



Attachment 3 to Item 2.1.2

Recommended Conditions of Consent

Date of meeting: 16 February 2023
Location: By audio-visual link
Time: 10:00 a.m.

CONDITIONS OF CONSENT

File Number: DA0146/22
Legal Description: Lot 21 DP 839413
Property Address: 55 Wells Street PITT TOWN NSW 2756
Applicant: Rack Constructions (No 1) Pty Limited
Owner: Rack Constructions (No 1) Pty Limited
Proposal Details: Subdivision – Demolition of structures, earthworks, the construction and extension of roads and a Torrens title subdivision to create 11 residential lots

Development Description

Subdivision – Demolition of structures, earthworks, the construction and extension of roads and a Torrens title subdivision to create 11 residential lots

General Conditions

1. Approved Plans and Supporting Documentation

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

a) Plans Reference:

Drawing Number/Name	Prepared By	Issue	Date
Drawing No. SK1-101 Sheet 1 'Lot Layout Plan'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-100 Sheet 1 'Cover Sheet and Locality Plan'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-101 Sheet 2 'General Notes and Legend'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-110 Sheet 3 'Demolition, Tree Removal and Erosion and Sediment Control Plan'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-120 Sheet 4 'Bulk Earthworks Plan'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-121 Sheet 5 'Site Sections – Sheet 1'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-122 Sheet 6 'Site Sections – Sheet 2'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-130 Sheet 7 'Civil Works Plan'	Sabai Consulting	4	17 November 2022
Drawing No. CD1-140 Sheet 8 'Road Typical Details'	Sabai Consulting	3	9 March 2022
Drawing No. CD1-141 Sheet 9 'Road Longitudinal Sections – Wells and Wilkinson Street'	Sabai Consulting	3	9 March 2022
Drawing No. CD1-142 Sheet 10 'Road Longitudinal Sections Road 01'	Sabai Consulting	3	9 March 2022
Drawing No. CD1-150 Sheet 11 'Stormwater Catchment Plan'	Sabai Consulting	3	9 March 2022
Drawing No. CD1-161 Sheet	Sabai Consulting	3	9 March 2022

12 'Retaining Wall Longitudinal Sections'			
Drawing No. CD1-170 Sheet 13 'Linemarking and Signage Plan'	Sabai Consulting	4	17 November 2022
Drawing No. SK-02 Sheet 1 'Wilkinson Street Future Extension Longsection'	Sabai Consulting	1	17 November 2022
Drawing No. 6132 Sheet 1 'Street Tree Planting'	Monaco Designs	A	15 March 2022
Drawing No. 6132 Sheet 2 'Landscape Details'	Monaco Designs	A	15 March 2022

b) Documents Reference:

Document Name and Reference	Prepared By	Date
'Preliminary Site Investigation' Report (Reference No. 20077/1-AA)	Geotechnique Pty Ltd	28 February 2022
'Bush Fire Assessment Report' (Reference No. 22-028)	Australian Bushfire Consulting Services	27 February 2022
'Aboriginal Cultural Heritage Assessment Report'	Access Environmental Planning	October 2022

No works other than those approved are permitted by this consent.

2. **Integrated Development – General Terms of Approval**

The following General Terms of Approval, as referred to under Section 4.50 of the *Environmental Planning and Assessment Act 1979*, are attached and form part of the consent conditions for this approval:

- a) NSW Rural Fire Service – The General Terms of Approval (Reference No. DA20220520007953-Original-1) dated 30 August 2022 are attached and form part of this consent.

3. **Appointment of a Principal Certifier and Commencement of Work**

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

- a) a Subdivision Works 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 works are 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.

4. **Section 6.4 Certificates Required**

The certifier shall provide copies of all Section 6.4 Certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

5. **Planning Agreements**

The provisions of any relevant Planning Agreement shall be complied with.

6. Aboriginal Heritage Impact Permit

Compliance with the requirements of any Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW under Section 90 of the *National Parks and Wildlife Act 1974* is required.

Known Aboriginal sites and objects, as well as sites recorded during development and/or operation, must be managed in accordance with the recommendations of the 'Aboriginal Cultural Heritage Assessment Report' prepared by Access Environmental Planning and October 2022, except where amended by any requirements of the AHIP.

The holder of the AHIP must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of the AHIP.

7. Civil Works Specification Compliance

All civil construction works required by this consent shall be undertaken in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Part E Chapter 4 'Pitt Town'. Inspections shall be carried out and Compliance Certificates issued by Council or a Registered Certifier.

Where works within the development site relate to existing or proposed future Council infrastructure assets, inspections shall be carried out and Compliance Certificates issued by Council.

8. Works on Public Land – Not Permitted Without Approval

No work can be undertaken within adjoining public lands (i.e. roads, reserves, parks 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 the preparation of Traffic Management/Control Plans.

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

9. Roads Act Approval

A separate *Roads Act 1993* (Section 138) Approval is required from a Roads Authority before any work is carried out within a Public Road.

The contractor undertaking the subdivision construction work is responsible for instructing sub-contractors or service authority providers of this requirement.

10. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) have no expiry date;
- b) be sent to Council direct from the bank;
- c) reference the Development Consent, condition and matter to which it relates;
- d) the amount must match that required to be paid; and
- e) if a single bank guarantee is used for multiple bonds, it must be itemised.

11. Refund of Security Bonds

Written application to Council for the release of held security bonds may be made upon the completion of the relevant works. Security bonds will be released subject to the works being completed in accordance with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and to the satisfaction of Council.

12. **Disposal of Cleared Vegetation**

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of in an approved manner.

No vegetative material is to be disposed of by burning onsite.

13. **Sewer Authority – Altogether Group**

Altogether Group (formerly known as Flow Systems and the Pitt Town Water Factory) are the sewer authority for this development. Altogether Group is therefore the approval authority for any sewer works.

Prior to Issue of a Subdivision Works Certificate

The conditions within this section of the consent must be complied with or addressed prior to the issue of any Subdivision Works Certificate relating to the approved development, whether by Council or a Registered Certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Subdivision Works Certificate.

Details demonstrating compliance with the above requirement must be submitted for approval prior to issue of the Subdivision Works Certificate. One set of printed plans and an electronic copy of the plans are required to be submitted with the Subdivision Works Certificate application.

14. **Subdivision Works Certificate Required**

Before any works are carried out a Subdivision Works Certificate or Roads Act Approval as relevant must be obtained for this development covering:

- a) Earthworks;
- b) Road construction;
- c) Footpath construction;
- d) Stormwater drainage;
- e) Erosion and sedimentation control; and
- f) Landscaping.

The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included in the consent.

Note: If the Subdivision Works Certificate is issued by a Certifier that is not Council it will be necessary to lodge the Subdivision Works Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

15. **Compliance Report**

Prior to the issue of a Subdivision Works Certificate, the Applicant or any party acting upon this consent shall submit to the Certifier a report addressing compliance with all relevant conditions required prior to the issue of a Subdivision Works Certificate of this consent.

16. Security Bond

A security bond of **\$20,000.00** must be submitted to Council to guarantee the protection of the road pavement and other public assets impacted by the subdivision works.

The Bond is fully refundable upon written application to Council on completion of the subdivision works subject to satisfactory restoration of any damages to public assets to the satisfaction of Council's Development Engineer. Fees for the lodgement of the bond applies in accordance with Council's Annual Fees and Charges schedule.

Detail satisfying the above criteria must submitted to the Certifier prior to issue of a Subdivision Works Certificate.

Note: Pre and post subdivision works Dilapidation Surveys may be used to identify any damage to existing public assets.

17. Long Service Levy Payment

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*. Evidence that the levy has been paid is to be submitted to the Certifier prior to the issue of any Subdivision Works Certificate.

Note: All building works valued at \$250,000 or above are subject to the payment of a long service levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

18. Dilapidation Survey – Damage to Public and Infrastructure Assets

A Dilapidation Survey and Report (including photographic record) must be prepared detailing the pre-developed condition of road pavements, public assets within Wells Street and the along the approved heavy vehicle route from Pitt Town Road/Cattai Road. 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.

Dilapidation of any private adjoining properties must be prepared detailing the pre-developed condition of the asset.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to issue of the Subdivision Works Certificate. Where Council is not the Certifier, a copy of the Dilapidation Survey and Report must be lodged with Council prior to the issue of the Subdivision Works 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.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no Subdivision Certificates shall be released for this development until damage caused as a result of the carrying out of the development is rectified.

19. Construction Management Plan

A Construction Management Plan shall be submitted to the Certifier prior to the issue of the Subdivision Works Certificate. The Construction Management Plan shall include the following:

- a) Summary: The Plan shall include a concise (maximum three page) summary of key points from all documentation.

- b) Background: The Plan shall provide details of the works including the extent, staging and proposed timing of the works.
- c) Consultation: The Plan shall outline the proposed manner in which adjoining property owners will be kept advised of the timeframes for the completion of each phase of development/construction process and the establishment of a protocol for complaints handling and management.
- d) Traffic: A detailed Traffic Management Plan shall be provided in accordance with the Traffic Management Plan condition requirements.
- e) Noise: Details shall be provided to demonstrate how the works will be undertaken in accordance with the Interim Construction Noise Guideline published the NSW Environment Protection Authority (EPA).
- f) Vibration: Details shall be provided in accordance with the Vibration Management condition requirements.
- g) Erosion and Sediment Control: Plans detailing the erosion and sediment control measures for the site shall be provided.
- h) Dust: Details shall be provided in accordance with the Dust Management Measures condition requirements.
- i) Waste: Details shall be provided in accordance with the Waste Management Plan condition requirements.
- j) Water Quality Assessment and Monitoring: A report shall be provided detailing planned water quality monitoring targets and procedures.
- k) Heritage and Archaeological Management: Details of any site specific heritage or archaeological management requirements are to be provided.
- l) Contamination: Details of any testing, remediation or validation requirements are to be provided.

An 'Unexpected Finds Protocol', including stop work procedures, shall also be developed to manage any unexpected archaeological or contamination finds.

20. **Traffic Management Plan**

A detailed Traffic Management Plan must be prepared detailing how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. The Traffic Management Plan must include the following:

- a) Construction access to the site is to be from Wells Street only.
- b) The fill haulage route must be detailed;
- c) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any structures within the site shall be detailed.
- d) All loaded vehicles entering or leaving the site must have their loads covered.
- e) The proposed method of access to and egress from the site for vehicles is to be safe and practical.
- f) Any associated Traffic Control Plans prepared in accordance with the Roads and Maritime Services' publication 'Traffic Control at Worksites' by an appropriately qualified person.

21. **Traffic Control Plan**

A Traffic Control Plan prepared in accordance with the Transport For NSW (formerly Roads and Maritime Services) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council for approval prior to the release of the Subdivision Works Certificate.

22. **Soil and Water Management Plan**

The Applicant must submit to and obtain approval from the Certifier of a Soil and Water Management Plan (SWMP) prior to issue of a Subdivision Works Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater – Soils and Construction (2004)' and shall contain but not be limited to:

- a) Clear identification of site features, constraints and soil types;
- b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
- c) Erosion and Sediment Control Plans shall be provided for three phases of construction:
 - (i) prior to commencement of works;
 - (ii) during bulk earthworks;
 - (iii) post drainage construction;
- d) Any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
- e) Erosion and Sediment Control Plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
- f) A strategy for the progressive re-vegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of the earthworks;
- g) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- h) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- i) Procedures for the re-use, treatment and disposal of water from sedimentation basins; and
- j) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

23. **Management of Dust**

All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:

- a) Clearly defined stop work thresholds whereby work on site will be ceased with the exception of water trucks. Thresholds must be provided that relate to velocity and direction of wind,
- b) Stabilisation of stockpiles, and
- c) A definition of the maximum allowable height and grades on batters of stockpiles.

Dust management measures are to be incorporated into the Construction Management Plan to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

24. **Vibration Management**

All plant and equipment to be used or installed on the premises must comply with the vibration limits specified in 'Assessing Vibration: A Technical Guideline' prepared by the NSW Environment Protection Authority, at the boundary of any affected receiver.

A vibration compliance letter from an appropriately qualified acoustic consultant eligible for membership of the Association of Australian Acoustic Consultants must be submitted to the Certifier as part of the Construction Management Plan required prior to the release of the Subdivision Works Certificate. This letter must certify that all plant and equipment operating simultaneously on the site, including all proposed plant and the equipment, will comply with the requirements of this condition.

25. **Waste Management Plan**

A Waste Management Plan is required to be prepared:

- a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
- b) identifying the quantity of waste material to be:
 - (i) reused onsite;
 - (ii) recycled onsite and off-site;
 - (iii) disposed of off-site;
- c) if waste materials are to be reused or recycled onsite – specify how the waste material will be reused or recycled onsite; and
- d) if waste materials are to be disposed of or recycled off-site – specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

Garbage receptacles must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacles must have tight filling lids.

The Waste Management Plan is to be prepared and submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

26. **Earthworks – Cut, Fill and Grading**

All earthworks and filling on the site must comply with the following:

- a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
- b) 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.
- c) Where the maximum grade of the fill batter exceeds a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- d) 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 AS1289 'Methods of testing soils for engineering purposes' unless otherwise specified.
- e) Any fill material shall comprise uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).

Details, plans and documentation satisfying the above requirements are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate. The plans must clearly indicate finished levels, fill depths, batter grades and finished surfaces.

27. **Earthworks – Staging**

The approved earthworks and landfilling is to be carried out in stages so as to minimise the area disturbed at any given time. The staging plan for the earthworks is to incorporate measures for the stabilisation of completed areas prior to works commencing in the following stage.

A Staging Plan satisfying the above criteria is to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

28. **Retaining Wall Design**

All retaining walls, including footings and ago lines, must be located wholly within private property where constructed on boundaries with Council land and road reserves. Retaining walls shall also be located within uphill lots where private properties abut each other.

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

29. Structural Engineer's Design – Retaining Walls

Any retaining walls having a height exceeding 600mm associated with the development are required to be designed by a practicing structural engineer. The design must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

30. Stormwater – Detailed Drainage Design

A detailed drainage design of the subdivision must be submitted. The detailed plan must:

- a) be generally in accordance with approved plans under this consent;
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be to the satisfaction of the Certifier;
- d) be designed to cater for a minimum of 1 in 5 year Average Recurrence Interval (ARI) storm event;
- e) show details of any overflow drainage paths that are designed to cater for 1 in 100 year ARI storm event; and
- f) comply with the Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

In the event the 1:100 year overland surcharge flow cannot be contained within the roadway the pipe may be designed for 1:20 year ARI.

Details satisfying the above criteria must be submitted to the Certifier for approval prior to the issue of a Subdivision Works Certificate.

31. Stormwater – Overland Flow

The development shall 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 shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above requirements shall be shown in the detailed drainage plan and provided to the Certifier prior to the issue of a Subdivision Works Certificate.

32. Stormwater – Inter-allotment Drainage

Any lots that do not drain directly to Council's stormwater drainage systems are to be provided with an easement and inter-allotment drainage system that comply with Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Australian Standard AS3500 'Plumbing and Drainage'. Council is to be the party empowered to release, vary or modify the easement.

The inter-allotment drainage details are to be included in the detailed drainage plan to be provided to the Certifier prior to the issue of a Subdivision Works Certificate.

33. Stormwater – Structural Engineer's Design – Deep Pits

All pits deeper than 3m must be designed and certified by a suitably qualified and practicing structural engineer and satisfy the requirements of AS3600:2009 'Concrete Structures'. Pits deeper than 1.2m must have step irons and pits deeper than 1.8m are to be reinforced concrete.

All pits must have grates in accordance with Council's Standard Drawings as specified in Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

Details demonstrating compliance with these requirements shall be shown in the detailed drainage plan and provided to the Certifier prior to the issue of a Subdivision Works Certificate.

34. Stormwater – Temporary Drainage Provisions

In order to mitigate stormwater ponding along the stormwater grates up until the time when a second layer of asphalt is placed, the following provisions are to be incorporated:

- a) small temporary bitumen water diverters 100mm wide, 200mm long and 40mm high at an angle of 45 degrees from the gutter edge must be placed on the road surface just upstream of all kerb inlet pits on grade. These are to be removed prior to the final asphalt layer.
- b) all pit grates shall have drainage slots along the side of grate facing the road pavement to prevent water ponding.
- c) pits at low points (sag pits) must have provisions to drain water off the road to avoid long periods of ponding.

35. Roads – Full Width Road Construction

Full road width construction must comply with the dimensions shown in the table below.

Road Name	Road Type	Formation: (Road Verge /Carriageway) metres(m)
Wilkinson Street	Local Street	3.5m / 8.0m / 3.5m
Road No 01	Local Street	3.5m / 8.0m / 3.5m

All roads and associated infrastructure shall be designed in accordance with the relevant requirements of Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specification' and Part E Chapter 4 'Pitt Town'. Plans lodged with the Subdivision Works Certificate must be signed-off by a registered professional civil engineer.

Works are to include required kerb and gutter, drainage, road pavement, street lighting, pavement markings, street name signage, street trees, road verge landscaping and paved footpath along the frontage of all lots. The footpaths are to be provided on the southern side of Wilkinson Street and the eastern side of Road No. 1.

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

36. Roads – Partial Width Road Construction

The pavement design must be provided for the full width of the carriageway where a partial road width is to be undertaken.

Partial width road construction must comply with the dimensions shown in the table below.

Road Name	Road Type	Formation:
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		(Road Verge /Carriageway) metres(m)
Wells Street	Local Street	3.5m / 4.0m (min)*

*Half width road construction of existing public road may require widening of existing road pavement on the opposite side to ensure a min 6.1m carriage including 4m half width road new construction along development frontage to ensure two-way traffic.

All roads and associated infrastructure shall be designed in accordance with the relevant requirements of Hawkesbury Development Control Plan 2002 – Appendix E - ‘Civil Works Specification’ and Part E Chapter4 ‘Pitt Town’. Plans lodged with the Subdivision Works Certificate must be signed-off by a registered professional civil engineer.

Works are to include required kerb and gutter, drainage, road pavement, street lighting, pavement markings, street name signage, street trees, road verge landscaping and paved footpath along the frontage of all lots. The footpath is to be provided on the northern side of Wells Street.

Details demonstrating compliance with the above requirements must be submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

37. **Roads – Pavement Surfacing**

In accordance with current pavement surfacing practices within the Pitt Town, two layers of 25mm AC10 pavement surfacing layer shall be applied over a primer seal on all subdivision roads. The first layer is to be applied at the construction stage of the subdivision work and the final layer of 25mm AC is applied when approximately 80% of dwellings are constructed in the subdivision.

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

38. **Roads – Temporary Turning Head Construction**

A temporary turning head must be constructed at the end of Wilkinson Street where the road is temporarily terminated. The turning head design shall comply with the requirements of Hawkesbury Development Control Plan 2002 – Appendix E – ‘Civil Works Specification’.

Details demonstrating compliance with this requirement must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

39. **Roads – Works Within Road Verge**

Infrastructure works are required to be undertaken within the road verges of the development. This work must be carried out at the developer’s expense, including all alterations of public infrastructure where necessary, and is to include the following:

- a) Construction of 1.2m wide footpaths;
- b) Removal of poor quality soil to a depth of 100mm within the road verge and replacement with rich topsoil and placement of turf (couch or buffalo variety); and
- c) Street tree planting is to be provided in accordance with the approved Landscape Plans.

Details of the above are to be included on plans submitted to the Certifier prior to issue of a Subdivision Works Certificate or Roads Act Approval as relevant.

Note: All paved footpath and street tree installation must be constructed with the subdivision works. Bonding for the completion of the footpath and tree installation at a later date will not be supported.

40. **Roads – Naming**

A written application for road naming must be submitted to Hawkesbury City Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per road, in order of preference, and the source of the names proposed.

Fees are payable for this service as specified in Council's Fees and Charges Policy.

41. **Public Lighting Design Brief**

The developer must submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council prior to the release of the Subdivision Works Certificate. A street lighting design plan must be prepared by an accredited service provider for contestable works in NSW and submitted to the energy provider for approval.

All street lighting must comply with the electricity service provider's Street Lighting Policy and illumination requirements. All costs associated with the installation of street lighting must be borne by the developer.

42. **Signposting and Line Marking Plan**

A detailed plan for all signage and linemarking must be approved by the Local Traffic Committee. The approved plan must be submitted with the design plans for the Subdivision Works Certificate.

This plan needs to show street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required; it cannot be painted over.

For existing public roads, signs and line marking may require separate/specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the Council's Development Control Plan 2002 – Appendix E 'Civil Works Specification'.

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

43. **Road Reserve – Sewer Backfill**

Backfill of all trenches including sewer that is within the zone of influence of the pavement shall be stabilised sand compacted to 98% standard. Details satisfying this requirement are to be provided on the plans submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

44. **Landscaping Plan**

A detailed landscaping plan must be prepared by a suitably qualified architect, landscape designer/architect or professional landscape consultant and provided to Council's Parks and Recreation Section for approval. These plans and strategies are to detail the following:

- a) Street trees shall be planted evenly within the grass verges of Wells Street, Wilkinson Street and Road No. 1 generally in accordance with Drawing No. 6132 Sheet 1 Rev 'A' 'Street Tree Planting' prepared by Monaco Designs and dated 15 March 2022. At a minimum one street tree shall be planted evenly within each frontage of the residential allotments. These trees are to be advanced specimens with a minimum pot size of 75L. Protection structures are to be installed around the trees.
- b) Brush Boxes (*Lophostemon confertus*) shall be used for the street trees in Wells Street, Ornamental Pears (*Pyrus calleryana* 'Bradford') shall be used for the street trees in Wilkinson Street and Water Gums (*Tristaniopsis laurina*) shall be used for the street trees in Road No. 1;
- c) Plain concrete shall be used for footpaths;
- d) Design, material and colour details of all footpath paving, fencing, retaining walls, street furniture and driveways etc. shall be provided.
- e) Measures to ensure the maintenance and survival of the landscaping are to be provided.
- f) The road verge areas along the full frontage of the development must be turfed.

Evidence of Council's approval of the detailed Landscaping Plan must be provided to the Certifier prior to the release of the relevant Subdivision Works Certificate for landscaping.

45. **Sydney Water – Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website:

www.sydneywater.com.au

Following application, a 'Notice of Requirements' will be forwarded detailing water 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.

The 'Notice of Requirements' must be submitted to the Principal Certifier prior to the release of the Construction Certificate.

Prior to Commencement of Works

46. **Principal Certifier – Details**

The applicant shall advise Council of the name, address and contact number of the Principal Certifier in accordance with Section 6.6(2)(b) (formerly Section 81A(2)(b)) of the Environmental Planning and Assessment Act 1979.

47. **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 providing name, address and telephone number; and
- b) details of the name, address and licence details of the contractor.

48. **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 remediation, building and civil construction work is being carried out, but must be removed when the work has been completed.

49. Demolition – Work Plans

All demolition work shall comply with the provisions of Australian Standard AS2601 'The Demolition of Structures'.

The work plans required by Australian Standard AS2601 shall 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 shall be submitted to the satisfaction of the Principal Certifier prior to the commencement of works.

50. Demolition – Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
 - (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 immediately adjoining property owners/residents of the date on which it is proposed to commence demolition. This notice shall:
 - (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.

51. Restriction of Site Access

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.

Entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles and to ensure the site manager can control and prevent dumping of waste and potentially contaminated material whilst any fill material is being imported or managed onsite.

52. 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; or

- b) be attached to an approved on-site effluent disposal system; or
- 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.

53. Traffic Management Devices

All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.

54. Implementation of Soil and Water Management Plan

The measures required in the Soil and Water Management Plan (SWMP) approved by the Certifier must be implemented prior to the commencement of works.

55. Fill Requirements

Prior to works commencing, documentary evidence shall be provided to the Principal Certifier demonstrating that any proposed fill material is either:

- a) Uncontaminated Virgin Excavated Natural Material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
- b) Excavated Natural Material (ENM) as defined by the 'Excavated Natural Material Exemption 2012' of the NSW Environment Protection Authority. The material must be from a known origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores or other foreign matter; or
- c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication 'Contaminated Sites – Sampling Design Guidelines 1995'.

Written details are to be kept of the address for the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultant reports. These details must be available for inspection by the Principal Certifier or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'.

56. Support and Protection for Neighbouring Buildings

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.

During Construction

57. Construction Hours

Clearing of land, running of machinery, excavation, earthworks, civil works and the delivery of building materials shall 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.

58. **Implementation of Construction Management Plan**

All aspects of the Construction Management Plan must be implemented and maintained until the completion of works.

59. **Construction Noise**

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

60. **Site Management During Construction**

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the Principal Certifier:
 - (i) the place to which waste materials were transported;
 - (ii) the name of the contractor transporting the materials; and
 - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
 - (i) all vehicles entering or leaving the site must have their loads covered;
 - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
 - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) All loading and unloading associated with construction activity must be accommodated on site.
- g) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

61. **Demolition – General**

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

- a) All demolition work shall be carried out strictly in accordance with Australian Standard AS2601 '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 SafeWork NSW 'Class 2' (Restricted) Asbestos License and comply with the SafeWork NSW 'Guide to Working with Asbestos';

- c) Site safety/security fencing shall be provided prior to commencement of any work onsite and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
 - (i) Demolition Sites – Australian Standard AS2601 'The Demolition of Structures';
 - (ii) Construction Sites – Australian Standard AS4687 'Temporary Fencing and Hoardings';
 - (iii) Ongoing Site Safety/Security – Australian Standard AS1725 - 'Chain-link Fabric Security Fencing and Gates';
- d) Demolition work shall 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) Erosion and sediment control measures shall be installed prior to any demolition works;
- f) 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;
- g) 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;
- h) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;
- i) 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;
- j) no material is to be burnt on site;
- k) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- l) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

62. **Asbestos Handling**

If asbestos is encountered during any work, measures must be in place in accordance with WorkCover NSW guidelines and the Occupation Health and Safety Regulation 2001. Work shall not commence or continue until all the necessary safeguards required by WorkCover NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by WorkCover NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS1319 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five 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 Hawkesbury City Council on request.

63. **Remediation of Land**

Any remediation works are to be undertaken in accordance with:

- The recommendations of Section 14 of the 'Preliminary Site Investigation' Report (Reference No. 20077/1-AA) prepared by Geotechnique Pty Ltd and dated 28 February 2022;
- Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP);
- *Contaminated Land Management Act 1997*;
- The guidelines in force under the *Contaminated Land Management Act 1997*; and
- National Environment Protection (Assessment of Site Contamination) Measure.

A Notice of Remediation must be given to Council at least 30 days before the commencement of any remediation work. The Notice of Remediation must be in writing and be consistent with Section 4.13 of the Resilience and Hazards SEPP. The notice must also include contact details of the remediation contractor responsible for ensuring compliance of the remediation work.

The remediation work must be completed under the supervision of an appropriately qualified consultant.

Within 30 days after the completion of the remediation works a Notice of Completion including a Validation Report must be submitted to Council verifying that the site has been fully remediated in accordance with the recommendations of the Remediation Action Plan. This notice must:

- be in writing and signed by the person who carried out the work;
- provide the person's name, address and business telephone number;
- provide details of the person's qualifications to carry out the work;
- specify, by reference to its property description and street address, the land on which the work was carried out;
- state when the work was completed;
- specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment;
- briefly describe the method of remediation used in the work;
- specify the guidelines that were complied with in the work; and
- specify the standard of remediation achieved (in the light of the use of the land).

The Notice of Completion must be prepared by an appropriately qualified person and state that the subject land is suitable for residential use.

64. **Classification of Excavated Soils**

Any soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines (2008). Testing is required prior to offsite disposal.

All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC (2008) Waste Classification Guidelines.

Details of soil excavation, transportation and disposal works must be reported to Council by a suitably qualified consultant. If required this is to be submitted as part of the validation reporting for the development.

65. **Topsoil and Stockpiles of Materials**

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being

created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

66. Earthworks – General Requirements

All earthworks on site must comply with the following:

- a) The level of fill shall not exceed the levels shown on the approved Development Consent plans. A certificate prepared by a Registered Surveyor confirming compliance with this requirement is to be submitted to the Principal Certifier upon the completion of the earthworks.
- b) Topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- c) Once the topsoil has been removed the natural batter should 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; The landfill shall be completed in stages to minimise the area exposed at any one time. Each section is to be stabilised by grassing immediately prior to moving onto the next section.
- d) Where the maximum grade of the fill batter exceeds a ratio of three horizontal to one vertical (3:1), retaining walls, stoneflagging or terracing shall be constructed;
- e) All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'.
- f) All fill, including existing fill, must be compacted with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 'Guidelines on Earthworks for Commercial and Residential Developments'.
- 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.

67. Retaining Walls

All retaining walls must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work near common boundaries must not compromise the structural integrity of any existing structures.

68. Management of Existing Water Flows

The works associated with the development shall ensure that:

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

69. Excavation Water Management

All excavated areas are to be kept free from the accumulation of water.

Excavation pit water shall be disposed in either of the following ways:

- a) pumped into tankers for disposal at an Environment Protection Authority (EPA) licensed waste facility; or
- b) pumped into Council's stormwater system – subject to meeting minimum requirements for water quality in relation to suspended solids, acidity, chemical composition or any other contaminants. A report from a NATA accredited laboratory of sample test results is

required to be provided to Council for consideration.

Prior to disposal of any excavation water into Council's stormwater system written approval from Council is required.

Should groundwater enter the excavation area a Groundwater Licence under Part 5 of the *Water Act 1912* is required from the NSW Office of Water prior to any dewatering taking place.

70. Waste Disposal

All records demonstrating the lawful disposal of waste must be retained and kept readily accessible on the construction site for inspection by regulatory authorities such as Council and the Environmental Protection Authority.

71. Road Drainage, Sewer and Service Conduit Crossings

Drainage lines, sewer lines and services conduit crossings must be placed across carriageways prior to the placing of any sub-base pavement material. In this regard, a copy of the services plans must be submitted to the Principal Certifier prior to the placement of sub-base pavement material. Alternatively, the services crossings must be under bored.

72. Effective Construction

All staged and partial road construction work shall incorporate any necessary service adjustments, temporary drainage, turning head and other ancillary work as required by Council to make the construction effective.

73. Inspections by Certifier

Inspections shall be carried out and Compliance Certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E 'Civil Works Specifications' – Part II, Table 1.1.

Where works within the development site or an adjoining private property, relates to existing or proposed future Council infrastructure assets, inspections shall be carried out and Compliance Certificates issued by Council.

74. Heritage – European Archaeological Discoveries During Works

In the event that European historical items, relics or cultural fabric are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage NSW must be notified of the discovery as required under the *Heritage Act 1977*. In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

75. Decommissioning of Onsite Waste Management System

All existing onsite waste management structures are to be decommissioned and removed to allow connection to Altogether Group's reticulated sewer.

Any septic tank system is to be decommissioned in accordance with the following:

- The work shall be undertaken in accordance with NSW Health Advisory Note 3 – May 2006 'Destruction, Removal or Reuse of Septic Tanks, Collection Walls, Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels';

- 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;
- Receipts for emptying of tanks and disposal of contents are to be submitted to Council;
- The area surrounding the septic tank/holding wall is to be thoroughly dusted with commercial grade agricultural lime; and
- The septic tanks and associated structures are to be removed to allow the connection of the site to sewer.

The decommissioning of the system shall be inspected by Council's Sewer Management Facility Officer. An inspection fee is payable for this service.

76. **Provision of Sewer**

Sewerage reticulation, including junctions, shall be constructed to each residential lot in the subdivision.

Prior to Issue of a Subdivision Certificate

77. **Subdivision Certificate – Final Plan of Subdivision and 88B Instrument**

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

- a) four paper prints of the final plan of subdivision prepared to the requirements of NSW Registry Services (formerly known as Land Titles Office) and incorporating Council approved road names;
- b) the original and three paper copies of the 88B Instrument and Administration Sheet; and
- c) all certificates and supplementary information required by this consent.

A Subdivision Certificate Release Fee shall be paid in accordance with Council's adopted Fees and Charges at the time of lodgement of the linen plan.

78. **Completion of Works and Satisfaction of Conditions Required by Subdivision Works Certificate**

All subdivision works must be completed in accordance with the approved Subdivision Works Certificate, approved plans, supporting documentation and to the satisfaction of the Principal Certifier.

The Subdivision Certificate application shall be accompanied by a checklist demonstrating compliance with all relevant Subdivision Certificate consent conditions.

79. **Section 7.11 (Monetary) Contributions – Pitt Town**

A contribution under Section 7.11 (formerly known as Section 94) of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

a) Contribution Required

In accordance with Council's Section 94 Contributions Plan 2015, a cash contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The amount of the contribution is:

Contribution Category	Amount (\$)
Planning Studies	\$409.80

Land Acquisition	\$16,768.90
Local Community Facilities	\$42,174.50
Local Recreational Facilities	\$17,226.00
Local Park Improvement	\$40,166.00
Roadworks	\$132,268.90
Total	\$249,014.10

These amounts have been determined in accordance with Council's Section 94 Contribution Plan 2015.

The contributions have been calculated on the basis of ten additional residential allotments and a Consumer Price Index (CPI) of 130.9 (December 2022). A credit has been provided for one existing residential allotment.

The contributions payable under this condition have been calculated on the basis of costs as at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be INDEXED at the time of actual payment in accordance with movement in the CPI as published by the Australian Bureau of Statistics.

Contributions are to be paid prior to issue of the Subdivision Certificate.

80. State Planning Agreement – Section 7.11 Contributions

Evidence that a monetary contribution has been paid to the Department of Planning and Environment towards the provision of designated State public infrastructure in accordance with the Voluntary Planning Agreement between the Minister for Planning and Rack Constructions (No.1) Pty Ltd (Reference No. SVPA2021-288) and dated 18 November 2022 shall be provided to Council prior to the release of the Subdivision Certificate.

81. Compliance Certificate – Pitt Town Stormwater

Prior to the release of a Subdivision Certificate, a Compliance Certificate under Section 307 of the *Water Management Act 2000* and Section 64 of the *Local Government Act 1993* shall be obtained from Council for stormwater infrastructure servicing the development.

Note: The 'Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town - Contribution Area 1' outlines the methodology for calculating development contributions towards preliminary investigations, acquisition of land and the provision of stormwater infrastructure within Catchment 1.

82. Defects Maintenance Bond

A defects maintenance bond to the value of 5% of the cost of the subdivision works or a minimum amount of **\$20,000.00** must be lodged Council prior to issue of the Subdivision Certificate for the relevant stage of the development. The bond can be in the form of an unconditional bank guarantee or cash security.

The bond is refundable on application, six months after the release of the Subdivision Certificate and upon satisfactory final inspection.

83. Remediation – Notice of Completion

Where remediation works have been undertaken, a Notice of Completion prepared by an appropriately qualified person must be submitted to confirm the completion of the works.

This Notice of Completion must be provided prior to the issue of a Subdivision Certificate.

84. Validation – Suitability of Residential Lots

A Validation Report must be prepared by an appropriately qualified person and state that the residential allotments are unconditionally suitable for residential use.

This validation must be provided prior to the issue of a Subdivision Certificate.

85. Temporary Easement For Stormwater Drainage

Drainage through Lots 8, 9, 10 and 11 must have the capacity to temporarily convey stormwater run-off from Wilkinson Street in addition to conveyance of inter-allotment drainage flows.

An easement benefiting Council must be created to temporarily discharge stormwater from Wilkinson Street. Upon the extension of Wilkinson Street and the drainage system towards the east with subsequent development consents, the easement for public benefit may be extinguished and only retained as a private drainage easement.

All costs associated with creation, extinguishment and registration of drainage easement must be borne by the applicant.

86. Easements and Restrictions

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.

87. Restrictions on Title (Section 88B Instrument) – Single Dwelling House Only

A Restriction under Section 88B of the *Conveyancing Act 1919* shall be created over each residential lot within the subdivision preventing the construction of more than one dwelling on each of the lots.

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

88. Works As Executed Plans – Subdivision

'Works As Executed' Plans must be submitted to the Principal Certifier by a Registered Surveyor prior to the release of the Subdivision Certificate. 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 lots, surface and invert levels of all pits, invert levels and sizes of all pipelines);
- b) certification from a Registered Surveyor that all stormwater 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.

All levels must relate to Australian Height Datum (AHD).

89. Survey – Location of Services and Building

A plan prepared by a registered surveyor must 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 sewer connections, water connections and stormwater disposal;
- b) proposed and existing easements; and
- c) lot boundaries.

90. CCTV Inspection of Stormwater Pipes

All stormwater pipes within road reserves and within drainage easements that are to become public assets must be inspected by CCTV. The CCTV must be carried out after all earthworks and road pavement works within the locality of the pipelines has been completed. A copy of the CCTV inspection must be recorded and submitted to the Principal Certifier. Damaged pipes must either be replaced or repaired to the satisfaction of the Principal Certifier.

91. Geotechnical Report

A Geotechnical Engineer's Report must be submitted to the Principal Certifier with the Subdivision Certificate application. The report must be prepared by a Chartered Professional Engineer with professionally recognised geotechnical experience and must include:

- a) the classification of the proposed lots in accordance with the Australian Standard AS2870 'Residential Slabs and Footings' or subsequent amendments;
- b) the classification of the lots in relation to risk of slope instability; and
- c) the required site preparation and construction constraints within the building envelope of the lot appropriate to the assessed risk of slope instability.

92. Road Infrastructure –Signposting and Line Marking

All signposting and line marking works are to be completed in accordance with an approved Signposting and Line Marking Plan prior to the release of the Subdivision Certificate for the relevant stage. Line marking works must be completed on both the first layer and second layer of asphalt where applicable.

93. Road Infrastructure – Street Signs

Street name signs shall be provided at the junction of the new roads.

94. Engineer's Certification

All retaining walls over 600mm high and structurally designed pits are to be certified on completion by a suitably qualified and experienced Structural Engineer. This certification must be provided to the Principal Certifier prior to the release of the Subdivision Certificate.

95. Completion of Landscaping

Landscaping works shall be completed generally in accordance with the approved landscaping plan. The use of other species must be agreed to in writing by Council's Parks Project Officer.

The submission of a verification statement confirming compliance with the approved scheme and this condition is required prior to the release of the Subdivision Certificate.

96. Service Conduits

Service conduits to each of the new lots, laid in accordance with the relevant service authority's requirements, are required to be provided. The location of services is to be shown on the engineering drawings.

97. Altogether Group – Compliance Certificate

Reticulated sewerage services for each residential lot shall be operational to the satisfaction of

the Altogether Group prior to the issue of a Subdivision Certificate. A Compliance Certificate is to be provided from the sewer authority.

98. Subdivision Certificate – Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be provided to the Principal Certifier prior to issue of the Subdivision Certificate.

99. Subdivision Certificate – Energy Provider Certificate

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifier prior to the issue of the Subdivision Certificate.

100. Subdivision Certificate – Telecommunication Certificate

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, 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.

101. Dedication of Land to Council

All road reserves, roads, footpaths and public assets shall be dedicated to Council (at no cost to Council).

Notes

(i) Operation of Consent

This consent operates from the consent date shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.

(ii) Appeal to Land and Environment Court

If you are dissatisfied with the determination Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* give you the right to appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal.

(iii) Compliance with Consent

Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.

(iv) Works Within Road Reserve

To undertake works within the road reserve approval under Section 138 of the *Roads Act 1993* must be obtained from Council for local and regional roads or from Roads and Maritime Services for State roads.

Private accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the *Roads Act 1993*.

(v) **Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(vi) **Utilities and Services**

Utilities, services and other infrastructure potentially affected by the works shall 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 development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required.

The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this subdivision. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited;
- (b) Flow Systems (formerly known as the Pitt Town Water Factory);
- (c) the relevant electricity supply authority; and
- (d) the local telecommunications carrier

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the works either onsite or on the adjacent public roads.

(vii) **Workplace Health and Safety**

All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any SafeWork NSW requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Further information and details can be obtained from the SafeWork NSW website.

(viii) **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.

(ix) **Creation of Positive Covenant and Restriction as a User**

Where any conditions of this consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms (Land Registry Services Standard Forms 13PC and/or 13RPA), shall be submitted to Council for authorisation.

A certified copy of the documents shall be provided to Council after final approval and registration has been affected by Land Registry Services.

(x) **Incident Reporting – Environmental Management**

The proprietor shall notify, immediately after occurrence, Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.

(xi) **Discovery of Contamination**

Should any new information come to light during the works which has the potential to alter previous conclusions about contamination, the works must cease immediately and contact should be made with Council. Works must not recommence onsite until directed by Council.

(xii) **Acid Sulfate Soils – Monitoring of Excavation During Works**

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