



# **Attachment 5 to Item 2.1.1**

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**Local Planning Panel Conditions of  
Consent No.79 Bells Lane  
Kurmond**

Date of meeting: 17 August 2023  
Location: By audio-visual link  
Time: 10:00 a.m.



## Local Planning Panel Recommended Conditions of Consent

**Application Number:** DA0289/22  
**Proposal Details:** Subdivision - Torrens Title Subdivision 1 Lot into 3 Lots Over Two Stages

**Legal Description:** Lot 38 DP 7565  
**Property Address:** No.79 Bells Lane KURMOND NSW 2757

**Applicant:** Montgomery Planning Solutions  
**Owner:** Mrs JA Hopkins & Mr IR Hopkins

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### STAGE 1

#### GENERAL CONDITIONS

##### 1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
Sheet 1 of 1	Plan of proposed subdivision stage 1) Over lot 38 in DP 7586 No.79 Bells Lane, Kurmond	Freeburn Surveying	03	28/02/2022

b) Document Reference:

Document Title	Reference	Prepared By	Date
Phase 1 Preliminary Environmental Site Assessment	REF-6718-A	Envirotech Pty. Ltd	24/10/2018
79 Bells Lane, Kurmond Detailed Site Investigation	1989-ESA-01-A	Broadcrest Consulting Pty Ltd	19/07/2022
79 Bells Lane, Kurmond NSW On-Site Wastewater Report	1989-WW-A-02	Broadcrest Consulting Pty Ltd	26/07/2022
Flora And Fauna Assessment Report 79, 95 And 100 Bells Lane & 457 Bells Line Of Road Kurmond NSW	19 - 8216 - A	Envirotech Pty. Ltd	17 / 09 / 2019
Bushfire Hazard Assessment Report	Ref No. 22.07.247	Control Line Consulting	07/07/2022
Statement Of Environmental Effects	-	Montgomery Planning Solutions	July 2022

Voluntary Planning Agreement	-	Hawkesbury City Council	17 July 2023
RFS General Terms of Approval	CNR-45106DA0289/22 RFS reference: DA20220905010428-Original-1	Rural Fire Service	14/12/2022

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

## 2. Works on Public Land - Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

## 3. Asbestos Removal

If asbestos containing materials are encountered during construction or demolition work; measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulation 2001*. Work must not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

In accordance with Safework NSW requirements, a SafeWork NSW licensed Asbestos Removalist is to be engaged to undertake asbestos removal.

Prior to commencing demolition of buildings likely to comprise asbestos containing material(ACM), a commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent must notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

## 4. GEN220 Commencement of Subdivision Work/Appointment of a Principal Certifying Authority- stage 1

Any civil works associated with this consent must not commence before the following matters are addressed:

- a. a Construction Certificate has been issued

- b. a Principal Certifier has been appointed
- c. the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision work is proposed to commence; and
- d. the person having the benefit of the consent has given at least two day's notice to Council of the person's intention to commence the subdivision work.

## **5. Subdivision – Separate Application Required**

Any proposal for subdivision will require the lodgement of a separate Subdivision Certificate application.

## **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

### **6. Traffic Control Plan**

A Traffic Control Plan prepared in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Certifier for acceptance, prior to commencement of any works, for approval.

Where the site adjoins a Roads and Maritime Service controlled road, the Traffic Management Plan is to be approved accepted by Roads and Maritime Services before submission to Certifier.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

### **7. Driveway Construction - Rural Residential Within Property**

One standard rural residential vehicular driveway must be constructed within the property. The driveway must:

- a) have a minimum width of four metres within the property in accordance with '*Planning for Bushfire Protection 2019*' requirements;
- b) be constructed of all-weather rock, be sealed at grades greater than 17%, concrete at grades greater than 20% and not exceed 25%;
- c) be constructed in accordance with Council's 'Driveway Specification' and the Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification; and
- d) include adequate drainage to prevent erosion.

Details of the driveway are to be included on the plans submitted to the Certifier prior to issue of a Subdivision Works Certificate.

### **8. Stormwater Discharge**

Stormwater discharge points must be protected against erosion. Details demonstrating compliance with this requirement must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

### **9. Overland Flow**

The development must not create adverse impacts to neighbouring properties in relation to

overland flow and must meet the following requirements:

- a. water flowing from the property must not be redirected or concentrated to adjoining properties;
- b. water flowing into the property from adjoining lots must not be impeded or diverted; and
- c. water flow must follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above must be provided to the Certifier prior to the issue of a Subdivision Works Certificate.

#### **10. Erosion and Sediment Control Plan**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

#### **11. Bushfire Access**

Vehicle access to the proposed Lot 2 must be generally in accordance with the requirements of Planning for Bushfire Protection 2019. Details demonstrating compliance with the above must be submitted to the Certifier, prior to the issue of the Subdivision Works Certificate.

#### **12. Dilapidation Survey - Private Property (Neighbouring Buildings)**

A dilapidation report of adjoining properties detailing the physical condition of those properties, both internally and externally, including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items. The survey and report is to be prepared by an appropriately qualified person agreed to by both the applicant and the owner of the adjoining property.

All costs incurred in achieving compliance with this condition must be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of Accredited Certifier that all reasonable steps have been taken to obtain access and the affected property owner has been advised of the reason for the survey and that these steps have failed. Written concurrence must be obtained from the consent authority in such circumstances.

Details demonstrating compliance with the above requirements must be submitted to the

Accredited Certifier prior to issue of the Construction Certificate.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

### **13. Dilapidation Survey - Damage to Public Infrastructure**

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant detailing the pre-developed condition of Bells Lane. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

Note: The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

### **14. On-site Sewage Management - Approval Required**

Prior to the issue of the Construction Certificate, approval must be obtained for the installation of an on-site sewage management system. The application must be submitted to Council together with the design details, site assessment report and payment of the prescribed fee.

Following installation and prior to use of the approved on-site sewage management system an Approval to Operate the system must be obtained from Council

## **PRIOR TO ANY WORKS COMMENCING ON SITE**

### **15. Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

### **16. Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

### **17. Prescribed Conditions - Shoring and Adequacy of Adjoining Property**

Development that involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

#### **18. Principal Certifier Site Sign**

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 Certifier for the work;
- 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 unauthorised entry to the work site is prohibited.

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.

#### **19. Safety Fencing**

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

#### **20. Demolition - General**

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;



- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight docketts, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

## **21. Demolition**

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice must:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
  - (iii) provide the relevant SafeWork NSW License details of the demolisher/contractor; and
  - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice must:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
  - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

## **22. Restriction of Site Access to Prevent Unauthorised Material**

The property entry and exit points must be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

### **23. Asbestos Material Handling**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2017*.

In addition to the above, the following must be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifier with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the consent must give the Principal Certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

### **24. Demolition - Work Plans**

The demolition work must comply with the provisions of Australian Standard AS 2601 - 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 - 'The Demolition of Structures' must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

The work plans and the statement of compliance must be submitted and be to the satisfaction of the Principal Certifier prior to the commencement of works.

### **25. Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

## **DURING CONSTRUCTION**

### **26. Tree Removal**

No trees are to be removed without Council approval.

### **27. Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;

- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

## **28. Inspection and Compliance Certificates - Sewer Works**

Inspections for sanitary drainage works can only be conducted by Hawkesbury City Council.

Inspections must be conducted on the exposed pipes prior to covering. In the case of internal and external drainage, the inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch.

To arrange inspections and pay required fees please telephone Customer Service on (02) 4560-4444

## **29. Overland Stormwater Flow Management**

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

## **30. Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing must be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes

unless otherwise specified'; and

- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

### **31. Implementation of Erosion and Sediment Control Plan (ESCP)**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

### **32. Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council

### **33. Inspections by Certifier**

Inspections shall be carried out and compliance certificates issued by Council for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works Specifications, Part II, Table 1.1

## **Prior to Issue of Subdivision Certificate**

### **34. Voluntary Planning Agreement Contributions**

Subject to the terms of the Voluntary Planning Agreement for no. 79 Bells Lane, Kurmond dated 17 July 2023 the applicant is to provide a Developer's Contribution in the form of the Cash Contribution of \$30,000 for the creation of lot 2, This is to be carried out prior to the issue of a Subdivision Certificate.

### **35. Construction Compliance Certificate - Required Subdivision**

Part 6 Compliance Certificate/s for all works approved under the Subdivision Works Certificate is required prior to the Issue of the Subdivision Certificate.

Details demonstrating compliance with the above requirement must be submitted to the Principal Certifier.

### **36. National Broadband Network**

Telecommunications infrastructure shall be installed to comply with the following:

- a) the requirements of the Telecommunications Act 1997;
- b) for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- c) for a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is to be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of installation, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

A certificate from all relevant service providers that the telecommunications infrastructure is installed in accordance with all applicable legislation, shall be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate of the relevant Stage.

**37. Subdivision Certificate - Telecommunications Provider Certificate**

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifier prior to issue of the Subdivision Certificate of the relevant Stage.

**38. Easements and Restrictions - Subdivision for Stage 1**

Lots affected by new easements must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifier and the relevant utility provider prior to release of the Subdivision Certificate.

**39. Registered Surveyor Services & Buildings Plan**

A plan prepared by a registered surveyor shall be submitted to ensure that there are no unlawful encroachments and that the subdivision complies with easement restrictions and boundary setback requirements. The plan must show:

- a) all existing, services on the lots including septic tank and effluent disposal area, sewer connections, water connections and stormwater disposal;
- b) all existing buildings and significant structures;
- c) proposed and existing easements; and
- d) lot boundaries.

**40. Plan of Subdivision**

Prior to the release of the Subdivision Certificate of the relevant Stage, it will be required to submit:

- a) four paper prints of the final plan of subdivision prepared to the requirements of NSW Land and Property Information and incorporating Council approved road names; and
- b) the original and three paper copies of the 88B Instrument and Administration Sheet.

**41. Written clearance for suitable sewage connection**

If applicable a written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of a subdivision certificate.

**42. Decommissioning septic tanks**

Decommissioning of the existing or old septic tank/s shall be undertaken following the completion of installation of the approved sewage management facility. The old septic tank system is to be decommissioned in the following manner:

- a) The septic tank/holding well is to be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot;
- b) Receipts for emptying of tanks and disposal of contents are to be submitted to Council;
- c) The septic tank and holding well are to be thoroughly dusted with commercial grade agricultural lime;
- d) The base of the tank is to be punctured (to prevent future holding of water), the lids

- broken in and the top edges broken down 300mm below ground level; and
- e) The tanks are to be backfilled with clean filling material and finished to the surrounding ground level.

**43. Voluntary Planning Agreement Contributions**

Subject to the terms of the Voluntary Planning Agreement for 79 Bells Lane Kurmond dated 17 July 2023 the Developer is to provide a Developer's Contribution in the form of the Cash Contribution at the rate of **\$30,000** for the creation of each additional vacant Housing Lot on the Development Land.

**44. Subdivision – Separate Application Required**

Any proposal for subdivision will require the lodgement of a separate Subdivision works Certificate application.

**PRIOR TO ISSUE OF COMPLIANCE CERTIFICATE FOR CIVIL WORKS**

**45. Works As Executed Plans - Subdivision**

Works As Executed plans must be submitted to the Certifier by a Registered Surveyor prior to release of the Compliance Certificate for civil works. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Subdivision Works Certificate plans. As a minimum the plan must show:

- a) compliance with the approved design plans of all drainage works within council land, road reserve and drainage easements including connection into the subject lot/s, surface and invert levels of all pits, invert levels and sizes of all pipelines;
- b) certification from a registered surveyor that all storm water pipes and other services are wholly within an appropriate easement;
- c) compliance with the approved design plans of paved areas within rights of carriageway and road reserve;
- d) the extent, depth and final levels of filling;
- e) the location of all underground service conduits; and
- f) all deviations from the approved Civil Engineering Plans.

**46. Infrastructure Repair and Completion of Works**

Prior to the issue of any subdivision works Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

**47. Property Access driveway to proposed Lot 2- Compliance certification**

Property access driveway to proposed Lot 2 must comply with Section 4.1.3 (2) of Planning for Bush Fire Protection 2019 2006.

A suitably qualified and practising bush fire professional is to certify the property access driveway complies with access requirements under Table 7.4a of Planning for Bush Fire Protection 2019.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Accredited Principal Certifier prior to the issue of the Subdivision Works Certificate.

All levels must relate to Australian Height Datum

**48. Creation of Easements and Restriction on title requiring building envelopes be situated outside of area mapped on the Biodiversity Values Map**

The creation of easement for services, right of access and restriction on title must be provided under Section 88B of the Conveyancing Act 1919 including (but not limited to) the following:

- a) Right of Access shall be created over the full length of the proposed access driveways.
- b) Easements for all services, such as electricity, telecommunication, water, sewage, stormwater drainage, and gas (where available).
- c) Building envelopes on Lot 2 be situated outside of areas mapped on the Biodiversity Values Map.

Council is to be nominated as the party empowered to release, vary or modify these restrictions.

Instrument setting out terms of easements for items above to be created and restrictions on the use of land and positive covenants intended to be created, must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

All costs associated with creation of easement must be borne by the developer.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

No relevant conditions are recommended in this section.

## STAGE 2

### GENERAL CONDITIONS

#### 49. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
Sheet 1 of 1	Plan of proposed subdivision (stage 2) over Proposed residual lot 2 (being a subdivision of lot 38 in DP7586) No.79 Bells Lane, Kurmond	Freeburn Surveying	03	28/02/2022

b) Document Reference:

Document Title	Reference	Prepared By	Date
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Flora And Fauna Assessment Report 79, 95 And 100 Bells Lane & 457 Bells Line Of Road Kurmond NSW	19 - 8216 - A	Envirotech Pty. Ltd	17 / 09 / 2019
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No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.



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- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

#### **50. Civil Works Specifications Compliance**

All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan appendix E Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or a Registered Certifier.

#### **51. Works on Public Land - Not Permitted Without Approval**

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of any damaged areas.

#### **52. Subdivision – Separate Application Required**

Any proposal for subdivision will require the lodgement of a separate Subdivision works Certificate application.

### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

#### **53. Driveway Construction - Rural in Council Road Reserve**

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Subdivision Certificate. Evidence of lodgement and payment for this application must be provided to the Accredited Certifier.

The vehicular crossing must:

- a) have a minimum width of four metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a finish matching the road construction fronting the property (all-weather crushed rock/bitumen/asphalt) or concrete; and
- d) be constructed in accordance with Council's 'Driveway Specification' and the Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Note: The 'Agreement Form for Driveways' and the 'Driveway Specification' are available from Council's website.

#### **54. National Broadband Network**

Telecommunications infrastructure shall be installed to comply with the following:

- a) the requirements of the Telecommunications Act 1997;
- b) for a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- c) for a line that is to connect a lot to telecommunications infrastructure external to the premises, the line is to be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of installation, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

A certificate from all relevant service providers that the telecommunications infrastructure is installed in accordance with all applicable legislation, shall be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate of the relevant Stage.

**55. Subdivision Certificate - Telecommunications Provider Certificate for**

Documentary evidence from a telecommunications carrier confirming that services are available for the development shall be provided to the Principal Certifier prior to issue of the Subdivision Certificate of the relevant Stage.

**56. Easements and Restrictions - Subdivision for Stage 2**

Lots affected by new easements must be burdened with easements and restrictions on the use of land to the satisfaction of the Principal Certifier and the relevant utility provider prior to release of the Subdivision Certificate.

**57. Registered Surveyor Services & Buildings**

A plan prepared by a registered surveyor shall be submitted to ensure that there are no unlawful encroachments and that the subdivision complies with easement restrictions and boundary setback requirements. The plan must show:

- a) all existing, services on the lots including sceptic tank and effluent disposal area, sewer connections, water connections and stormwater disposal;
- b) all existing buildings and significant structures;
- c) proposed and existing easements; and
- d) lot boundaries.

**58. Plan of Subdivision**

Prior to the release of the Subdivision Certificate of the relevant Stage, it will be required to submit:

- a) four paper prints of the final plan of subdivision prepared to the requirements of NSW Land and Property Information and incorporating Council approved road names; and
- b) the original and three paper copies of the 88B Instrument and Administration Sheet.

**59. Creation of Easements**

The creation of easement for services, right of access must be provided under Section 88B of the Conveyancing Act 1919 including (but not limited to) the following:

- a) Right of Access shall be created over the full length of the proposed access driveways.
- b) Easements for all services, such as electricity, telecommunication, water, sewage, stormwater drainage, and gas (where available).

Council is to be nominated as the party empowered to release, vary or modify these restrictions.

Instrument setting out terms of easements for items above to be created and restrictions on the use of land and positive covenants intended to be created, must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

All costs associated with creation of easement must be borne by the developer.

**60. Driveway Constructions**

Driveway constructions within the road reserve must be completed prior to issue of the Subdivision Certificate.

Evidence demonstrating compliance with the above to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

**61. Voluntary Planning Agreement Contributions**

Subject to the terms of the Voluntary Planning Agreement for no. 79 Bells Lane, Kurmond dated 17 July 2023 the applicant is to provide a Developer's Contribution in the form of the Cash Contribution of \$30,000 for the creation of lot 11, this is to be carried out prior to the issue of a Subdivision Certificate.

**62. Infrastructure Repair and Completion of Works**

Prior to the issue of any subdivision works Certificate:

- a) all works in the road reserve must be fully completed; and
- b) any public infrastructure damaged as a result of the development must be repaired to the satisfaction of Council.

**63. Creation of Easements and Restriction on title requiring building envelopes be situated outside of area mapped on the Biodiversity Values Map stage 1**

The creation of a restriction on title must be provided under Section 88B of the Conveyancing Act 1919 including (but not limited to) a building envelope on Lot 11 be situated outside of areas mapped on the Biodiversity Values Map.

Council is to be nominated as the party empowered to release, vary or modify these restrictions.

Instrument setting out terms of restrictions for the above to be created and restrictions on the use of land and positive covenants intended to be created, must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

All costs associated with creation of the restriction must be borne by the developer.

**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

No relevant conditions are recommended in this section.

**Advisory Notes**

(i) Utilities and Services

Utilities, services and other infrastructure potentially affected by construction and operation must be identified prior to construction to determine requirements for access to, diversion, protection, and/or support.

Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development must be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements must be borne by the developer.

(ii) Works on Public Land - Public Liability Insurance

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

(iii) Requirements of 88B Instrument

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(iv) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.

(v) Acid Sulfate Soils - Monitoring of Excavation During Works

All excavations are to be monitored to ensure that acid sulphate soils are not encountered during works. Signs that may indicate the presence of acid sulphate soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

(vi) Equitable Access

The applicant must make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.

(vii) ADV115      Construction Noise during Stage 1

The works must be undertaken in accordance with the Interim Construction Noise Guideline published by the NSW Environment Protection Authority