



Attachment 2 to Item 2.1.3

Conditions of Consent

Date of meeting: 20 April 2023
Location: By audio-visual link
Time: 10:00 a.m.

Development Assessment Report - Part 2

Development Application No	DA0114/22
Proposal	Designated Development - Subdivision - 3 Lots Torrens Title
Legal Description	Lot 28 DP 1184227
Property Address	35 Hadden Ridge Road WILBERFORCE NSW 2756

Recommendation

That development application DA0114/22 at Lot 28 DP 1184227, 35 Hadden Ridge Road WILBERFORCE NSW 2756 for - Designated Development - Subdivision - 3 Lots Torrens Title be approved subject to the following conditions:

General Conditions

1. Integrated Development - General Terms of Approval

The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- NSW Rural Fire Service - The General Terms of Approval, Reference DA20220517007862-Original-1 and dated 4 September 2022 are attached and form part of this consent.

2. 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:

- Plans Reference:

Drawing Reference No.	Prepared by	Date
3 Lot Subdivision Plan No. CC170126 Sheet 1	Ryan Barker Stewart	28/02/2023 Rev F
Civil Engineering Plans:		
Cover Sheet PS03-A000		
Sheet Reference Plan No.PS03-A010		
Development Overview Plan No.PS03-A050		
Sediment & Erosion Control Plan No.PS03-B300		
Sediment & Erosion Control Details No.PS03-B310		
Indicative Driveway Grading Plan No.PS03-C100	Martens & Associates Pty Ltd	21/03/2022 Rev A
Indicative Driveway Cut-Fill Plan No.PS03-C500		
Indicative Driveway Details Plan – Lots 1 to 3 No.PS03-D100		
Indicative Lot 1 Driveway (21-MSL01) Longitudinal & Typical Sections No.PS03-D200		
Indicative Lot 2 Driveway (21-MSL02)		



Longitudinal & Typical Sections No.PS03-D201		
Indicative Lot 3 Driveway (21-MSL03) Longitudinal & Typical Sections No.PS03-D202		
Drainage Plan No.PS03-E100		

b) Document Reference:

Document Title	Reference	Prepared By	Date
Biodiversity and Rural Land Management Plan for Proposed Lot 1	21762_R06	Umwelt	March 2022
Biodiversity and Rural Land Management Plan for Proposed Lot 2	21762_R05	Umwelt	March 2022
Biodiversity and Rural Land Management Plan	21762_R04	Umwelt	March 2022
Flora and Fauna Assessment Report	21762RO3	Umwelt	March 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.

3. Appointment of a Principal Certifier

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
 - (i) name and licence number of the builder/contractor undertaking the construction works; or
 - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
 - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
 - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
 - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
 - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
 - (ii) notified the Principal Certifier of the appointment of the principal contractor;
 - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and



- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

4. **Civil Works Specification - Private Land**

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*.

Inspections must be carried out by a Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

5. **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.

6. **Flood protection**

All future dwellings shall maintain a minimum habitable floor level of 14.2 m AHD, this being the 1% AEP flood level of 13.2 m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.

All accessways to future dwellings shall maintain a minimum design finished surface level of 14.2 m AHD.

7. **Water Quality**

All stormwater generated by future dwellings and driveways shall be treated prior to release to the receiving environment to achieve a neutral or beneficial impact.

Runoff from all future dwellings should be collected and treated by an appropriately sized raingarden and released to the environment using a level spreader to prevent soil erosion.

A minimum 100 KL rainwater tank shall be provided for each future dwelling.

The concept stormwater management plan contained in the Martens July 2020 Engineering Assessment must be updated, including the MUSIC modelling therein, to include a sensitivity analysis using climate data from Bureau of Meteorology weather station closer than Richmond, so that final sizes of stormwater treatment measures are determined and submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

8. **Project Ecologist**

A Project Ecologist is to be appointed to supervise and monitor the works detailed in the Biodiversity and Rural Land Management Plans for each lot **AND** Chapter 4, Section 4.3 Measures to Minimise and Avoid Impacts of the Flora and Fauna Assessment Report by Umwelt dated March 2022 ref: 21762RO3. The Certifier and Council is to be notified, in writing, of the name, contact details and qualifications of the project ecologist appointed to the site prior to commencement of any works.

The Project Ecologist is to determine the most appropriate time for any vegetation clearing works to be carried out.

9. **Contamination - Unexpected finds protocol**

An unexpected finds protocol is to be prepared and sent to Council for written approval. The document is to clearly indicate the methods that will be used to detect any land contamination at the site, and what



response will be provided to each potential unexpected find.

Prior to Issue of Subdivision Works Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

The Certifier may require a Compliance Certificate to address particular matters below.

10. Access driveway Construction

Access driveways are to be designed and constructed in accordance with Planning for Bushfire Protection 2019 requirements and Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification. Access driveways are to be designed and constructed between the property frontage and building footprint.

Access driveways are to be designed to provided unobstructed access to a minimum level of RL 14.2 metres AHD (Australian Height Datum), this being the 1% AEP flood level of 13.2 m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.

To prevent impact on flood behaviour the development must not comprise of earthworks or structures below RL 14.2m AHD.

Details of the driveway and associated drainage and earth works are to be included on the plans submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

11. Pad Construction

Pads within the approved building envelopes for all Lots are to be designed and constructed in accordance with Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

To prevent impact on flood behaviour the development must not comprise of earthworks and/or structures below RL 14.2m AHD, this being the 1% AEP flood level of 13.2 m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.

Details of the earthworks and/or structures are to be included on the plans submitted to the Certifier for approval prior to issue of a Subdivision Works Certificate.

12. Traffic Control Plan

A Traffic Control Plan prepared in accordance with the Transport for NSW (TfNSW) publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval.

Where the site adjoins a TfNSW controlled road, the Traffic Management Plan is to be approved by TfNSW before submission to Council for approval.

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

13. Driveway Construction - Rural in Council Road Reserve

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

14. **Driveway Construction - Rural Residential Within Property**

A standard rural residential vehicular driveway must be constructed within the property to service all proposed lots. The driveway must:

- i. Be in accordance with the stamped approved Civil Engineering Plans by Martens & Associates listed in condition 2.
- ii. have a minimum width of four metres within the property in accordance with '*Planning for Bushfire Protection 2019*' requirements;
- iii. be constructed of all-weather rock, be sealed at grades greater than 17%, concrete at grades greater than 20% and not exceed 25%;
- iv. be constructed in accordance with Council's 'Driveway Specification' and the Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification; and
- v. 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 Works Certificate.

15. **Security Bond**

Prior to issue of a Construction Certificate/ Subdivision Works Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of \$10,000.00 is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

The Bond is recoverable upon written application to Council on completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

Note: Fees for the lodgement of the bond apply.

16. **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.



17. Drainage Plan

A drainage plan of the site must be submitted and approved prior to the issue of the Subdivision Works Certificate. The plan must:

- a) Be in accordance with the approved Drainage Plan No.PS03-E100 by Martens & Associates dated 21/03/2022 listed in condition 2.
- b) **Be** to the satisfaction of the Certifier.
- c) Comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

18. Flood Prone Land - Flood Compatible Construction

All buildings and/or structures must have flood compatible structural components up to RL 14.2 metres AHD (Australian Height Datum), this being the 1% AEP flood level of 13.2m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.

The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.

A written specification of the proposed materials to be used shall be provided to the Certifier prior to the issue of a Subdivision Works Certificate.

Note: Advice on suitability of materials for use on flood liable land can be found in the publication 'Reducing Vulnerability of Buildings to Flood Damage' (Chapter 4.3 - Construction Materials).

19. Flood Prone Land - Engineers Certification

The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 14.2 metres AHD (Australian Height Datum), this being the 1% AEP flood level of 13.2 m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.

An engineer's certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:

- a) Debris: Damage to the proposed structure/s sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar;
- b) Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and
- c) Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.

The Engineers Certificate must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

20. 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 Certifier prior to issue of the Subdivision Works 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.

21. **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 Hadden Ridge 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.

Details demonstrating compliance with the above requirements must be submitted to the Certifier prior to 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.

22. **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 the Certifier.

23. **Bushfire Access**

Access to all proposed Lots must be generally in accordance with the requirements of *Planning for Bushfire Protection 2019* prior to the issue of the Subdivision Works Certificate by the Certifier.

Certification from a suitably qualified professional advising the design complies with the above requirement must be submitted to the Certifier prior to issue of the Subdivision Works Certificate.

Prior to Any Works Commencing on Site

24. **Principal Certifier - Details**

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

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)*.



26. Preclearing Surveys

Prior to the commencement of works, including any vegetation clearing or tree works, a pre-clearance survey must be undertaken by the Project Ecologist and must include targeted surveys for the Cumberland Plain Land Snail, Dural Land Snail and Koala in suitable conditions.

Details of the pre-clearing survey are to be submitted to the Certifier, with a copy to Council.

The pre-clearing survey is to be submitted to the Certifier no more than one week prior to vegetation clearing.

27. Flora and Fauna Unexpected Finds Protocol

Prior to any works commencing onsite, an unexpected finds protocol dealing with unexpected finds of threatened flora and fauna is to be prepared by the Project Ecologist and provided to the Certifier. This protocol is to provide as a minimum:

- Stop works measures where threatened flora and fauna are found during construction.
- Protection measures including temporary fencing measures.
- Relocation protocols for threatened fauna potentially encountered during construction.

A copy of the unexpected finds protocol is to be provided to Council.

28. Tree Protection Measures

Trees that are shown on the approved plans (or otherwise identified by Council to be preserved) must be protected against damage during construction. All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site.

The following measures are to be followed during construction:

- a) Tree Protection Zones (TPZ) must be established around trees identified to be retained in accordance with Australian Standard AS 4970 - 'Protection of Trees on Development Sites';
- b) a 1.8 metre high chain mesh fence must be erected around each Tree Protection Zone prior to works and must remain intact until construction is completed. Any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings;
- c) any excavation works within identified Tree Protection Zones are to be carried out by hand, with all care taken not to damage tree roots. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist. If tree roots greater than 25mm are found during works that need to be severed, they are to be cut with a saw (not ripped) under the supervision of the Project Arborist;
- d) Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone;
- d) TPZ's must be mulched to a minimum depth of maximum 100mm using organic mulch;
- e) fences around Tree Protection Zones must be sign posted to warn of its purpose;
- f) Harmful Materials: the storage of materials, building waste, excavated spoil, cement or similar is not permitted within a TPZ; and



- g) any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - 'Pruning of Amenity Trees, by a suitably qualified Arborist'. Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.

A suitably qualified Consulting Arborist (AQF Level 5) must be in attendance to supervise tree works on site during critical stages of construction, particularly when excavation is occurring within the TPZ of trees nominated for retention.

During Construction

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. Inspections by Certifier

Inspections shall be carried out and compliance certificates issued by a Certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 - Appendix E Civil Works



Specifications, Part II, Table 1.1.

32. Site Contamination Discovered During Construction

Should any new information come to light during construction works which has the potential to alter previous conclusions about contamination, the Certifier and 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. Vegetation and Howes Creek Wetland Management

All works are to be carried out in accordance with Chapter 4, Section 4.3 Measures to Minimise and Avoid Impacts of the Flora and Fauna Assessment Report by Umwelt dated March 2022 ref: 21762RO3 **AND** the following Biodiversity and Rural Land Management Plans applicable to each lot:

Document Title	Reference	Prepared By	Date
Biodiversity and Rural Land Management Plan for Proposed Lot 1	21762_R06	Umwelt	March 2022
Biodiversity and Rural Land Management Plan for Proposed Lot 2	21762_R05	Umwelt	March 2022
Biodiversity and Rural Land Management Plan	21762_R04	Umwelt	March 2022

Prior to Issue of Compliance Certificate for Civil Works

34. Completion of Construction Certificate Works

Prior to the issue of a Compliance Certificate for civil works all relevant works must be completed in accordance with the approved Subdivision Works Certificate Plans, approved supporting documentation and to the satisfaction of the Certifier.

35. Works As Executed Plans - Subdivision

Works As Executed plans by a Registered Surveyor must be submitted to the Certifier 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 Construction 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.

All levels must relate to Australian Height Datum.



Prior to Issue of Subdivision Certificate

36. Management Plans - Completion of works

Prior to the release of the Subdivision Certificate, the works detailed within the Biodiversity and Rural Land Management Plans for each lot, listed below, **AND** Chapter 4, Section 4.3 Measures to Minimise and Avoid Impacts of the Flora and Fauna Assessment Report by Umwelt dated March 2022 ref: 21762RO3 are to be completed.

Document Title	Reference	Prepared By	Date
Biodiversity and Rural Land Management Plan for Proposed Lot 1	21762_R06	Umwelt	March 2022
Biodiversity and Rural Land Management Plan for Proposed Lot 2	21762_R05	Umwelt	March 2022
Biodiversity and Rural Land Management Plan	21762_R04	Umwelt	March 2022

Certification from the Project Ecologist is to be provided to the Certifier demonstrating compliance with the above condition.

37. Easements and Restrictions - Subdivision

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

38. Final Plan of Subdivision and Section 88B Instrument

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

- a) Four paper prints of the final plan of subdivision prepared to the requirements of NSW Land Registry Services; and
- b) The original and three paper copies of the Section 88B Instrument and Administration Sheet.

Note: Final plans of subdivision must not be creased or folded.

39. Telecommunications Provider Certificate

Telecommunications infrastructure must 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, must be submitted to the Accredited Certifier.

40. Energy Provider Certificate

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



Subdivision Certificate.

41. Easement for Road Drainage

Easements 4 metres wide and 10 metres long shall be created at no cost to Council where naturally occurring low points in the road reserve concentrate and discharge water onto the subject lot. Details are to be included on the Plan of Subdivision and 88b prior to issue of a Subdivision Certificate.

42. Restrictions on Title

An instrument shall be registered on the titles of proposed Lots 1, 2 and 3 pursuant to Section 88B of the Conveyancing Act 1919 setting out Restrictions as to user which cover the following matters:

- a) Any dwelling to be erected on lots 1, 2 and 3 are to be wholly contained within the areas labelled "Building Envelope and APZ", including the effluent land disposal areas, as identified on the approved plan of subdivision titled 3 Lot Subdivision Plan Number CC170126, dated 28/2/22.
- b) No development is permitted on lots 1, 2 and 3 unless a wastewater feasibility assessment is submitted involving on-site disposal of effluent on those lots to the satisfaction of Council.
- c) Any sewerage management facility on lots 1, 2 and 3 are to be designed in accordance with *Chapter 4 Concept Wastewater Management* of the *Engineering Assessment for Proposed Rural Residential Subdivision: 35 Hadden Ridge Road Wilberforce, NSW* Document Number P2007655JR03V02, by Martens, dated 21 March 2022.
- d) A restriction which prohibits the erection of a dwelling on Lots 1, 2 and 3 unless connected to an on-site effluent disposal system.

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

43. Positive Covenant – Management Plan

- a) The Biodiversity and Land Use Management Plans, listed below for each lot, are to be implemented in perpetuity on the lot burdened to the satisfaction of Council:

Lot No.	Document Title	Reference	Prepared By	Date
Lot 1	Biodiversity and Rural Land Management Plan for Proposed Lot 1	21762_R06	Umwelt	March 2022
Lot 2	Biodiversity and Rural Land Management Plan for Proposed Lot 2	21762_R05	Umwelt	March 2022
Lot 3	Biodiversity and Rural Land Management Plan	21762_R04	Umwelt	March 2022

The terms of the positive covenant are to be prepared to Council's satisfaction at the applicant's expense.

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

44. Extinguishment of Positive Covenant No. 2

The Extinguishment of Positive Covenant No. 2 in the plan identified in DP1184227 must be undertaken prior to the issue of the Subdivision Certificate. Details demonstrating compliance with the above must be submitted to the Principal Certifier.

45. Positive Covenant – Flood Protection

A positive covenant must be placed on the title of all proposed Lots to require all future dwellings shall maintain a minimum habitable ground floor level of 14.2 m AHD, this being the 1% AEP flood level of 13.2 m AHD plus an allowance for an increase in rainfall intensity due to projected climate change to 2100.



The terms of the positive covenant are to be prepared to Council's satisfaction at the applicant's expense.

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

Instrument setting out terms of easements for items must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

46. Positive Covenant – Water Quality

A positive covenant must be placed on the title of all proposed Lots to require all stormwater generated by future dwellings and driveways shall be treated prior to release to the receiving environment to achieve a neutral or beneficial impact.

Runoff from all future dwellings should be collected and treated by an appropriately sized raingarden and released to the environment using a level spreader to prevent soil erosion.

A minimum 100KL rainwater tank shall be provided for each future dwelling.

The terms of the positive covenant are to be prepared to Council's satisfaction at the applicant's expense.

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

Instrument setting out terms of easements for items must be submitted to Principal Certifier for approval prior to issue of the any Subdivision Certificate.

47. Infrastructure Repair and Completion of Works

Prior to the issue of Subdivision Certificate:

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

48. Construction Compliance Certificate - Required Subdivision

Part 4A6 Compliance Certificate/s for all works approved under the Construction Subdivision Works Certificate is required prior to the Issue of the Subdivision Certificate.

49. Property Access Roads - Compliance Certification

Property access roads must comply with Planning for Bush Fire Protection 2019.

A suitably qualified and practising bush fire professional is to certify the property access road 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 Certifier prior to the issue of the Subdivision Certificate.

Advisory Notes (if applicable)

