7 Summary of proposed residential lot sizes**

Precinct	Minimum lot size	Maximum lot size
Fairways North (Stage 2)	397m <sup>2</sup>	2,233m <sup>2</sup>
Fairways West (Stage 1)	375m <sup>2</sup>	2,375m <sup>2</sup>
Golf North (Stage 2):	447m <sup>2</sup>	2,729m <sup>2</sup>

Source: RPS, Subdivision Plans

## 4.4 Site grading and earthworks

### Precinct Land

The Civil Engineering Plans (cut and fill and site sections) accompanying this SEE illustrate the extent of earthworks for the streets and proposed lots. In summary the proposed grading and cut and fill is as follows:

**Table 8 Proposed site grading**

Precinct	Grading	Cut/Fill/Imported Material* Cubic metres (cu.m)
Precinct 1 Fairways North (Stage 2)	Lots grading ranges from RL 161 -176RL with the roads at lower RL. Batter grades are at 1:6 to boundaries	Cut: 24,755cu.m Fill: 61,905 cu.m Import: 37,150 cu.m
Precinct 2 Fairways West (Stage 1)	Lots grading ranges from RL between 176 -189RL with the roads at lower RL. Batter grades are at 1:6 to boundaries.	Cut: 6,345cu.m Fill: 27,905 cu.m Import: 21,560 cu.m
Precinct 7 Golf North (Stage 2):	Lots grading ranges from RL 161 -172RL with the roads at lower RL. Building pads batter grades are at 1:5 and 1:6.	Cut: 13,415 cu.m Fill: 38,255 cu.m Import: 24,840 cu.m

\*Note: Figures based on existing surface to design road boxing surface

No landscaping of the public domain, other than street tree and verge planting, is proposed under this DA.

### EP&R Lands

The earthworks quantities for the fire trails at Fairways North (Stage 2) and Golf North (Stage 2) is detailed in Table 9. Across the two sites, there is an overall balance of 3.6m<sup>3</sup>, which complies with the condition 9(1) of the LEC Consent Orders.

These quantities are between the finished surface and existing surface levels on the site.

**Table 9 Earthworks quantities EP&R Lands**

Fire Trail	Cut (cu.m)	Fill (cu.m)	Balance (cu.m)
Golf North - 1	-160.9	155.3	-5.5
Golf North - 2	-205.1	208.9	3.8
Golf North - 3	-36.7	45.0	8.3
Golf North - 4	-45.0	42.0	-3.0
Fairways North	0.00	0.00	0.0
Total	-447.7	451.3	3.6

Source: JWP, 2018

## 4.5 Access and movement

### Roads

The proposed road layout is shown Road Hierarchy Plans in the accompanying Civil Engineering Plans. Several new permanent roads are proposed to be constructed within the proposed subdivision layout.

In summary:

- » Fairways North (Stage 2) will be accessed via Fairway Drive to the west of its precinct boundary
- » Fairways West (Stage1) will be accessed via Fairway Drive to the east of its precinct boundary
- » Golf North (Stage 2) will be accessed from proposed Road 01 in Golf.

The local roads for which consent is sought by this DA will be dedicated to Council as public roads.

An overview of the proposed road type and design for each precinct is summarised in **Table 10** and the Civil Engineering Plans.

**Table 10 Summary of roads types proposed**

Road Type	Road Reserve Width	Carriageway Width	Verge widths	Pedestrian paths
<b>Precinct 1 Fairways North (Stage 2)</b>				
1 Local Street	15m	7m	4m verge on each side	1.5m path in a verge
2 Local street with shared path	15m	7m	4m verge on each side	2m path and 1.5 path in verge
3 Local Street with retaining wall	12m	7m	4m verge on each side	1.5m path in a verge
4 Local Street	14m	7m	3.5m verge on each side	1.5m path in a verge
5 Local Street	12m	7m	1m and 4m verge	1.5m path in a verge

Road Type	Road Reserve Width	Carriageway Width	Verge widths	Pedestrian paths
<b>Precinct 2 Fairways West (Stage 1)</b>				
1 Local Street	15m	7m	4m verge on each side	1.5m path in a verge
2 Local street with shared path	15m	8m	3.5m verge on each side	2m path and 1.5 path in verge
3 Local Street	12	7m	1m and 4m verge	1.5m path in a verge
<b>Precinct 7 - Golf North (Stage 2)</b>				
1 Local Street	15m	7m	4m verge on each side	1.5m path in a verge
2 Main Street	22m	11m	5.5m verge on each side	1.5m path in a verge
3 Local Street	14m	7m	3.5m verge on each side	2m path in a verge

## Pedestrian and Cycling Pathways

Pedestrian and cyclist footpaths are proposed as shown in the Road Hierarchy Plans in the accompanying Civil Engineering Plans. Concrete paths at 1.5m and 2m in width are proposed along the verges as detailed in **Table 10** above.

## Pedestrian paths/cycleways/fire trails in EP&R Lands

Construction of pedestrian paths/cycleways/fire trails within the EP&R lands is approved via the consent orders, as detailed in the Civil Engineering Plans. The location of these pathways has been determined and granted development consent under the LEC Consent Orders (Condition 1(4)(b)). Condition 1(5) of the LEC Consent Orders requires that the construction of any trail shall only be carried out after separate development consent for subdivision creating residential allotments has been granted, that triggers a Bushfire Safety Authorisation and trails to be constructed as per the consent (see excerpt of Condition 1 (4) and (5) below.

This subject DA has been prepared in response to Condition 5(b) and Bushfire Authorisation is being sought as part of this DA. The general arrangement of the trails detailed in this DA is consistent with those approved in the LEC Consent Orders. The pathways have been aligned so that they do not impact with any significant flora species, as detailed in the Ecological Reports referenced in the LEC Consent Orders.

## 4.6 Vegetation removal

Removal of vegetation in the precincts was granted as part of the LEC Consent Orders, Condition 1 (4) which states:

*"1(4) Development shall take place in accordance with the following plans and documents except where modified by the following conditions of consent:*

*a) Vegetation removal*

Title of Plan	Drawn By	Plan Ref	Dated
Bingara Gorge 1800 DA Vegetation Removal	CB for Lend Lease	Dgn No. BG1800 DA VEG Removal (issue G)	25/08/16

*(i) NOTE: approval is not implied and/or granted to the removal and/or modification of any flora listed on the plan as "Flora (Federal)" and/or "Flora (State)" on the plan titled "Bingara Gorge 1800 DA Vegetation Removal & Indicative Subdivision Layout 1800 Lots (Issue F)" dated 25 August 2016.*

*(ii) No vegetation within the EP&R Lands subject of Condition 1(1) is permitted to be removed and/or modified except for that vegetation shown on the approved plans of the development listed in Condition 1(4) in this consent.*

*(iii) The two windrows running north-south along the eastern spur of the site shall be retained.*

*b) Fire/pedestrian/cycle trails*

Title of Plan	Drawn By	Plan Ref	Dated
(a) Locality Plan and Drawing Schedule	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1000 Revision 4	23/03/2016
(b) General Arrangement Plan Sheet 1 to 12 of 13	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1002 to SK005 and NA8201304-059 SK007 to SK1013 Revision 4 NA8201304-059 SK1006 Revision 5	23/03/2016
(c) Civil Details Plan (Bushfire Access Track)	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1030 Revision 4	23/03/2016

Further, Subclause (5) provides restrictions to carrying out of works for the removal of vegetation within Development Precincts 1, 2, 3, 7 and 8 and for the construction of pedestrian, cycle ways and fire trails within the EP&R Land as follows:

*a) The removal of vegetation that has been consented to within Development Precincts 1, 2, 3, 7 and 8 shall only be carried out after separate development consent has been granted to a subdivision creating residential allotments within the relevant area that is to be cleared; and*

*b) The construction of any trail (be it fire, pedestrian and/or cycle) shall only be carried out after separate development consent has been granted to a subdivision creating residential allotments that trigger a Bushfire Safety Authorisation. The relevant section of fire trail is to be nominated as part of the application in the relevant Bushfire Assessment Report; and*

*c) Each subsequent subdivision application seeking consent for the creation of residential allotments shall nominate the area of vegetation that is to be removed and also those part(s) of any trail(s) (be it fire, pedestrian and/or cycle) approved by this development consent that are to be constructed as part of the works associated with the relevant subdivision:*

*Included for approval by council with any relevant subdivision application shall be:*

- » A Vegetation Management Plan (VMP)
- » An updated Koala Management Plan (KMP)
- » An updated Bushland Management Plan (BMP)
- » A Weed Eradication and Management Plan (WEMP)
- » Documentary evidence of the mechanisms for the ongoing management and maintenance of Additional Conservation Lands - addressed in **Section 5.1**
- » A Conservation Management Plan for Aboriginal Archaeology (CMP) addressed in **Section 5.4.1**

The documentation listed above (except where it is noted), is being submitted to Council for their approval as part of this DA.

The approval of this DA will enable the removal of the vegetation within the approved development footprint and EP&R Lands. Refer excerpt of Bingara Gorge 1800 DA Vegetation Removal Plan at **Figure 13** and accompanying Civil Engineering Plans for information regarding vegetation removal and trail locations. As shown, the vegetation proposed to be removed in this application includes that within the approved footprint.

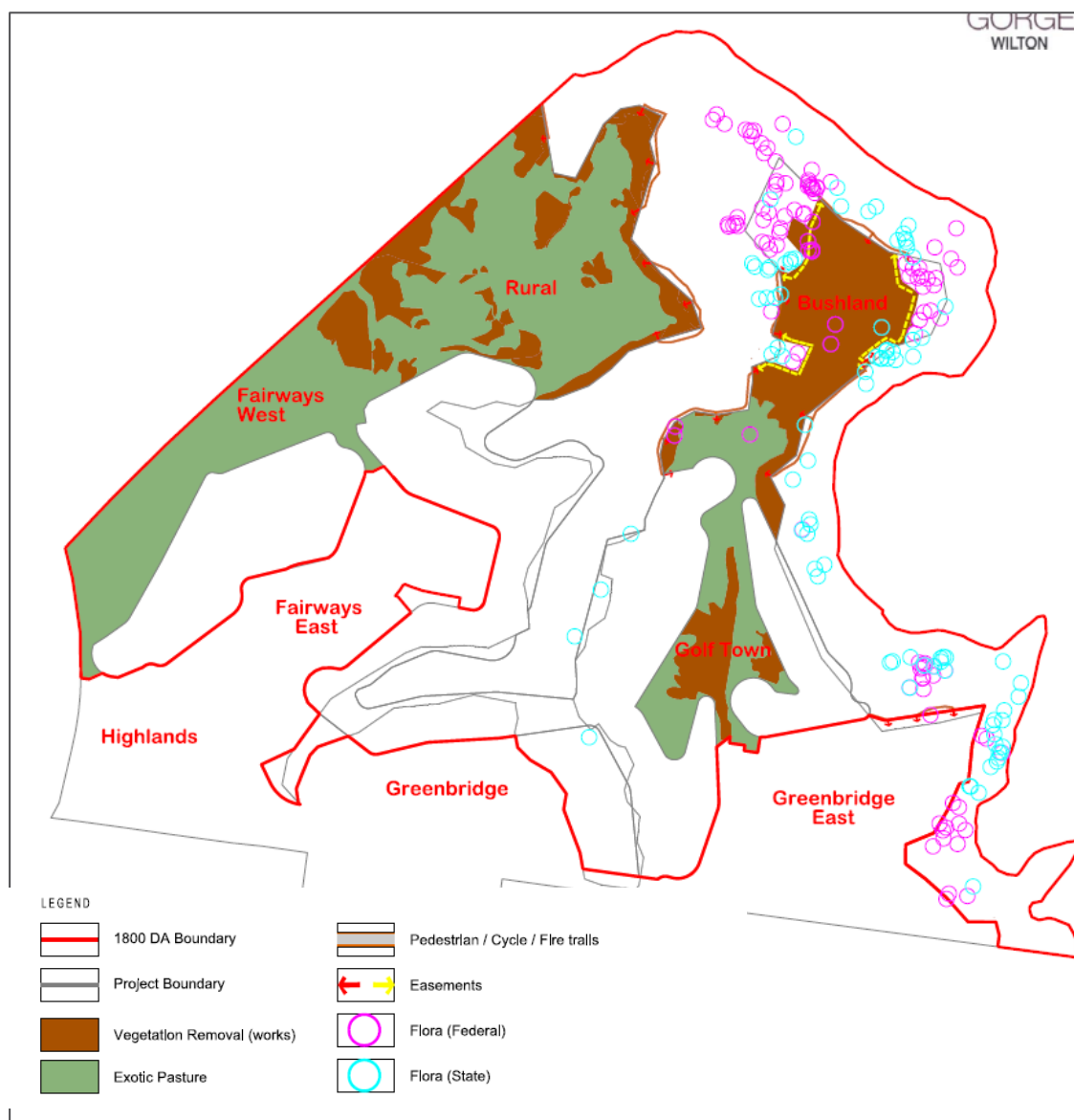
No vegetation will be affected that is: Listed as "Flora (Federal)" and/or "Flora (State)" outside the development footprint (Precinct 7 Golf North (Bushland)) (Refer **Figure 14**) or within the EP&R Lands subject of condition 1(1). The windrows are not relevant to this DA. It is noted the Joint Expert Report prepared as part of the LEC Court Case confirmed that the State and Federal flora within the development footprint was approved for removal subject to the creation of the ACL as agreed.

Consideration of ecological impacts of removing this vegetation and mitigation measures has been previously addressed in the Ecological reports and is summarised in **Section 5.4.5** and accompanying Ecological Compliance Letter.

A full assessment of the proposal against the conditions of the LEC Court Orders is provided at **Appendix 0**.

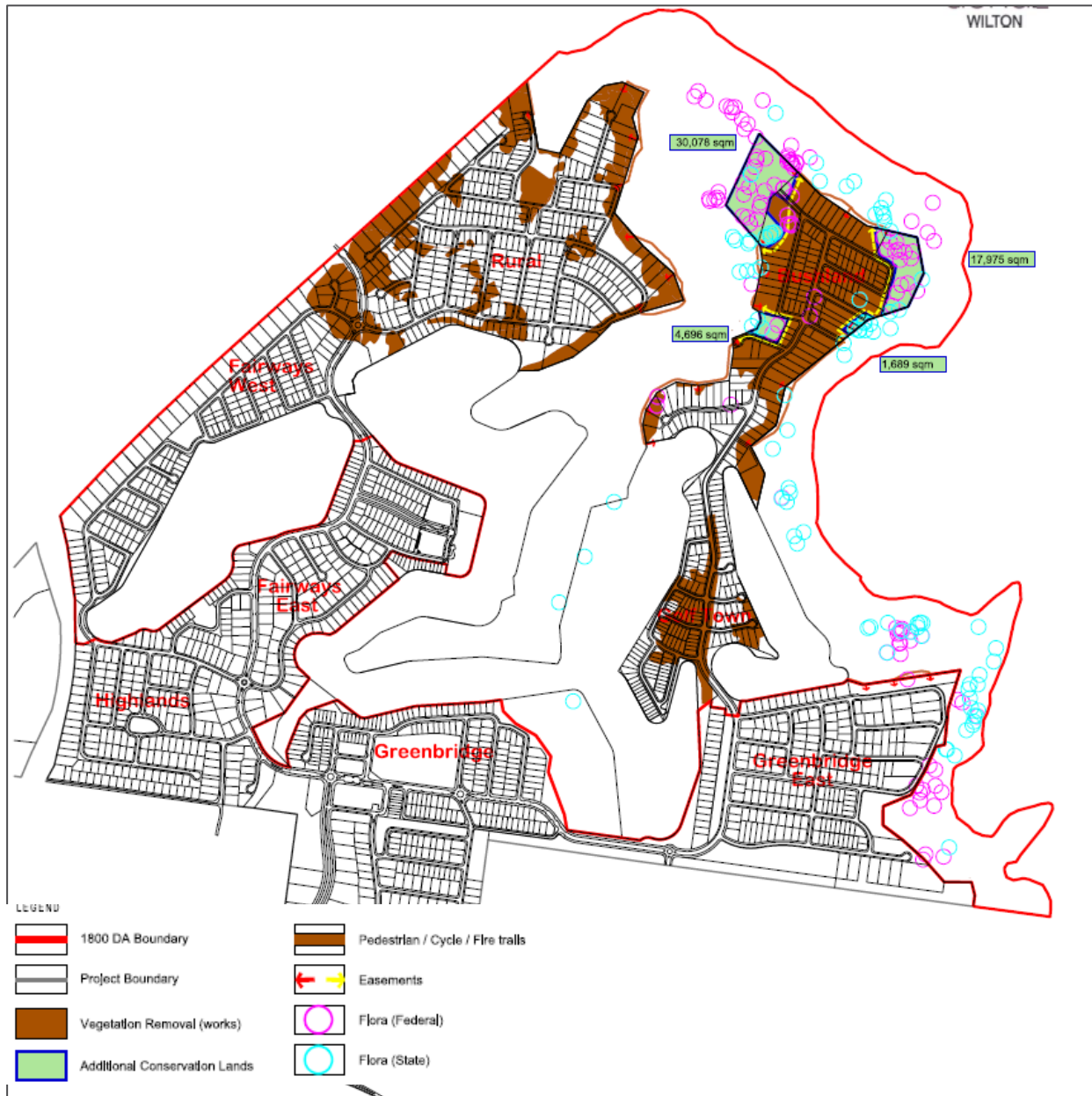


**Figure 13 1800 DA Vegetation Removal**



Source: CB for Lendlease, Dgn No. BG1800 DA VEG Removal (issue G) 25/08/16

**Figure 14 1800 DA Vegetation Removal & Indicative Subdivision Layout**



Source: Bingara Gorge 1800 DA Vegetation Removal & Indicative Subdivision Layout 1800 Lots (Issue F)" dated 25 August 2016

## 4.7 Landscaping

Landscaping of the road reserve is proposed as part of this application is detailed in the accompanying Street Tree Master Plan by Taylor Brammer. The street tree landscaping has been designed to respond to the hierarchy, scale and function of streets and open spaces. Species selection has been informed by the Bingara Gorge Streetscape Masterplan 2013 (prepared by Group GSA), the Streetscape Plans for Greenbridge (prepared by Group GSA) and the site context and the relation to existing vegetation. Refer to accompanying Street Tree Master Plan for detail.

Any further landscaping or embellishments to the residential allotments and parks will form part of other approvals.

## 4.8 Watercycle network

The proposed stormwater management strategy for Fairways North (Stage 2), Fairways West (Stage 1) and Golf North (Stage 2) is shown in the accompanying Civil Engineering Plans and Stormwater Compliance Letters.

The strategy is proposed to integrate with the overarching Stormwater Retention and Reuse Scheme that has been developed for the Bingara Gorge Estate. It includes the construction of a piped drainage network, with regional stormwater collection tanks and storage ponds, together with a rising main transfer system to deliver collected stormwater runoff to a centralised lake for distribution/re-use on the adjacent golf course.

The required size and orientation of these drainage systems ensure that post development flows do not have an adverse impact on downstream watercourses following filling from the site. The drainage strategy also takes into account the future development pattern of the Bingara Gorge Precinct.

## 4.9 Utility Provision

The utilities infrastructure will have sufficient capacity to serve the development proposed subject to utility amplification works stipulated in the '*Bingara Gorge Residential Development Utilities Services Investigation – Version 3 prepared by Cardno (NSW/ACT) Pty. Ltd. dated April 2015*' being completed as detailed in the Utility Compliance Letters prepared by JWP accompanying this SEE.

The proposed telecommunications infrastructure is shown in the accompanying Engineering Civil Engineering Plans.

Further, we note that the onsite PRWTP at Bingara has been sized to accommodate the full development (1800 dwellings) and is operational. Refer to Cardno report aforementioned for detail.

## 4.10 Construction management

A Construction Management Plan will be prepared prior to the commencement of works in accordance with the conditions of the LEC Consent Orders, namely condition 5.

Construction activities would be undertaken between 7:00am and 6:00pm Monday to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

## **4.11 Waste management**

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 in accordance with the condition 12 of the LEC Consent Orders.

## **4.12 Erosion and sediment management**

A Sediment Erosion Control Plan (9788519/DA22) is shown in the accompanying Civil Engineering Plans and Stormwater Compliance Letter.

Further, measures will need to be implemented in accordance with condition 12 of the LEC Consent Orders.

## 5 Assessment of the proposal

This section considers the planning issues relevant to the proposed development and includes an assessment of the relevant matters prescribed in section 4.15(1) of the EP&A Act.

### 5.1 Compliance with Conditions of Consent for Previous DAs

#### Staged DA ID993-05

As previously identified, this DA sits within the extent of the approved Staged DA ID993-05 and is accordingly informed by the detailed technical documentation that accompanied the Staged DA. A full assessment of the proposal's compliance with the conditions of consent for ID993-05 is provided at **Appendix A-1**. The proposal is generally consistent with the conditions, except where superseded by the LEC Consent Orders, discussed below.

#### LEC Consent Orders (DA 010.201500000283.001)

Further to the above, this application is a detailed application for subdivision and civil works relating to concept approval, vegetation removal and other works approved under the Court DA. Impacts associated the development and mitigation measures with respect to certain issues have already been addressed and are relevant to this DA. As such, the proposal relies on the information submitted as part of the court DA and that required to be updated.

The approved plans and reports submitted under the LEC Court DA have been provided to Council. Additional documentation required to be updated by the LEC Consent Orders and documents specific to this DA are listed in **Appendix B**.

Under Condition 8 of the LEC Consent Orders, future development at the Bingara Gorge site is required to take place in accordance with the recommendations of the reports referenced. This includes: SEEs, Traffic Impact Assessments, Flooding, Stormwater & Water Quality Management Strategies, Ecological Assessments, Residential Development Utilities Services Investigation, Cultural Heritage Assessment Reports, Community Facilities and Open Space Report, Bushfire Protection Assessment, the Management Plans subject of condition 1(8).

The current application is generally consistent with the above documents and their recommendations as well as the plans and other requirements of the consent orders.

To address condition 1(8), supplementary compliance letters have been provided in respect of traffic, flooding, stormwater and water quality management, ecology, utility servicing, cultural heritage and community facilities. In the case of bushfire, this has been addressed in the accompanying Bushfire Protection Assessment. Refer accompanying documentation.

#### Management of Environmental Protection and Conservation Lands

Condition 1 (6) of the determination by the LEC Consent Orders state:

*1 (6) Protection and Management of Additional Conservation Lands*

*A mechanism(s) to be established providing for the ongoing management and maintenance of the Additional Conservation Lands in perpetuity.*

*Documentary evidence of the mechanism(s) and management obligations, including funding arrangements, is also to be provided with any development application affecting the ACL.*



The management of Conservation Lands in the Bingara Gorge development is principally the responsibility of Bingara Gorge Environment Ltd (ACN 160 681 630). The Company Constitution, in combination with the State Development Agreement (SDA) for Bingara Gorge, sets out arrangements for funding and management of Conservation Lands by Bingara Gorge Environment Ltd. Bingara Gorge Limited is a not for profit company and clause 2.2 (c) of the Constitution states that the income and property of the Company must be used and applied solely in the promotion of its objects, which include (among others):

- » Providing environmental support service in accordance with the Environment Management Agreement to the Bingara Gorge Community Association.
- » To protect and enhance the Environmental Lands and the environment at Bingara Gorge generally.
- » To comply with relevant environment and heritage requirements of the State Development Agreement and the Development approval.
- » The State Development Agreement requires funding to be provided to the management of Environment Lands from the sale of each development lot in the Bingara Gorge development. Schedule 4 to the Planning Agreement specifies:
- » 1% of the sale price of each lot is required to be contributed to the Bingara Gorge Environmental Protection Fund. The Bingara Gorge Environment Ltd constitution then specifies that the funding must be spent in accordance with the limitations in clause 2.2 (see above).
- » The area of land and the timing of transfer of land to EPR Lands to Bingara Gorge Environment Ltd.
- » Additional contributions from members of the Community Association to the Fund.
- » As at 30 September 2018 the Environment Fund account had a total balance of \$1,900,249.

In combination, the determination of the Court, the SDA, the Community Association scheme and the Bingara Gorge Environment Ltd. constitution provide for transfer of the ACL, protection in perpetuity of the EP&R Land, and funding and management responsibilities for those lands.

A full assessment of the proposal's compliance with the LEC Consent Orders is provided at **Appendix 0**.

The following sections of the report provide a detailed assessment of the key environmental impacts relating to this detailed application. The following sections should be read in conjunction with the technical documentation accompanying this SEE and included in the separate package for Council.

## 5.2 Statutory legislation

An assessment of the proposal's consistency and compliance with the relevant legislation is

**Table 11 Summary of consistency with relevant statutory plans**

Plan	Assessment
<b>Commonwealth legislation</b>	
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>	As detailed in <b>Section 2.5</b> , an EPBC referral has been made, with the process expected to be complete by the end of 2018. The EPBC referral process is separate to assessment of the proposed subdivision DA under the EP&A Act. This DA has been prepared in accordance with the EPBC referral documents. The outcomes of the EPBC referral process can be provided to Council.
<b>NSW State legislation</b>	
<i>Environmental Planning and Assessment Act 1979</i>	<p>The EP&amp;A Act is the prevailing state legislation for planning in NSW. This proposal is Part submitted under 4 of the EP&amp;A Act.</p> <p>This application requires referrals and concurrences with other state agencies and departments under the EP&amp;A Act and other EPIs:</p> <ul style="list-style-type: none"> <li>&gt; Schedule 3 of the Infrastructure SEPP as it involves subdivision of land for over 200 allotments where the subdivision includes the opening of a public road. Under Clause 103 the application is required to be referred to Roads and Maritime Services (RMS).</li> <li>&gt; The proposal is integrated development as per Section 4.46 of the EP&amp;A Act as approval is required under the following legislation: <i>Coal Mine Subsidence Act 2017</i> and the <i>Rural Fire Services Act 1999</i> as addressed in the sections below.</li> </ul> <p>» An assessment of the proposal against the relevant matters for consideration in determining a DA pursuant to Section 4.15 of the EP&amp;A Act is addressed in this section of the report.</p>
<i>Environmental Planning &amp; Assessment Regulation</i>	The relevant matters under the <i>Environmental Planning and Assessment Regulation 2000 (the EP&amp;A Regulation)</i> that relate to the proposed development are contained within Part 6 (procedures relating to development applications). Council is required to undertake assessment of the proposed development in accordance with this section of the EP&A Regulation.
<i>Biodiversity Conservation Management Act</i>	Not applicable. The assessment of environmental impacts associated with the proposed development has been previously addressed in the Court DA under the <i>Threatened Species Conservation Act 1995</i> . Refer <b>Section 5.4.5</b> and accompanying Ecological Compliance Letter for a summary of the impacts and mitigation measures to be implemented.
<i>Coal Mine Subsidence Act 2017</i>	<p>The proposal involves the subdivision of land within the Wilton mine subsidence district. As a result, approvals were sought from the Chief Executive of Subsidence Advisory NSW in accordance with Section 22 of the <i>Coal Mine Subsidence Compensation Act 2017 No 37</i>.</p> <p>Approval has now been granted refer to accompanying notice of determinations for each of the precincts and stamped plans.</p>

Plan	Assessment
<i>Local Government Act 1993</i>	<p>This DA seeks approval for the following activities under Section 68 of the <i>Local Government Act 1993</i>:</p> <ul style="list-style-type: none"> <li>» Install or construct a waste treatment device</li> <li>» Connect to an existing sewerage management facility</li> <li>» Carry out water supply and/or stormwater drainage.</li> </ul>
<i>National Parks and Wildlife Act 1974</i>	<p>Section 90 of the <i>National Parks and Wildlife Act 1974</i> requires that an Aboriginal Heritage Impact Permit (AHIP) be granted for certain works that may harm or potentially harm Aboriginal objects or places. The necessary permit will be sought prior to works commencing in accordance with Condition 13 of the LEC Consent Orders. Refer <b>Section 5.4.1</b>.</p>
<i>Rural Fires Act 1997</i>	<p>A bushfire safety authority issued by the Commissioner of the Rural Fire Service (RFS) is sought, in accordance with Section 100B of the <i>Rural Fires Act 1997</i> since the proposal is on land that is bushfire prone. Refer <b>Section 5.4.2</b>.</p>
<i>Water Management Act 2000</i>	<p>A controlled activity approval is not required in accordance with section 91 of the <i>Water Management Act 2000</i> as there are no works within 'waterfront land' (within 40m of a waterway).</p>

### Environmental Planning Instruments

#### State Environmental Planning Polices (including drafts)

SREP No 20— Hawkesbury-Nepean River (No 2—1997)	<p>The proposal consistent with the objectives and controls of Sydney Regional Environmental Plan (SREP) 20. A detailed assessment of the proposal in relation to the controls in SREP 20 is provided at <b>Appendix D</b>.</p>
SEPP 44 - Koala Habitat Protection and review	<p>A KMP has been prepared and accompanies this SEE. Refer to <b>Section 4.5</b> for further detail.</p>
SEPP 55 - Remediation of Land and draft amendment	<p>A Phase I Preliminary Site Investigation was prepared for the site as part of Court DA for Bingara Gorge Estate and demonstrates the site is suitable for the proposed development. Refer <b>Section 5.4.4</b>.</p>
SEPP (Infrastructure) 2007	<p>The proposed development is defined as traffic-generating development under Schedule 3 of the ISEPP, as it involves the subdivision of land for more than 200 allotments and the opening of public roads. Therefore, the application will be referred to RMS.</p>
Sydney Region Growth Centre SEPP	<p>The proposed development is within the Wilton Growth Area. As per clause 7A of the SEPP, for land within Bingara Gorge the provisions of the Wollondilly LEP 2011 (WLEP) apply.</p>

#### Local Environmental Plan

Wollondilly Local Environmental Plan 2011 (WLEP)	<p>The proposal is consistent with the objectives and controls of the WLEP. A detailed assessment of the proposal against the WLEP is provided at <b>Appendix D</b>.</p> <p>It is noted that the proposal is required to be referred to the DPE to confirm satisfactory arrangements have been made State Public Infrastructure.</p>
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Plan	Assessment
<b>Development control plans</b>	
Wollondilly DCP 2016 (WDCP)	The proposal is consistent with the objectives and controls of the WDCP. A detailed assessment of the proposal against the relevant controls contained in the WDCP is provided at <b>Appendix D</b> .

## 5.3 Planning agreements

### 5.3.1 State planning agreement

In 2012 a VPA was entered into with the Minister for Planning known as '2012/5395 Bingara Gorge, Wilton Planning Agreement'. The VPA replaced an earlier SDA executed in 2005. The previous SDA contained additional obligations to the VPA such as the provision of a public primary school the provision / delivery of which had been agreed to by the time the VPA was executed.

The VPA agreement sets out the requirements for the provision of infrastructure and other public services and amenities and the method and timing of delivery of those services irrespective of the number of dwellings.

The items covered by the State agreement include:

- » the establishment of, and contributions to, a Natural Environment Management Fund
- » the ongoing management of EP&R Lands as defined and outlined in the agreement
- » operation of a community association environmental fund
- » the establishment of the STP system for the development
- » sound barriers to Picton Road and the F5 Hume Highway (adjacent to the site)
- » construction of an internal spine road.

Some of these items have been fulfilled such as establishment of the community association, and the construction of the STP.

A percentage of sales of the residential lots will be contributed to Environmental Fund pursuant to the VPA. Further, as detailed in this report, a number of lots proposed in this DA fall within the 200m of Hume Highway. Prior to these lots being registered, the acoustic wall will need to be completed. A separate DA will be lodged shortly. The proposal DA does not trigger the delivery of any other items.

### 5.3.2 Local Planning Agreement

Lendlease has an existing Local VPA (August 2007) 'Bingara Gorge (Wilton Parklands) Development agreement' with Wollondilly Shire Council for Bingara Gorge, based upon the approved yield of 1,165 dwellings. This VPA sets out Council's requirements for community facilities and open space to be provided within the development and contributions towards off-site facilities.

Discussions have been held between Lendlease regarding potential amendments to the existing Local VPA to reflect the proposed increase in residential yield from 1,165 residential lots to 1,800 residential lots, and the consequent local infrastructure requirements. Alternatively, infrastructure contributions will be paid as per Council's contributions plan.

## 5.4 Assessment of impacts

The impacts of proposed development have been investigated thoroughly during the preparation of previous DAs. The following provides a further assessment of the likely impacts of the development to support this SEE.

### 5.4.1 Aboriginal heritage

The following aboriginal objects are located within the site:

- » Precinct 1 (Fairways North) (Stage 2): BG-PAD-01 (AHIMS #52-2-4028) of moderate significance
- » Precinct 2 (Fairways West) (Stage 1): BG-IF-01 (AHIMS #52-2-4026) an artefact of low significance
- » Precinct 7 (Golf North) (Stage 2): BG-PAD-04 (AHIMS #52-2-4031), BG-PAD- 05 (AHIMS #52-2-4032), and BG-PAD-06 (AHIMS #52-2-4033) all of moderate significance.

Refer accompanying report prepared as part of the Court DA *"Development Application 'Balance of Site' Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW – Cultural Heritage Assessment Report prepared on behalf of Lend Lease Wilton Pty Ltd' dated April 2015"*.

The report identified that these features will be impacted by the proposed development. In order to mitigate this loss, the report recommended that further investigation of the certain sites and associated reporting should be completed prior to an application being made for an AHIP being sought from the Office of Environment and Heritage. These located within the site include BG-PAD-01, BG-PAD-04, BG-PAD-05, and BG-PAD-06.

Compliance letters have been prepared by Lance Syme of Kyandel and accompanying this DA.

The letters confirm that the proposed development is consistent with the report aforementioned and identified that further archaeological investigation (sub-surface) of these sites was required prior to an AHIP being sought for the proposed works.

Further investigations of these sites will be undertaken as recommended prior to an AHIP being sought in accordance with Condition 13 of the LEC Consent Orders.

### 5.4.2 Bushfire management

The Bingara Gorge development site is identified as bushfire prone land. A Bushfire Safety Authority from the RFS is therefore required in relation to the proposed development (subdivision), in accordance with Section 100B of the *Rural Fires Act 1997*, Clause 44 of the Rural Fires Regulation 2013 and 'Planning for Bush Fire Protection 2006' (PBP) (RFS 2006).

Bushfire Protection Assessments (BPA) (accompanying this SEE) have been prepared by ELA for the following:

- » Precinct 1 Fairways North (Stage 2) and Precinct 2 Fairways West (Stage 1) – identifying primary risk being from forest vegetation within the gully system of Allens Creek which runs from west to east across the northern side of the site.
- » Precinct 7 Golf North (Stage 2) – identifying primary risk being from gully system of Stringybark Creek that flows south to north along the western side of the subject land and Allen's Creek which runs from north to west to south-east across the northern and eastern sides of the precinct.

The assessment identified that the implementation of a range of bushfire protection measures is required:



- » Assets protection zones and maintenance plan
- » Construction standards
- » Access
- » Water supply
- » Gas and electrical supplies.

### **Precinct 1 Fairways North (Stage 2) and Precinct 2 Fairways West (Stage 1)**

In the case of land within Precinct 1 and 2 the assessment concluded that that subject to the implementation of the bushfire measures detailed, the proposed subdivision complies with either the acceptable or performance solutions within 'Planning for Bush Fire Protection 2006'. The report recommends that the subdivision be issued a Bush Fire Safety Authority and that the following requirements be adopted by the NSW Rural Fire Service in the issuing of the Authority:

1. Asset Protection Zone is to be managed as an inner protection area and maintained in perpetuity as detailed
2. Reticulated water and hydrants are to comply with AS 2419.1–2005 and must ensure that the furthest point of any future dwelling is located no further than 90 m from the nearest hydrant
3. Any bottled gas supplies are to comply with AS/NZS 1596:2014
4. Public road design and construction is to comply with PBP Section 4.1.3(1).

### **Precinct 7 Golf North (Stage 2)**

In the case of land within Golf North (Stage 2), the report concluded that subject to the implementation of the bushfire measures detailed, the subdivision complies with either the acceptable or performance solutions within 'Planning for Bush Fire Protection 2006' and 'Planning for Bush Fire Protection 2018'.

The report recommends that the subdivision be issued a Bush Fire Safety Authority and that the following requirements be adopted by the NSW Rural Fire Service in the issuing of the Authority:

1. Asset Protection Zone determined using PBP 2018 is to be managed as an inner protection area and maintained in perpetuity
2. Reticulated water and hydrants are to comply with AS 2419.1–2005 and must ensure that the furthest point of any future dwelling is located no further than 90 m from the nearest hydrant
3. Any bottled gas supplies are to comply with AS/NZS 1596:2014
4. Public road design and construction is to comply with PBP 2006 Section 4.1.3(1) as detailed in Section 4 and Table 6 Perimeter fire trail design and construction is to comply with PBP Section 4.1.3 (3)
5. Allotments in the western, northern and eastern parts of the proposed subdivision will be surrounded by perimeter fire trails either within surrounding CEPR Lands or within the allotments themselves (including the residual allotment) and ensured via Section 88b easements.

Refer to Bushfire Assessments accompanying this SEE for detail.

### 5.4.3 **Potential impacts during the construction period include vibration, dust, noise, traffic and waste**

Potential impacts associated with the subdivision work and removal of vegetation will be managed in accordance with the LEC Court Order Conditions.

### 5.4.4 **Contamination**

#### **Preliminary site investigation**

A preliminary site investigation for contamination in the proposed remaining development areas at the overall Bingara Gorge Estate was carried out by Douglas Partners in March 2016 as part of the court DA. This followed a preliminary contamination assessment was undertaken by Johnstone Environmental Technology Pty Ltd in 1999.

The 2006 report made the following conclusions:

- » The potential for site contamination is low. However, some soil sampling should be undertaken around the cottage and shed (located within the site) at the western Future Development Area to confirm (or otherwise) that contamination has not occurred from previous fuel storage or hazardous building materials.
- » An Unexpected Finds Protocol (UFP) should be implemented if signs of contamination or unexploded ordnance (UXO) are encountered during site development.
- » Stockpiles observed to contain substantial general waste materials mixed in with soil should be designated for off-site disposal or otherwise assessed by an environmental consultant if the stockpiles are to be reused at the site.
- » Parts of the site used for the storage of contractor's equipment or fuel, as a minimum, be inspected for signs of contamination once the area is no longer used for that purpose.
- » Subject to the recommendations made in this report, it is considered that the site can be made suitable for the proposed development.

Based on the above, the Precinct 2 Fairways West (Stage 1) and Golf Town precinct sites are suitable for the proposed development as conditions in these areas remain largely unchanged since 2006.

In the case of Precinct 1 Fairways North it is considered that the majority of the site is suitable with the exception of the area surrounding the small shed. In accordance with the findings in the preliminary site investigation, further testing will be around the shed will be undertaken to determine whether the soils are impacted by contamination prior to demolition of this structure.

Where any contractor equipment or fuel is located on site it will be inspected to determine any signs of contamination when removed.

#### **Unexploded Ordinance Field Validation**

An UXO Field Validation Survey has recently completed by G-tek Australia Pty Limited to determine the nature and extent of any UXO contamination within site (Fairways West and North) affected by the Department of Defence classification – due to its proximity to the Douglas Park UXO area (ID:171) RAAF Bombing Range during WWII.

The report concluded that there is little to no risk of UXO, explosive ordnance (EO), explosive ordnance waste (EOW) or small arms ammunition waste (SAAW) containing high explosive (HE) or other energetic material, such as pyrotechnics or propellant, to be remnant within the requested Bingara Gorge FVS area as a result of any activities within the former Douglas Park Bombing Range.

Various items indicating agricultural usage were located. No other indications of other waste items were observed.

The report recommended that any planned development works within those parts of within the site Fairways West and North be allowed to proceed without further unexploded ordnance assessment, remediation or other works being required to be conducted.

## 5.4.5 Ecological considerations

### Vegetation removal

As detailed in **Section 0** of this report removal of vegetation was granted as part of the LEC Consent Orders. The environmental impact of the proposed vegetation removal was considered in the Ecological Assessment carried out by Eco Logical in 2015 for the LEC appeal "*Bingara Gorge Staged DA Ecological Assessment prepared for Lend Lease – Final April 2015*", including a 7-part test of significance. The report found that the proposed vegetation clearing was unlikely to result in a significant impact for the following reasons:

- » The clearing is restricted to poorer quality vegetation
- » Large areas of high-quality vegetation will be retained within the EP&R lands
- » Mitigation measures will be implemented to prevent indirect impacts on the remaining vegetation and guide ongoing management works by way of an Environmental Management Plan (EMP).

A letter of advice has been prepared by ELA to support this DA and confirms that the proposal is consistent with the conclusions of the 2015 Ecological Assessment, as required under the Consent Orders. Further, ELA (2018) determined that the changes to the internal lot layout or fire trails would not result in additional clearing of native vegetation or any threatened ecological values either known or considered likely to occur in the study area.

As such, the impact of the proposed vegetation removal does not require further consideration and has been granted consent via the LEC Consent Orders. Refer to accompanying Ecological Letter and the Ecological Assessment April 2015 for detail regarding impacts provided in the separate package of LEC Court Order documentation as listed in **Appendix B**.

### Koala Habitat

A KMP (part of the EMP) has been prepared by Ecological and accompanies this SEE. The plan considers all relevant matters contained within SEPP 44, the WDCP and the specific requirements set out in the LEC Consent Orders.

Numerous surveys and studies performed at the site. The plan states that in relation to the Koala, it is known that Bingara Gorge:

- » contains potential habitat, within all remaining forest vegetation
- » contains Koala feed tree species: *Eucalyptus punctata* (Grey Gum) and *E. tereticornis* (Forest Red Gum)
- » has no known records of Koala within its boundaries but may be important as a fire refuge and potential movement corridor
- » has no recorded signs of usage of the site by the species
- » has a total of 57 Koala records within a 10 km radius of the site (Bionet 2015). There are three records of Koala to the west of the site along the Hume Highway – from 1999 to 2003 (>12 years old).

The KMP for Bingara Gorge provides a precautionary approach to safeguard potential Koala habitat by retaining the EP&R Lands which are considered to provide tertiary movement opportunities only. Additionally, the Koala PoM addresses potential indirect impacts imposed by development of a

residential area. These safeguards include; ameliorating the threat of dog attack using appropriate fencing, increasing community awareness and minimising impact during construction.

The main threats to Koalas, apart from habitat loss and fragmentation, arise from their interaction with humans and their environment (e.g. domestic pets, traffic, etc). It is therefore a desirable management goal to minimise this interaction where possible.

The KMP outlines the following mitigation measures as follows:

- » retention of native vegetation 3, representing an area of fire refuge/tertiary movement corridor
- » prohibiting planting of additional Koala staple browse species to ensure that landscape plantings within the residential areas do not attract Koalas from the Environmental Area into residential areas
- » installation of fencing in combination with discouragement planting of the EP&R boundary is proposed (excluding the golf course interfaces) as it will limit human movement into the conservation area. Fencing will be used to restrict vehicular access to the EP&R land whilst discouragement planting, utilising spikey native species will be undertaken to discourage human access beyond the formal path network
- » implementation of an appropriate education campaign promoting responsible dog-ownership and dedicated dog enclosure areas within lots adjacent to the EP&R Land
- » implementation of the following measures during construction
  - > temporary fencing of a type as detailed in the KPoM is to be erected during construction
  - > a pre-clearance fauna survey is to be undertaken by a qualified ecologist not more than 24 hours prior to any vegetation clearance
  - > any trees identified in the survey as containing a hollow/nest will be marked with paint or flagging tape
  - > a qualified ecologist will be on site during the removal of any trees containing a hollow or nest. The ecologist will advise any additional mitigation measures such as the erection of nest boxes if required. At the completion of vegetation clearance works, a report detailing the results of the study will be produced.
- » Education – media campaign and permanent signage
- » Traffic management including limiting speeds in Bingara to 50km/hour and warning signage.

Refer to KMP report for further detail.

## 5.4.6 Salinity

A Phase 1 Salinity Report has been completed for the site been carried out by Douglas Partners in 2006 and accompanies this SEE.

The reports show that surface soils at the site are non-saline, unlikely to erode and are non-aggressive to concrete and steel. Deeper soils are more prone to erode although they remain non-saline. Deeper soils are also potentially more aggressive.

Indications of site salinity are present in terms of salt tolerant species and areas of increased moisture and reduced vegetation. Although other explanations are possible for these site conditions, it is considered that the planned Phase 2 assessment of the site will 'ground truth' the validity of each indicator.

A Phase 2 Salinity Report will be completed prior to construction in accordance with condition 11.9 and 11.10 of ID993-05.

## 5.4.7 Social and economic issues

At completion, Bingara Estate will accommodate up to 1,800 dwellings. It will provide access to jobs, services and facilities in the town centre, active and passive recreational areas, walkable streets and areas of environmental conservation.

The proposed development is a logical extension of the development consistent with the Concept Plan for the site. The economic and community benefits of the proposed development include:

- » providing a variety of residential lots, in a mix of sizes and dwelling typologies, to meet the growing demands of the population as well as lifestyle and budget preferences
- » providing a range of high-quality walking and cycling facilities that address the cultural, health and recreational needs of the community
- » encouraging healthy lifestyles and physical activity, by providing walkable neighbourhoods, accessible local facilities, and safe pedestrian and cyclist pathways within the street network
- » the orientation of proposed lots promotes good solar access, to provide maximum opportunities for energy efficient house design
- » provides good access to public open space, community and recreational facilities, retail, commercial and educational opportunities to meet future residents social cultural and economic needs.
- » will support the existing commercial uses at the site and provide construction jobs as well as longer term economic benefits associated with ongoing employment within the commercial component, and flow on effects from establishing a new residential community
- » provides public transport network that connects nodes of activity within the Estate and provides access to Wilton.

## 5.4.8 Streetscape and Public Domain amenity

The proposed development has regard to key principles for the streetscape and public domain design:

- » supports the even distribution of open space which is within five minutes' walk of dwelling lots, by providing a permeable street layout which is designed to enable easy and safe pedestrian movement to and from the adjoining open spaces
- » effectively integrates landscaping and subdivision layout with that of proposed stormwater works and road design
- » effectively uses view lines and setbacks from the centrally located golf course and Gorge to visually enhance future adjoining development
- » uses native vegetation to assist in efficient water use
- » enhances and ecologically supports existing native vegetation within and adjoining the site, particularly that of the adjacent EP&R lands



## 5.4.9 Transport and access

A Traffic Impact Statement (Compliance Letter) has been prepared by Cardno and accompanies this DA.

In preparing this Cardno has relied on their previous Traffic Impact Assessment (TIA) prepared part of the Court DA. The TIA assesses the anticipated traffic implications of the proposed development with regards to pedestrian and bicycle requirements, traffic generation and impacts on the surrounding road network.

The 2015 report identified a morning and evening peak hour residential traffic generation of 0.8 vehicles per hour per dwelling, using a 75%/25% inbound and outbound split. Outbound was the dominant movement during the morning peak and inbound during the evening peak.

The statement made the following conclusions:

- » The road networks for the precincts are is generally consistent with the approved masterplan with a single spine road connection for Golf North, and a single proposed connection to Fairway Drive for Fairways North and West.
- » The proposed development total 347 dwellings, considered within the threshold of the overall 1,800 approved masterplan and therefore considered to not provide an impact greater than that previously assessed
- » Using the traffic generation rates of 0.8 trips per hour per dwelling from the approved November 2015 TIA, will maintain consistency with the intersection capacity findings of the 2015 report
- » Fairways North and Golf North have roads of a sufficient to facilitate bus movements for future routes as required by Condition 10(3) of the consent orders
- » The proposed road layout does not impact on the strategic infrastructure study undertaken by Jacobs (Greater Macarthur Investigation Area, December 2017)
- » The committed road infrastructure works by Lendlease remain valid and are not proposed to be altered.

## 5.4.10 Water cycle management

The proposed stormwater management strategy for is shown in the accompanying Civil Engineering Plans at A and described in detail within the Stormwater Compliance Letters and the Flooding, Stormwater and Water Quality Management Strategy.

As detailed in **Section 4.8**, the proposed strategy will integrate with the Stormwater & Water Quality Management Strategy which included a Stormwater Retention and Reuse Scheme that supplements the irrigation needs of the proposed golf course within the Bingara Estate.

This strategy ensures that nutrient and sediment loads off the Bingara Estate are retained on site and that environmental flows to downstream ecosystems are maintained. The capture of the first flush stormwater flows (8 mm east, 9 mm west) to localised tanks and storage ponds, together with a rising main transfer system to the main lake for re-use on the golf course delivers the required stormwater quality management outcomes for the site.

The report also concluded that capture and storage of the first flush flows provides a benefit to the stormwater quantity management on the site. Hydrology modelling confirmed that peak post development flows (without detention basins – but managed by the Retention and Re-Use Scheme) are less than existing conditions peak flows downstream of the site within Allens Creek.

Further, the watercourse monitoring plan as required Condition 2 of the LEC Consent Orders will ensure that impacts are assessed on an ongoing basis.

The RWTP is sized to accommodate 1,800 dwellings as detailed in Utility Services Investigation prepared by Cardno in April 2015 as part of the Court DA included in the separate package. This has also been more recently confirmed by the State VPA annual report (FY18) that confirms the status and capacity of the facility which has been informed by information provided by Lendlease Utilities who own and operate the facility.

## 5.5 Suitability of the site for development

The site is suitable for the proposed development in that:

- » Extensive investigations into the environmental features and suitability of the site were carried out in the preparation of the rezoning, original concept DA as well the Court DA. Specific investigations confirm the site's suitability for the uses proposed in this application.
- » It is a designated urban release area and is generally consistent with and supports the original concept DA and LEC Court Orders, the WLEP and the WDCP
- » It is/will be adequately serviced by roads, utilities and stormwater infrastructure, as proposed/approved by various DAs lodged/approved with Council
- » It will help to stimulate the housing and employment markets in the local area of Wollondilly.

## 5.6 Submissions and public interest

The DA will be notified and placed on public exhibition in accordance with the EP&A Act and Regulation. Any submission made to Council will be considered as part of the assessment process.

We understand that the following stakeholders are likely to be notified:

- » Council departments – engineering, public domain, and social teams
- » Adjacent owners
- » DPE regarding satisfactory arrangements
- » NSW Subsidiary Advisory Board
- » NSW Police
- » RFS
- » RMS.

It is noted that the planning of Bingara Estate has involved extensive and rigorous investigations and thorough considerations of environmental factors, land use planning, infrastructure, stormwater management, traffic, community planning, urban design and landscaping. This assessment has involved extensive consultation with Government agencies, DPE and other stakeholders. This assessment culminated in:

- » Gazettal of the LEP in 2005 (which has been carried forward to the current WLEP2011)
- » Entering into a voluntary planning agreement with the State Government and Council for local and State infrastructure respectively
- » Preparation and adoption by Council of the site-specific controls for Bingara which embeds the Concept Plan and associated development guidelines.

It is in the public interest to approve development that is consistent with the planning framework that has been established through extensive investigation and consultation as well as previous consents.

Approval of this application will create the opportunity to deliver additional range of housing which assists in alleviating housing affordability issues by increasing supply. Further housing will be delivered in a high-quality environment, which is evident by the urban design and landscape elements of the proposal.

## 6 Conclusion

The proposed subdivision forms the last major residential land subdivision in the Bingara Estate. The proposed development at the site, and concept has undergone a rigorous planning and design process. As such this detailed subdivision proposal should be read in conjunction with previous documentation submitted as part of the original Concept DA and the Court DA.

This DA seeks approval for the subdivision of land in the following precincts:

- » Subdivision of land in the following precincts:
  - > Precinct 1 (Fairways North) (Stage 2): 134 residential lots, two residue lots and public road dedication
  - > Precinct 2 (Fairways West) (Stage 1): 112 residential lots, two residue lots, one precinct association lot and public road dedication
  - > Precinct 7 (Golf North) (Stage 2): 101 residential lots and two residue lots.
- » Construction of fire trails in precinct land
- » All subdivision works to prepare the land for the future development comprising site preparation and grading, stormwater and drainage works, road network construction, utility provision, and any required boundary treatment with the Environmental Protection and Recreation Land (EP&R Lands) and Additional Conservation Lands (ACL)
- » Associated street tree planting, landscaping, and embellishments.

This SEE demonstrates that:

- » The proposal is generally consistent with the controls in the WLEP, WDCP and SEPPs, previous development consents and the intended use of the site
- » Adverse impacts can be appropriately managed. The supporting technical studies which support this DA establish that the environmental impacts of the proposed development have been can be appropriately managed
- » The proposed development is suitable for the site, is in the public interest and will have a range of positive social and economic benefits.
- » Providing high residential development with access to significant areas of open space and recreation land, schools and community facilities as a well as local supporting businesses.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds the vision for the site and is therefore recommended for approval.

# Appendices

- A Assessment of compliance previous consents/court orders
- B Court DA283/2015 Documents
- C Pre-lodgement meeting notes
- D Compliance tables
- E LEC Joint Expert Report

# **A      Assessment of compliance previous consents/court orders**

## **A-1      Staged DA ID993-05**



**Table 1      Assessment Consent No. ID993-05**

<b>1. COMPLIANCE</b> To ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.	
1.1 Development Consent is granted for the following on Lot 101 DP 1045369 and Lot 6 DP 836296, Condell Park Road, Wilton:	
<ul style="list-style-type: none"> <li>• Staged Development being the overall development of the site which includes:                The use of the land for the purposes (and generally in the areas) shown on the Concept Plan for the site:               <ul style="list-style-type: none"> <li>&gt; Housing;</li> <li>&gt; Open space;</li> <li>&gt; A mixed use village centre, incorporating, but not limited to, commercial and retail uses;</li> <li>&gt; Community facilities;</li> <li>&gt; Recreational facilities (such as the golf course);</li> <li>&gt; Landscaped streets and access paths;</li> <li>&gt; A sewage treatment plant and treated waste water reuse scheme;</li> <li>&gt; Utility services.</li> </ul> </li> </ul> <p>1,165 residential lots with the minimum lot sizes as shown on the Concept Plan.</p> <p>Subject to a further development application being submitted for any works not identified as being part of Stage 1.</p>	<b>COMPLIES</b> The proposal is generally consistent, subject to the amendments required under the Consent Orders.

<p>B. Stage 1 Development which is:</p> <ol style="list-style-type: none"> <li>1. The subdivision of land including: <ul style="list-style-type: none"> <li>• <del>a Torrens title subdivision to create:</del></li> <li>a) <del>four lots comprising the community land to be dedicated for environmental protection and community recreation under the care and management of the Environmental Trust as identified in Annexure C to the State Development Agreement;</del></li> <li>b) <del>A separate lot containing the golf course to enable this element of the development to be separately owned and managed within the overall governance framework;</del></li> <li>c) <del>Two lots to be subject of further subdivision as a community scheme under the Community Land Development Act 1989 and the Community Land Management Act 1989; and</del></li> <li>d) <del>A residual lot.</del></li> </ul> </li> <li>2. <del>The construction and operation of a sewage treatment plant and treated effluent reuse irrigation scheme to serve the development as shown on the Concept Plan and the Stage 1 development.</del></li> <li>3. <del>The construction of the golf driving range and the final 8 holes of the golf course, the first 10 holes of which was approved under the consent to DA1558-04.</del></li> <li>4. <del>215 residential lots.</del></li> <li>5. <del>Infrastructure, access, earthworks, landscaping and other works associated with the above.</del> <ul style="list-style-type: none"> <li>• a Torrens Title subdivision to create 12 lots, being: <ol style="list-style-type: none"> <li>a. 3 standard lots (Lots 200, 203 and 209) together with 1 Lot limited in depth as to a small part (Lot 201) to be the subject of further subdivision as a community scheme under the Community Land Development Act 1989 and the Community Land Management Act, 1989, comprising residential lots;</li> <li>b. 4 standard lots (Lots 205, 206, 207 and 208) together with two stratum lots (Lots 210 and 211) to be the subject of further subdivision as a community scheme under the Community Land Development Act 1989 and the Community Land Management Act, 1989 comprising the golf course to enable this element of the development to be separately owned and managed within the overall governance framework;</li> <li>c. One lot for the purpose of a sewage treatment plant and other non residential purposes (Lot 202); and</li> <li>d. One lot for the purpose of a potential future public road (Road 3), to be transferred to Council at a date to be determined,</li> </ol> </li> </ul> </li> </ol>	<p><b>NOTED</b></p> <p>Stage 1 is complete.</p>
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with a restriction as to use preventing residential development (Lot 204).	
2.	
3. The subdivision of Lots 200, 201, 203 and 209 by a Community Plan which includes in its Community Property Lot 1, being the community land to be dedicated for environmental protection and community recreation under the care and management of the Environmental Trust as identified in Annexure C of the State Development Agreement.	<b>NOTED</b> Completed.
3. The construction of a sewage treatment plant and treated effluent reuse irrigation scheme to serve the development as shown on the Concept Plan and the Stage 1 development and as amended by Drawing No. 130 Revision D dated 15 June 2006, drawn by CH2MHILL and submitted to Council on 30 June 2006 in relation to the Application to Modify Development Consent No. AD504-06 (AD504-06)	<b>NOTED</b> The sewerage plant has been constructed.
4. The construction of the golf driving range and the final 8 holes of the golf course, the first 10 holes having been approved by way of Development Consent No.01558-04.	<b>NOTED</b> The Golf Driving Range has been constructed.
5. The subdivision and resubdivision of lots in the Community Plan comprising the residential lots to create 215 residential lots.	<b>NOTED</b> These lots have been completed.
6. Infrastructure, access, earthworks, landscaping and other works associated with the above." (AD505-06)	<b>NOTED</b> Stage 1 is complete.
1.2. Development shall take place generally in accordance with the information and plans submitted with Development Application No. ID993-05 including amendments submitted in response to information requests and in particular in accordance with the following documents and plans except where otherwise directed by the conditions of this consent:	<b>NOTED</b> Stage 1 is complete.
<ul style="list-style-type: none"> <li>Statement of Environmental Effects prepared by BBC Consulting Planners &amp; CH2MHill dated November, 2005 except where, and as, amended by the details submitted with the Application to Modify Development Consent No.AD504-06 (AD504-06)</li> </ul>	<b>COMPLIES</b> The proposed works are generally consistent with the approved DA ID993-05 in terms of subdivision layout and design. It is noted that the LEC Consent Orders supersede many requirements of the original DA. Refer to <b>Appendix A2</b> for details.
<ul style="list-style-type: none"> <li>Stormwater Management Strategy prepared by J Wyndham Prince Pty Ltd dated 7 November, 2005</li> </ul>	
<ul style="list-style-type: none"> <li>Indigenous Heritage Conservation Management Plan prepared by Kayandel Archaeological Services dated November, 2005</li> </ul>	
<ul style="list-style-type: none"> <li>Noise Impact Statement for the proposed sewage treatment plant prepared by Bridges Acoustics dated 30 June, 2005</li> </ul>	<b>N/A</b>

<ul style="list-style-type: none"> <li>Odour Assessment by CH2MHill dated November, 2004</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Road work drainage and earth work plans prepared by VKL Consulting Pty Ltd drawings numbered 5502-05-34 to 5502-05-33 dated November, 2005 except for the Civil Engineering Works plans for Stage 1 G, which shall be in accordance with the plans submitted with the Application to Modify Development Consent 010.2005.00052189.004 prepared by vki consulting (Drawing Numbers 5542-10-02 to 5542-10-08 (inclusive) (010.2005.00052189.004)</li> </ul>	See response at 1.2 above.
<ul style="list-style-type: none"> <li>Engineering Report for the Sewage Treatment Plant and Part Golf Course prepared by VKL Consulting Pty Ltd dated November, 2005 and attached drawings numbered 5502- 05-04 to 5502-05-49 inclusive except where, and as, amended by Drawing No.130 Revision D dated 15 June 2006, drawn by CH2MHILL and submitted to Council on 30 June 2006 in respect of Application to Modify Development Consent No. AD504- 06.Report on the disposal of treated effluent from the Wilton Parklands Residential Development prepared by VKL Consulting Pty Ltd dated November, 2005 version 2 (AD504-06)</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Report on the disposal of treated effluent from the Wilton Parklands Residential Development prepared by VKL Consulting Pty Ltd dated November, 2005 version 2</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Waste Management Plan prepared by Delfin Lend Lease Ltd dated 8 November, 2005</li> </ul>	See response at 1.2 above.
<ul style="list-style-type: none"> <li>Drawings No. PML7697a - L000 Issue B, L001 Issue A, L002 Issue C, L003 Issue C, L004-L0017 inclusive Issue A, L018 Issue E, L022 Issue B, prepared by Hassall Pty Ltd</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li><del>Drawings No. 23310P12C, 23310P13B and 23310P14C prepared by Wallis and Moore Pty Ltd dated November, 2005 being the community plan of subdivision and plan of subdivision of community association scheme Numbers 1 and 2 (Note this consent does not grant consent to Stage 2 of community Scheme 1 identified on Drawing No. 23310P13B or Stages 2 or 3 of Community Scheme 2 identified on Drawing No. 23310P14C)</del></li> <li>Drawings No. 23310P48- 1G &amp; 2C and 23310P49 - 1C, 28, 38 prepared by Wallis and Moore Pty Ltd dated June 2006 and 23310P48 - 3G and 23310P49 - 6G, 7G, 8G &amp; 10G prepared by Wallis and Moore Pty Ltd dated February 2007. (AD131-07)</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>The response to request for additional information prepared by Delfin Lend Lease dated 23 January, 2006 including Appendices A to R inclusive with the exception of Appendix F</li> </ul>	<b>N/A</b>

<ul style="list-style-type: none"> <li>The response to request for additional information prepared by Delfin Lend Lease dated 10 March, 2006</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Delfin Development-Gas Pipeline Risk Assessment to DR 04561: AS2885.1 - "2004 Draft" prepared by URS dated 10 February, 2006</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Report on Phase 1 Salinity Assessment prepared by Douglas Partners dated 25 January, 2006</li> </ul>	See response at 1.2 above.
<ul style="list-style-type: none"> <li>Bingara Gorge Stage 1 G shall comply with the plan titled "Stage 1 G Streetscape Plan" drawn by hw from Sturt Associates (Drawing Number 1006-07 [Revision AJ) dated 06.09.10 2010 (010.2005.00052189.004)</li> </ul>	<b>N/A</b>
<ul style="list-style-type: none"> <li>Bingara Gorge Stage 1 G shall comply with the plan titled "Stage G Precinct Subdivision of Lot 32 in DP 280014" drawn by CF W. from Insites (Drawing number D367SW [Issue C]) dated 08-09-2010 (010.2005.00052189.004)</li> </ul>	<b>N/A</b>
Where there is an inconsistency between two documents listed above the information provided in the more recent document shall prevail.	<b>NOTED</b>
<p><del>1.3 This consent does permit separate subdivision certificates to be released for the residential lots approved by this consent in stages provided that all conditions of consent relevant to each stage have been completed to the satisfaction of Council prior to the release of the subdivision certificate for that stage.</del></p> <p>This consent does permit separate construction certificates and subdivision certificates to be released in stages for the development expressly approved by this consent. Construction and/or subdivision certificates for any part or stage of the approved development shall not be issued unless and until the conditions of consent relevant to that part or stage have been completed to the satisfaction of Council prior to the release of the construction certificate or subdivision certificate for that part or that stage (AD503-06)</p>	<b>NOTED</b>
<p>1.4 No work shall commence within 40 metres of any water course until a permit under Part 3A of the Rivers and Foreshores Improvement Act has been obtained if required and a copy provided to Council. Should a Part 3A permit not be required, a letter confirming such shall be obtained from the Department of Natural Resources and a copy of this letter submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.</p>	<b>N/A</b>  Proposed works are not within 40m of a watercourse. Refer Condition 1(15) of CO.
<p><del>1.5 Water Storage on the land shall not exceed the maximum harvestable right dam capacity of the land under the Farm Dams Policy without the approval of the Department of Natural Resource (D-R). Note: DNR have advised Council that this is 38.25 megalitres.</del></p>	<b>N/A</b>

<b>2 INTEGRATED DEVELOPMENT CONDITIONS</b> To ensure that the development is consistent with the requirements of the Rural Fire Service, Mine Subsidence Board and the Department of Environment and Conservation.	
2.1 The General Terms of Approval of the Department of Environment and Conservation attached to this consent shall form part of the conditions of consent to this application.	<b>NOT APPLICABLE TO THIS DA</b>  New GTAs will be issued by relevant agencies.
2.2 The proposed roads shall comply with Section 4.3.1 of Planning for Bushfire Protection 2001.	<b>SUPERCEDED</b> Refer accompanying BPAs.
2.3 The location of fire hydrants shall comply with the distances detailed in Section 6.4.3 of Planning for Bushfire Protection 2001. Locations of fire hydrants are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located.	<b>NOTED</b> LL would not object to an equivalent condition of consent relevant to this project and proposed sub-staging.
<del>2.4 A Bush Fire Management Plan is to be prepared for Residue Lot 208 with an emphasis on the areas that adjoin residential land that addresses the following requirements:</del> <ul style="list-style-type: none"> <li>• <del>Contact person / department and details</del></li> <li>• <del>Schedule &amp; description of works for the construction of any proposed Asset Protection Zones and their continued maintenance</del></li> <li>• <del>Management strategies, proposed schedule and description of works for any remnant bushland within the property boundary</del></li> <li>• <del>Details of access through any gate/ fire trail system for remnant bushland areas</del></li> </ul>	<b>DELETED</b>
<del>2.5 A Bush Fire Management Plan is to be prepared for the Community Land (Lot 1) as shown on the Community Plan of Subdivision (Drawing No 23310 P12 Date: Nov 2005) that ensures vegetation is not allowed to generate into a bushfire hazard (i.e. managed to Inner Protection Area standards as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001).</del>	<b>DELETED.</b> Refer to <b>Section 5.4.2</b> and accompanying BPAs.
2.6 Asset Protection Zones shall be provided at all stages of development and are to be determined in accordance with Table A2.2 of Planning for Bushfire Protection 201 and Annexure 4: Results - APZ Determination of the Bushfire Threat Assessment prepared by Wallis & Moore (dated June 2002).	<b>NOTED</b> Refer to <b>Section 5.4.2</b> and accompanying BPAs.



<p>2.7 The final drawings for all works associated with this development are to be submitted to the Mine Subsidence Board prior to the commencement of construction. These drawings shall contain a certification by a qualified structural engineer to the effect that any improvement constructed to meet the specification of such final drawings will be safe, serviceable and repairable taking into account the following mine subsidence parameters:</p> <ul style="list-style-type: none"> <li>a) Maximum vertical subsidence of 950mm</li> <li>b) Maximum grounds strains of <math>\pm 2.5\text{mm/m}</math></li> <li>c) Maximum tilt of 6mm/m</li> <li>d) Maximum radius of curvature of 10,000 metres</li> </ul>	<p><b>NOTED</b></p> <p>To be addressed prior to construction commencing.</p>
<p>2.8 The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service on 30 November 2010 for Application to Modify Development Consent 010.2005.00052189.004 (Stage 1G) are included as conditions and form Attachment A of this consent (010.2005.00052189.004)</p>	<p><b>NOT APPLICABLE TO THIS DA</b></p> <p>LL would expect an Equivalent condition of consent to this proposal.</p>
<p><b>3 ENGINEERING &amp; CONSTRUCTION SPECIFICATIONS</b></p> <p>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:</p>	
<p>3.1 All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design Code and Construction Specification except where varied by Development Control Plan No. 56 Wilton Park.</p>	<p><b>NOTED</b></p> <p>This condition is superseded by condition 6(1) of the LEC Consent Orders.</p>
<p>3.2 Engineering design plans and stormwater drainage calculations, for all road and drainage construction, shall be submitted to the nominated Principal 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 Code D.C.P.</p>	<p><b>NOTED</b></p> <p>This condition is superseded by condition 6(1) of the LEC Consent Orders.</p> <p>Engineering design plans and stormwater drainage plans will be submitted for approval at CC stage.</p>
<p><del>3.3 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 the Principal Certifying Authority with the engineering plans.</del></p>	<p><b>DELETED</b></p> <p>This condition is superseded by condition 7 of the LEC Consent Orders.</p>

3.4 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 Council. 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 RTA certification and provided to the Principal Certifying Authority before issue of Construction Certificate for the development.	<b>DELETED</b>  This issue can be addressed post approval (if required). The roads proposed as part of this development will be dedicated at Council.
3.5 Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.  Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.	<b>NOTED</b>  To be addressed post approval (if required).
3.6 A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.	<b>NOTED</b>  To be addressed post construction.
3.7 All works shall be consistent with the document "Delfin Development Gas Pipeline Risk Assessment to DR 04561: AS2885.1 - 2004 Draft" prepared by URS dated 15 March, 2006. Prior to the release of the Construction Certificate, evidence of compliance with this requirement shall be submitted to the Principal Certifying Authority from an appropriately qualified person.	<b>N/A</b>
<b>4. PUBLIC ROADS</b>  These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.	
4.1 Provision of kerb and gutter and sealed road shoulder from the edge of the existing bitumen to the lip of the gutter shall be constructed along the existing Hornby Street frontage immediately adjoining the proposed development including associated drainage works and cul-de-sac at proposed Lot 24 in Community Association Scheme No.1.	<b>N/A</b>  The extent of the DA does not cover Hornby Street.
4.2 The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design Code DCP and Development Control Plan No. 56 Wilton Park.	<b>NOTED</b>  LL would not object to an equivalent condition of consent relevant to this project.

4.3 <del>Prior to the release of the Linen Plan, a proposed list of street names is to be furnished to Council for endorsement.</del>	<b>DELETED</b> LL would not object to an equivalent condition of consent relevant to this project.
4.4 <del>In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Works Division a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.</del>	<b>DELETED</b> LL would not object to an equivalent condition of consent relevant to this project.
4.5 The junction of Picton Road and the site access road (currently the Hornby Street West and Condell Park Road junction) shall be upgraded to a full "seagull" in accordance with the RTA Road Design Guide.	<b>N/A</b> The extent of the DA does not cover the extent of junction.
4.6 Two eastbound lanes shall be provided on Picton Road from the Hume Highway interchange to the site access road in accordance with the RTA Road Design Guide.	<b>N/A</b> The extent of the DA does not cover Picton Road.
4.7 Two westbound lanes shall be provided on Picton Road from the Hume Highway interchange to the site access road in accordance with the RTA Road Design Guide.	As above.
4.8 The Condell Park Road and Entry Road intersection shall be restricted to left in and left out only with the applicant to demonstrate that turning movements can be achieved in accordance with AUSTROADS turning templates for B-Double trucks both at this intersection and at the roundabout closest to Picton Road.	<b>N/A</b> The extent of the DA does not cover this intersection.
4.9 The applicant shall provide suitable direction signage to provide for the changed traffic conditions. The applicant shall submit a signs and marking plan to the RTA for approval.	<b>N/A</b>
4.10 Safe Intersection Sight Distance to the RTA's standards shall be available for all movements to and from Picton Road.	<b>N/A</b>
4.11 Landscaping and fencing should not restrict vehicular sight lines on Picton Road.	<b>N/A</b>
4.12 Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTROADS Pavement Design Guide. All design shall be for the existing 100 kph speed zone.	<b>N/A</b>
4.10 All roadworks associated with this development will be at no cost to the RTA	<b>N/A</b>

4.11 No advertising signs or structures are permitted within Picton Road road reserve. The erection of advertising structures shall be in accordance with SEPP64.	<b>N/A</b>
4.12 Prior to construction work commencing, a joint inspection with the contractor, applicant and Council of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by construction traffic.	<b>NOTED</b>
4.13 A bond shall be provided to Council, prior to the issue of a Construction Certificate, to cover the cost of repairs to affected roads should this work not be carried out by the contractor.	<b>NOTED</b>
<p>4.14 <del>A network of shared pathways and pedestrian pathways located on the road verge (off carriageway) shall be provided in accordance with the plan adopted as part of DCP 56 Wilton Park except that all shall be 2.0 metres wide.</del></p> <p>A network of shared pathways and pedestrian pathways located on the road verge (off carriageway) shall be provided generally in accordance with the drawing titled "Bingara Gorge - Pedestrian and Cycle Paths", prepared by Delfin Lend Lease dated 19 April 2007 and submitted in respect of Application to Modify the Development Consent No. AD257-07. Each shareway shall be a minimum of 2.0 metres wide and each pedestrian pathway shall be a minimum of 1.5 metres wide." (AD257-07)</p>	<p><b>COMPLIES</b></p> <p>Refer <b>Section 4.5</b> and Engineering Plans.</p>
4.17 A 2.0 metre wide concrete shareway located on the road verge (off carriageway) shall be constructed in Hornby Street west from the Entry Road to Broughton Street prior to the release of the linen plan for the 200th lot. This 2.0 metre wide shareway shall be extended from Broughton Street to the existing shops at the intersection of Argyle Street and Camden Street to the release of the subdivision Certificate for the 200th residential lot.	<b>N/A</b>
<p>4.15 For Roads 9,10,11,12,13,24,25,28 and 29 the verge on the shareway side shall be widened to 4.5 metres and narrowed to 3.5 metres on the opposite side to provide adequate space for the 2.0 metres wide pathway, utility services and street tree planting.</p> <p>The acceptance of this carriageway width is subject to confirmation of compliance with the maximum daily vehicle flow as shown in "Characteristic of Roads in Wilton Parklands" table in DCP 56 Wilton Park.</p>	<b>N/A</b>
4.16 All services including water mains and treated effluent mains wherever practical shall not be located beneath the shareways.	<p><b>NOTED</b></p> <p>Refer to Engineering Plans.</p>

4.17 Temporary turning heads shall be provided at the end of Roads 9,10,12,13,14,25 and 26. All turning heads shall be sealed to a standard approved by Council. The applicant shall provide Council with plans indicating the type and level of seal prior to construction work commencing.	<b>N/A</b> LL would not object to an equivalent condition of consent relevant to this project and proposed sub-staging.
4.18 Typical cross sections shown on VKL Consulting drawing no 5502-05-03A for roads 1,2,6 and 7 shall be amended to delete the concrete dish crossing/drain, this will remove the interface between road pavements and the concrete drain. The standard 3.0% cross fall shall extend to the outside of the parking lane where kerb and gutter shall be constructed. Council will consider the implementation of the typical cross section on drawing 5502-05-03A for roads 1, 2, 6 and 7 if alternative materials specification and design such as concrete are used for the parking lanes.	<b>N/A</b>
4.19 Roads 14 and 25 shall have a minimum reserve width of 11.5 metres to conform with "Characteristics of Roads in Wilton Parklands" table in Development Control Plan No. 56 Wilton Park.	<b>N/A</b>
4.20 The asphaltic concrete depth for A1 and A2 roads shall be a minimum 50 mm and the remainder of roads shall be a minimum 40 mm.	<b>N/A</b>
4.21 The applicant shall provide test report(s) on asphaltic concrete works in public road(s) including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and RTA specifications.	<b>NOTED</b> To be addressed at CC stage.
4.22 Street Lighting shall be provided within the subdivision to comply with the current Australian Standard and shall be certified by an Integral Energy approved design consultant. The street lighting shall be installed for energy efficient design and operation.	<b>NOTED</b> To be addressed at CC stage.
4.23 Transport, access and movement are to be provided in accordance with Section 6.11 of DCP 56 Wilton Park. Details for which are to be submitted to Council for approval prior to the issue of a Construction Certificate.	<b>N/A</b> Refer Condition 10(3) of LEC Consent Orders.
4.24 The applicant shall, at no cost to Council, dedicate 4m x 4m splay corner at the road junctions to maintain sight lines.	<b>N/A</b>
4.25 All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.	<b>NOTED</b>

4.26 Acoustic noise barriers must be constructed in accordance with the requirements of the consent to Development Application ID1556-04 for the Entry Road prior to the release of any subdivision certificates for lots that will be used for residential development.	<b>N/A</b>
4.27 A shared pathway 2 metres wide including safe crossing points for crossing roads shall be provided connecting all parklands to the shared pathway network. Details of this are to be provided on the Engineering Plans.	<b>NOTED</b>
4.28 There shall be no advertising signs that are visible from the Hume Highway. There shall be no advertising signs other than one real estate sign (subject to separate approval) visible from Picton Road	<b>N/A</b>
4.29 For all shareways the surface finish and grades shall comply with AS1428-1-2001 for accessibility. Rest areas (paved laybys) with seating and shade shall be constructed at regular intervals and at convenient locations - such as parkland areas	<b>NOTED</b>
4.30 Design and construction of shareways shall be generally consistent with Austroads Guide to Traffic and Engineering Practice.	<b>NOTED</b>
4.31 Shareways are to be provided with shade trees compatible with the spatial restrictions of the footpath reserve and pavement type with a canopy structure that does not obscure the line of sight for pedestrians, cyclists and motorists.	<b>NOTED</b>
4.32 Bus stops, including the pavement surrounding the bus stop and the pathway between the bus stop and the road edge shall be designed to be fully accessible. Bus stops shall be provided with seating, shelter, lighting and public transport information. Safe crossing points shall be provided in the vicinity of all bus stops.	<b>N/A</b> Refer condition 10(3) of CO. Condition to be addressed at CC stage.
4.33 The works for the entry road approved under Development Application ID1556-04 shall be completed prior to the release of the subdivision Certificate for any lots to be used for residential development.	<b>N/A</b> Works have been completed.
4.34 All road works along Picton Road shall have regard to the need for equitable distribution of runoff to existing farm dams. Details shall be provided on the Engineering Plans demonstrating compliance with this requirement.	<b>N/A</b> Works have been completed.
<b>5. STREET TREES</b> These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.	
5.1 Alternative types of tree protection to those proposed must be approved by Council prior to the commencement of works and shall only be approved where Council believes the change to be beneficial.	<b>NOTED</b>



<p>5.2 Plans shall be provided that details the location of all utility services, shareways and street trees all on the one plan.</p>	<p><b>NOTED</b></p> <p>Refer to accompanying Engineering Plans and Streetscape Master Plan.</p>
<p>5.3 The following street trees species shown on Delfin Lend Lease Landscape Concept Design plan drawing no LO12-B are unacceptable as street trees and are not permitted:</p> <ul style="list-style-type: none"> <li>• Angophra costata</li> <li>• Plantus x acerifolia 'Columbia'</li> <li>• Allocasuarina littoralis</li> <li>• Eucalyptus heamastoma</li> <li>• Gleditsia triacanthos</li> <li>• Populus nigra</li> <li>• Liquidamber styraciflua</li> </ul> <p>Except that Plantus x acerifolia 'columbia', Populus nigra and Liquidamber styraciflua will be considered in limited locations where it can be demonstrated that the issues relating to ongoing maintenance and impact on infrastructure can be resolved.</p>	<p><b>COMPLIES</b></p> <p>None of these trees are proposed. Refer accompanying Street Tree Master Plan.</p>
<p>5.4. All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 12 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, 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.</p>	<p><b>NOTED</b></p> <p>Street tress will be maintained in accordance with the consent and a bond will eb paid.</p>
<p><b>7. DRAINAGE/STORMWATER</b></p> <p>These conditions have been imposed to ensure drainage/stormwater is appropriately managed.</p>	
<p>6.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.</p>	<p><b>COMPLIES</b></p> <p>Refer to accompanying Stormwater Compliance Letters and Engineering Plans.</p>
<p>6.2 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.</p>	<p>As above.</p>

6.3 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.	As above.
6.4 Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.	As above.
6.5 Drainage is to be carried out in accordance with Council's adopted Stormwater Management Strategy by J Wyndham Prince & Associates.	This condition has been superseded. Refer Condition 7 (3) of the LEC Consent Orders.
6.6 A 'base case' of the pre-development conditions of the Stage 1 site is to be established and provided to Council prior to the commencement of stage 1 works within 250m of Stringy Bark Creek. The 'base case' is to include information on the Stringy Bark Creek watercourse recorded at 5 locations as defined in Condition 6.13, that include an assessment of the water course within a 10m x 10m quadrant in terms of vegetation (including aquatic vegetation), aquatic vertebrates and invertebrates, BOD, turbidity and other suspended and dissolved particulates.	<b>N/A</b> Stage 1 is complete.
6.7 A watercourse monitoring plan demonstrating how the existing environment detailed in the information provided for condition 6.6 will be monitored shall be submitted to Council for approval prior to the release of the Construction Certificate. The watercourse monitoring plan shall be included in the water quality monitoring regime required under condition 6.13.	<b>NOTED</b> This is superseded by Condition 2 of the LEC Consent Orders.
6.8 Stormwater treatment for each Stage of the development is to be independent of consequent stages so if no further stages were to be constructed then the stormwater treatment system would treat water to the appropriate levels.	<b>COMPLIES</b> Refer <b>Section 5.4.10</b> and accompanying Stormwater Compliance Letters and Engineering Plans.
6.9 Stormwater runoff from the site for storm events up to the 1 year ARI are to be treated to the Healthy Rivers Commission 1998 water quality standards for Urban areas - Main Stream in the Hawkesbury Nepean River. Litter and sediment pollution is to be treated to Upper Nepean River Catchment Management Plan 1999 standards. Evidence that the proposed stormwater treatment system is achieving these guidelines is to be included in the water quality monitoring regime under condition 6.14.	<b>COMPLIES</b> As above.
6.10 The golf course is to remain a 'closed loop' in relation to water runoff for all storm events up to and including the 1 year ARI.	<b>NOTED</b>

<p><del>6.11 An Operation and Maintenance Plan for the management of the constructed and natural water bodies associated with this development is to be approved prior to the issue of the Construction Certificate.</del></p>	<p><b>N/A</b> Condition deleted.</p>
<p>6.12 A soil moisture monitoring regime for the Stage 1 site is to be implemented within the development site that will prevent over-watering of the site. Monitoring of the soil characteristics should also be undertaken bi-annually at each of the water logging monitoring points for the build up of nutrients and toxicants within the soil. Monitoring shall commence at the establishment phase of vegetation for the golf course. This testing is to be undertaken by a suitably qualified person and analysed at a NATA accredited laboratory. The results of this testing are to be forwarded to Council within seven (7) days of receiving the results.</p>	<p><b>N/A</b></p>
<p>6.13 A water quality monitoring regime is to be implemented for the site and undertaken for 5 years after the subcatchment is fully developed. This will include data logger monitoring with Stringy Bark Creek at the following locations:</p> <p>Along the two southern branches of the creek</p> <p>At the confluence of the two southern branches</p> <p>At the confluence of the western branch of the creek</p> <p>Immediately prior to the confluence of the Stringy Bark Creek and Allens Creek</p> <p>This monitoring shall evaluate those features detailed in condition 6.6 and shall test BOD, total nitrogen, total phosphorous, nitrite, nitrate, oil and grease, total suspended solids and surfactants. Monitoring shall commence prior to the commencement of Construction and sampling shall be undertaken every three months from the date of the first data obtained. This testing is to be undertaken by a suitably qualified person. The results of this testing are to be forwarded to Council within seven (7) days of receiving the results.</p> <p>Should the results of the monitoring indicate over a sustained period of time that the treatment system is not performing to the standard required then measures shall be put in place to ensure treatment meets the required water quality objectives.</p>	<p><b>NOTED</b></p> <p>This is superseded by Condition 2 of the LEC Consent Orders.</p>
<p>6.14 Only water is to be stored in the underground storage tanks that are constructed in the Environment Protection Zone. The tanks should avoid vegetated areas where possible. Filling should be minimal and the area should be rehabilitated with suitable species. Detailed plans are to be provided with the Engineering Plans, approved by the Principal Certifying Authority and approved prior to the issue of the Construction Certificate.</p>	<p><b>NOTED</b></p>

7. EARTH FILL	
To ensure the safe disposal of fill the following conditions are imposed:	
<p>7.1 <del>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.</del></p> <p>All filling on the site, excluding the golf course land but 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. "(010.2005.00052189.005)</p>	<p><b>COMPLIES</b></p> <p>Refer to Engineering Plans.</p>
7.2 There being no loss of support of the drainage easement as a result of excavation or filling within the site.	<p><b>COMPLIES</b></p> <p>As above.</p>
7.3 There being no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site	<p>As above.</p>
7.4 Only clean fill is to be used in regard to this development. In this regard, clean fill includes natural materials such as earth, rock and stone. Under no circumstances is any other material to be used. In this regard, no building, demolition or putrescible wastes are to be utilised. The applicant is advised that concrete and other materials sourced from the removal of infrastructure, such as roads, is not considered to be clean fill in relation to this condition.	<p><b>NOTED</b></p> <p>Only clean fill will be utilised. This will be detailed in the audit report at the CC stage.</p>
7.5 The applicant is to provide Council with an Audit Report of the fill to be used in carrying out this Development Application, prior to commencing works and a final statement at the practical completion of works. The Audit Report is to be carried out by a suitably qualified and practising professional.	<p>As above.</p>
7.6 Filling in the Environmentally Significant Area shall be limited to those areas marked as red on the Wallis & Moore Pty Ltd Drawing No. 23310 P23 Issue 00 dated 9/3/06.	<p><b>NOTED</b></p>

## 8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

8.1 Attention is drawn to the requirement for inspections and approval by Principal Certifying Authority, at the follow stages of the development:

- Prior to commencement of any construction work in 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
- When part of the pavement depth (as indicated by Council) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent At completion of pavement shaping, prior to priming
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate)

Note: it is the responsibility of the applicant or contractor to notify Council when inspections are required. Failure to notify Council may lead to additional work being required prior to issue of inspection certificates. A minimum of 48 hours notice is required for inspections. Bookings can be made by phoning Council of (02) 4677 1132 during office hours.

### NOTED

Refer also Condition 11 of the LEC Consent Orders.

<b>9. EROSION AND SEDIMENT CONTROL</b> These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.	
9.1 Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.	<b>NOTED</b> Refer also Condition 8(3) of the LEC Consent Orders. Erosion and sediment controls will be installed. Refer to accompanying Engineering Plans.
9.2 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.	<b>NOTED</b> Refer also Condition 8(2) of LEC Consent Orders. Vehicles will be controlled in accordance with the SWMP.
9.3 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.	<b>NOTED</b> Refer also Condition 8(4) of Consent Orders Topsoil will be stockpiled and reused. Refer accompanying SWMP.
9.4 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.	<b>NOTED</b> Refer also Condition 8(1) of LEC Consent Orders. Disturbed areas will be stabilised in accordance with the SWMP.
<b>10. LANDSCAPING</b> To reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.	
10.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:  a) Is greater than 3m in height; b) Has a girth greater than 45cm at a height of 1m from the ground; c) Has a branch spread greater than 3m.	<b>NOTED</b> This has been superseded by LEC Consent Orders Condition 1(a), 4(a) and 5.
10.2 <del>Detailed landscaping plans for all works associated with Stage 1 of this consent complying with the requirements of the various related conditions of this consent shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.</del>	<b>N/A</b> Condition deleted



10.3 Landscaping is to be installed in accordance with the approved Landscaping Plans prior to the release of the linen plan to the extent that they relate to the linen plan being released.	<b>NOTED</b>
10.4 All new landscaping except grasses shall include a selection of locally indigenous species. At least 50% of plants used in all landscaping works shall be locally indigenous species. In the case of road reserves a minimum of 20% of plantings shall be locally indigenous species. All public open space areas shall comprise 100% locally indigenous species. A plan detailing the numbers to be planted of each species is to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. All plantings in the environmentally significant land shall be locally indigenous species.	<b>NOTED</b>
10.5 All landscaping works outside the golf course shall be designed to be low maintenance and provide a safe environment.	<b>NOTED</b>
10.6 Any trees planted in the parkland adjoining lots 36 and 37 in community scheme 2 shall be at least 5 metres from the boundary of these lots and shall not include any trees which would overhang this 5 metre setback to ensure adequate space is available in this location for access by a fire fighting vehicle should the need ever arise.	<b>NOTED</b>
10.7 The two windrows running north-south along the eastern spur of the site shall be retained.	<b>N/A</b>
10.8 Where facilities such as playground equipment, barbeques, picnic facilities, shelters, seating and the like are provided within the public open space these facilities shall be accessible by a pathway that complies with the requirements of Australian Standard AS1428- 1 (2001) and designed for universal use and shall be connected to the shared pathway network throughout the development.	<b>NOTED</b> This proposal does not seek consent for the construction of recreational facilities. This will be addressed in future applications. Not applicable to this DA
10.9 All artificial watering of landscaping must use water drawn exclusively from the re-use water to be provided from the dual reticulation system once this system has been established. If this water from time to time becomes unavailable then the use of alternate sources maybe considered subject to approval from Council and any other relevant authority dependant on the source.	<b>NOTED</b>

<b>11. ENVIRONMENTAL MANAGEMENT</b> These conditions have been imposed to minimise the impact of development on the natural environment.	
<p>11.1 A Weed and Pest Eradication and Management Plan for the Stage 1 works and the environmentally significant land is to be prepared by a suitably qualified and experienced person(s) prior to the release of the Construction Certificate and shall include:</p> <ul style="list-style-type: none"> <li>a. An inventory of all Noxious and Environmental Weeds on the development site and a site plan indicating weed infestations with referenced to the species and degree of infestation (ie. Low, Medium or High);</li> <li>b. A Treatment Schedule in tabulated form, specifying for each species:             <ul style="list-style-type: none"> <li>• the method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);</li> <li>• the rates of application methods of all herbicide treatments;</li> <li>• the primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and</li> <li>• the timing of all treatments.</li> </ul> </li> <li>c. An annual weed maintenance programme indicating the methods to be implemented to maintain a weed free site.</li> <li>d. Details of any methods of disposal of weed material.</li> <li>e. An inventory of all activities of pests identified on the site and proposed measures to eliminate the pests and prevent the recurrence of pest animals within the site.</li> </ul> <p>Council may require a bond or bank guarantee to be held over the duration of the works for the control of weeds and pests in accordance with an approved Weed and Pest Eradication and Management Plan. Failure to control weeds in the manner specified may result in the forfeiting of all or part of the bond or bank guarantee for use by Council in environmental improvement works.</p>	<p><b>N/A</b></p> <p>A WPMP for Stage 1 and environmentally significant land and has since been updated in accordance with the LEC Consent Orders. Refer to accompanying WEMP.</p>
<p>11.2 All primary treatment measures identified for the development in the Weed and Pest Eradication and Management Plan referred to in condition 11.1 shall be carried out prior to the release of any Subdivision Certificate for any lots to be used for residential development under this consent.</p>	<p><b>N/A</b></p>

11.3 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. 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.	As above.
11.4 <del>Submission to Council for approval of a bushland management plan that contains all of the information specified in section 6.4.2 of Council's Development Control Plan No. 56—Wilton Park prior to the release of the construction certificate.</del>	Deleted <b>N/A</b> A Bushland Management Plan was prepared and has since been updated in accordance with the LEC Consent Orders. Refer to accompanying BMP.
11.5 <del>A management plan for koalas and koala habitat prepared by a suitably qualified and experienced ecologist shall be submitted to Council for approval prior to the release of the Construction Certificate.</del>	<b>N/A</b> A KMP was prepared and has since been updated in accordance with the Consent Orders. Refer to accompanying KMP.
11.6 Domestic pets shall have reasonable access under controlled conditions to nominated shared pathways, public roads, nominated areas of parklands and publicly accessible areas within Precincts 8 and 9.	<b>NOTED</b>
11.7 Domestic pet shall not have access to environmentally significant land. This requirement shall be incorporated into the Neighbourhood Management Statements and shall be communicated to the residents/public through signage and education. A plan showing the wording and location of this signage shall be submitted with the Engineering Plans for approval of the Principal Certifying Authority with the Construction Certificate. The signage shall be installed prior to the release of any Subdivision Certificates under this consent.	<b>NOTED</b>

11.8	<del>A salinity assessment is to be carried out for the site of the 8 holes of the golf course to which this consent refers 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 (1:2) method. Recommendations from the assessment are to be incorporated into the development and identified in the Engineering Plans or Environmental Management Plan as appropriate.</del>	<b>N/A</b> The Golf course does not form part of this application.
11.9	Further Salinity investigations are to be undertaken in accordance with the recommendation outlined in the <i>Phase 1 Salinity Assessment Community Association Schemes Nos 1 and 2 Wilton Parklands</i> . The results of Phase 2 Salinity assessment are to be provided to Council prior to the issue of the Construction Certificate.	<b>COMPLIES</b> Refer <b>Section 5.4.6</b> .
11.10	All construction measures recommended in either the Phase 1 Salinity Assessment or the Phase 2 Salinity Assessment shall be incorporated into Construction Activities for the development.	As above.
11.11	Sample site S3 identified in the Phase 1 Salinity Assessment requires ongoing monitoring. A monitoring program shall be submitted to the Principal Certifying Authority with the Engineering Plans.	<b>NOTED</b>
11.12	Soil disturbance at a depth of 0.75 metres or greater should be minimised to reduce the potential for aluminium and magnesium to be transported to the surface.	<b>NOTED</b>
11.13	<del>A targeted survey of trees in the vicinity of works adjacent to environmentally significant land shall be undertaken prior to any construction works in that area to determine if Aboriginal scar trees are present. The survey shall be undertaken by an appropriately qualified person and the results provided to the Principal Certifying Authority prior to the commencement of works.</del>	<b>NOTED</b>
11.14	<del>A targeted survey for Grevillia Parviflora shall be undertaken prior to the commencement of works within 200 metres of the environmentally significant land by an appropriately qualified person of the area of works. The results of the survey shall be provided to Council within 7 days of the survey. Should grevillea Parviflora be found a Management Plan shall be prepared prior to the commencement of works in its vicinity.</del>	<b>NOTED</b>

<p>11.15 <del>A Waste Management Plan for Construction stage of the development shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.</del></p>	<p><b>NOTED</b> This condition has been superseded by Condition 12 of the LEC Consent Orders.</p>
<p>11.16 <del>A targeted study is to be undertaken in the vicinity of Stringy Bark Creek near the southern boundary of the site for the Red Crowned Toadlet prior to the commencement of works within 200 metres of the study site. The results of this study are to be provided to Council within seven working days of receipt by the applicant and prior to the commencement of works within 200 metres of the study site. Should the Toadlet be identified, a Management Plan shall be prepared.</del></p>	<p><b>NOTED</b></p>
<p>11.17 The development shall be completed and all works carried out in accordance with the approved Weed and Pest Eradication and Management Plan, Bushland Management Plan, Koala and Koala Habitat Management Plan and Bushfire Management Plan at all times.</p>	<p><b>NOTED</b></p>

<b>12. ABORIGINAL SITES</b>  These conditions have been imposed to ensure that Aboriginal Sites are looked after in accordance with the requirements of the National Parks and Wildlife Act, and the Indigenous Heritage Conservation Management Plan prepared by Kayandel Archaeological Services.	
12.1 The destruction, removal or relocation of an item or place of Aboriginal significance is only permitted with the approval of the National Parks and Wildlife Service under Section 90 to the National Parks and Wildlife Act, 1974. Should any items or places of Aboriginal significance not previously discovered be identified or uncovered during construction then all works in its vicinity are to cease immediately and the Director-General of the National Parks and Wildlife Service and the Local Aboriginal Land Council shall be notified immediately.	<b>NOTED</b>  Refer also Condition 13 of the LEC Consent Orders.
12.2 The location of rock shelter sites, in particular those containing artwork and motifs shall not be publicised	<b>NOTED</b>
12.3 Selected plantings are required to be undertaken to deter casual visitation to the general vicinity of rock shelters and also to prevent easy identification of shelters sites, in particular from any elevated crossing to Stringy Bark Creek. Prior to the release of any subdivision certificate associated with this consent certification shall be provided from a person with appropriate qualifications in Aboriginal Heritage that such plantings have been installed where necessary. All plantings shall be of local indigenous species and should not be sited within the immediate confines of each shelter or its associated PAD.	<b>NOTED</b>  A Subdivision Certificate has been issued for the consent.
12.4 <del>A monitoring program for the Aboriginal sites shall be developed by an appropriately qualified person in consultation with local Aboriginal Community Representatives and submitted to Council for approval prior to the issue of the Construction Certificate. The program must identify the presence, nature and degree of deterioration of the Aboriginal sites over time. This program must be commenced by the developer prior to the release of any construction certificates under this consent. Prior to the release of the Subdivision Certificate for any lots to be used for residential development evidence must be provided that the future program will be co-ordinated and funded by the Wilton Parklands Environmental Trust.</del>	As above.



<p>12.5 At all time all contractors and other visitors onto the Wilton Parklands development area, during the preliminary phases of development, shall be made aware of the general locations of the Aboriginal sites in conjunction with the legislative protection afforded to these sites.</p>	<p>Noted. The Construction Management Plan will include induction procedures to ensure any employees are made aware of the general locations of the Aboriginal sites.</p> <p>Refer Condition 13 of LEC Consent Orders.</p>

<b>13. COMMUNITY SERVICES</b>	
These conditions are imposed to mitigate the potential social impacts from the development.	
<p>13.1 A Community Liaison Officer shall be engaged to provide assistance to potential new residents for at least 2 days per week prior to the release of the Occupation Certificate for any dwellings. The position shall be appointed by the Developer for a minimum of 3 years.</p> <p>This officer shall consult with relevant government and non-government agencies in identifying areas for the provision of quality social infrastructure, through community development, cultural, social, educational and youth activity programs, particularly in relation to the provision of appropriate and accessible human and community services.</p> <p>The position shall also encourage the development of specific bodies and programmes to facilitate the integration of the incoming population within the existing community of Wilton. This position shall be accountable to the Developer and shall be generally consistent with the objectives and outcomes of the Wollondilly Shire Council's Community Social Plan.</p> <p>The applicant may seek to satisfy the requirements of this condition by entering into a planning agreement in accordance with the Act on terms and conditions which are acceptable to Council, but there is no obligation to do so.</p>	<b>NOTED</b>
13.2 The Accessible Community Bus must provide links with all community services.	<b>N/A</b> State VPA Obligation deleted by NSW Government.
<b>14. SERVICES</b>	
These conditions have been imposed to ensure that an adequate level of services are provided for the development:	
14.1 Electricity supply is to be made available to all proposed lots in accordance with the requirements of Integral Energy. The service to all residential lots shall be underground. In this regard, written confirmation from Integral Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Linen Plan for the Subdivision Certificate.	<b>NOTED</b>
14.2 Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. The service to all residential lots shall be underground. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Linen Plan for the Subdivision Certificate.	<b>NOTED</b>

<p>14.3 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.</p> <p>Application must be made through an authorised Water Servicing Coordinator. Please refer to the <i>"Your Business"</i> section of the web site <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> then the "e- Developer" icon or telephone 13 20 92 for assistance.</p> <p>Following application a <i>"Notice of Requirements"</i> will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the Linen Plan.</p>	<p><b>NOTED</b></p>
<p>14.4 <del>Every residential allotment approved in this consent must be serviced by the proposed reticulated sewerage system prior to the release of the Subdivision Certificate for that lot.</del></p> <p>Every residential allotment approved in this consent must be serviced by the proposed reticulated sewerage system prior to the release of the Occupation Certificate for any habitable structure on the allotment in accordance with the following schedule:</p> <p>Stage System</p> <p>First 300 dwellings Eco Disk System</p> <p>301 dwellings onwards Membrane Reactor System (010.2005.00052189.002)</p>	<p><b>NOTED</b></p>
<p>14.5 <del>An approval to operate the sewage treatment plant under section 68 of the local Government Act shall be obtained from Council prior to the release of the Occupation Certificate for any dwellings or any other buildings to be serviced by this system and prior to the commissioning of the sewage treatment plant.</del></p> <p>Approval(s) to operate the sewage treatment plant(s) under Section 68 of the Local Government Act shall be obtained from Council prior to the release of the Occupation Certificate for any dwellings or any other buildings to be serviced by this system and prior to the commissioning of the sewage treatment plant(s). (AD351-07)</p>	<p><b>NOTED</b></p> <p>STP is operational.</p>
<p>14.6 Infrastructure, including sewerage, shall wherever possible be located outside the environmentally significant land and riparian areas.</p>	<p><b>N/A</b></p>

## 15. SECTION 94 CONTRIBUTIONS

To ensure the adequate provision of public facilities required as a result of the development the following conditions apply:

15.1 Payment of a contribution for 215 additional lot in accordance with the Wollondilly Section 94 Contribution Plan 2000 the cost of which will be determined and payable at the time of the release of the Subdivision Certificate. These figures are reviewed quarterly.

The current amount payable is:

(i)	Community Facilities	\$ 198,230
(ii)	Library Facilities	\$65,145
(iii)	Recreation Facilities	\$ 415,810
(iv)	Bushfire Facilities	\$34,400
(v)	Tree planting	\$16,985
(vi)	Animal management	\$16,985
(vii)	Roads and Traffic	\$1,472,105
(viii)	S.94 Management	\$ 110,940

TOTAL \$2,330,600

A partial payment proportional to the number of lots in each linen plan will be accepted at the time of release of the subdivision certificate.

The applicant may seek to satisfy the requirements of this condition by entering into a planning agreement in accordance with the Act on terms and conditions which are acceptable to Council, but there is no obligation to do so.

**N/A**

Refer Condition 14 of LEC Consent Orders.

<b>16. SUBDIVISION PLANS</b> (a) To outline the minimum development standards and provide design guidelines for the subdivision of the land in the Shire. (b) To outline Council's requirements on work standards for the construction of land subdivision.	
16.1 Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Land Titles Office. A fee for the release of the Subdivision Certificate applies.	<b>NOTED</b>
16.2 Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.	<b>NOTED</b>
16.3 The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Linen Plan.	<b>NOTED</b>
16.4 <del>An 88B instrument shall accompany the linen plan of subdivision that relates to proposed lots 60, 61 and 62 that adjoin the environmentally significant land to require that dwellings must have living areas and private open space oriented towards the environmentally significant land unless this issue has been adequately addressed in the Neighbourhood Management Statement.</del>  An Instrument under Section 888 of the Conveyancing Act shall accompany the linen plan of subdivision that relates to proposed lots 60, 61 and 62 (as detailed in Subdivision Plan, drawing number L002. rev.C prepared by Hassell Ply Ltd) that adjoin the environmentally significant land to require that the dwellings must have living areas and private open space oriented towards the environmentally significant land unless the issue has been addressed in the Community Management Statement or Precinct Management Statement. (AD505-06)	<b>N/A</b>
16.5 Subdivision to effect individual title to each allotment in the Community Title Scheme shall be undertaken in accordance with the Community Land Development Act, 1989 and Community Land Management Act, 1989.	<b>NOTED</b>
16.6 <del>Submission to Council of an approved Development Contract, Management Statement and associated documentation under the Community Land Development Act, 1989, and Community Land Management Act, 1989, for lodgement at the Land Titles Office.</del>  Submission to Council of an approved a Community Management Statement, a Precinct Management Statement, Management Statement and associated documentation under the Community Land Development Act, 1989, and Community Land Management Act, 1989, for lodgement at the Land Titles Office. (AD505-06)	<b>NOTED</b>

16.7 Maintenance of the acoustic walls and associated landscaping constructed under Development Consent No. 101556-04 shall be the responsibility of the Community Association for Wilton Parklands and is to be detailed in the Community Management Statement required to be submitted in accordance with condition 16.6.	<b>NOTED</b>
16.8 The neighbourhood management statement must require that all dwellings must have access to the use of recycled water for toilet flushing.	<b>NOTED</b>

<p>16.9 <del>The Community Association(s) created by the subdivision of the land the subject of this consent must:</del></p> <p><del>(a) become and remain a member of the umbrella organisation that governs landowning and non-landowning members of the greater Wilton Parklands community, on and from the date the umbrella organisation is formed; and</del></p> <p><del>(b) comply with the constitution of the umbrella organisation including the funding of the activities of the umbrella organisation.</del></p> <p>In order to give effect to these conditions, and to the Wilton Park State Development Agreement dated 14 September 2005 between Bradcorp Wilton Park Pty Limited and the Minister for Planning, on and from the date the relevant umbrella organisation and environmental organisation are each formed, the community association(s) created by the subdivision of the land the subject of this consent must;</p> <p>(a) become and remain a member of an umbrella organisation being a not-for-profit entity Bingara Gorge Facilities Management Pty Ltd, or a similar organisation, whose members are the land use groups of the greater Bingara Gorge community (aka Wilton Parklands), and which exists for the purposes of providing centralised and uniform services to manage facilities and infrastructure for the greater Bingara Gorge community including:</p> <p>(i) ongoing proper maintenance and upkeep of community facilities and assets including open space;</p> <p>(ii) internal and external bus transport services providing links with all community services and between the greater Bingara Gorge community;</p> <p>(iii) provision of sewerage and recycled water services;</p> <p>(iv) community programmes and events; and</p> <p>(b) in relation to Bingara Gorge Facilities Management Pty Ltd or a similar organisation:</p> <p>(i) comply with its constitution;</p> <p>(ii) make financial contributions to the organisation to enable it to properly function;</p> <p>(iii) enter into agreements with the organisation for the provision to the community association and its members of the services referred to in clause 16.9(a); and</p> <p>(iv) pay fees to the organisation for the provision of those services.</p> <p>(c) become and remain a member of an environmental organisation being a not-for-profit entity Bingara Gorge Environment Ltd or a similar organisation whose member is the residential community association of the greater Bingara Gorge community and which exists for the purpose of the:</p>	<p><b>NOTED</b></p>
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<p>(i) competent and focused management of the Community Environmental Protection and Recreation Lands; and</p> <p>(ii) the provision of recreation and education opportunities and pathway networks for the Bingara Gorge community and public;</p> <p>(iii) the promotion of environmental awareness within the community;</p> <p>(d) in relation to Bingara Gorge Environment Ltd or a similar organisation:</p> <p>(i) comply with its constitution;</p> <p>(ii) make financial contributions to the organisation to enable it to properly function;</p> <p>(iii) enter into agreements with the organisation for the provision to the community association and its members of the services referred to in clause 16.9(c); and</p> <p>(iv) pay fees to the organisation for the provision of those Services (AD488-07)</p>	
<p>16.10 The Applicant must, at the time of registration of the Community Plan(s) which subdivides the land the subject of this consent, create a positive covenant(s) under s88B of the Conveyancing Act 1919 on the title(s) for the community property of the Community Association(s) benefiting the Department of Planning and Wollondilly Shire Council which require continuing compliance by the Community Association(s) with the terms of this consent and in particular the terms of condition 16.9.</p>	<b>NOTED</b>
<p>16.11 Asset protection zones are to be indicated in a Linen Plan of Subdivision and included in the Section 888 Instrument to be registered with affected lots. The NSW Rural Fire Service is to be noted as an interested party to the Section 888 instrument.</p>	<b>NOTED</b>
<p>16.12 All gas extraction wells must be contained within allotments for parkland, the golf course or environmentally significant land.</p>	<b>NOTED</b>
<p>16.13 All infrastructure (pipelines) connecting gas extraction wells shall be located within public road reserves and other publicly accessible land wherever practical.</p>	<b>NOTED</b>

<p>16.14 All purchasers shall be appropriately advised of the possible future implications for property ownership and use in proximity to mining infrastructure. This shall be done through the creation of an instrument under section 88 of the Conveyancing Act.</p> <p>All purchasers shall be appropriately advised of the possible future implications for property ownership and use in proximity to mining infrastructure. This shall be done through the creation of an instrument under section 88 of the Conveyancing Act.(AD505-06)</p>	<b>NOTED</b>
<p>16.15 <del>All intending purchasers shall be clearly advised in sales contracts and through the neighbourhood management statement that it is a requirement of Wollondilly Local Environmental Plan, 1991 that prior to Council approving any residential development on the land, Council must be provided with a report prepared by a suitably qualified and experienced coal geologist that examines the risk relating to geological anomaly within the coal resource under the land the subject of the proposed development.</del></p> <p>Deleted (AD256-07)</p>	<b>NOTED</b>
<p>16.16 <del>All intending purchasers shall be clearly advised in sales contracts and through the neighbourhood management statement that it is a requirement of Wollondilly Local Environmental Pl.fill, 1991 that all dwellings must be located at least 20 m from proposed_ drainage wells as set out in the Gas Post drainage Layout Plan, Wilton Parklands November 2005. A copy of the Gas Post drainage Layout Plan, Wilton Parklands November 2005 must be attached to every contract of sale.</del></p> <p>All intending purchasers shall be clearly advised in sales contracts in a prominent position of the potential locations of gas drainage wells. A copy of the Gas-post Drainage Layout Plan, Wilton Parklands, November 2005 (or any subsequent equivalent plan), must be attached to every contract of.(AD256-07)</p>	<b>NOTED</b>
<p>16.17 The Community Neighbourhood Management Statement shall include words that encourage equitable representation on any Committees under the scheme including representation by the eight target groups in Wollondilly Council's Community Social Plan.</p>	<b>NOTED</b>

<p>16.18 <del>The Neighbourhood Management Statement must contain public by laws in the interests of Wollondilly Council that enables public access (i.e. non residents) to:</del></p> <ul style="list-style-type: none"> <li><del>• shared pathways not on public roads</del></li> <li><del>• parklands</del></li> <li><del>• fire trails in environmentally significant lands</del></li> </ul> <p>The Community Management Statement must contain public by laws in the interests of Wollondilly Council that enables public access (ie. By non residents) to:</p> <ul style="list-style-type: none"> <li>• shared pathways not on public roads</li> <li>• parklands; and</li> <li>• fire trails in environmentally significant land (AD505-06)</li> </ul>	<p><b>NOTED</b></p>
<p><b>17. GOLF COURSE</b></p> <p>These conditions are imposed to ensure the golf course is safe and commenced within a timeframe acceptable to Council.</p>	
<p>17.1 The golf course shall only be used for private recreation by the owners of the land until such time as a sealed access and car park, pro-shop and toilets have been approved and constructed for use by golfers.</p>	<p><b>NOTED</b></p> <p>The Golf Couse does not form part of this application.</p>
<p>17.2 Water quality in the on site water bodies shall be suitable for primary contact under National Health and Medical Research Council Guidelines.</p>	<p><b>NOTED</b></p>
<p>17.3 <del>An Operation and Maintenance Plan for the management of the constructed and natural water bodies associated with this development is to be approved prior to the use of the golf course.</del></p>	<p><b>NOTED</b></p>
<p>17.4 All aspects of the golf course construction and operation shall comply with the requirements of the document The Environmental Strategy for Australian Golf Course (1998) and the document Improving the Environmental Management of New South Wales Golf Courses" (2003) published by the Australian Golf Course Superintendents Association and the NSW EPA.</p>	<p><b>NOTED</b></p> <p>The Golf Course is completed.</p>

<p>17.5 <del>The preparation and implementation of an Environmental Management Plan for the proposed golf course outlining what measures will be taken to ensure that the golf course will be managed to current best environmental practice. This plan shall cover the issues raised in "Improving the Environmental Management of New South Wales Golf Course" published by the Australian Golf Course Superintendents Association, 2003 and shall include ongoing weed management This Plan is to be completed prior to the release of the Construction Certificate for works relating to the golf course.</del></p>	<p><b>NOTED</b></p>
<p>17.6 Details are to be provided with the Construction Certificate of alternative water supply sources for the construction phase and on going operation of the golf course if water usage for the site exceeds the volume of water captured and stored on the site.</p>	<p><b>NOTED</b> The Golf Course is completed.</p>
<p>17.7 <del>Works are to progress on the golf course at the same time as works for the subdivision of the land. In regard prior to the release of the subdivision certificate for more than 200 residential lots at least 9 holes of the golf course shall be constructed (but not necessarily suitable for public use).</del></p> <p>Works are to progress on the golf course at the same time as works for the subdivision of the land. In this regard prior to the release of the subdivision certificate for more than 375 residential lots at least 9 holes of the golf course suitable for public use shall be constructed. In addition, progress on the golf course shall meet the following milestones:</p> <ul style="list-style-type: none"> <li>• Physical golf course construction including the bulk earth works for 4 golf holes and water storage,,a construction compound and vegetation management shall commence prior to the release of the subdivision certificate for more than 200 lots;</li> <li>• Prior to the release of the subdivision certificate for more than 250 lots Council shall be provided with evidence that a contract has been entered into for the construction of 9 holes of golf to a playable standard;</li> <li>• Prior to the release of the Subdivision Certificate for more than 275 lots bulk earth works shall be completed for 4 holes; and</li> <li>• Prior to the release of the Subdivision Certificate for more than 325 lots bulk earth works shall be completed for 6 holes.</li> </ul> <p>This condition does not prevent the release of subdivision certificates that result in the development exceeding the milestones of 200, 250, 275 and 325 lots provided that the works associated with the particular milestone are almost complete and that the works associated with any previous milestone referred to in this condition have been completed.(AD01 0.2005.00052189.003)</p>	<p><b>NOTED</b> The Golf Course is completed.</p>

17.8	If any external lighting is to be erected on the golf course and golf driving range it is to be subject to a separate application to Council.	<b>NOTED</b> The Golf Course does not form part of this application.
17.9	Irrigation of treated effluent shall be undertaken with regard to the Environmental Guidelines: Use of Effluent by Irrigation (DEC, 2004), and the NSW Guidelines for Urban and Residential Use of Reclaimed Water. Spray from effluent application should not drift beyond the boundary of the effluent utilisation area to which it is applied. Effluent utilisation areas should effectively utilise the effluent applied to those areas. This includes the use of pasture or crop production, as well as ensuring the soil is able to absorb the nutrients, salts, hydraulic load and organic materials in the solids or liquids. Storage dams should be managed such that they will not overtop during periods of wet weather.	<b>N/A</b> As above.
<b>18. OCCUPATION AND USE</b> These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties and to ensure that the development is consistent with relevant legislation.		
18.1	The golf course shall only be used during daylight hours unless otherwise approved by Council.	<b>NOTED</b> The Golf Course does not form part of this application.
18.2	Construction works are only permitted between 7.00am to 6.00pm weekdays and between 8.00am and 1.00pm Saturdays. No works are permitted on Sundays and Public Holidays.	<b>NOTED</b>
18.3	Prior to the issue of a Construction Certificate a Plan of Public Safety shall be prepared for the golf course, driving range and parklands and submitted to Council for approval.	<b>NOTED</b> The Golf Course is completed.
18.4	Except for during construction works, whilst ever the golf course is only suitable for private use under condition 17.1, the site of the golf course shall continue to be used for grazing in conjunction with the remainder of the property.	<b>NOTED</b> As above.
<b>19. EARTH DAMS AND WATER FEATURES</b> These conditions are imposed to ensure dams are constructed to an acceptable standard		
19.1	All water bodies shall be designed and constructed to conform to DCP 21 "Earth Dams", Council's Design Code DCP & Construction Specification.	<b>NOTED</b> Refer to Engineering Plans.

19.2	Engineering plans of the dams and water features shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.	<b>NOTED</b>
19.3	All construction work shall be certified by a Geotechnical Engineer. This Certification shall be provided to the Principal Certifying Authority within 28 days of the completion of each water body.	<b>NOTED</b> To be addressed post approval.
<b>20. FUTURE SITE DEVELOPMENT</b>  These conditions are imposed to ensure that further and future development of the site will satisfy the requirements of Wollondilly Local Environmental Plan, 1991 and Development Control Plan No. 56 - Wilton Park.		
20.1	<del>Unless otherwise required by the Department of Education and Training the school site shall:</del>  <ul style="list-style-type: none"> <li><del>be serviced by all available utilities</del></li> <li><del>have at least one frontage to a public road which is within the nominated public transport route</del></li> <li><del>have a shared pathway along at least one boundary which has a continuous link to the shared pathways in Section 6.11.3 of this DCP</del></li> <li><del>If located within the investigation area for the gas pipeline easement must be accompanied by a risk assessment</del></li> <li><del>have provision for an off carriageway bus bay and a separate off carriageway pick up / drop off area for cars</del></li> </ul> <del>Note: Consideration should be given to the establishment of a secondary education facility on the school site.</del>	<b>N/A</b>
20.2	<del>The site for an electricity substation shall:</del>  <ul style="list-style-type: none"> <li><del>be adequate to accommodate landscaping screening suitable to obscure the substation from view from the Hume Highway and nearby residential and rural residential allotments</del></li> <li><del>have a frontage to a public road constructed at least to the minimum standards of Council's Design Code Development Control Plan to cater for the typical vehicles required to access the site</del></li> </ul>	<b>N/A</b>
20.3	Where infrastructure (being pipes, conduits, cables and other linear features) is required to cross environmentally significant land and riparian areas it is to be incorporated in a road or shared pathway structure where practicable. The road/pathway structure shall be designed in accordance with "Why do fish need to cross the road? Fish Passage Requirements for Waterway Crossings" (NSW Fisheries 2003). The removal of snags (rocks, branches etc.) from watercourses is a Key Threatening Process and requires the prior notification of NSW Fisheries.	<b>N/A</b>

20.4 Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, clubhouse and amenities for staff and visitors.	<b>N/A</b> The golf Course has been completed.
20.5 All future dwellings must be located at least 20 metres from any proposed or existing drainage wells as set out in the Gas Post-drainage Layout Plan, Wilton Parklands November 2005.	<b>NOTED</b>
20.6 All required noise barriers in the vicinity of the Hume Highway shall be designed in accordance with the requirements of section 6.9.3 of Development Control Plan No. 56 - Wilton Parklands. Plans detailing compliance with this requirement must be submitted with any application for subdivision to create lots for residential dwellings within the vicinity of the Hume Highway. All acoustic barriers must be located on privately owned land.	<b>N/A</b> Noise barriers do not form part of this application.
20.7 All parkland within Precinct 9 as identified in the concept plan for Development Control Plan No. 56 shall be suitable for uses typically associated with a village centre and shall include seating areas with suitable shade and shelter, civic space for functions and bicycle parking facilities.	<b>N/A</b>
20.8 All non-residential development shall comply with the controls listed in section 8.1.2 of Development Control Plan No. 56 - Wilton Parklands.	<b>N/A</b>



<p>20.9 <del>With each development application for future stages of the development, whether or not it includes residential development, shared pathways shall be provided off carriageway in accordance with the plan that indicates the proposed shareway network adopted as part of Development Control Plan No.56—Wilton Park. A plan showing the location of these shared pathways shall be submitted with each development application and shall show each shareway and pedestrian pathway as 2.0 metres wide.</del></p> <p>With each development application for future stages of the development, whether or not it includes residential development, shared pathways shall be provided off carriageway and generally in accordance with the drawing titled "Bingara Gorge - Pedestrian and Cycle Paths", prepared by Delfin Lend Lease dated 19 April 2007 and submitted in respect of Application to Modify the Development Consent No. AD257-07. An updated plan showing the detailed location of these proposed shared pathways and pedestrian pathways shall be submitted with each development application and shall show each shareway as being a minimum of 2.0 metres wide and each pedestrian pathway as being a minimum of 1.5 metres wide (AD257-07)</p>	<p><b>COMPLIES</b></p> <p>Refer to Engineering Plans.</p>
<p>20.10 <del>A risk assessment that examines the risk associated with unexploded ordnance shall be prepared by a suitably qualified person and submitted with any application for subdivision in the area identified by the Department of Defence (being generally in the vicinity of the Hume Highway) as being an area where unexploded ordnance could be present. This risk assessment shall also detail any required measures to be incorporated into construction activities for subdivision and for any dwelling to be erected on the lots created.</del></p>	<p><b>N/A</b></p>
<p>20.11 With the development application for Stage 2 a plan detailing the required break up of community floor space for the development having regard to any needs analysis adopted or placed on public exhibition by Council shall be submitted to Council and shall detail the appropriate time frame for floor space provision and type of floor space required.</p>	<p><b>N/A</b></p>
<p>20.12 <del>The developer shall actively pursue potential providers of a childcare facility which shall be in close proximity of the commercial village centre and on a site convenient to public transport and pedestrian access and promote this potential business opportunity.</del></p> <p><del>Ideally the childcare centre shall include before and after school care services.</del></p>	<p><b>N/A</b></p> <p>The town centre does not form part of this application.</p>

20.13 All non-residential lots shall be within 50 metres of a shareway except in extenuating circumstances where compliance with this standard would be unreasonable.	<b>N/A</b> This proposal relates only to residential subdivision.
20.14 No lots to be used for residential development shall include land within the environmentally significant area.	<b>COMPLIES</b> Refer to Engineering and Subdivision Plans.
20.15 Prior to the development application for the subdivision creating the 700th residential lot studies shall be undertaken to determine the level of upgrading required (if any) for Hornby Street West from the development site and Almond Street to Picton Road. The standard of any required upgrading shall be determined in conjunction with the development application for the 700th lot, in accordance with Council's Design Code and AUSTROADS standards. This may include pavement strengthening and widening and intersection improvements.	<b>N/A</b> This is addressed in the local VPA.
20.16 Any community floor space provided in the proposed Golf clubhouse shall be accessible on an affordable and reasonable basis for all residents and local people of Wilton.	<b>N/A</b>
20.17 Prior to the construction of the 700th residential Lot, a full seagull treatment at the_ junction of Picton and Almond Street shall be constructed to RTA standards and shall be operational.	<b>N/A</b> This is addressed in the local VPA.
<b>21. ERECTION OF SIGNS</b> To satisfy Section BOA (11) of the Environmental Planning & Assessment Act, the following conditions are imposed:	
21.1 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:  (a) showing the name, address and telephone number of the Principal Certifying Authority for the work; and  (b) 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  (c) stating that unauthorized entry to the work site is prohibited	<b>NOTED</b> To be addressed post approval.
21.2 The sign is to be maintained while the building work, subdivision work or demolition work is being carried out. The sign must be removed when the work has been completed.	As above.

<b>22. RECLAIMED WATER QUALITY</b> To ensure that reclaimed water is of acceptable quality for toilet flushing, garden irrigation and car washing.	
22.1 The sewage management system shall be designed, installed and operated in accordance with the National Water Quality Management Strategy for Sewerage System - Use of Reclaimed Water, NSW Guidelines for Urban and Residential Use of Reclaimed Water and the most recent edition of the NSW Code of Practice: Plumbing & Drainage published by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.	<b>NOTED</b> Refer to Section 5.4.10 and accompanying Stormwater Compliance Letters.

22.2 Treated effluent shall only be reclaimed for toilet flushing and garden irrigation where the following testing criteria, monitoring requirements and water quality levels have been met.

Final water quality

Parameter	Compliance Value	Sampling Frequency	
		Validation Process	Ongoing
<i>E.coli</i> or Thermotolerant coliforms	<1/100 ml	Bi-weekly	Monthly
Total Coliform	<10/100 ml	Bi-weekly	Not required
Virus <sup>1</sup>	<2/50 l	Monthly	Not required
<i>Cryptosporidi</i> 1,1m	<1/50 l	Weekly	Not required
<i>Giardia</i>	<1/50 l	Weekly	Not required
Turbidity	<2 NTU	Continuous line on-	Continuous on- line
Disinfection effectiveness	<sup>2</sup> 0.5 free mg/L chlorine	Continuous line on-	Continuous on- line
pH	6.5-8.0	Continuous on- line	Continuous on- line
Biochemical Oxygen Demand (BOD <sub>5</sub> )	<10mg/l	Weekly	Not required
Suspended Solids	<10mg/l	Weekly	Not required

1Testing should include Enterovirus, Adenovirus, Reovirus, Hepatitis A, Norovirus and Rotavirus

2Sufficient to maintain a chlorine residual of 0.5 mg/l throughout the system

Monitoring of other parameters including those listed in Table 3-3 of the Statement of Environmental Effects dated November 2005 are to be addressed in the Environmental Management Plan required by condition 23.1.

**NOTED**

Compliance will be achieved noting the requirements in the WDCP and LEC Consent Orders.

22.3 The treatment process must be validated for a minimum of three (3) months before supply to the dwellings or garden irrigation is to commence. During the validation period, the treated wastewater is not to be used for toilet flushing, garden irrigation or car washing	<b>NOTED</b>

23. EFFLUENT DISPOSAL	
To ensure effluent disposal occurs in an environmentally acceptable manner.	
<p>23.1 <del>An Environmental Management Plan shall be submitted to Council after the issue of a Construction Certificate detailing, but not limited to, the following:</del></p> <ul style="list-style-type: none"> <li><del>• The treatment process;</del></li> <li><del>• Screenings/grit removal;</del></li> <li><del>• Biosolids removal;</del></li> <li><del>• Routine sampling program;</del></li> <li><del>• Maintenance;</del></li> <li><del>• Emergency contact details;</del></li> <li><del>• System failure procedures;</del></li> <li><del>• Auditing procedures to detect cross-connections; and</del></li> <li><del>• Contingency plans for the management of sewage and water requirements in the event of system failure.</del></li> <li><del>• Appropriate signage is to be erected on all tap outlets supplying reclaimed water.</del></li> <li><del>• All residents and visitors are to be made aware of the use of reclaimed water for the flushing of toilets, the irrigation of private and public land, or car washing.</del></li> </ul> <p>Environmental Management Plan(s) shall be submitted to Council after the issue of Construction Certificate(s) for each STP detailing, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• The Treatment Process Screenings grit removal; Biosolids removal;</li> <li>• Routine sampling programme; Maintenance;</li> <li>• Emergency contact details; System failure procedures;</li> <li>• Auditing procedures to detect cross-connections;</li> <li>• and Contingency plans for the mgt of sewage and water requirements in the event of system failure. (AD351-07)</li> </ul>	NOTED
24. ADVICE	
<p>24.1 At all times work is being undertaken with 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.</p>	NOTED

<p>24.2 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 alteration shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned</p>	<p><b>NOTED</b></p>
<p>24.3 A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council. A 10% maintenance bond, or a minimum of</p> <p>\$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.</p>	<p><b>NOTED</b></p>
<p>24.4 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:</p> <ul style="list-style-type: none"> <li>• Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work</li> <li>• Workers Compensation Insurance</li> <li>• Ten Million Dollar Public Liability Insurance</li> </ul> <p>NOTE: 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 Development &amp; Environment Division.</p> <p>Therefore, should you wish to proceed on this basis, you are required to submit a Surveyor's Linen Plan and nine (9) helio copies thereof together with a Subdivider/Developer Certificate from Sydney Water.</p> <p>Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Development &amp; Environment Division.</p> <p>Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, in accordance with Section 97(1) of the Act you are entitled to lodge an appeal with the Land and Environment Court of New South Wales within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.</p>	<p><b>NOTED</b></p>



## A-2 **Court DA 283/2015 (Case No. 158921 of 2016)**

**Table 1      Assessment of compliance DA No. 010.201500000283.001 - Case No. 158921 of 2016**

Consent orders	Assessment
<b>1. COMPLIANCE</b> <b>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.</b>	
1. Consent is granted for the following on Lots 5, 31 (formerly Lot 23) and 36 (formerly Lot 29) DP 270536. Lots 205, 206, 207, 208, 210 and 211 DP 1104390, Lot 5 in DP 280045, and Part Lot 1 and Lot 29 in DP 270536, Kirkwood Chase, Condell Park Road, Fairway Drive and Stirling Drive, Wilton	<b>NOTED</b>
a) the removal of vegetation within development precincts 1 Rural, 2 Fairways West, 3 Fairways East, 7 Bushland and 8 Golf Town; and	<b>NOTED</b> This DA relates to land within the following development precincts: <ul style="list-style-type: none"> <li>» 1 Rural (now referred to as Fairways North)</li> <li>» 2 (Fairways West)</li> <li>» 7 Bushland (now referred to as Golf Town North).</li> </ul> Once this DA is approved it will enable the physical construction of pedestrian/cycleway fire trails and physical vegetation removal in the development precincts aforementioned as approved in the LEC Orders (Refer Section 2.2.3 and 4.6).
b) the construction of pedestrian paths, cycle ways and fire trails within the EP&R Lands and the associated removal of a maximum of 1.2 hectares of vegetation	<b>NOTED</b> As above.
2. Concept approval is granted for the following on Lots 5, 31 (formerly Lot 23) and 36 (formerly Lot 29) DP 270536, Lots 205, 206, 207, 208, 210 and 211 DP 1104390, Lot 5 in DP280045 and Part Lot 1 and Lot 29 DP 270536, Kirkwood Chase, Condell Park Road. Fairway Drive and Stirling Drive, Wilton	<b>NOTED</b>
a) Development Concept Approval for up to 827 residential allotments within development precincts 1 Rural, 2 Fairways West, 3 Fairways East, 7 Bushland and 8 Golf Town of the Bingara Gorge Estate, Wilton resulting in a maximum of 1,800 residential allotments;	<b>NOTED</b> This DA does not result in the exceedance of 1,800. Refer <b>Section 4.3.</b>



Consent orders	Assessment														
<p>b) concept approval for minimum and maximum residential lot yields within the following precincts in the following manner:</p> <table><tr><th>Development Precinct</th><th>Indicative Yield</th><th>Maximum Yield</th></tr><tr><td>1</td><td>335 - 390</td><td rowspan="5">827</td></tr><tr><td>2</td><td>160 - 195</td></tr><tr><td>7</td><td>140 - 175</td></tr><tr><td>8</td><td>140 - 175</td></tr><tr><td>3</td><td>13-15</td></tr></table> <p>The above table is to be used for indicative purposes only. As concept approval has only been granted to 827 residential allotments, the distribution of allotments across Development Precincts 1, 2, 3, 7 and 8 shall be on a "cumulative basis " such that the overall lot yield will not exceed 827 within those precincts.</p> <p>Note: A cumulative basis means that the number of lots for which subdivision approval is ultimately granted in a particular precinct is to be subtracted from the maximum yield of 827. for example, if consent is granted to 390 lots within Precinct 1, then only 437 lots can be developed in total within the remaining 4 precincts such that only 827 lots in total can be created.</p> <p>As concept approval only has been granted to 827 residential allotments, the final distribution of allotments across Development Precincts 1, 2, 3, 7 and 8 is to be determined at subdivision DA stage and accordingly the indicative yield range (lower and upper numbers) may be varied.</p> <p>The higher numbers identified for each precinct cannot be added together in order to achieve a total yield of more than 827 lots.</p> <p>With each subsequent development application for subdivision, the persons or entity having the benefit of this consent shall detail the number of lots being proposed and the number of lots that remain undeveloped from the 1,800 total.</p>	Development Precinct	Indicative Yield	Maximum Yield	1	335 - 390	827	2	160 - 195	7	140 - 175	8	140 - 175	3	13-15	<p><b>COMPLIES</b></p> <p>The proposal seeks approval for:</p> <ul style="list-style-type: none"><li>» Precinct 1 (Stage 2): 134 residential lots bringing the total to 366 including 232 Ethos DA.</li><li>» Precinct 2 (Stage 1): 112 residential lots</li><li>» Precinct 7: 101 residential lots (bringing the total to 121 including 20 lots proposed in the Ethos DA)</li></ul> <p><b>Total: 347 residential lots</b></p> <p>Refer to accompanying Subdivision Plans.</p>
Development Precinct	Indicative Yield	Maximum Yield													
1	335 - 390	827													
2	160 - 195														
7	140 - 175														
8	140 - 175														
3	13-15														
<p>3. This consent does not authorise the subdivision of land. Further development consent must be obtained for the subdivision of land within the Bingara Gorge Estate.</p>	<p><b>NOTED</b></p> <p>This DA seeks consent for the subdivision of land within development precincts 1, 2, and 7.</p> <p>Refer to accompanying Subdivision Plans.</p>														
<p>4. Development shall take place in accordance with the following plans and documents except where modified by the following conditions of consent:</p>	<p>See below.</p>														



Consent orders				Assessment
a) Vegetation removal				<b>COMPLIES</b>  The approval of this application will enable the removal of vegetation within development precincts 1, 2 and 7 as approved.  Refer to Vegetation Removal Plan and <b>Section 4.6</b> .
Title of Plan	Drawn By	Plan Reference	Date	
Bingara Gorge 1800 DA Vegetation Removal	CB for Lend Lease	Dgn No. BG 1800 DA VEG removal (Issue G)	25/8	
(i) NOTE: approval is not implied and/or granted to the removal and/or modification of any flora listed on the plan as "Flora (Federal)"and/or "Flora (State)" on the plan titled "Bingara Gorge 1800 DA Vegetation Removal & Indicative Subdivision Layout 1800 Lots (Issue F)" dated 25 August 2016.				
(ii) No vegetation within the EP&R Lands subject of Condition 1(1) is permitted to be removed and/or modified except for that vegetation shown on the approved plans of the development listed in Condition 1(4) in this consent.				
(iii) The two windrows running north-south along the eastern spur of the site shall be retained.				
b) Fire/pedestrian/cycle trails				<b>COMPLIES</b>  The proposal will enable the construction of pedestrian paths, cycle ways and fire trails within the EP&R Lands and the associated removal of vegetation generally in accordance with the plans.  Refer to accompanying Civil Engineering Plans.
(a) Locality Plan and Drawing Schedule	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1000 Revision 4		
(b) General Arrangement Plan Sheet 1 to 12 of 13	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1002 to SK005 a NA8201304-059 SK007 to SK1013 Revision 4 NA8201304-059 SK1006 Revision 5		
(c) Civil Details Plan (Bushfire Access Track)	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1030 Revision 4		
NOTE This condition was amended. See Section 2.2.3.				



Consent orders	Assessment
<p>5. The timing of the commencement of carrying out of works for the removal of vegetation within Development Precincts 1, 2, 3, 7 and 8 and for the construction of pedestrian, cycle ways and fire trails within the Environmental Protection &amp; Recreation Land is restricted as follows:</p> <p>(a) The removal of vegetation that has been consented to within Development Precincts 1, 2, 3, 7 and 8 shall only be carried out after separate development consent has been granted to a subdivision creating residential allotments within the relevant area that is to be cleared; and</p> <p>(b) The construction of any trail (be it fire, pedestrian and/or cycle) shall only be carried out after separate development consent has been granted to a subdivision creating residential allotments that trigger a Bushfire Safety Authorisation. The relevant section of fire trail is to be nominated as part of the application in the relevant Bushfire Assessment Report; and</p> <p>(c) Each subsequent subdivision application seeking consent for the creation of residential allotments shall nominate the area of vegetation that is to be removed and also those part(s) of any trail(s) (be it fire, pedestrian and/or cycle) approved by this development consent that are to be constructed as part of the works associated with the relevant subdivision:</p> <p>Included for approval by council with any relevant subdivision application shall be:</p>	<p><b>COMPLIES</b></p> <p>The proposal seeks approval for the subdivision layout for development precincts 1, 2 and 7.</p>
<p>(i) A Vegetation Management Plan (VMP) prepared by a suitably qualified and practicing ecological consultant for the Environmental Protection and Recreation Land (EP&amp;R Lands), and of the Development Precincts 1, 2, 3, 7 &amp; 8 (Development Precincts) and the Additional Conservation Land (ACL) as identified in the plan titled Bingara Gorge Proposed Solution Additional Conservation Lands" dated August 2016 where affected by the relevant subdivision application</p>	<p><b>COMPLIES</b></p> <p>A VMP has been prepared and accompanies this DA. The VMP addresses the matters listed.</p>



Consent orders	Assessment
<p>The VMP shall address the following matters:</p> <ul style="list-style-type: none"><li>» The objectives of the VMP are to ensure that the works permitted to be undertaken <u>by the proposed consent</u> will have minimal impact upon any endangered ecological communities (flora and fauna), individual threatened species (flora and fauna) and native vegetation</li><li>» detailed strategies to minimise impacts on threatened species or from sedimentation and erosion of the EP&amp;R Lands and ACL. The VMP is to apply to the ACL identified in the plan titled "Bingara Gorge Proposed Solution Additional Conservation Lands" dated August 2016 where affected by the relevant subdivision application.</li><li>» Include a concise overview of conservation values as well as potential impacts to these values from all components of the proposed development. including the construction of trails.</li><li>» The plan shall detail what measures will be employed and by whom, to prevent the build-up of litter and the like within the EP&amp;R Land, the ACL, and Development Precincts affected by the relevant subdivision application The VMP must also provide details of those persons or entities responsible for the up-keep and maintenance of the landscaping and weed management that is required by the consent.</li><li>» pest management strategies, to be prepared by a suitably qualified expert.</li><li>» actions to ensure that. prior to the removal of any tree during the bat breeding season (October to January), each tree will be inspected by a suitably qualified expert and removed only under inspection by an ecologist with qualifications relating to micro bats and arboreal fauna.</li><li>» The VMP will ensure strategies are in place for:<ul style="list-style-type: none"><li>&gt; Tree removal to be carried out by a suitably qualified arborist using soft felling techniques to allow mobile fauna to escape naturally and minimise soil disturbance.</li><li>&gt; A suitably qualified ecologist to be present during any clearing operation, as specified in the VMP.</li></ul></li><li>» Precautions to be adequately adopted to minimise the impact around the areas of retained vegetation. Soil is not to be stockpiled around the drip zone of retained vegetation.</li><li>» Details of proposed vegetation removal methods and management strategies to be implemented in relation to the removal of vegetation to minimise the impact of those works;</li><li>» Measures to ensure that the fire trails will be maintained in a serviceable condition by the landowner(s) in perpetuity;</li></ul> <p>The VMP shall be endorsed by an accredited and practicing bushfire consultant.</p>	<p>As above.</p>



Consent orders	Assessment
<p>(ii) That, in accordance with the Flora and Fauna Reports titled 'Bingara Gorge Staged DA Ecological Assessment prepared for Lend Lease - Final; prepared by Eco Logical dated April 2015 except where superseded by 'Bingara Gorge Staged DA - Amended Ecological Assessment - Addendum 1 prepared for Lend Lease' prepared by Eco Logical dated November 2015 the persons having the benefit of the <u>proposed</u> consent shall undertake the following measures:</p>	<p><b>COMPLIES</b> See below.</p>
<p>i. Prior to Construction</p> <p>The boundaries of impact areas should be clearly delineated using fences or means to prevent encroachment into the surrounding bushland.</p> <p>The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.</p> <p>Trees to be removed in EP&amp;R Lands should be clearly marked with tape or ribbon (or nominate) prior to clearing;</p> <p>Temporary fencing must be erected around the intended vegetation clearance area in EP&amp;R Lands to define "No Go Areas" and prevent less mobile and hollow-seeking fauna from entering the development site no less than 48 hours before works; and</p> <p>Any trees affected by the development containing a hollow are to be marked and flagged to ensure that felling is not undertaken prior to inspection Any trees with a nest in the canopy are to be marked in the same manner.</p>	<p><b>NOTED</b></p> <p>The measures detailed will be carried out in accordance with the consent post approval.</p>
<p>ii. During Construction</p> <p>Storage areas should be located away from the creeks and drainage lines to minimise risk of pollution and adverse impact to aquatic ecosystems.</p> <p>Weeds within the construction site should be controlled appropriately according to their class and measures identified within the Weed Eradication and Management Plan (WEMP).</p> <p>Wash down machinery before entering the site to limit weed spread.</p>	<p>As above.</p>
<p>iii. Post Construction</p> <p>Ongoing management of weeds is required throughout the site, consistent with the WEMP.</p>	<p>As above.</p>





Consent orders	Assessment
<p>iv. An updated Bushland Management Plan (BMP) to include the following:</p> <p>Purpose of the BMP within the overall context of the Bingara Gorge Development and management objectives and the consistency of these purposes or objectives with respect to the measures adopted for the proposed development.</p> <p>Description of the statutory framework and consistency of the BMP with this framework as well as other plans and Strategies of relevance to the development application.</p> <p>Concise overview of the conservation values of the site of the proposed development including bushland, instream and riparian environments as well as potential impacts to these values from all components of the proposed development, including the construction of fire trails;</p> <p>Management actions consistent with the Weed Eradication and Management Plan. Stormwater Management Plan, Koala Management Plan as well as applicable conditions of the <u>proposed</u> consent to mitigate direct and indirect potential impacts associated with the development application.</p> <p>Implementation Action Plan outlining performance indicators for each action. broad timeframes for the implementation of each action as well as responsibility (of both the proponent and other parties) for the implementation of each action. The Action Plan should form the basis of an ongoing management Operation Plan for the management of all EP&amp;R Lands and ACL and Development Precincts -</p>	<p><b>COMPLIES</b></p> <p>An updated BMP has been prepared and accompanies this SEE. The matters listed have been addressed.</p>
<p>v. An updated Koala Management Plan (KMP) for koalas prepared by a suitably qualified and experienced ecologist must be submitted to and approved by Council.</p> <p>The KMP must create actions and strategies for the following items:</p> <p>A fauna survey must be undertaken by a qualified ecologist not more than 24 hours prior to any vegetation clearance for the purpose of identifying any active hollows or nest. If active hollows or nest are identified. measures should be undertaken to capture and relocate into alternate suitable habitat within the EP&amp;R Lands.</p> <p>Temporary fencing must be erected around the intended vegetation clearance area to define "No Go Areas" and prevent less mobile and hollow-seeking fauna from entering the development site.</p> <p>Any trees containing a hollow are to be marked and flagged to ensure that felling is not undertaken prior to inspection. Any trees and a nest in the canopy are to be marked in the same manner.</p> <p>Determine the location and design of any amelioration measures such as Nest Boxes and endorsed by Ecologist.</p>	<p><b>COMPLIES</b></p> <p>An updated KMP has been prepared and accompanies this SEE. The matters listed have been addressed.</p>



Consent orders	Assessment
<p>vi. A Weed Eradication and Management Plan (WEMP) prepared by suitably qualified and experienced person(s) to include:</p> <p>An inventory of all Noxious and Environmental weeds on the <u>proposed</u> development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie, low, medium, high);</p> <p>A treatment schedule specifying for each species:</p> <p>The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);</p> <p>The rates of application methods of all herbicide treatments;</p> <p>The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and</p> <p>The timing of treatments.</p> <p>A agreed maintenance program indicating the methods to be implemented to maintain a weed-free site updated from time to time;</p> <p>Details of any methods of disposal of weed material;</p> <p>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.</p> <p>All preliminary weed treatment measures identified in the weed eradication and management strategy shall be carried out prior to the release of the relevant Subdivision Certificate</p> <p>the plan must ensure that all weeds environmental or noxious shall be removed and evidence of this weed reduction program be made available upon inspection or request.</p>	<p><b>COMPLIES</b></p> <p>An updated WEMP has been prepared and accompanies this SEE. The matters listed have been addressed.</p>
<p><u>(6) Protection and Management of Additional Conservation Lands</u></p> <p>A mechanism(s) <u>to be</u> established providing for the ongoing management and maintenance of the Additional Conservation Lands in perpetuity.</p> <p><u>Documentary evidence of the mechanism(s) and management obligations. including funding arrangements. is also to be provided with any development application affecting the ACL.</u></p>	<p><b>COMPLIES</b></p> <p>Refer <b>Section 5.1.</b></p>



Consent orders	Assessment
<p>(7) A Conservation Management Plan for Aboriginal Archaeology (CMP) prepared by a qualified archaeologist</p> <p>The objective of such plan is to ensure that works associated with the proposed development will not have any adverse impacts upon items of indigenous heritage and afford protection in accordance with the relevant legislative requirements.</p> <p>The CMP must</p> <ul style="list-style-type: none"><li>» include all Aboriginal sites within the proposed development area;</li><li>» include consideration of the need for an Aboriginal Heritage Impact Permit (AHIP) to undertake additional rock art recording or management proposals prepared by a suitably qualified archaeologist/rock art conservator or provide evidence of any AHIP that has been obtained;</li><li>» include a chronology detailing the results of previous investigations, including work carried out under an AHIP and/or previous management plans;</li><li>» include when available the results of Code of Practice excavations of Potential Archaeological Deposits (PADs) and associated significance assessment;</li><li>» include significance assessments at all sites in the proposed development area, including those the subject of an AHIP in the past within the total development area and include some comparative artefact analysis;</li><li>» as a result of <u>any</u> investigation in preparation of a CMP, if preservation/conservation is recommended for an Aboriginal site, how the proposed works should be modified to avoid harm. including consideration of the preservation and conservation of a representative sample of Aboriginal sites as may be identified upon further investigation of PADs;</li><li>» consideration to the preparation of an Interpretation Plan for these sites.</li></ul>	<p><b>COMPLIES</b></p> <p>Refer accompanying Aboriginal Cultural Heritage Management Plan and <b>Section 5.4.1.</b></p>
<p>(d) Should any amendments, be required after the approval of any of the VMP, KMP, BMP, or WEMP or CMP, the persons or entity having the benefit of this consent shall submit an application to amend the plan approved by Council and provide justification, additional information and the like from a suitably qualified and practicing consultant for approval by the Council.</p>	<p><b>NOTED</b></p>
<p>(e) This consent does permit separate construction certificates to be released in stages for the construction of the trails as expressly approved by this consent Only those conditions of consent that are relevant to that part or stage of the trails need be completed to the satisfaction of Council prior to the release of each construction certificate.</p>	<p><b>NOTED</b></p>



Consent orders	Assessment
(8) Development shall take place in accordance with the recommendations of the following reports:	See below.
» Development Application Statement of Environmental Effects, Bingara Gorge, Wilton Development Application Submitted to Wollondilly Shire Council on Behalf of Lend Lease Communities Pty Ltd' prepared by JBA dated April 2015 (Ref 13384) except where superseded by 'Development Application Addendum Statement of Environmental Effects, Bingara Gorge, Wilton, Development Application Additional 635 Lot Yield to a Maximum 1,800 Lots, Clearing of Vegetation, Fire Trails & 15 Lot Subdivision (Stage 1J(2)) on Behalf of Lend Lease Communities Pty Ltd' prepared by JBA dated November 2015 (Ref: 15556) draft consent 289 2016	<b>COMPLIES</b> Refer <b>Section 5.1</b> .
» 'Bingara Gorge Residential Development Traffic Impact Assessment prepared for Lend Lease - Final' prepared by Cardno (NSW/ACT) Pty Ltd dated April 2015 (Ref NA82013034) except where superseded by 'Bingara Gorge Transport Assessment, Bingara Gorge - Land and Environment Court - Appeal 10554 of 2015 prepared for Lend Lease - Final' prepared by Cardno (Qld) Pty Ltd dated November 2015 (Ref: NA82013034)	<b>COMPLIES</b> Refer <b>Section 5.4.9</b> and accompanying Traffic Compliance Letter.
» 'Bingara Gorge Flooding, Stormwater & Water Quality Management Strategy Report prepared for Lend Lease - Final' prepared by J. Wyndham Prince dated April 2015 (Ref: 9785-02Rpt1C) except where superseded by 'Bingara Gorge Flooding, Stormwater & Water Quality Management Strategy Report prepared for Lend Lease - Issue D LEC Update' prepared by J. Wyndham Prince dated November 2015 (Ref: 9785-02Rpt1D)	<b>COMPLIES</b> Refer <b>Section 5.4.10</b> and accompanying Stormwater Compliance Letters.
» 'Bingara Gorge Staged DA Ecological Assessment prepared for Lend Lease - Final' prepared by Eco Logical dated April 2015 (Ref 13WOLPLA_0011) except where superseded by 'Bingara Gorge Staged DA - AMENDED Ecological Assessment - Addendum 1 prepared for Lend Lease' prepared by Eco Logical dated November 2015 (Ref 13WOLPLA_0011)	<b>COMPLIES</b> Refer <b>Section 5.4.5</b> and accompanying Ecological Compliance Letters.
» 'Bingara Gorge Residential Development Utilities Services Investigation - Version 3' prepared by Cardno (NSW/ACT) Pty Ltd dated April 2015 (Ref NA82013043-05 Report 002 Rev 3).	<b>COMPLIES</b> Refer <b>Section 5.1</b> and accompanying Utilities Letters of Compliance.



Consent orders	Assessment
» 'Development Application "Balance of Site' Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW - Cultural Heritage Assessment Report prepared on behalf of Lend Lease Wilton Pty Ltd' prepared by Lance Syme and Natalie Stiles, Kayandel Archaeological Services dated April 2015 except where superseded by 'Proposed Construction of Fire Trails, Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW - Cultural Heritage Assessment Report prepared on behalf of Lend Lease Communities (Wilton) Pty Ltd prepared by Lance Syme and Natalie Stiles, Kayandel Archaeological Services dated December 2015	<b>COMPLIES</b> Refer <b>Section 5.4.1</b> and accompanying Heritage Letter of Compliance.
» Community Facilities and Open Space Report, Bingara Gorge Staged Development Application' prepared by Elton Consulting dated April 2015 (Ref: 12/3144)	<b>COMPLIES</b> Refer <b>Section 5.4.1</b> and accompanying Letter of Compliance.
» Bushfire Protection Assessment - Proposed Development - Bingara Gorge. Wilton prepared by Ecological Australia dated April 2016	<b>COMPLIES</b> Refer <b>Section 5.4.2</b> and accompanying BPA.
» The Management Plans subject of condition 1(6)	<b>COMPLIES</b> Refer <b>Section 5.1.</b>
(9) In the event of an inconsistency between this consent and the terms of the Staged Consent (ID 993-05), the terms of this consent shall prevail to the extent of any inconsistency.	<b>NOTED</b>
(10) A total of a maximum of 1.2 hectares of land within the EP&R Lands may be cleared for the provision of the pedestrian, cycle ways and fire trails.  At the completion of the relevant stage of works, a survey shall be undertaken by a qualified and practicing surveyor and documentary evidence shall be provided to the Principal Certifying Authority demonstrating compliance with this condition <u>prior to the issue of the relevant Subdivision Certificate</u> associated with the creation of residential allotments.	<b>COMPLIES</b>
(11) Clearing for the construction of the footpath and all works through the EP&R Lands shall be limited to only six (6) metres in width.	<b>COMPLIES</b> Refer to accompany Engineering Plans.
(12) The persons or entity shall until the completion of the development and following completion of the development, the community association shall maintain, repair, replace, operate and pay for any works and/or running costs of the fire, pedestrian and cycleways and/or works located within the EP&R Land.	<b>COMPLIES</b> Refer <b>Section 5.1.</b>



Consent orders	Assessment
(13) Where any works associated with this consent have 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.	<b>NOTED</b> Adjoining neighbours will be advised of any works to be undertaken.
(14) Prior to the commencement of any clearing of vegetation, survey markers shall be placed twenty (20) metres apart to delineate the interface of the EP&R Lands, Additional Conservation Lands and Development Precincts.	<b>NOTED</b>
<i>(15) No work shall commence within 40 metres of a watercourse until a controlled activity approval has been obtained under the water Management Act 2000. A copy of tile approval shall be provided to Council.</i>	<b>NOT APPLICABLE TO THIS DA</b> Proposed works are not within 40m of a watercourse.



Consent orders	Assessment
<b>2. ENVIRONMENTAL AND VEGETATION MANAGEMENT</b>	
These conditions have been imposed to protect significant vegetation that has been identified on the subject land.	
<p>1. A watercourse monitoring plan that provides demonstration of the environmental performance of the constructed stormwater and waste discharges associated with the development shall be submitted to Council or the nominated Accredited Certifier for approval <u>prior to the issue of the relevant Construction Certificate.</u></p> <p>This monitoring plan must include the following features (as a minimum):</p> <ul style="list-style-type: none"><li>» monitoring of BOD. Total Nitrogen and Phosphorous, Nitrate, Nitrate, oil and grease, total suspended solids, surfactants, conductivity, as well as ecological health using appropriate biotic indices consistent with current scientific research and knowledge. Monitoring should be carried out at the following locations at a minimum every three months:</li><li>» at the confluence of the two southern branches; and</li><li>» immediately prior to the confluence of Stringy Bark Creek and Allens Creek: analysis of collected water samples must be carried out by a National Association of Testing Authority accredited Laboratory. This analysis should also include Ecotoxicological assessment of collected data consistent with international best practice;</li><li>» details of intended procedures to monitor and report on any adverse impacts to water quality and associated ecology resulting from indirect and direct impacts associated with the Development identified by the updated Bushland Plan of Management. Should the results of the monitoring indicate over a sustained period of time that the treatment system is not performing to the standard required then measures shall be put in place to ensure treatment meets the required water quality objectives; and</li><li>» annual summaries of the water quality monitoring with description of identified likely causes of any exceedances of the baseline data and criteria are to be provided to Council. The lodgement of a five yearly report which provides an analysis of any adverse impacts to water quality and associated ecological health identified from the monitoring program and potential linkage to the development.</li></ul>	<b>NOTED</b>





Consent orders	Assessment
<p>2. A water quality monitoring regime is to be implemented for the site and undertaken for five (5) years after the estate is fully developed by the persons or entity having the benefit of this consent.</p> <p>This will include data logger monitoring at the following locations:</p> <p><u>Stringybark Creek</u></p> <ul style="list-style-type: none"><li>» along the two southern branches of the creek;</li><li>» at the confluence of the two southern branches;</li><li>» at the confluence of the western branch of the creek; and</li><li>» immediately prior to the confluence of the Stringy Bark Creek and Allens Creek,</li></ul> <p>Monitoring shall commence prior to the commencement of construction for any residential development within the estate from the date of this consent and sampling shall be <u>undertaken every three (3) months</u> from the date of the first data obtained.</p> <p>This testing is to be undertaken by a suitably qualified person</p> <p>The results of this testing are to be forwarded to Council <u>within fourteen (14) days</u> of receiving the results.</p> <p>Should the results of the monitoring indicate over a sustained period of time that the treatment system is not performing to the standard required then measures shall be put in place to ensure treatment meets the required water quality objectives.</p>	<p><b>NOTED</b></p> <p>A water quality regime will be implemented 5 years after the estate is fully developed.</p>
<p>3. Any vegetation to be felled as part of this consent, excluding any vegetation referred to in the Weed Eradication and Management Plan, shall be mulched and preferably reused onsite.</p> <p>The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material.</p>	<p><b>NOTED</b></p>
<p>4. Trees to be removed should be clearly marked with tape or ribbon (or nominate);</p>	<p><b>NOTED</b></p>
<p>5. Temporary fencing must be erected around the intended vegetation clearance area to define "No Go Areas" and prevent less mobile and hollow-seeking fauna from entering the development site no less than 48 hours before works; and</p>	<p><b>NOTED</b></p>
<p>6. Any trees containing a hollow are to be marked and flagged to ensure that felling is not undertaken prior to inspection. Any trees with a nest in the canopy are to be marked in the same manner</p>	<p><b>NOTED</b></p>
<p><b>3. ACCESS PATHWAYS (FIRE/CYCLE /PEDESTRIAN)</b></p> <p>These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.</p>	
<p>Bush Fire Trails <u>only</u></p>	



Consent orders	Assessment
<p>1. Prior to the issue of a Construction Certificate for works relating to any fire trail(s), engineering design plans shall be provided to the nominated Principal Certifying Authority for approval detailing compliance with the design and construction requirements of Section 4.1.3(3) - Access of Planning for Bushfire Protection 2006.</p> <p>That is, all grades, cross falls, drainage, physical barriers for nutrient and weed control. gate locations. The plans shall be endorsed by an accredited and practising bushfire consultant.</p> <p>The persons or entity having the benefit of this consent shall use reasonable endeavours to ensure that no encroachment of fill onto into the EP&amp;R Land located outside of the permitted six (6) metre wide construction zone for the trail construction.</p> <p>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.</p>	<p><b>NOTED</b></p> <p>Engineering design plans detailing compliance with Section 4.1.3(3) - Access of Planning for Bushfire Protection 2006 (as amended) will be provided to the PCA prior to the issue of a CC.</p>
<p>2. The fire trails shall be located generally in accordance with the plans titled "General Arrangement Layout Plan Cardno (NSW/ACT) Pty Ltd Sheet 1 to 12 of 13" prepared by Cardno (NSW/ACT) Pty Ltd (Ref NA82013043-059 SK1006) dated 23/3/2016 (Revision 5).</p> <p>The words "generally in accordance with" in this condition means that the alignment of the trail is permitted to be adjusted to avoid the removal of any federal and/or state threatened plant(s) as listed by the Environment Protection and Biodiversity Conservation Act 1999 and/or Threatened Species Conservation Act 1995 respectively.</p> <p>Prior to the issue of the relevant Construction Certificate for the trails subject of Condition 1(4), the persons having the benefit of this consent shall submit detailed plans showing the location of all threatened species (federal and state). These threatened species shall be identified and marked on the plan by the way of Global Positioning System (GPS) coordinates for the vegetation.</p> <p>The persons having the benefit of this consent shall have the plans of development endorsed by an accredited ecologist and evidence shall be submitted to the nominated Accredited Certifier prior to the issue of any Construction Certificate demonstrating that the trail has been designed so as to avoid significant impacts upon the aforementioned flora.</p>	<p><b>COMPLIES</b></p> <p>The fire trails have been located generally in accord with the plan referenced.</p> <p>Plans detailing threatened species will be provided prior to the issue of the CC certificate.</p>
<p>3. If any gates are installed, the persons having the benefit of this consent shall ensure that the gates are locked with a key/lock system authorised by the Local Rural Fire Service ('RFS').</p> <p>Evidence shall be provided to the nominated Accredited Certifier prior to the issue of the relevant Construction Certificate demonstrating that the Local RFS have been consulted and have endorsed the key/lock system.</p>	<p><b>NOTED</b></p>
<p>4. If gates are installed, prior to the issue of the relevant Subdivision Certificate, the key/lock system shall be fitted.</p>	<p><b>NOTED</b></p>



Consent orders	Assessment
5. Apart from the use of the gravel pavement treatment to form the fire trail's surface, there shall be no fill material imported and/or used for the construction of the trails.	<b>NOTED</b> No fill will be utilised to construct the fire trails.
6. The gravel surface of the trails shall be generally limited to only one hundred (100) millimetres in thickness.	<b>NOTED</b> Trails will be limited to 100mm.
7. Vertical clearance created shall be no greater than four (4) metres above the finished ground level in accordance with the design criteria listed in Section 4.1.3 Access (3) - Fire Trails from Planning for Bushfire Protection 2006.	<b>COMPLIES</b>
8. Sedimentation, soil and water management controls shall be installed as shown on the plans titled "Civil Details Plan (Bushfire Access Track)" prepared by Cardno (NSW/ACT) Pty Ltd (Ref NA82013043-059 SK1030) dated 23/3/2016 (Revision 4) and remain in place for a period <u>no less than twelve (12) months following the completion of works</u> .	<b>NOTED</b>
9. Prior to the issue of the relevant Subdivision Certificate relating to the relevant stage of the trail, the persons having the benefit of this consent shall restore the trail verges with a native grass of local provenance that is 'low growing', (example: <i>Themeda australis</i> ).	<b>NOTED</b> To be addressed at the Subdivision Certificate Stage.
10. Prior to the issue of the relevant Construction Certificate, the person having the benefit of this consent shall obtain the endorsement of an accredited and practicing bushfire consultant regarding the use of a suitable grass and such information to be provided to the nominated Accredited Certifier for approval.	<b>NOTED</b> To be addressed at Construction Certificate Stage.
11. The bushfire trail shall be maintained in perpetuity by the landowners of the EP&R lands and any other persons whose land is traversed by the physical trail and/or associated easements for access as shown on the approved plans of development.	<b>COMPLIES</b> Refer <b>Section 5.1</b> .
General - for all trails	
12. The pedestrian, cycleway and fire trail shall be integrated into the bush fire trail. The pedestrian and/or cycleway is not permitted to be located to the side and/or separate from the fire trail.  The pedestrian and cycle trails shall be wholly located within the four (4) metre wide path as shown on the plan titled "Bushfire Access Track - Civil Details Plan" prepared by Card no (Dwg No. NA82013043-059 SK1030 Revision 4) dated 23/3/2016.	<b>COMPLIES</b> The pedestrian/cycleway is integrated into the bush fire trail as shown in the accompanying Civil Engineering Drawings.
13. A Certificate of Adequacy shall be submitted by the applicant's engineer at the completion of works and prior to the release of the relevant Subdivision Certificate by the Principal Certifying Authority, certifying that the works have been carried out under their supervision and to their requirements and satisfaction and that all assumptions made during the design were not rendered invalid by the conditions of the site.	<b>NOTED</b> A Certificate of Adequacy will be submitted at the completion of works.



Consent orders	Assessment
14. <u>Prior to the issue of the relevant Construction Certificate</u> the persons or entity having the benefit of this consent shall provide detailed plans of the trails which demonstrates that threatened flora (state and commonwealth) will be affected (removed, destroyed, etc) as part of all construction works and for the life of the development.	<b>NOTED</b> To be addressed at CC stage.
15. The developer shall until the completion of the development and following completion of the development, the community association shall maintain, repair, replace, operate and pay for any works and/or running costs of the fire, pedestrian and cycle ways and/or works located within the EP&R Lands /Part lot 1 DP 270536 in accordance with the VMP.	<b>NOTED</b>
16. Documentary evidence of the mechanisms that are in place to provide for the ongoing ownership, maintenance and management obligations, including funding arrangements in respect of the trails in accordance with the Plan of Management, and in perpetuity, is to be submitted to Council prior to the commencement works within the relevant precinct.	<b>COMPLIES</b> Documentary evidence has been provided in Section 5.1 and details how trails will be maintained and managed in perpetuity.
17. Prior to the issue of any Construction Certificate, a restriction shall be placed on the title of the EP&R Land preventing the clearing of any vegetation within that land in accordance with Section 100R of the Rural Fires Act 1997 and the New South Wales Rural Fire Service's 10/50 Vegetation Clearing Entitlement Area as amended from time to time.	<b>NOTED</b> To be addressed at CC stage.



Consent orders	Assessment
<b>4. MANAGEMENT OF CONTAMINATED LANDS</b>	
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.	
<p>Any future development application for subdivision of land the subject of this application shall include sufficient information to satisfy Council that the site is suitable with regards to Clause 7(1) of State Environmental Planning Policy No. 55 - Remediation of Land.</p> <p>In this regard, subdivision proposed on land containing any of the areas of potential contamination identified in the Preliminary Site Investigation prepared by Douglas Partners. dated 4 March 2016 (ref: 43677.40.R.003.Rev1) shall be subject to a Detailed Site Investigation prepared in accordance with the NSW Office of Environment and Heritage Guidelines for Consultants Reporting on Contaminated Sites (2011).</p>	<b>NOTED</b> Refer <b>Section 5.4.4.</b>
<b>CONSTRUCTION GENERAL</b>	
These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.	
<p>There shall be no storage of any materials (building, construction and waste - solid and liquid), stockpiling of fill. machinery and equipment, plant and the like within EP&amp;R other than in the zone of works.</p> <p>(Reason: to ensure that the vegetation within the EP&amp;R Lands is not affected as a result of any construction works of all trails)</p>	<b>NOTED</b> These conditions will be implemented during construction.
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 the relevant Construction Certificate by Council or the nominated Accredited Certifier or the commencement of any works.	<b>NOTED</b>
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.	<b>NOTED</b>
<p>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 employed at the site.</p> <p>The details of the toilet facilities are to be submitted to Council for approval prior to the installation of those facilities.</p>	<b>NOTED</b>
Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of the relevant Subdivision Certificate.	<b>NOTED</b>



Consent orders	Assessment
<p>(6) PROTECTION OF PUBLIC PLACES</p> <p>a) An appropriate fence preventing public access to the construction site shall be erected for the duration of construction works.</p> <p>b) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p>Any such hoarding, fence or awning is to be removed when the work has been completed.</p>	<b>NOTED</b>
<p>There shall be no burning of builder's rubble, felled trees or other material on site.</p>	<b>NOTED</b>
<p>The persons or entity shall ensure that no vibratory rollers are used during the construction of any trails without prior written approval of the Principal Certifying Authority.</p> <p>The Principal Certifying Authority shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect any Aboriginal archaeological heritage items or have an adverse impact to the root system of vegetation within the EP&amp;R Lands.</p>	<b>NOTED</b>
<p><b>6. ENGINEERING &amp; CONSTRUCTION SPECIFICATIONS</b></p> <p><b>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.</b></p>	
<p>(1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications.</p>	<p><b>COMPLIES</b></p> <p>Refer to Engineering Plans.</p>
<p>(2) Engineering design plans and stormwater drainage calculations, for all access paths, any bridges and/or drainage construction, shall be submitted to Council or the nominated Accredited Certifier for approval.</p> <p>The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development.</p> <p>All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.</p>	<p><b>NOTED</b></p> <p>Engineering design plans and stormwater drainage calculations will be submitted for approval.</p>
<p>A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to the Principal Certifying Authority before the final inspection for the Certificate of Practical Completion.</p> <p>The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed generally in accordance with the approved drawings and to the levels specified.</p>	<p><b>NOTED</b></p> <p>To be addressed post construction.</p>
<p><b>7. DRAINAGE/STORMWATER</b></p> <p><b>These conditions have been imposed to ensure drainage/stormwater is appropriately managed.</b></p>	



Consent orders	Assessment
All stormwater infrastructure works associated with the fire trails (including rip raps and the like) shall be located wholly within the six (6) metre cleared width for a typical path.	<b>COMPLIES</b>
All post development stormwater flows associated with the vegetation clearing and constructed fire trails shall be generally equivalent to pre development conditions in terms of quantity, flow distribution and water quality  Details shall be provided on the engineering design plans for approval by Council or the nominated Accredited Certifier prior to the issue of the relevant Construction Certificate demonstrating compliance with this condition.	<b>COMPLIES</b> Refer <b>Section 5.4.10</b> and accompanying Stormwater Compliance Letters.
The proposed stormwater drainage network and water quality infrastructure shall comply with the design principles of Water Sensitive Urban Design policy and J. Wyndham Prince Flooding, Stormwater & Water Quality Management Strategy Report (Issue D dated 23 November 2015).	<b>COMPLIES</b> As above.
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 by Principal Certifying Authority with the Engineering Plans.	<b>COMPLIES</b> Refer Engineering Plans.
<b>8. EROSION AND SEDIMENT CONTROL</b> <b>These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.</b>	
(1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.	<b>NOTED</b> This condition will be complied with during the construction phase.
(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.	As above.
(3) The installation of the erosion and sediment control devices identified in the Soil and Water Management Plan (SWMP) shall be completed prior to any construction taking place on the site. These devices are to be maintained for the full period of construction and beyond this period where identified in the SWMP.	As above.
(4) Construction and landscaping materials from the construction site are to be stockpiled and protected from erosion until reused within the construction site or during landscaping works (where possible).	As above.
(5) All excess material shall be removed from the site. The spreading or stock piling of excess material on site is not permitted.	As above.





Consent orders	Assessment
(6) Kikuyu shall not be used for turfing or seeding of any disturbed area.	As above.
<b>9. EARTH FILL</b> <b>These conditions have been imposed to ensure the safe disposal of fill.</b>	
<p>(1) The balance of the cut and fill for the trails for the fire, cycle and pedestrian trails is limited to approximately 20m<sup>3</sup> in accordance with the plans titled "Civil Details Plan (Bushfire Access Track)" prepared by Cardno (NSW/ACT) Pty Ltd (Ref: NA82013043-059 SK1030) dated 23/3/2016 (Revision 4) generally in accordance with the plans titled "Civil Details Plan (Bushfire Access Track)" prepared by Cardno (NSW/ACT) Pty Ltd (Ref: NA82013043-059 SK1030) dated 23/3/2016 (Revision 4).</p>	<p><b>COMPLIES</b> Refer <b>Section 4.4</b> and Engineering Plans.</p>
<p>(2) The persons or entity having the benefit of this consent shall use reasonable endeavours to ensure that no encroachment of fill onto into the EP&amp;R Lands located outside of the permitted six (6) metre wide construction zone for the trail construction.</p> <p>Notice shall be provided to Council two business days prior to the commencement of land filling works and within two business days of the completion of such works.</p>	As above.
<p>(3) The person having the benefit of this consent shall provide Council with validation 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</p>	<p><b>NOTED</b> A Validation Report for fill to be utilised will be provided prior to commencing works.</p>
<b>10. TRAFFIC MANAGEMENT</b> <b>These conditions have been imposed to ensure that development works within the Shire are carried out in a safe manner which is acceptable to Council and members of the public.</b>	
<p>(1) The applicant shall submit to Wollondilly Shire Council and its Local Traffic Committee a detailed plan of the proposed changes to the existing built form of Fairway Drive (between Pembroke Parade and Stirling Drive) which incorporates:</p> <ul style="list-style-type: none"> <li>a) minimum 3.3m travel lanes, a 0.6m central median and provision for 2.2m wide indented on street parallel car space</li> <li>b) a pedestrian break on Fairway Drive at the location shown on Figure 1 (Annotated NA82012043-005 SK6)</li> <li>c) vehicle swept path analysis for the design bus (11m single unit bus as shown on Figure 6.5 of the RTA Guide to Traffic Generating Development 2002)</li> </ul>	N/A



Consent orders	Assessment
<p>(2) The applicant shall upgrade the Picton Road intersections with both Pembroke Parade and Almond Street to signalised forms prior to release of the 1,166th Lot or at some other time agreed with the WSC and the RMS.</p> <p>The applicant shall as part of the works approval obtain formal endorsement of the capacity I traffic lane improvements, signal phase arrangements and allocated minimum green time to cycle lime ratio for the Pembroke Parade approach to the Picton Road junction generally in accordance with the SIDRA analysis reported in the Cardno Technical Memorandum dated 20 January, 2016.</p>	<b>N/A</b>
<p>(3) The applicant shall ensure that the detailed design of the relevant road carriageways in future stages of development can safely accommodate the swept path of the 11m long Design Bus and includes bus bay design and locations that avoid driveways for the proposed bus route generally in accordance with the Cardno "Conceptual Bus Stop Plan", Drawing Reference No. NA82013043 Sk02, dated 29 April 2016.</p>	<b>COMPLIES</b>



Consent orders	Assessment
<b>11. INSPECTIONS</b> <b>These conditions have been imposed to ensure that construction works are undertaken to an approved standard.</b>	
<p>(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</p> <ul style="list-style-type: none"><li>» At practical completion of works</li><li>» At final completion of works (minimum of 12 months after date of issue of practical completion certificate)</li></ul> <p>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.</p>	<b>NOTED</b> To be addressed post construction.
<p>(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 Principal Certifying Authority.</p>	<b>NOTED</b>
<b>12. WASTE MANAGEMENT</b> <b>These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.</b>	
<p>(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.</p> <p>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</p>	<b>NOTED</b> A WMP will be submitted as the CC Stage.
<p>(2) Disposal of construction and building waste material shall be undertaken in accordance with the approved Waste Management Plan</p>	<b>NOTED</b>



Consent orders	Assessment
<b>13. HERITAGE</b> <b>These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.</b>	
<u>General:</u>	
(1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.	<b>NOTED</b>
(2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.	<b>NOTED</b>
(3) At all times all contractors other authorised personnel on the Bingara Gorge development area, during the preliminary phases construction phase of development the works approved under this consent, shall be made aware of the general locations of the Aboriginal sites, in conjunction with the legislative protection afforded to these sites.	<b>NOTED</b> The Construction Management Plan will include induction procedures to ensure any employees are made aware of the general locations of the Aboriginal sites.
(4) The destruction, removal or relocation of an item or place of Aboriginal significance is only permitted with approval under Section 90 of the National Parks and Wildlife Act, 1974. No works relating to vegetation removal or the construction of trails (be it fire, pedestrian and/or cycle) shall commence until an approval under Section 90 of the National Parks and Wildlife Act 1971 has been obtained if required and a copy provided to Council.	<b>NOTED</b> Refer <b>Section 5.4.1.</b>



Consent orders	Assessment
<b>14. SECTION 94 CONTRIBUTION AND DEVELOPER CONTRIBUTIONS</b> <b>This condition has been imposed to ensure the adequate provision of public facilities required as a result of the development.</b>	
<p>1. Prior to Council or an Accredited Certifier issuing a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a Section 94A contribution in accordance with the provisions of the Wollondilly Section 94 Development Contributions Plan, 2011.</p> <p>The amount to be paid is to be calculated at the time of payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011 and is to be based on an up to date Quantity Surveyors report prepared in accordance with NSW Department of Planning &amp; Infrastructure Circular PS 13-002 (issued 14 March 2013) and is to be provided with the first Construction Certificate application. The contribution is to be paid prior to the release of the Construction Certificate.</p>	<p><b>NOTED</b></p> <p>Payment of required contributions will be made prior to a CC being issued.</p>
<p>2. For each Subdivision Certificate issued after the 1,165th residential allotment for the estate, development contributions shall be paid for in accordance with the Wollondilly Developer Contributions Plan 2011 (or subsequent plan) unless a Voluntary Planning Agreement has been executed pursuant to Subdivision 2, Division 6, Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>	<p><b>NOTED</b></p> <p>Dwelling number will exceed the 1,165 lots (Refer <b>Section 4.3</b>) Refer Development contributions will be paid unless an amendment to the VPA is made.</p>
<b>15. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT, 1979</b> <b>These conditions are imposed as they are mandatory under the Act.</b>	
<p>1. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989</p>	
<p>(a) For the purposes of <u>section 80A (11) of the Act</u>, the following conditions are prescribed in relation to a <u>development consent for development that involves any building work</u>:  that the work must be carried out in accordance with the requirements of the Building Code of Australia.  in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p>	<p><b>NOTED</b></p> <p>This DA does not involve the erection of any buildings. Future applications will be lodged for the construction of dwellings on the proposed lots.</p>
<p>(b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.</p>	<p><b>NOTED</b></p>



Consent orders	Assessment
<p>(c) This <u>clause</u> does not apply:</p> <p>to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or</p> <p>to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.</p>	<b>NOTED</b>
<p>(d) In this <u>clause</u>, a reference to the Building Code of Australia is a reference to that Code as in force on the date the <u>application</u> is made for the relevant:</p> <p>development consent, in the case of a temporary structure that is an entertainment venue, or</p> <p>construction certificate. in every other case.</p> <p>Note: There are no <u>relevant provisions</u> in the Building Code of Australia in respect of temporary structures that are not entertainment venues.</p>	<b>NOTED</b>



Consent orders	Assessment
(2) ERECTION OF SIGNS	
<p>a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.</p> <p>b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:</p> <p>(i) showing the name, address and telephone number of the principal certifying authority for the work, and 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</p> <p>(ii) stating that unauthorised entry to the work site is prohibited.</p> <p>(iii) 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.</p> <p>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.</p> <p>d) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.</p> <p>e) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.</p> <p>Note: Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1.100).</p>	<p><b>NOTED</b></p> <p>Appropriate signage will be erected prior to any works commencing.</p>



## B Court DA283/2015 Documents

Document	Prepared By	Plan Ref	Dated	Condition
1. Consent orders	LEC	N/A		N/A
2. Minor amendment to consent orders and plan				Relates to condition 4b
3. Bingara Gorge 1800 Veg Removal Map	CB for Lend Lease	Dgn No. BG 1800 DA VEG removal (Issue G)	25/08/16	1. 4(a)
4. Bingara Gorge 1800 DA Vegetation Removal & Indicative Subdivision Layout 1800 Lots (Issue F)			25/08/16	1.4(a)i
5. Fire Pedestrian Trail Amendment relates to this Fire/pedestrian/cycle trails				
(a) Locality Plan and Drawing Schedule	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1000 Revision 4	23/03/2016	1.4(b)
(b) General Arrangement Plan Sheet 1 to 12 of 13	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1002 to SK005 and NA8201304-059 SK007 to SK1013 Revision 4 NA8201304-059 SK1006 Revision 5	23/03/2016	1.4(b) and 3(2)
(c) Civil Details Plan (Bushfire Access Track)	Cardno (NSW/ACT) Pty Ltd	NA82013043-059 SK1030 Revision 4	23/03/2016	1.4(b) and 3.(8) + (12) and 9.(1)
6. Bingara Gorge Proposed Solution Additional Conservation			August 2016	1.5(c)i
7. a) Bingara Gorge Staged DA Ecological Assessment prepared for Lend Lease - Final	ELA	13WOLPLA_011	April 15	1.5(c)I and 1(8)
b) Bingara Gorge Staged DA - Amended Ecological Assessment - Addendum 1 prepared for Lend Lease	ELA	13WOLPLA_011	November 15	1.5(c)ii and 1.(8)
8. a) Development Application Statement of Environmental Effects, Bingara Gorge, Wilton Development Application Submitted on Behalf of Lend Lease	JBA	(Ref 13384)	April 2015	1.(8)

Document	Prepared By	Plan Ref	Dated	Condition
Communities Pty Ltd' prepared by dated (Ref: 15556)				
8. b) Development Application Addendum Statement of Environmental Effects, Bingara Gorge, Wilton, Development Application Additional 635 Lot Yield to a Maximum 1,800 Lots, Clearing of Vegetation, Fire Trails & 15 Lot Subdivision (Stage 1J(2))	JBA	(Ref: 15556)	November 2015	1.(8)
9. a) 'Bingara Gorge Residential Development Traffic Impact Assessment prepared for Lend Lease - Final'	Cardno (NSW/ACT) Pty Ltd	(Ref NA82013034)	April 15	1.(8)
9 b) 'Bingara Gorge Transport Assessment, Bingara Gorge - Land and Environment Court - Appeal 10554 of 2015 prepared for Lend Lease - Final'	Cardno (Qld) Pty Ltd	Ref: NA82013034	November 2015	1.(8)
10. a) 'Bingara Gorge Flooding, Stormwater & Water Quality Management Strategy Report prepared for Lend Lease - Final'	JWP	(Ref: 9785-02Rpt1C)	April 2015	1.(8) and 7.(3)
10. b) 'Bingara Gorge Flooding, Stormwater & Water Quality Management Strategy Report prepared for Lend Lease - Issue D LEC Update'	JWP	(Ref: 9785-02Rpt1D)	November 2015	1.(8) and 7.(3)
	JWP Issue D		23 November 15	
11. 'Bingara Gorge Residential Development Utilities Services Investigation - Version 3' prepared by Cardno (NSW/ACT) Pty Ltd dated April 2015 (Ref NA82013043-05 Report 002 Rev 3).				1.(8)
12 a 'Development Application "Balance of Site' Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW - Cultural Heritage Assessment Report prepared on behalf of Lend Lease Wilton Pty Ltd'	Lance Syme and Natalie Stiles, Kayandel Archaeological Services		April 15	1.(8)
12 b 'Proposed Construction of Fire Trails, Bingara Gorge, Wilton, Wollondilly Shire LGA, NSW - Cultural Heritage Assessment Report prepared	Lance Syme and Natalie Stiles, Kayandel		December 15	1.(8)

Document	Prepared By	Plan Ref	Dated	Condition
on behalf of Lend Lease Communities (Wilton) Pty Ltd				
13 Community Facilities and Open Space Report	Elton Consulting		April 15	1.(8)
14 Bushfire Protection Assessment	ELA		April 16	1.(8)
15 The Management Plans as per Condition 1(6) – Protection and Management of ELA Lands	Additional conservation lands DA			1.(8)
16 Preliminary site investigation	DP	43677.40R.003.Rev1	4 March 2016	
17 Pedestrian break Fairway Drive	Cardno	NA82012043-005 SK6		10.(1) b
18 Conceptual Bus Plan	Cardno	NA82013043 SK02	29-4-16	10.(3)

Note: Document No.17 has not been provided as this is not relevant.

# C Pre-lodgement meeting notes

Our Reference: PR20558 and PR25089

Vas Andrews  
Elton Consulting  
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17/10/2018

Dear Sir/Madam,

**PRE-LODGE MENT ADVICE – LOT 5 DP 270536 AND LOT 31 DP 270536, WILTON**

Thank you for using Council's development application pre-lodgement meeting service. This service provides an opportunity for potential applicants to obtain feedback from Council staff about various aspects of a preliminary proposal prior to lodgement of a development application. It is anticipated that the information gained from this meeting would assist potential applicants in the preparation of the design of the development and promote an understanding of matters and issues which should be addressed in a future development application.

This letter outlines the proposal as understood by Council on Thursday 4<sup>th</sup> October 2018.

**Description of the proposal**

The proposal is for subdivision of three stages within the Bingara Gorge precinct. These are:

- Precinct 7 (Golf North): 100 residential lots; 1 residue lot (for a future local park)
- Precinct 1 (Fairways North): 130 residential lots; 1 residue lot (for a future linear park)
- Precinct 2 (Fairways West): 62 residential lots, 2 residue lots (one for a future linear park and one for future residential subdivision)

**Permissibility of the development**

Lot 5 DP 270536 and Lot 31 DP 270536, Greenbridge Drive Wilton are zoned R2 Low Density Residential. The minimum lot size for these lots is 250 square metres under the *Wollondilly Local Environment Plan 2011* (WLEP 2011). According to Clause 2.6 of the WLEP, the subdivision, as proposed, requires development consent.

**Information required to be submitted**

1. A Statement of Environmental Effects covering the provisions of *Wollondilly Local Environment Plan 2011*, *Wollondilly Development Control Plan 2016* Volumes 1, 2 and 3, *State Environmental Planning Policy No. 55 – Remediation of Land* and *State Regional Planning Policy No. 20 – Hawkesbury-Nepean River*. The Statement

is also required to cover the impacts associated with the tree removal under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2. Architectural plans:
  - Site plan
  - Subdivision plans
3. Bushfire assessment report
4. As per condition 1(5)(c)(i)-(ii) of Land and Environment Court case no. 158921 of 2016, the following are required to be submitted for approval by Council with the subdivision applications:
  - A Vegetation Management Plan
  - An updated Bush Management Plan
  - An updated Koala Management Plan
  - A Weed Eradication and Management Plan
5. As per condition 1(7) of Land and Environment Court case no. 158921 of 2016, a:
  - Conservation Management Plan for Aboriginal Archaeology
6. Phase 1 preliminary contamination assessment
7. Salinity report
8. Waste management plan
9. Landscape / street tree plan
10. Civil engineering plans for stormwater drainage and road construction
11. Full site survey showing levels and contours
12. Cut and fill plans

#### **Additional comments**

##### *Health*

It is noted that engineering designs and earthworks for the acoustic wall to Hume Highway and Picton Road will form part of a separate development application. This will need to be approved and conditioned prior to the issue of a Construction Certificate, and prior to any earthworks taking place for this current DA.

The Statement of Environmental Effects shall address the capacity of the Sewerage Treatment Plant with respect to the additional lots and re-submit the original wastewater report.

As discussed during the pre-lodgement meeting, in order to address the abovementioned conditions requiring certain reports be submitted, if preferred please include any relevant original reports in the development application, along with a covering letter addressing any site specific issues that may arise as part of the development assessment.

Yours faithfully



Sasha Ryan  
**Development Assessment Planner**  
**DEVELOPMENT SERVICES**

**Table 1 Response to issues raised by Council pre-lodgement meeting**

Issue	Response
<b>Information required to be submitted</b>	
1. A Statement of Environmental Effects covering the provisions of Wollondilly Local Environmental Plan 2011, Wollondilly Development Control Plan 2016 Volumes 1, 2 and 3, State Environmental Planning Policy No. 55 - Remediation of Land and State Regional Planning Policy No. 20 - Hawkesbury-Nepean River. The Statement also required to cover the impacts associated with the tree removal under section 4.15 of the EP&A1979.	This SEE is submitted for Council consideration and addresses the environmental planning instruments referenced. Refer <b>Section 5.2</b> and <b>Appendix D</b> . For impacts associated with tree removal, refer <b>Section 5.4.5</b> and accompanying letter of advice from ELA.
2. Architectural plans: Site plan and Subdivision plans	A Site Plan and Subdivision Plans accompanies this SEE.
3. Bushfire assessment report	A Bushfire Assessment Report accompanies this SEE.
4. As per condition 1(5)(c)(i)-(ii) of LEC no. 158921 of 2016: » A Vegetation Management Plan » An updated Bush Management Plan » An updated Koala Management Plan » A Weed Eradication and Management Plan.	These plans have been updated to address matter within the consent orders and accompany this SEE.
5. As per condition 1(7) of LEC no. 158921 of 2016, : Conservation Management Plan for Aboriginal Archaeology	A Conservation Management Plan for Aboriginal Archaeology accompanies this SEE.
6. Phase 1 preliminary contamination assessment	A phase 1 assessment was undertaken as part of the LEC no. 158921 of 2016. Refer to <b>Section 5.4.4</b> . Electronic copy of this provided in the accompanying electronic package of LEC Court documents listed at <b>Appendix B</b> .
7. Salinity report	A Salinity Report accompanies this SEE.
8. Waste management plan	Noted. Refer Section 4.11. A WMP will be provided prior to the commencement of works in accordance with condition 12 of the LEC Consent Orders.
9. Landscape / street tree plan	A Street Tree Master plan accompanies this SEE.
10. Civil engineering plans for stormwater drainage and road construction	Civil Engineering Drawings accompany this SEE.
11. Full site survey showing levels and contours	Models have been developed with the fully site survey details and have been incorporated the DA Plans, namely: Civil Engineering Plans, Subdivision Plans, and Streetscape Master Plan accompanying this SEE.

Issue	Response
12. Cut and fill plans	These plans are included in the Civil Engineering Drawings that accompany this SEE.
<b>Additional comments</b>	
It is noted that engineering designs and earthworks for the acoustic wall to Hume Highway and Picton Road will form part of a separate development application. This will need to be approved and conditioned prior to the issue of a Construction Certificate, and	Noted. This is addressed in <b>Section 2.4</b> and <b>Section 5.3</b> of this report.
The Statement of Environmental Effects shall address the capacity of the Sewerage Treatment Plant (STP) with respect to the additional lots and re-submit the original wastewater report.	Noted. The STP has been sized to accommodate the 1,800 lots. Refer 5.4.10 and accompanying Utility Investigation Report prepared by Cardno April 2015 provided in the separate electronic package of LEC Court documents listed at <b>Appendix B</b> .
As discussed during the pre-lodgement meeting, in order to address the abovementioned conditions requiring certain reports be submitted, if preferred please include any relevant original reports in the DA, along with a covering letter addressing any site specific issues that may arise as part of the development assessment.	Noted. A copy of documentation from ID993-05 referred to in this DA and a full copy of the consent orders documentation referenced has been provided to Council as a separate package (USB).  Site specific documentation is included in this DA package.



# **D Compliance assessment SREP 20, WLEP& WDCP**

**Table 1 Compliance with Sydney Regional Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)**

Clause	Assessment
<b>Part 1 Introduction</b>	
This plan is Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997).	<b>NOTED</b>
<p>(1) This plan applies to certain land in the Greater Metropolitan Region that is within the following local government areas: Baulkham Hills, Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Gosford, Hawkesbury, Hornsby, Ku-ring-gai, Liverpool, Penrith, Pittwater, Warringah, Wollondilly. The location of the land is shown on sheet 1 of the map and the land is shown in detail on sheets 2–42 of the map.</p> <p>(2) This plan does not apply to the land to which State Environmental Planning Policy (Penrith Lakes Scheme) 1989 applies.</p>	This plan applies to the site as it is located within the Wollondilly LGA.
The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	<p>The DA seeks approval for residential subdivision in land that has previously been approved for urban use.</p> <p>The impacts of the proposed subdivision have been considered in the consultant reports accompanying this application and prepared as part of previous DAs.</p>
<b>Part 2 General planning considerations, specific planning policies and recommended strategies</b>	
<b>4 Application of general planning considerations, specific planning policies and recommended strategies</b>	
<p>(1) The general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 which are applicable to the proposed development, must be taken into consideration:</p> <p>(a) by a consent authority determining an application for consent to the carrying out of development on land to which this plan applies, and</p> <p>(b) by a person, company, public authority or a company State owned corporation proposing to carry out development which does not require development consent.</p>	An assessment in relation to each of the relevant clauses is provided in the following sections.
(2) Those considerations, policies and strategies should be taken into consideration in the preparation of each environmental planning instrument and development control plan that applies to land to which this plan applies.	<b>NOTED</b>
<b>5 General planning considerations</b>	

Clause	Assessment
The general planning considerations relevant for this Part are:	
(a) the aim of this plan, and	<b>NOTED</b>
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and	<b>NOTED</b>
(c) whether there are any feasible alternatives to the development or other proposal concerned, and	The alternative to the proposal 'to do nothing' is not a reasonable or feasible response. The land in question is zoned residential and concept approval for residential subdivision has been granted by the LEC. Subdivision of the land to allow for residential development will contribute to the overall development of Bingara Gorge.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.	All relevant environmental impacts have been addressed within the SEE ( <b>Section 5.4</b> ) and accompanying documentation ( <b>Section 1</b> ).
<b>6 Specific planning policies and recommended strategies</b>	
Policy: Total catchment management is to be integrated with environmental planning for the catchment.	
<b>6 (1) Total catchment management</b>	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	The Stormwater and Water Quality Management Strategy ensures that nutrient and sediment loads off the Bingara Estate are retained on site and that environmental flows to downstream ecosystems are maintained. The proposed stormwater works are consistent with this strategy.  Further, the watercourse monitoring plan as required Condition 2 of the LEC Consent Orders will ensure that impacts are assessed on an ongoing basis.  Refer <b>Section 5.4.10</b> and accompanying Flooding, Stormwater and Water Quality Management Strategy Report and Stormwater Compliance Letters.
(b) Consider the impact of the development concerned on the catchment.	The development is primarily set back from existing waterways, maintaining environmental protection and rehabilitation zones to minimise the impact on the catchment.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	The cumulative impact of the proposal has been considered in the LEC concept approval. Refer <b>Section 2.3</b> .
<b>6 (2) Environmentally sensitive areas:</b>	
Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that	The site is not within or within close proximity of a riverine corridor. EP&R lands are to be

Clause	Assessment
attached aquatic plant beds are replaced and water quality and faunal habitats improved.	conserved to contribute to the rehabilitation of the riverine corridor.
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	See response above at 6(1)(a).
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> and conservation area sub-catchments in order to protect water quality and biodiversity.	As above.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	As above.
(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> .	The site is not adjacent to land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> . Notwithstanding this appropriate APZs have been include to protect future development from bushfire hazards.
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> .	N/A
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	Noted. Various technical investigations have informed the land capability of the site including geology, salinity, contamination and stormwater. The site is not affected by acid sulfate soils.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	No development is proposed in conservation areas (with the exception of approved fire trails).
<b>6 (3) Water quality</b> Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.	
(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.	Refer to accompanying Stormwater Compliance Letters. Further the watercourse monitoring plan as required Condition 2 of the LEC Consent Orders will ensure that impacts are assessed on an ongoing basis.
(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.	As above.
(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water	N/A

Clause	Assessment
quality is suitable (regardless of water temperature).	
(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.	Wastewater will be treated at the WRTP and reused on site. Refer to accompanying Stormwater and Water Quality Management Strategy for detail.
(e) Develop in accordance with the land capability of the site and do not cause land degradation.	The subject site has been deemed capable of accommodating the proposed development as per the original staged approval and the subsequent LEC concept approval for residential subdivision totalling 1800 lots.
(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.	A Sediment Erosion Control Plan (9788519/DA22) is shown in the accompanying Civil Engineering Plans and Stormwater Compliance Letters. Further, measures will need to be implemented in accordance with condition 12 of the LEC Consent Orders.
(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.	Best practice water quality management measures are proposed.
(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	Development is sited appropriately, set back from the waterway so that bank stability will not be impacted.
(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.	No water is proposed for removal.
(j) Protect the habitat of native aquatic plants.	Native aquatic plant habitat will be preserved through the EP&R lands as well as through the Stormwater and Water Quality Management Strategy for the site.
<b>6 (4) Water quantity</b> Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.	
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	<b>NOTED</b>
(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.	Hydrology modelling confirmed that peak post development flows (without detention basins – but managed by the Retention and Re-Use Scheme) are less than existing conditions peak flows downstream of the site within Allens Creek. Refer Stormwater Compliance Letters.
(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.	No withdrawal of water is proposed.

Clause	Assessment
(d) Consider the impact of development on the level and quality of the water table.	<b>NOTED</b> No water table impacts are anticipated.
<b>6 (5) Cultural heritage</b> Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	Appropriate conservation of heritage items will be implemented. Refer Section 5.4.1 and accompanying Heritage Compliance Letters.
(b) Protect Aboriginal sites and places of significance.	The site has been subject to multiple detailed investigations and an AHIP will be applied for as required in accordance with condition 13(4) of the LEC consent orders.
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	As above.
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.	As above.
<b>6 (6) Flora and fauna</b> Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.	
Strategies, generally:	
(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	The protection and enhancement of threatened and native flora and fauna has been considered in the attached VMP.
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.	The footprint for development and vegetation removal has been previously approved, including concept approval for residential subdivision within these lands. The land is currently zoned for residential development.
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	A variety of expert reports and management plans have been prepared to accompany this application, including a BMP, KMP, VMP and WEMP. These plans seek to protect existing flora and habitats of fauna through appropriate management practices.
(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.	This has been considered as part of the proposal and its design.

Clause	Assessment
(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.	The impact of the development on Flora and Fauna has been extensively considered throughout the various applications and approvals. Positioning of the fire trails within the EP&R lands will be carried out in accordance with the LEC approved alignments, so that no additional trees will be cleared. Refer <b>Section 5.4.5</b> .
(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.	Appropriate establishment and management of APZs have been included as part of the accompanying Bushfire Protection Assessments.
(g) Consider the need to control access to flora and fauna habitat areas.	Access to flora and fauna habitat areas within the EP&R zones and ACL is generally limited to fire trails. During construction, these zones will be identified as no-go zones and fenced off with temporary fencing. Refer to the BMP and VMP for further details.
(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.	This application does not involve any physical works to watercourses that may affect corridors for fish passage.
Strategies for wetlands:	
(i) Maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients.	<b>N/A</b> – there are no wetlands in proximity to the site, nor that will be affected by development of the site.
(j) Maintain the ability of wetlands to stabilise soils and reduce bank erosion.	<b>N/A</b>
(k) Maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters.	<b>N/A</b>
(l) Maintain a variety of wetland flora and fauna species in the region and consider the scarcity of particular species on a national basis.	<b>N/A</b>
(m) Encourage the appropriate management of wetlands, including monitoring and weed control.	<b>N/A</b>
(n) Provide opportunities for recreation, scientific research and education where they are compatible with the conservation of wetlands.	<b>N/A</b>
(o) Consider the need to protect and improve the quality and quantity of surface water and groundwater entering wetlands by controlling development in the catchment of wetlands.	<b>N/A</b>
(p) Consider the desirability of protecting any wetlands of local significance which are not included on the map.	<b>N/A</b>
(q) Consider the desirability of protecting or, if necessary, actively managing, constructed wetlands	<b>N/A</b>

Clause	Assessment
if they have significant conservation values or make a significant contribution to improvements in water quality.	
<b>6 (7) Riverine scenic quality</b> Policy: The scenic quality of the riverine corridor must be protected.	
(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.	Extensive areas of existing vegetation are being preserved in close proximity to Stringybark and Allen's Creek as part of the EP&R Lands. The scenic/visual character of these tributaries will be preserved. Vegetation removal has been approved under the LEC Consent Orders. No additional vegetation removal in proximity to the creeks is proposed in this application.
(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.	<b>N/A</b>
(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.	No building structures are proposed as part of this application. Residential subdivision, road works etc. have been appropriately located away from waterways, which are buffered by environmental protection/conservation zones.
(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.	As above.
(e) Consider the need for controls or conditions to protect those scenic areas.	Scenic and vegetation buffer areas will be appropriately protected through implementation of the strategies and management plans in the BMP, VMP and KPM.
(f) Consider opportunities to improve riverine scenic quality.	<b>N/A</b>
<b>6 (8) Agriculture/aquaculture and fishing</b> Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.	
(a) Give priority to agricultural production in rural zones.	
(b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.	N/A - Land is nominated for urban use and zoned accordingly.



Clause	Assessment
(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.	N/A As above.
(d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.	N/A As above.
(e) Consider the ability of the site to sustain over the long term the development concerned.	N/A As above.
(f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.	N/A
<b>6 (9) Rural residential development</b> Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).	
(a) Give priority to agricultural production in rural zones.	N/A - Land is nominated for urban use and zoned accordingly.
(b) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan	N/A
(c) Maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development.	N/A
(d) Do not locate development in areas identified for future urban purposes in the Metropolitan Strategy.	N/A
(e) Consider the suitability of the land for keeping livestock, whether or not for commercial purposes, and appropriate mitigating measures to prevent land degradation.	N/A
(f) Consider the ability of the land to accommodate on-site effluent disposal in the long term.	N/A
(g) Consider any adverse environmental impacts of infrastructure associated with the development concerned.	N/A
<b>6 (10) Urban development</b> Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.	
(a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than	The proposal does not seek to increase the intensity of development at the site. Development potential as per this application was granted concept approval in the LEC

Clause	Assessment
2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.	consent orders made in the case No. 158921 of 2016.
(b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).	Lot sizes vary substantially, from 375sqm to over 2,729sqm. The shape of lots also varies substantially, generally following and responding to the undulating form of the surrounding land, golf course and waterways as well as various technical disciplines.
<b>6 (11) Recreation and tourism</b>	
Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.	
(a) Provide a wide range of recreational opportunities along the river which are consistent with conserving the river's natural values and character.	The primary recreational opportunity near the river is the existing golf course. The golf course accentuates the feeling of being in nature, responding to the value of the surrounding riverine corridors.
(b) Plan and manage recreational and tourist developments, and associated access points, cycleways and footpaths, so as to minimise any adverse environmental impacts on the river. Locate them where river banks are stable, away from river shallows, major beds of attached aquatic plants or fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities and where significant flora and fauna habitats will not be adversely affected. The upgrading of existing public access to the river is to be preferred over the creation of new access points.	Fire trails have been located sensitively so as to minimise impact on the riverine areas and allow for appropriate protection against bushfires. Management of these trails is outlined in the attached VMP and BMP.
(c) Minimise conflicts between recreational uses.	<b>N/A</b>
(d) Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.	<b>N/A</b>
(e) Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.	<b>N/A</b>
(f) Consider the visual impact of development on the surrounding area.	No building structures are proposed in this application.
<b>6 (12) Metropolitan strategy</b>	
Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.	
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	No transport infrastructure is proposed other than local roads and pedestrian and cycle paths that will encourage more walking and cycling. A bus service will be provided in accord with the LEC consent orders.
(b) Consider the impacts of metropolitan waste disposal on water quality.	A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier

Clause	Assessment
	<p>for approval prior to the issue of any Construction Certificate in accordance with the condition 12 of the LEC Consent Orders.</p> <p>Ongoing waste will be managed in accord with Council's requirements.</p> <p>Further the WRPT and stormwater management will ensure that quality nutrient and sediment loads off the Bingara Estate are retained on site.</p>
(c) Consider the impacts of development on air quality.	The proposed development will utilise a CMP to manage air quality impacts. A CMP will be prepared prior to the commencement of works in accordance with the conditions of the LEC Consent Orders, namely condition 5
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	See response at (b) above.
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	See response at (b) above.
<b>Part 3 Development controls</b>	
<b>8 Development controls</b>	
(1) Prohibited development Development defined in an item in clause 11 that is prohibited is indicated in the item by the word Prohibited.	<b>NOTED</b>
(2) Development requiring consent Any such development that may be carried out only with development consent is indicated in the item by the words Consent required. The council of the area in which development is proposed to be carried out is the consent authority for that development for the purposes of this plan, except where the Act provides otherwise.	<b>NOTED</b>
(3) Development requiring concurrence Any such development that may be carried out only with development consent granted with the concurrence of the Director is indicated in the item by the word Concurrence, together with a reference to the Director.	<b>NOTED</b>
(5) Development requiring certain matters to be considered The consent authority must not grant consent to the carrying out of any such development if the words Additional matters for consideration by the consent authority appear in the item until it has considered those matters in addition to the matters specified in section 90 of the Act. Matters that must be considered by the Director, if the Director's concurrence to a grant of consent is required by this plan, in determining whether to	<b>NOTED</b>

Clause	Assessment
grant that concurrence are indicated in the Table by the words Matters for consideration by the concurrence authority.	
<p>(6) Development for which consent may be granted in special circumstances</p> <p>Any circumstances in which consent may be granted to the carrying out of the particular development even though the development is not in accordance with the other provisions of this plan are indicated in the item by the words <i>Special circumstances</i>.</p>	<b>NOTED</b>
<p>(7) Designated development</p> <p>Any such development declared to be designated development for the purposes of the Act is indicated in the item by the words <i>Designated development</i>.</p>	<b>N/A</b>
<b>10 Excepted land</b>	
This Part does not apply to land reserved or dedicated under the National Parks and <i>Wildlife Act 1974</i> or dedicated under the <i>Forestry Act 1916</i> .	<b>NOTED</b>
<p><b>11 Development controls</b></p> <p>The following items set out particulars for the development controls imposed by this Part:</p>	<b>NOTED</b>
<p>(3) Buildings, works or land uses within conservation area sub-catchments</p> <p>Note. Conservation area subcatchments are those that are subject to relatively minimal human interference and are consequently in a reasonably pristine environmental condition.</p> <p>Definition: Development for the purpose of any building, work or land use, including clearing, in the sub-catchments of Glenbrook and Erskine Creek, Webbs Creek, the Colo River, the Grose River and the Macdonald River, as shown on the map, except for buildings, works or land uses that the consent authority considers to be minor and do not involve clearing or on-site effluent disposal.</p> <p>Consent required. Additional matters for consideration by the consent authority: The need to prevent adverse impacts on the near pristine condition of these sub-catchments.</p>	<p><b>NOTED</b></p> <p>No development is proposed in the EP&amp;R Lands other than approved fire trails.</p>
<p>(4) Remediation of contaminated land</p> <p>Definition: Removing soil or other deposits from, or otherwise remediating, contaminated land. For the purposes of this definition, contaminated land means land on which hazardous substances occur at concentration levels above background levels, where an assessment (carried out in accordance with guidelines circulated to councils by the Department) has indicated the substances pose, or are likely to pose, an immediate or long-term hazard to human health or to the environment.</p>	Refer <b>Section 5.4.4</b> .

Clause	Assessment
Consent required.	
<p>(7) Filling</p> <p>Definition: Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres.</p> <p>Consent required.</p>	<p>Noted. Filling of land will be carried out in accordance with LEC Consent orders.</p>
<p>(17) Sewerage systems or works</p> <p>Definition: Development for the purpose of any sewerage system or work which stores, treats or disposes of sewage (including domestic on-site disposal systems that are ancillary to development which requires consent) but not including a public utility undertaking.</p> <p>Consent required.</p> <p>Additional matters for consideration by the consent authority:</p> <p>(a) Whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or council sewerage system either now or in the future.</p> <p>(b) The suitability of the site for on-site disposal of effluent or sludge and the ability of the sewerage systems or works to operate over the long-term without causing significant adverse effects on adjoining property.</p> <p>(c) The likely effect of any on-site disposal area required by the proposed development on:</p> <ul style="list-style-type: none"> <li>• any water bodies in the vicinity (including dams, streams and rivers), or</li> <li>• any mapped wetlands, or</li> <li>• any groundwater, or</li> <li>• the floodplain.</li> </ul> <p>(d) The scope for recycling and reusing effluent or sludge on the site.</p> <p>(e) The adequacy of wet weather storage and the wet weather treatment capacity (if relevant) of the proposed sewerage system or works.</p> <p>(f) Downstream effects of direct discharge of effluent to watercourses.</p> <p>(g) The need for ongoing monitoring of the system or work.</p>	<p>Noted. Sewerage works proposed will be carried out in accordance with LEC Consent orders.</p>

**Table 2 Compliance with Wollondilly Local Environmental Plan 2011**

Description	Assessment
<b>Part 1 Preliminary</b>	
<b>1.2 Aims of Plan</b>	
<p>(1) This Plan aims to make local environmental planning provisions for land in Wollondilly in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</p> <p>(2) The particular aims of this Plan are as follows:</p> <p>(a) to provide for the management of natural resources and the protection of the natural landscape character,</p> <p>(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage,</p> <p>(c) to protect water quality in land that is situated within water supply catchments,</p> <p>(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,</p> <p>(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,</p> <p>(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.</p>	<p><b>Consistent</b></p> <p>The proposal will:</p> <ul style="list-style-type: none"> <li>» Facilitate the orderly growth of the urban release area in Bingara in a staged manner that promotes a high level of residential amenity.</li> <li>» Carried out in accordance with extensive technical studies as LEC Consent Orders</li> <li>» Protect and enhance the environmental qualities of the site by restricting development within the EP&amp;R Lands and the riparian corridor, WSUD and replanting of endemic vegetation</li> <li>» Provide adequate infrastructure to support the incoming population.</li> </ul>
<b>Part 2 Permitted or prohibited development</b>	
<b>Land Use Table</b>	
<p>R2 – Low Density Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>» To provide for the housing needs of the community within a low density residential environment.</li> <li>» To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul> <p>2 Permitted without consent</p> <p>Home occupations</p> <p>3 Permitted with consent</p> <p>Bed and breakfast accommodation; Boarding houses; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Educational</p>	<p><b>Consistent</b></p> <p>The proposal seeks to subdivide the land for future residential dwelling houses which are permitted with consent within the R1 zone.</p> <ul style="list-style-type: none"> <li>» The proposal will deliver additional range of housing single residential lots of various sizes to suit individual household needs, preferences and budgets</li> <li>» Bingara Estate provides a range of retail uses, recreational facilities and community uses to support the day to day needs of residents.</li> </ul>

Description	Assessment
<p>establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems</p> <p>4 Prohibited</p> <p>Attached dwellings; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Water treatment facilities; Any other development not specified in item 2 or 3</p>	
<b>2.6 Subdivision – consent requirement</b>	
<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p><b>Complies</b></p> <p>This application seeks consent to subdivide the land in accordance with Clause 2.6.</p>
<b>Part 4 Principal development standards</b>	
<b>4.1 Minimum subdivision lot size</b>	
<p>Minimum lot size is 250sqm for land in the development precincts.</p> <p>Minimum lot size for land within EP&amp;R Lands is 100ha.</p>	<p><b>Complies</b></p> <p>Lots range from 375sqm to 22,729sqm. Refer Section 4.3 and accompanying Subdivision Plans.</p>
<b>Part 5 Miscellaneous provisions</b>	
<b>5.10 Heritage conservation</b>	
<p>Item of local Aboriginal heritage I285 – Aboriginal shelter sites is located within the Fairways North.</p>	<p><b>Complies</b></p> <p>Refer Section 5.4.1 and accompanying Heritage Compliance Letter.</p>
<b>Part 6 Urban release areas</b>	
<b>6.1 Arrangements for designated State public infrastructure</b>	
<p>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure</p>	<p><b>Complies</b></p>

Description	Assessment
<p>before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</p> <p>(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before:</p> <p>(a) in relation to land shown as "Silverdale" on the Urban Release Area Map—16 September 2005, or</p> <p>(b) in relation to land shown as "Wilton" on the Urban Release Area Map—23 February 2007, or</p> <p>(c) in relation to any other land—the land became, or became part of, an urban release area,</p> <p>unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.</p> <p>(3) Subclause (2) does not apply to:</p> <p>(a) any lot identified in the certificate as a residue lot, or</p> <p>(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or</p> <p>(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or</p> <p>(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.</p> <p>(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).</p>	<p>A State Voluntary Planning Agreement applies across the site. Refer <b>Section 5.3.1</b>.</p>
<p><b>6.2 Public utility infrastructure</b></p>	
<p>(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting,</p>	<p>As above.</p>



Description	Assessment
maintaining or repairing any public utility infrastructure.	
<b>6.3 Development control plan</b>	
<p>(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.</p> <p>(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.</p>	<p><b>Complies</b></p> <p>WDCP applies to the site. Refer to <b>Table 3</b> for assessment against the provisions of the DCP.</p>
<b>6.4 Relationship between Part and remainder of Plan</b>	
A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.	<b>NOTED</b>
<b>Part 7 Additional local provisions</b>	
<b>7.1 – Essential services</b>	
As per 7.1(2)(b), this clause does not apply to the site since it is located within the Wilton Urban Release Area.	<b>N/A</b>
<b>7.2 – Biodiversity protection</b>	
<p>(1) The objective of this clause is to maintain terrestrial and aquatic biodiversity including:</p> <ul style="list-style-type: none"> <li>(a) protecting native fauna and flora, and</li> <li>(b) protecting the ecological processes necessary for their continued existence, and</li> <li>(c) encouraging the recovery of native fauna and flora and their habitats, and</li> <li>(d) protecting water quality within drinking water catchments.</li> </ul> <p>(2) This clause applies to land identified as "sensitive land" on the Natural Resources—Biodiversity Map.</p> <p>(3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:</p> <ul style="list-style-type: none"> <li>(a) native ecological communities,</li> </ul>	<p><b>Complies</b></p> <p>The EP&amp;R Lands are identified as sensitive land. The proposed development has been designed and sited, and will be managed, to reduce potential environmental impacts. EP&amp;R and conservation lands are proposed and residential subdivision occurs outside of these zones.</p> <p>Refer to <b>Section 5.4.5</b> and the various ecological reports accompanying this SEE.</p>

Description	Assessment
<p>(b) the habitat of any threatened species, populations or ecological community,</p> <p>(c) regionally significant species of fauna and flora or habitat,</p> <p>(d) habitat elements providing connectivity,</p> <p>(e) water quality within drinking water catchments.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</p> <p>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	
<b>7.3 – Water protection</b>	
<p>(1) The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following:</p> <p>(a) water quality,</p> <p>(b) natural water flows,</p> <p>(c) the stability of the bed and banks of waterways,</p> <p>(d) groundwater systems.</p> <p>(2) This clause applies to land identified as “sensitive land” on the Natural Resources—Water Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:</p> <p>(a) the water quality of receiving waters,</p> <p>(b) the natural flow regime,</p> <p>(c) the natural flow paths of waterways,</p> <p>(d) the stability of the bed, shore and banks of waterways,</p> <p>(e) the flows, capacity and quality of groundwater systems.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p>	<p><b>Complies</b></p> <p>The watercourse within the EP&amp;R Lands are identified as “sensitive land” on the Natural Resources—Water Map.</p> <p>The Stormwater and Water Quality Management Strategy ensures that nutrient and sediment loads off the Bingara Estate are retained on site and that environmental flows to downstream ecosystems are maintained. The proposed stormwater works are consistent with this strategy.</p> <p>Further, the watercourse monitoring plan as required Condition 2 of the LEC Consent Orders will ensure that impacts are assessed on an ongoing basis.</p> <p>Refer <b>Section 5.4.10</b> and accompanying Flooding, Stormwater and Water Quality Management Strategy Report and Stormwater Compliance Letters.</p>

Description	Assessment
<p>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</p> <p>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	
<p><b>7.4 Flood planning</b></p>	
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to land that is at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7 347 54760) published in 2005 by the NSW Government, unless it is otherwise defined in this clause.</p>	<p><b>Complies</b></p> <p>As these watercourses are up to 50 metres deeper than the adjacent residential lands, flood depths were determined in sufficient detail to demonstrate that the peak 100-year ARI flood level is significantly lower than the adjacent residential development.</p> <p>Refer <b>Section 5.4.10</b> and accompanying Flooding, Stormwater and Water Quality Management Strategy Report and Stormwater Compliance Letters.</p>

Description	Assessment
(5) In this clause, flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.	
<b>7.5 Earthworks</b>	
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p><b>Complies</b></p> <p>Proposed earthworks are detailed in the accompanying Civil Engineering Plans. Works will be undertaken in accordance with the Soil Erosion Sediment Control Plan, CMP, and other technical documentation and other requirements as per LEC Consent Orders to ensure impacts are mitigate appropriately.</p>

**Table 3 Compliance with Wollondilly Development Control Plan 2016**

Control	Assessment
<b>Volume 1 – General</b>	
<b>Part 2 – General Considerations for All Development</b>	
2.1 Objectives	
<p>2.1 Objectives</p> <p>1. To ensure that developments are undertaken with due regard to human safety.</p> <p>2. To ensure that developments do not unreasonably impact on their surrounds.</p> <p>3. To ensure that developments achieve a satisfactory level of social equity.</p>	<p><b>Consistent</b></p> <p>The proposal is consistent with the objectives of the DCP in that it:</p> <ul style="list-style-type: none"> <li>» Has been designed to have high regard for human safety through bushfire, flooding and road safety considerations</li> <li>» Has extensively considered the impact on the surroundings of the site through various technical studies and mitigation measures.</li> </ul>

Control	Assessment
<p>2.2 Controls</p> <p>The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:</p> <ul style="list-style-type: none"> <li>» Road and traffic hazards;</li> <li>» Bushfire threat;</li> <li>» Flood risk;</li> <li>» Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;</li> <li>» Exposure to electricity transmission systems;</li> <li>» Exposure to radiation from telecommunications infrastructure;</li> <li>» Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;</li> <li>» Hazards from vehicles within car parking areas; and</li> <li>» Hazard from potential contamination of the land.</li> <li>» The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.</li> <li>» The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.</li> <li>» The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.</li> <li>» The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.</li> </ul>	<p><b>Complies</b></p> <p>The relevant safety and health risks have been considered and are detailed in the design of the proposal and the following attached reports:</p> <ul style="list-style-type: none"> <li>» Bushfire</li> <li>» Contamination</li> <li>» Construction Impacts</li> <li>» Flooding, water quality and quantities</li> <li>» Traffic.</li> </ul> <p>Refer <b>Section 5.4</b> for assessment of impacts.</p> <p>Approval from the NSW Subsidence Advisory has been granted. Refer to accompanying determinations and stamped plans.</p>

Control	Assessment
<b>Part 5 – Colonial Heritage</b>	
5.1 Objectives	N/A
5.2 General Controls	N/A
<b>Part 6 – Heritage (Specific Locations)</b>	
N/A	N/A
<b>Part 7 – Aboriginal Heritage</b>	
7.1 Objectives	
<ul style="list-style-type: none"> <li>» To achieve appropriate means of conservation, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.</li> <li>» To achieve compliance with the requirements of the <u>National Parks and Wildlife Act, 1974</u> and associated Regulations and guidelines with respect to Aboriginal objects and Aboriginal places of heritage significance.</li> <li>» To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.</li> </ul>	<b>Consistent</b>
7.2 Controls	

An indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW. A report may also be required at the discretion of the assessing officer where:

- » There is impact or disturbance to the content, or within the immediate vicinity (100 metres) of a known Aboriginal object or Aboriginal place of heritage significance;
- » There is impact or disturbance to, or within the immediate vicinity (100 metres) of a previously recorded or known Aboriginal object or Aboriginal place of heritage significance and can include a cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance;
- » A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features:
  - » river frontage
  - » creek line
  - » sandstone exposures at ground level larger than 5m<sup>2</sup>
  - » sandstone cliff line or isolated boulder higher than 2m
  - » disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age.
- » Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified
  - » The Office of Environment and Heritage NSW (OEH)
  - » A qualified archaeologist
  - » Aboriginal stakeholders.
- » Ensure that should human skeletal remains be discovered that the following process will be undertaken:
  - » The remains will be reported to the police and the state coroner.
  - » Wollondilly Shire Council and the land owner will be notified of the find.
  - » Aboriginal stakeholders will be notified of the find. OEH NSW will be notified.

### **Complies**

Refer Section 5.4.1 and accompanying Heritage letter of compliance.



Control	Assessment
<ul style="list-style-type: none"> <li>» If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.</li> <li>» The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.</li> <li>» The finding's will be incorporated into any Aboriginal Heritage Management Plan's management regime.</li> </ul>	
<b>Part 8 – Flooding</b>	
8.1 Objective	
<ul style="list-style-type: none"> <li>» To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and</li> <li>» To reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.</li> </ul>	<b>Consistent</b>
8.2 Controls	
<p>There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor. Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).</p> <p>Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls. [tables provided in DCP]</p>	<p><b>Noted</b></p> <p>The site has been subject to flood assessment as part of the LEC Court case.</p> <p>Refer <b>Section 4.4.10</b> and accompanying Flooding, Stormwater and Water Quality Management Strategy Report and Stormwater Compliance Letters.</p>
<b>Part 9 – Environmental Protection</b>	
9.1 Objectives	The proposal is consistent in that it promotes the conservation and rehabilitation of sensitive lands by implementing APZs, EP&R and ACL lands.

Control	Assessment
<ul style="list-style-type: none"> <li>» To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.</li> <li>» To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.</li> <li>» To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.</li> </ul>	
<b>9.2 Interpretations</b>	
<p>The following definitions are used in this part:</p> <p><b>Avoid</b> <i>In the first instance the applicant must make all reasonable attempts to avoid any impact on environmentally sensitive land. This involves relocating the development or changing the design of the proposal to prevent any works associated with the development occurring within environmentally sensitive areas.</i></p> <p><b>Minimise</b> <i>Where it is not possible to "avoid" any areas of environmentally sensitive land, every attempt shall be made to "minimise impacts". In this part minimise means designing and constructing the development so that any impact on environmentally sensitive land is of a minor scale and significance only.</i></p> <p><b>Mitigate</b> <i>Where it is not possible to "avoid" or "minimise" any impact on environmentally sensitive land, any impacts must be "mitigated". In this part "mitigate" means taking all reasonable steps to relieve any impacts associated with works in environmentally sensitive land such as rehabilitation or re-establishment of affected areas.</i></p> <p><b>Native Vegetation</b> <i>Means any of the following types of indigenous vegetation:</i></p> <p><i>trees (including any sapling or shrub, or any shrub);</i></p> <p><i>understorey plants;</i></p> <p><i>groundcover (being any type of herbaceous vegetation);</i></p> <p><i>plants occurring in a wetland.</i></p> <p><i>Vegetation is indigenous if it is a species of vegetation, or if it comprises species of vegetation, that existed in the state before European settlement.</i></p>	<b>Noted</b>
<b>9.3 Controls</b>	

<ul style="list-style-type: none"> <li>» Development carried out on areas mapped as 'sensitive land' on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.</li> <li>» If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation agreement</li> <li>» The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.</li> <li>» Any development application on a site that includes sensitive land mapped on the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse. It should be noted that the LEP maps are indicative and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground.</li> <li>» All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the "acceptable standard" the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.</li> <li>» Nothing in this section prevents minor works on environmental land for the purposes of providing infrastructure.</li> <li>» Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference): <ul style="list-style-type: none"> <li>&gt; on cleared parts of the site wherever possible; or</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The proposed development has been designed and sited, and will be managed, to reduce potential environmental impacts. EP&amp;R and conservation lands are proposed and residential subdivision occurs outside of these zones.</p> <p>Refer to <b>Section 5.4.5</b> and the various ecological reports accompanying this SEE.</p> <p>The Stormwater and Water Quality Management Strategy ensures that nutrient and sediment load off the Bingara Estate are retained on site and that environmental flows to downstream ecosystems are maintained. The proposed stormwater works are consistent with this strategy.</p> <p>Further, the watercourse monitoring plan as required Condition 2 of the LEC Consent Orders will ensure that impacts are assessed on an ongoing basis.</p> <p>Refer <b>Section 5.4.10</b> and accompanying Flooding, Stormwater and Water Quality Management Strategy Report and Stormwater Compliance Letters.</p>
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Control	Assessment
<ul style="list-style-type: none"> <li>&gt; in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or</li> <li>» If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.</li> <li>» This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.</li> <li>» In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above.</li> </ul> <p>Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the Threatened Species Act, 1995, Native Vegetation Act, 2003 and the Environmental Protection and Biodiversity Conservation Act, 1999 would need to be satisfied if approval is required under those acts of legislation.</p>	
<b>Part 10 – Tree Removal</b>	
10.1 Objectives Controls	Vegetation removal was granted under LEC Consent Orders. Refer <b>Section 4.6</b> .
<b>Part 11 - Landscaping</b>	
11.1 Objectives	
<ol style="list-style-type: none"> <li>1. To encourage the planting of endemic species in landscaping.</li> <li>2. To reduce the impact of landscaping on the environment, infrastructure and human safety.</li> <li>3. To create a landscape character that is defined by native vegetation and not introduced species.</li> </ol>	<p><b>Consistent</b></p> <p>Noted. Appropriate species have been selected consistent with the Bingara Gorge Streetscape Master Plan and the surrounding landscape and existing approved street trees. Refer to accompanying Street Tree Master Plan.</p>
11.2 Recommended Species	
Refer to tables on pages 58-60 of the DCP	<p><b>Complies</b></p> <p>As above.</p>
11.3 Banned Species	

Control	Assessment
<p>The following species are not to be used in landscaping within Wollondilly:</p> <ul style="list-style-type: none"> <li>» Conifers,</li> <li>» Species specified in Clause 10.3(1)(a) of this volume,</li> <li>» Species identified as Noxious Weeds under the Noxious Weeds Act,</li> <li>» Species identified as a weed under any adopted policy of Council.</li> </ul>	<b>Complies. As above.</b>
11.4 Street Trees	
Street tree planting must comply with the Council's Tree Risk Management Plan	<b>Complies. As above.</b>
<b>Volume 2 – Urban Release Areas</b>	
<b>Part 1 - Preliminary</b>	
1.2 Objectives	
<ul style="list-style-type: none"> <li>» To satisfy the requirements of Clause 6.3 of Wollondilly Local Environmental Plan.</li> <li>» To achieve the objectives of Clause 6.3 of Wollondilly Local Environmental Plan.</li> </ul>	<b>Consistent.</b> See <b>Table 2</b> above.
<b>2.1 Wilton Park, Wilton (Bingara Gorge)</b>	
Objectives	<b>Consistent</b>
1. To minimise the risk to life, property and amenity as the result of underground mining activities (including aboveground supporting infrastructure).	Subsidence Advisory has approved the proposal. Refer to accompanying determinations and stamped plans.
2. To minimise the risk to life, property and amenity as the result of the underground gas pipeline that runs through the site.	<b>Noted.</b>
3. To ensure development of this precinct has regard for the landscape features of the site and its surrounds.	Significant consideration of the existing landscape and features of the site has been made. EP&R Lands ensure the retention of extensive vegetation on site.
4. To ensure the density of development is controlled so that suitable infrastructure can be provided during relevant stages of the development.	Proposed density is consistent with LEC Consent Orders.

Control	Assessment
5. To limit the overall density of development to ensure that:  a) The precinct is developed in line with the agreed indicative range set out in Map 2: Precinct Allotment Allocation  b) The development does not compromise or overwhelm regional infrastructure	The proposed density is generally consistent with the indicative ranges set out in Map 2. Refer to assessment against the LEC Consent Orders in <b>Appendix A</b> .
6. To ensure a consistent road network through the urban release area.	The road network has been designed to be consistent with the existing road network and to provide appropriate access.  Refer <b>Section 4.5</b> and <b>5.4.8</b> .
7. To promote connectivity with the existing Wilton Village.	Connection with Wilton Village is promoted via the proposed road network.
8. To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.	Shared pedestrian and cycle paths have been included throughout the proposal, predominantly in the verge. Additional pathways are proposed as fire trails within the EP&R lands as approved by the LEC Consent Orders.
Controls	
1. The development is to be generally undertaken in accordance with Map 1: Master Plan	<b>Complies</b>
2. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of each precinct is carried out in accordance with the indicative yield outlined in Table 1.	The residential subdivision proposed in this DA results in the following development precinct lot yields:  The proposal seeks approval for:  » Precinct 1 (Stage 2): 134 residential lots bringing the total to 366 including 232 Ethos DA.  » Precinct 2 (Stage 1): 112 residential lots  » Precinct 7: 101 residential lots (bringing the total to 121 including 20 lots proposed in the Ethos DA)  <b>Total: 347 residential lots</b>

**Table 1** Development Precinct Indicative Yields and Total Maximum Yield

Precinct Number	Minimum Yield	Maximum Yield
1	335	390
2	160	195
3	235	250
4	180	190
5	210	225
6	160	180
7	140	175
8	140	175
9	210	225

Total maximum yield1800

The above table is to be used for indicative purposes only. The distribution of residential allotments across the Development Precincts shall be on a progressive cumulative basis such that the overall lot yield will not exceed 1800 within all precincts.

Control	Assessment
3. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of this Urban Release Area will not result in more than 1,800 residential allotments.	<b>Complies</b> The proposal will result in 1,687 total lots (less than 1800 lots). Refer to <b>Section 4.3</b> for a cumulative lot table.
4. In controls 2 and 3 a residential allotment means any lot that is intended to contain one or more dwellings.	<b>Noted</b>
5. The consent authority must have regard to the impact of a development on the potential future mining of the site prior to granting consent for that development. It must not grant such a consent unless it is satisfied that the surface development will not unreasonably impact on potential future or current underground mining.	<b>Complies</b> Subsidence Advisory has approved the proposal. Refer to accompanying determinations and stamped plans.
6. Cycleways and footpaths shall be provided generally in accordance with Map 4: Cycleways and Pedestrian Linkages contained in this volume.	The cycleways throughout the proposal are generally comply.
7. Prior to the issue of a relevant Construction Certificate for fire trails, detailed plans showing the location of all threatened species (state and federal) shall be provided.	<b>Noted</b> To be addressed at CC Stage.
8. Transport infrastructure shall be provided in accordance with the following table. (refer to Table 2 on Page 10-11 of Volume 2 of the DCP)	Refer to accompanying Civil Engineering.
8. Prior to granting development consent for any subdivision of land within the urban release area the consent authority must be satisfied that all reasonable efforts have been made to ensure that: <ul style="list-style-type: none"> <li>a) The views of the parkland setting are maximised. This includes the open spaces, golf course, environmental lands and the Razorback Range.</li> <li>b) The visual impact of the development on Picton Road and the Hume Highway have been minimised.</li> <li>c) Where practical, existing high amenity features of the site will be protected, retained and incorporated into the development to maximise the amenity benefit of those features</li> </ul>	<b>Complies</b> The subdivision layout has been designed to consider the undulating nature of the site, preserving views in the process.
9. Development consent must not be granted for the development of any school, childcare centre, seniors living, health care facility or similar sensitive land use within 750 metres of the gas pipeline within the urban release area unless the consent authority is satisfied that the risks of that pipeline to human safety have been adequately mitigated.	<b>N/A</b> – Application does not relate to sensitive land use.

Control	Assessment
<b>Volume 3 – Subdivision of Land</b>	
<b>Part 1 – Preliminary</b>	
1.2 Objectives	
The object of this volume is to ensure that the subdivision of land is undertaken in a way that achieves positive planning outcomes.	<b>Noted</b>
<b>Part 2 – General requirements for all development</b>	
2.1 Traffic and Transport	
<p>Objectives</p> <ol style="list-style-type: none"> <li>1. To ensure that new allotments created by the subdivision of land are provided with adequate public roads.</li> <li>2. To ensure that the subdivision of land is only undertaken in locations where the road network is able to provide, or be made capable of providing adequate servicing.</li> <li>3. To ensure new roads are safe and efficient.</li> <li>4. To ensure access points for rural subdivisions are located at safe locations within the road network.</li> <li>5. To ensure pedestrian and cycle paths are provided where required to maximise the uptake of healthy and sustainable transport options.</li> <li>6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.</li> </ol>	<p>The proposed road network is generally consistent with the approved Bingara Gorge Masterplan. The Traffic Compliance Letter confirmed that the residential dwellings will be adequately serviced by public roads as per the proposed design.</p> <p>Pedestrian and cycle paths are provided throughout the precincts, generally on the road verge. Further pathways are proposed as fire trails through the EP&amp;R lands.</p>
Controls	



Control	Assessment
<ul style="list-style-type: none"> <li>» All new public roads must comply with Council's design specifications including kerb and guttering, drainage pedestrian paths and street lighting.</li> <li>» All access handles must comply with the following minimum widths: (refer to table on page 4, Volume 3 of the DCP)</li> <li>» In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is serving.</li> <li>» In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is serving with reciprocal rights of carriageway provided.</li> <li>» Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present: (refer to table on page 5-8, Volume 3 of the DCP)</li> <li>» All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.</li> <li>» New street lighting must use only LED type lights.</li> <li>» Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.</li> <li>» Splay corners shall be provided for newly created corner lots with the following sizes: (refer to table on page 8, Volume 3 of the DCP)</li> </ul>	<p><b>Complies</b></p> <p>The design of the proposed subdivision generally complies. Refer to accompanying Civil Engineering Plans for detailed road design.</p>
<p><b>2.2 Wastewater</b></p>	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>» To ensure wastewater generated by development can be managed without harm to the natural environment or human health.</li> <li>» To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.</li> <li>» To ensure development within the Sydney Drinking Water Catchment has a neutral or beneficial effect on water quality.</li> </ul>	<p><b>Consistent</b></p>

Control	Assessment
<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>» All lots created must have access to one or more of the following:</li> <li>» A reticulated sewage scheme operated by the relevant statutory sewage authority; or</li> <li>» A private reticulated sewage scheme operated by person licensed under relevant legislation; or</li> <li>» Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.</li> <li>» A "pump out" system is not a satisfactory method of wastewater disposal for the purposes of Control 1.</li> <li>» Any subdivision that is carried out on unsewered land (i.e. carried out under control 1(c) above) must meet the requirements of Council's "On-site Sewage Management System and Grey Water re-use Policy".</li> </ul>	<p><b>Complies</b></p> <p>All lots are provided access to on-site WRTP.</p>
<p><b>2.3 Stormwater</b></p>	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>» To ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life.</li> <li>» To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.</li> <li>» To ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.</li> </ul>	<p><b>Consistent</b></p>
<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>» Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.</li> <li>» Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short- and long-term maintenance management plan.</li> </ul>	<p>Refer Section 5.4.10 and accompanying Stormwater Compliance Letters.</p>

Control	Assessment
2.4 Lot size and shape	
<p>Objectives</p> <p>1. To ensure regular and practical allotments that will encourage the orderly and economic use of land.</p>	<p><b>Consistent</b></p> <p>The Subdivision Plans and Engineering Plans illustrate the proposed allotments.</p> <p>Lots are designed to provide practical and useable sizing and geometry while responding to the existing character of the surrounding area, characterised by undulating hills and surrounding golf course and waterways.</p>

## Controls

Lots (other than lots in residential zones) shall have the following minimum dimensions:

Zone	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
RU1	50m	50m	50m
RU2	50m	50m	50m
RU4	30m	30m	50m
E3	30m	30m	50m
E4	30m	30m	50m
Other Zones	N/A	N/A	N/A
B5	In the case of a subdivision intended for residential development refer to control 2. There are no minimum dimensions for subdivision intended for commercial development.		

Lots in residential zones shall have the following minimum dimensions:

Area	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
Less than 450m <sup>2</sup>	12m	12m	20m
Between 450m <sup>2</sup> and 650m <sup>2</sup> (inclusive)	13m	15m	20m
Between 650m <sup>2</sup> and 1500m <sup>2</sup> (exclusive)	15m	20m	25m
1500m <sup>2</sup> or Greater	20m	30m	30m

These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:

The subdivision of a dual occupancy or medium density development that is existing and lawful; or

The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.

These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.

Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:

a dwelling with a footprint of at least 150m<sup>2</sup>;

Any required asset protection zone wholly within the proposed lot boundaries; and

If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required;

and the resulting character of that development would be consistent with the character of the area.

Council may require the submission of specialist studies to justify development carried out under this control.

For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle

## Complies

The proposed subdivision is generally consistent with the lot size controls.

Lots are generally rectangular in shape. Lots that are irregular in shape due to constraints, very large and capable of sustaining a significant dwelling footprint and substantial landscaping/surrounding outdoor space.

Control	Assessment
<p>is not included in the calculation of the area of a lot which it services.</p> <p>Proposed lots which face onto a cul-de-sac head shall achieve a minimum "chord" width of 10 metres. The area considered to be the chord of the cul-de-sac is demonstrated in the diagram below.</p> <p>The width of any lot at the front building line shall be in accordance with the table above in control 2.</p>	
<p><b>2.5 Landscape and character</b></p>	
<p><b>Objectives</b></p> <p>To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.</p>	<p><b>Consistent</b></p>
<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>» The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.</li> <li>» The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.</li> <li>» Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.</li> <li>» Landscaping required by control 2.5(3) shall be provided with: <ul style="list-style-type: none"> <li>&gt; An automatic watering system; and</li> <li>&gt; A mix of ground covers and shrubs that are appropriate for the width of the handle; and</li> <li>&gt; A mulched or rocked garden bed with permanent edging.</li> <li>&gt; Landscaping for access handles shall not obscure the buildings at the rear of the handle.</li> </ul> </li> <li>» The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.</li> </ul>	<p><b>Complies</b></p>

Control	Assessment
2.6 Corner allotments	
<p>Objectives</p> <p>To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.</p>	<b>Consistent</b>
<p>Controls</p> <ul style="list-style-type: none"> <li>» Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.</li> <li>» Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.</li> <li>» These controls do not apply to proposed corner allotments on which a dwelling is already constructed.</li> </ul>	<p><b>Complies</b></p> <p>Refer Subdivision Plans.</p>
2.7 Building envelopes	<b>N/A</b>
2.8 Environmental protection	
Objectives	
To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.	<b>Consistent</b>
Controls	
<ul style="list-style-type: none"> <li>» The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.</li> <li>» The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.</li> </ul>	<p><b>Complies</b></p> <p>Refer to accompanying Engineering Plans, VMP and BMP.</p>
2.9 Non-residential development	<b>N/A</b>
2.10 Agricultural subdivision	<p><b>N/A</b></p> <p>The site is residential land.</p>

