

14 June 2022



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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Pursuant to section 4.16 and 4.22(4) of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	20/0227
PANEL REFERENCE:	PPSSTH-7
APPLICANT:	PRIME MOSS VALE PTY LIMITED (c/o Urbis)
PROPERTY DESCRIPTION:	Lot 3 DP 706194 and Lot 12 DP 866036
PROPERTY ADDRESS:	32 LOVELLE STREET & 141 YARRAWA ROAD MOSS VALE NSW 2577
PROPOSED DEVELOPMENT:	Concept proposal for a subdivision of a maximum of 1,073 residential lots and Stage 1 subdivision works comprising 178 lots as outlined below:
DESCRIPTION OF CONCEPT PLAN:	Concept plan over nine (9) stages for: <ul style="list-style-type: none">- subdivision of a maximum of 1,073 residential lots within Stages 1, 2, 3a, 3b, 4, 5, 6a, 6b and 7,- public reserve lots,- infrastructure lots for water and sewer servicing,- internal roads including internal intersections and connections to the local road network
DESCRIPTION OF FIRST STAGE (pursuant to Section 4.22(4)(b))('Stage 1'):	Stage 1 subdivision works comprising 178 lots: <ul style="list-style-type: none">- Stage 1 subdivision works comprising 178 lots consisting of:- 173 residential lots within Stages 1A (80 lots), 1B (55 lots) and 1C (38 lots),- Two (2) public reserve lots comprising proposed Lot 1181 (reserve adjoining Yarrawa Road – 2.115ha) and proposed Lot 1182 (public open space – Whites creek – 3.704ha),- One (1) residue business lot (proposed Lot 1303 comprising 1,809m²),- One (1) residue residential lot (proposed Lot 1183 – 109.7ha),

Working with you

- One (1) infrastructure lot (for Sewer Pump Station No 1 – 441m²)
- Construction of internal roads and intersections within Stage 1,
- Riparian corridor restoration and drainage infrastructure works within Whites Creek Riparian Corridor in proposed Lot 1182;
- 2 metre high (maximum) boundary keystone retaining wall adjoining Lot 1 DP 842623;
- Site clearing and bulk earthworks comprising cut and fill,
- Side and rear retaining walls (900mm and 1.2m high) for specific residential lots, and
- Public utility infrastructure comprising water and sewer works for Stage 1 (subject to further approvals and licensing).

DETERMINATION:

Approval subject to conditions specified in Schedule 2 and Schedule 3

CONSENT TO OPERATE FROM:

14 June 2022

CONSENT TO LAPSE ON:

14 June 2027

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.



Nancy Sample
Acting Manager Planning, Certification and Compliance

14 June 2022
Date of Determination

SCHEDULE 1

Application Number:	DA 20/0227
Panel Reference:	PPSSTH-7
Applicant:	Prime Moss Vale Pty Ltd (c/o Urbis)
Consent Authority:	Southern Regional Planning Panel
Local Government Area:	Wingecarribee Shire Council
Site:	Lot 3 DP 706194 (No 141 Yarrowa Road Moss Vale) ('Coomungie') and Lot 12 DP 866036 (No 32 Lovelle Street, Moss Vale) ('Chelsea Gardens')
Development:	Concept proposal for a subdivision of a maximum of 1,073 residential lots and Stage 1 subdivision works comprising 178 lots as outlined below:
Description of Concept Plan:	Concept plan over nine (9) stages for: <ul style="list-style-type: none">- subdivision of a maximum of 1,073 residential lots within Stages 1, 2, 3a, 3b, 4, 5, 6a, 6b and 7,- public reserve lots,- infrastructure lots for water and sewer servicing,- internal roads including internal intersections and connections to the local road network

Description of First Stage (pursuant to Section 4.22(4)(b)) ('Stage 1'):

- Stage 1 subdivision works comprising 178 lots:
- Stage 1 subdivision works comprising 178 lots consisting of:
 - 173 residential lots within Stages 1A (80 lots), 1B (55 lots) and 1C (38 lots),
 - Two (2) public reserve lots comprising proposed Lot 1181 (reserve adjoining Yarrowa Road – 2.115ha) and proposed Lot 1182 (public open space – Whites creek – 3.704ha),
 - One (1) residue business lot (proposed Lot 1303 comprising 1,809m²),
 - One (1) residue residential lot (proposed Lot 1183 – 109.7ha),
 - One (1) infrastructure lot (for Sewer Pump Station No 1 – 441m²)
 - Construction of internal roads and intersections within Stage 1,
 - Riparian corridor restoration and drainage infrastructure works within Whites Creek Riparian Corridor in proposed Lot 1182;
 - 2 metre high (maximum) boundary keystone retaining wall adjoining Lot 1 DP 842623;

- Site clearing and bulk earthworks comprising cut and fill,
- Side and rear retaining walls (900mm and 1.2m high) for specific residential lots, and
- Public utility infrastructure comprising water and sewer works for Stage 1 (subject to further approvals and licensing).

SCHEDULE 2 CONDITIONS OF APPROVAL FOR CONCEPT PLAN

GENERAL CONDITIONS AND FUTURE DEVELOPMENT APPLICATIONS

A1. DEVELOPMENT DESCRIPTION

Consent is granted to the Concept Proposal as described in Schedule 1 and the conditions contained in this development consent. Consent is not granted to the neighbourhood Hub.

Reason: To confirm the nature of the approved development.

A2. APPROVED PLANS AND SUPPORTING DOCUMENTATION

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

PLAN/DOCUMENT TITLE	PLAN/DWG NO	REFERENCE / VERSION	PREPARED BY	DATED
Moss Vale Master Plan	MP-04	Rev F	Arterra Design	27/04/22
Road Hierarchy Plans	Dwg MP14 DCPRP-01, 02, 03, 04, 05, 06, 07, 08, 09	Rev E	Arterra Design	30/8/21
Indicative Lot Yield Plan	MP-22	Revision A	Arterra Design	30/8/21
Special Character Area – Indicative Building Envelopes	SK33, SK34 & SK35	Revision D	Arterra Design	30/9/21
Proposed Staging Plan	S-08	Revision G	Arterra Design	2/3/21
Landscape Concept Plans	L-SD-01 to L- SD-18 (inclusive)	Revision C	Arterra Design Pty Ltd	6/10/20
Statement of Environmental Effects	SA7462	SA7462 SEE 23.7.19 FINAL	Urbis	23/07/19
Clause 4.6 variation request			Premise	27/04/22
Detailed Environmental Site Assessment		Ref: 201577	Harvest Scientific Services	13/10/20
Visual Impact Assessment		Revision 2200467	Ethos Urban	19/08/20
Geotechnical Investigation		Revision 40494.03	Douglas Partners	April 2020
Historical Assessment and Statement of Heritage Impact		Project No: 28907	Aoyuan International	10/12/19
Bushfire Risk Assessment Report		Revision 180807	Australian Bushfire Solutions	12/07/19
Flora and Fauna Assessment		Revision 2018- 112	Ecoplanning	8/10/18
<i>Water and Sewer Infrastructure Staging Plan</i>	-	-	Premise	11/05/22
Stage 1 Water Servicing Strategy			Urban Water Solutions	25/05/20

Sewer Servicing Strategy			Urban Water Solutions	8/11/19
Full Development Water Servicing Strategy			Urban Water Solutions	11/08/20
Integrated Water Cycle Management Report		Revision 02	Orion Consulting	05/03/20
Traffic Study		Revision 1 Ref: 8201822101	Cardno	19/07/19
Proposed Transport Improvements: Illawarra Hwy Intersection with Fitzroy Road Upgrade to Roundabout		Revision 1 Ref: 80220024-SK101	Cardno	21/02/20
Proposed Transport Improvements: North East Road Connection New Road Sheet 1		Revision 1 Ref: 80220024-SK102	Cardno	21/02/20
Proposed Transport Improvements: North East Road Connection New Road Sheet 2		Revision 1 Ref: 80220024-SK103	Cardno	21/02/20

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: *To ensure the development is carried out in accordance with the approved plans and documentation.*

A3. DETERMINATION OF FUTURE DEVELOPMENT APPLICATION(S)

In accordance with Section 4.22(4) of the *Environmental Planning and Assessment Act 1979*, this consent does not authorise the carrying out of development on any part of the site, except as approved in Schedule 3 of this consent (for Stage 1 works). Consent for all physical works and subsequent stages of the Concept Proposal is to be sought by Future Development Application(s).

Reason: To confirm the nature of the approved development.

A4. CONSISTENCY OF FUTURE DEVELOPMENT APPLICATION(S)

Pursuant to Section 4.24(2) of the *Environmental Planning and Assessment Act 1979*, while this consent remains in force, the determination of any further development application(s) in respect of this site cannot be inconsistent with this consent for the site. Future stages must demonstrate consistency with this consent, including in relation to the lot yields, staging and road layout.

Reason: To confirm the nature of the approved development.

A5. LAPSING OF APPROVAL

This consent will lapse five years from the date of this consent unless works associated with the development under Schedule 3 or Future Development Applications have physically commenced

Reason: To ensure consistency with Section 4.53 of the Environmental Planning and Assessment Act 1979.

CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS

A6. ALLOTMENTS IN THE SPECIAL CHARACTER AREA

Future development applications for subdivision within the Special Character Area as shown in purple on the concept plan and referred to in Clause 4.4 of Section 21: Chelsea Gardens Coomungie Precinct of the *Moss Vale Township Development Control Plan* ('the DCP'), shall be accompanied by subdivision plans outlining compliance with the following requirements:

- (a) Building envelopes for each allotment with a minimum four (4) metre setback to each side boundary;
- (b) Provision of a minimum of one (1) tree, at the developer's expense, to be planted within each proposed lot required prior to the issue of Subdivision Certificate for the relevant stage; and
- (c) The controls contained in Table 3 of Clause 4.4 of Section 21 of the DCP (except as amended by this condition).

Reason: To reduce the visual impact of future dwellings in the higher portions of the site.

A7. VISUAL IMPACT ASSESSMENT – SPECIAL CHARACTER AREA

A visual impact assessment shall accompany any future development applications within the special character areas to ensure that all elements of the subdivision design including, but not limited to, street layout and design, lot layout and design, landscaping and infrastructure provision, create a future residential neighbourhood within a landscape setting consistent with

the outcomes of this concept approval in respect to these portions of the site.

Reason: *To reduce the visual impact of future dwellings in the higher portions of the site, such that future dwellings do not create a visual wall of buildings but rather are located within a landscaped setting.*

A8. GEOTECHNICAL REPORT – SPECIAL CHARACTER AREA

A detailed geotechnical report shall accompany any future development applications for subdivision within the special character areas. This geotechnical report must be generally consistent with the *Report in Geotechnical Investigation* prepared by Douglas Partners dated April 2020 (Project No 40494.03) in relation to the steep hillside in the northern part of the site.

Reason: *To ensure adequate consideration and assessment of the geotechnical constraints for subdivision of these portions of the site.*

A9. RURAL EDGE FENCING

Future development applications for subdivision within the site shall demonstrate the following:

- (a) Treatment of the rural edge interface as outlined in Figure 5 of Section 21 of the DCP to comprise a perimeter road with screen planting and open style rural fencing (max 1.2 metres comprising post & wire, post & rail or post and mesh) maintained along the property boundaries.
- (b) No solid metal fences are to be installed on the site under future development applications. This must be enforced with a restriction on the property titles for the site under Section 88b of the *Conveyancing Act 1919*.

Reason: *To reduce the visual impact of the approved subdivision on adjoining rural lands.*

A10. BUFFER TO GOLF COURSE

Future development applications for subdivision within Stages 3b, 4 and 6b on the site shall demonstrate the following:

- (a) The proposed residential lots adjoining the golf course and marked by the orange line in Figure 5 of the DCP within the southern portion of proposed Stage 4 must provide a landscaped buffer and fencing to Council's satisfaction. This may require a restriction on the Title of residential lots in relation to this landscaping / fencing and will require consideration of the advisory and consultation requirements in part (d) of this condition;
- (b)
- (c) Perimeter roads must form the boundary between the site and the adjoining golf course on the area marked by the orange line in Figure 5 of the DCP within proposed Stage 3b and the northern section of Stage 4;
- (d) Perimeter roads and open space areas must form the boundary adjoining the golf course and marked by the orange line in Figure 5 of the DCP within proposed Stage 6;
- (e) A Golf Course architect who is a member of, or recognised by an industry relevant organisation, such as the Society of Australian Golf Course Architects, is to provide advice in respect to the subdivision and landscape design to minimise conflict between

golf course operations and residential development within these stages. This process is to also include consultation with the Moss Vale Golf Club.

Reason: *To minimise landuse conflict between the existing golf course and new residential development.*

A11. WATER AND SEWER MODELLING

The developer shall revise and update the water and sewer modelling provided in the Water and Sewer Servicing Strategies listed in Condition A2. This further modelling will be required prior to the issue of a Subdivision Works Certificate for each future stage of the subdivision (as part of future Development Applications for the site with one modelling exercise per stage) to ascertain the scope of the required upgrades to be delivered under each stage of the subdivision works.

Modelling shall be in accordance with Council's *Water and Sewer Modelling Fact Sheet* for each development stage and incorporate the relevant recommendations made within the reports into the engineering designs submitted under Section 68 of the *Local Government Act, 1993*.

Reason: *To ensure the proposed development does not impact on Council's ability to provide minimum level of service to water and sewer customers.*

A12. CONNECTION TO WINGECARRIBEE SHIRE COUNCIL SEWERAGE NETWORK (LONG-TERM WASTEWATER SERVICING)

All future development stages beyond Stage 1 are to be connected to the Moss Vale Sewage Treatment Plant.

Reason: *To ensure future development stages meet public health and environmental requirements.*

A13. WATER AND SEWER INFRASTRUCTURE

Water and sewer infrastructure shall be constructed on the site for future stages of the development generally in accordance with the *Water and Sewer Infrastructure Staging Plan* prepared by Premise dated 11 May 2022 and any other relevant approvals and licences, including the following works:

- (a) Sewer and water infrastructure required by Schedule 3 of this consent for Stage 1;
- (b) Sewer for future stages (prior to issue of Subdivision Certificate for 772nd residential lot):
 - (i) Increase flow rate capacity at SPS1 to 35L/s.
 - (ii) Construction of an additional 2,430m of 450mm gravity main.
 - (iii) Increase flow rate capacity of SPS MV17 to 45L/s.
- (c) The construction of a new 10ML reservoir (with capacity for at least 2.2ML for the site) on the site in the vicinity of existing Hill Road reservoirs with final location to be determined in consultation with Council prior to issuance of the Subdivision Certificate which creates the 382nd residential lot. The new reservoir is to be delivered under a joint funding and delivery arrangement with Council.
- (d) Dedication to Council of land associated with the new reservoir prior to the issue of a

subdivision certificate which creates the 382nd residential lot.

Reason: *To ensure future development stages meet public health and environmental requirements.*

A14. PUBLIC OPEN SPACE AND DRAINAGE RESERVES

Following the creation and embellishment of all public open space and drainage reserves, these areas are to be placed in Council ownership, with on-going maintenance the responsibility of Council.

Reason: To ensure on-going maintenance and ownership of these areas is vested in Council.

A15. VEGETATION MANAGEMENT PLAN

Future development applications shall be accompanied by a Vegetation Management Plan ('VMP') prepared for the riparian areas on the site within Stages 1 and 2 (as outlined in the approved *Flora and Fauna Assessment* prepared by Ecoplanning dated 8 October 2018) and to include the area within the unmade Shelley Road/Fitzroy Road reserve to the northeast of the site (Stages 4 & 5) in the vicinity of the proposed new road if deemed to be waterfront land.

The VMP is to be prepared in accordance with the *'Controlled activities on waterfront land – Guidelines for Vegetation Management Plans on Waterfront Land'* (Department of Primary Industries (Office of Water) July 2012).

The VMP shall identify the riparian corridor widths, vegetation species (to comprise species characteristic of the Southern Highlands Shale Woodlands Community) and planting densities and is to provide for the restoration of aquatic and riparian vegetation and habitat on the site.

The VMP shall also accompany any/all future Controlled Activity Approval applications under the *Water Management Act 2000* to the Natural Resources Access Regulator ('NRAR').

Reason: To ensure the ecological features of the site are protected.

A16. LANDSCAPING

Landscaping on the site shall be generally in accordance with the approved Landscape Concept Plans, Section 21 of the Moss Vale DCP and the conditions of this consent. The two (2) *Eucalyptus radiata* trees located along the northern side boundary adjoining the golf course and the north-eastern section of the site within Stage 5 which represent Southern Highlands Shale Woodlands, are to be incorporated into landscaped areas and roadside verge areas within future development applications for the site.

Reason: To ensure the ecological features of the site are protected.

A17. PROVISION OF LANDSCAPING

The approved landscaping (including roadside planting) shall be installed as part of the civil construction works for each future stage and be maintained for Council's standard 12-month maintenance period from the date of practical completion.

Reason: To provide for the early establishment of landscaping to reduce the visual impact of the approved subdivision on adjoining rural lands.

A18. DAM DEWATERING PLAN

For future stages within the site which contain existing dams, an ecologist is to be engaged to prepare and implement a dam dewatering plan for dams subject to earthworks

Reason: To ensure the ecological features of the site are protected.

A19. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

Future development applications within Stages 2, 3a and 5 will require an Aboriginal Heritage Impact Permit (AHIP) application and shall be referred to Heritage NSW / Department of Planning Industry & Environment for advice and General Terms of Approval as applicable.

Reason: To ensure Aboriginal Cultural Heritage is appropriately protected.

A20. ABORIGINAL CULTURAL HERITAGE – CONSERVATION AREA

No development, other than the proposed open space area, is permissible within the conservation area within proposed Stage 3a, along the northern site boundary adjoining the golf course.

Reason: To ensure Aboriginal Cultural Heritage is appropriately protected.

A21. ABORIGINAL CULTURAL HERITAGE - FUTURE DEVELOPMENT APPLICATIONS

The following matters must be addressed in future development applications lodged for the site:

- An Aboriginal cultural heritage management plan for the conservation area must be prepared in consultation with the Registered Aboriginal Parties ('RAP').
- Justification for the extent of test excavation within the relevant site area.
- Outcomes of ongoing consultation with the RAP. The applicant must continue to update the RAP during the development application process, with the AHIP applications to demonstrate continuous and ongoing consultation (over 6 months without consultation may not constitute continuous consultation).
- Updated review of the regional and local archaeological record if a substantial period elapses between the current reporting and future development applications.
- Undertake consultation with the local Aboriginal community and adopt a Design with Country approach to street naming and design of open space areas in accordance with the NSW State governments Connecting with Country Draft Framework.

Reason: To ensure Aboriginal Cultural Heritage is appropriately managed and the local Aboriginal community is engaged in accordance with design with Country principles.

A22. WALKING AND CYCLING STRATEGY PLAN

A Walking and Cycling Strategy Plan prepared for the whole site demonstrating connection to the Moss Vale Town Centre shall be submitted to Council with the Development Application for the next stage within the site.

Reason: To ensure walking and cycling connection to Moss Vale Town Centre is provided.

A23. BUS ROUTE STRATEGY PLAN

A Bus Route Strategy Plan for the proposed public bus routes within the precinct and its connection to the existing routes shall be prepared in consultation with the local bus service provider and submitted to Council with the Development Application for the next stage within the site.

Reason: To ensure bus routes are appropriately managed.

A24. REVIEW OF TRAFFIC MODEL

The *Moss Vale Traffic Model* prepared by Cardno in 2018 area shall be updated and reviewed prior to the submission of a development application for the next stage of the subdivision. If the revised modelling indicate that the future development(s) will result in significant impacts on the operation of the following intersections and road reserves, appropriate conditions of consent describing the required improvements shall be imposed on the subsequent consents:

- (a) Intersection of Lovelle Street and Spencer Street;
- (b) Intersection of Arthur Street and Mack Street;
- (c) Intersection of Mack Street and Kirkham Street;
- (d) Intersection of Yarrawa Road and Mt Brought Road;
- (e) Yarrawa Road from No 35 Yarrawa Road to the intersection with Mt Broughton Road.

Reason: To ensure impacts on the local road network are appropriately managed.

A25. CONSTRUCTION OF NEW ROAD

The construction of Fitzroy Road via the extension of the road through Stage 5 (outlined on the Concept Plan as "Future connection to Illawarra Highway") is to be constructed prior to the issue of a Subdivision Certificate for the 500th residential Lot.

Reason: To ensure future connection of the new road is provided from the site.

A26. LOCAL ROAD CONNECTIONS

Connection to the local road network of the proposed roads from the site to the following intersections shall be undertaken by the applicant at no cost to the Council at the relevant subdivision stage, following review of traffic model for the Moss Vale area as required by Condition A24:

- (a) Intersection of Proposed New Road, Villiers Road and Hill Road
- (b) Intersection of Proposed New Road, Lovelle Street and Daylesford Drive
- (c) Intersection of Yarrawa Road and Mt Broughton Road.

Reason: To ensure impacts on the local road network are appropriately managed.

A27. CLOSURE OF SHELLEY ROAD

Future development applications shall require the closure of the section of Shelley Road (the unmade road reserve located between the two portions of DP 866036) to be undertaken in future stages at no cost to Council.

Reason: To ensure impacts on the local road network are appropriately managed and to ensure that the future connection of the new road is provided from the site.

A28. INTEGRATED WATER CYCLE MANAGEMENT

Future development applications shall be accompanied by detailed stormwater management plans generally consistent with the *Integrated Water Cycle Management Report* prepared by Orion Consulting dated 5 March 2020 (Revision 02).

Reason: *To ensure the management of the water cycle is appropriately managed on the site.*

A29. FLOODING

All residential allotments must contain a building envelope and vehicular access above the 1% Annual Exceedance Probability ('AEP') flood event. The plans lodged with the Subdivision Works Certificate for future stages of the approved subdivision on the site must contain the AEP flood frequency line for all watercourses and overflow paths on the subdivision plans.

Reason: *To ensure the flooding hazard is appropriately managed on the site.*

A30. LAND CONTAMINATION

A detailed site investigation shall be undertaken for future stages 2, 4, 5, 6a and 6b of the subdivision, which contain areas of concern identified in the preliminary site investigation, *Phase 1 Environmental Assessment* prepared by Harvest Scientific Services dated 22 February 2019. The detailed site investigation for Stage 5 shall also address potential contamination arising from the irrigation associated with the interim wastewater plant.

Reason: *To ensure potential land contamination is identified and appropriately managed on the site for the protection of the health of the community and the environment.*

A31. GEOTECHNICAL

Future development applications shall be accompanied by a detailed geotechnical investigation and assessment which shall include (but not necessarily be limited to) the following as outlined in the *Preliminary Geotechnical Investigation* prepared by Douglas Partners dated February 2019:

- (a) Detailed investigation and assessment for any proposed development extending into High and Very High risk zones.
- (b) Detailed investigation, assessment and laboratory testing of the erosion and salinity potential of the site;
- (c) Detailed geotechnical investigations for determination of final retaining wall, pavement thickness designs and lot classifications;
- (d) Detailed engineering works for appropriate hillside development; and
- (e) Routine inspections and earthworks monitoring during construction.

Reason: *To ensure the geotechnical constraints on the site are appropriately managed on the site for future development.*

A31A COMMUNITY CONSULTATION

A Community Consultation framework is to be established to ensure that the community and relevant stakeholders are kept informed on the status of the development under this approval, and can provide feedback on key issues that may arise during the development and that can be addressed in future stages of the development. An independent Community Consultation practitioner is to be engaged for this process with a report to accompany all future development applications outlining issues raised, and the specific response provided.

Reason: *To ensure that the community and relevant stakeholders are engaged with by the proponent to identify and address issues of relevance to them during the design phase of future stages of the development.*

CONDITIONS IMPOSED BY CONCURRENCE/REFERRAL/INTEGRATED AGENCIES

A32. Water NSW Concurrence Conditions

General

1. The development shall progress as described and shown on the Structure Plan (Drawing Number: MP-04, Revision F, dated 27/04/2022) and Proposed Staging Plan (Drawing Number: S-08, Revision G, dated 02/03/21) both prepared by Arterra Design Pty Ltd.

Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the subdivision.

Wastewater

2. There shall be no on-site wastewater management associated with subdivision proposals in Stages 2 to 5 of the subdivision.
3. Once the planned upgrade of capacity of the Moss Vale Sewage Treatment Plant is commissioned, all lots in the subdivision shall be connected to Council's reticulated sewerage system.

Reason for Conditions 2 & 3 - To ensure that all wastewater generated on each lot is disposed of and treated via Council's sewerage system so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term

Stormwater

4. Integrated Water Cycle Management incorporating Water Sensitive Urban Design measures shall be incorporated into future subdivision and/or development post-Stage 1 in accordance with the stormwater quality improvement strategy describe in Section 8 of the Integrated Water Cycle Management Report prepared by Orion Consulting (Revision 02, dated 5 March 2020).

Reason for Condition 4 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.

Erosion Hazard

5. Future development, including roads, should be avoided on land with slopes greater than 20%. Any future development proposals on slopes greater than 20% shall be supported by a comprehensive geotechnical engineering assessment detailing measures to reduce the risk of erosion, including land stability, from development on those slopes.

Reason for Condition 5 – To prevent development on land with very high to extreme erosion risk so as to have a sustainable neutral or beneficial impact on water quality over the longer term.

A33. NRAR General Terms of Approval

Design of works and structures

- (i) Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled

activity(s) approval under the Water Management Act 2000 (Condition No GT0009-00015).

- (ii) Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator (Condition No GT0019-00003).

Erosion and sediment controls

- (iii) A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land (Condition No GT0014-00012).
- (iv) The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised (Condition No GT0021-00004).

Plans, standards and guidelines

- (v) This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 20.0227 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required (Condition No GT0002-00801).
- (vi) A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval (Condition GT0004-00003).
- (vii) A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed bridge construction plans, 2. Detailed construction plans including drainage plans & erosion and sediment control plans, 3. Vegetation management plan (identifying riparian corridor widths, vegetation species and planting densities), 4. Project costings. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities> (Condition No GT0005-00333).
- (viii) All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person (Condition No GT0010-00006).
- (ix) Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application and approved by Natural Resources Access Regulator (Condition No GT0012-00004).

- (x) The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities> (Condition No GT0030-00008).

Rehabilitation and maintenance

- (xi) Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s) (condition No GT0023-00001).

Reporting requirements

- (xii) The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed (Condition No GT0016-00003).

A34. NSW RFS General Terms of Approval

General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
 - Lower limbs of trees removed up to a height of 2 metres above the ground.
2. Suitable legal instruments are to be placed upon the deposited plan(s) for the provision of asset protection zones where such are required over adjoining properties.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with the following requirements of section 4.1.3 (1) of 'Planning for Bushfire Protection 2006':
 - Road(s) shall be two wheel drive, all weather roads.
 - Urban perimeter roads are two way, with a carriageway 8 metres minimum kerb to kerb.
 - The perimeter road is linked to the internal road system at an interval of no greater than 500 metres.
 - Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.
 - Public roads have a cross fall not exceeding 3 degrees.
 - All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.
 - Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.
 - Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres
 - The minimum distance between inner and outer curves is 6 metres.
 - Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
 - There is a minimum vertical clearance to a height of 4 metres above the road at all times.
 - The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
 - Public roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
 - Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
 - Public roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
 - One way only public access roads are no less than 4 metres wide (kerb to kerb) and provide parking within parking bays located outside the kerb to kerb space. Services are located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
 - Parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays.
 - Public roads directly interfacing the bush fire hazard provide roll top kerbing to the hazard side of the road.
4. Perimeter roads are to be provided to the extremity of the whole of the development.
5. Secondary public road access is to be provided during the development of stage 1.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

6. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

7. Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':
- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
 - Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
 - Planting is limited in the immediate vicinity of the building.
 - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
 - Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
 - Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
 - Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
 - Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e., leaf litter).
 - Climbing species are avoided to walls and pergolas.
 - Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
 - Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
 - Low flammability vegetation species are used.

SCHEDULE 3 CONDITIONS OF APPROVAL FOR FIRST STAGE (STAGE 1) SUBDIVISION WORKS

GENERAL

B1. DEVELOPMENT DESCRIPTION

Consent is granted to the first stage of the subdivision as described in Schedule 1 and the conditions contained in this Schedule of development consent pursuant to Section 4.22(4)(b) of the *Environmental Planning and Assessment Act 1979*.

Reason: *To confirm the nature of the approved development.*

B2. APPROVED PLANS AND SUPPORTING DOCUMENTATION

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

PLAN/DOCUMENT TITLE	PLAN/DWG NO	REF / VERSION	PREPARED BY	DATED
Stage 1A – Subdivision of Lots 1 and 2 in DP 1272618	18001(S1A)DP1 Sheet 1 of 2	F	JMD Development Consultants	27/04/22
Stage 1A – Subdivision of Lots 1 and 2 in DP 1272618	18001(S1A)DP1 Sheet 2 of 2	F	JMD Development Consultants	27/04/22
Stage 1B – Subdivision of Lot 1183 in DP Unregistered (Created in Stage 1A)	18001(S1B)DP1 Sheet 1 of 2	H	JMD Development Consultants	27/04/22
Stage 1B – Subdivision of Lot 1183 in DP Unregistered (Created in Stage 1A)	18001(S1B)DP1 Sheet 2 of 2	H	JMD Development Consultants	27/04/22
Stage 1C – Subdivision of Lot 1256 in DP Unregistered (Created In Stage 1B)	18001(S1C)DP1 Sheet 1 of 2	I	JMD Development Consultants	27/04/22
Stage 1C – Subdivision of Lot 1256 in DP Unregistered (Created In Stage 1B)	18001(S1C)DP1 Sheet 2 of 2	I	JMD Development Consultants	27/04/22
Road Hierarchy Plans	MP14 - DCPRP-01 DCPRP-02 DCPRP-03 DCPRP-04 DCPRP-05 DCPRP-06 DCPRP-07 DCPRP-08 DCPRP-09	Rev E	Arterra Design	30/8/21

Special Character Area – Indicative Building Envelopes	SK33, SK34 & SK35	Rev D	Arterra Design	30/9/21
Road and Drainage Design Plans	Project 19-34 Plan DA000,001,002 &003 Plan DA100,101 Plan DA200,201,202,203,204,205, 206 Plan DA300,301,302,303,304,305, 306,307,308,309 Plan DA400,401,402,403,404,405, 406 Plan DA500,501,502,503,504,505, 506,507,508,509, 520,511,512,512,514 Plan DA600,601,602,603,604,605, 606	Rev D	Orion Consulting	30/9/20
Landscape Concept Plans	L-SD-01 to L-SD-18 (inclusive)	Rev C	Arterra Design Pty Ltd	6/10/20
Statement of Environmental Effects	SA7462	SA7462 SEE 23.7.19 FINAL	Urbis	23/07/19
Clause 4.6 variation request			Premise	27/04/22
Detailed Environmental Site Assessment		Ref: 201577	Harvest Scientific Services	13/10/20
Visual Impact Assessment		Revision 2200467	Ethos Urban	19/08/20
Geotechnical Investigation		Revision 40494.03	Douglas Partners	April 2020
Historical Assessment and Statement of Heritage Impact		Project No: 28907	Aoyuan International	10/12/19
Bushfire Risk Assessment Report		180807	Australian Bushfire Solutions	12/07/19
Flora and Fauna Assessment		Revision 2018-112	Ecoplanning	8/10/18
<i>Water and Sewer Infrastructure Staging Plan</i>			Premise	11/05/22
Staging Plan for the provision of External Water, Sewerage and Local Road Infrastructure			JMD Development Consultants	18/08/202 1

Sewer Servicing Strategy			Urban Water Solutions	8/11/19
Land Capability Assessment for Recycled Water Application Chelsea Gardens Estate, Moss Vale		20000305-LC-03	Strategic Environmental and Engineering Consulting	6/11/20
Addendum to DA – Revised Wastewater Strategy			Premise	16/11/20
Aoyuan Moss Vale Subdivision Stage 1 Water Servicing Strategy			Urban Water Solutions	25/05/20
Aoyuan Moss Vale Subdivision Full Development Water Servicing Strategy			Urban Water Solutions	11/08/20
Integrated Water Cycle Management Report		Revision 02	Orion Consulting	05/03/20
Water Cycle Management Report		82018221-01	Cardno	31/01/19
Traffic Impact Assessment	80220024	Version 2	Cardno	27/4/21

B3. ESTATE SIGNAGE

No estate name signage shall be installed at or near the site.

Reason: To ensure that the subdivision is not identified as a separate estate to Moss Vale township.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

B4. SUBDIVISION WORKS CERTIFICATE

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council, pursuant to Section 6.13 of the *Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Design and Construction Specifications.

Reason: A requirement under the provisions of the Environmental Planning and Assessment Act 1979.

B5. LONG SERVICE LEVY

The payment of a long service levy is required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Subdivision Works Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

Reason: To ensure compliance with statutory requirements.

B6. DAMAGE BOND FOR PROTECTION OF COUNCIL INFRASTRUCTURE

A bond in accordance with Council's Bonds Policy shall be paid to Council prior to the issue of the Subdivision Works Certificate. This bond shall be refunded upon completion of all works, at the Subdivision Certificate stage. Any costs associated with works necessary to be carried out to rectify any damages caused by the development.

Note: Full panel concrete footpath replacement in areas where connection to all services are required. This includes driveways and road concrete panels. This will stop differential settlement and maintain the integrity of council infrastructure and asset.

Reason: Protection of Council infrastructure.

B7. DILAPIDATION REPORT

A Dilapidation Report shall be undertaken on all properties, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project.

The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Subdivision Works Certificate. The Report shall cover structural and geotechnical factors likely to arise from the development.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties and public assets during the construction of the project to the satisfaction of Council.

Reason: To ensure the structural stability of neighbouring buildings.

B8. STRUCTURAL ENGINEER'S DETAILS

Structural engineering plans are to be prepared by a professional Structural Engineer for all retaining walls and shall be lodged with the Principal Certifier and approved prior to commencing the works in accordance with a Subdivision Works Certificate:

Advice: The name, address and qualifications of the professional Structural Engineer certifying the design shall be clearly indicated on the plans and any accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.

Advice: Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.

Reason: To ensure the structural integrity of the structure is achieved.

B9. WATER INDUSTRY COMPETITION ACT 2006 APPROVALS

Prior to the issue of a Subdivision Works Certificate, an application under the *Water Industry Competition Act 2006* shall be made to, and issued by, the Independent Pricing and Regulatory Tribunal, for the relevant licences for the construction and operation of the Interim Wastewater Treatment System and provision of sewerage services to Stage 1 of the development:

(a)

Reason: A requirement under the provisions of the Water Industry Competition Act 2006.

B10. SECTION 68 LOCAL GOVERNMENT ACT 1993 APPROVALS

Prior to the issue of a Subdivision Works Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Water
- Sewer
- Stormwater

Reason: A requirement under the provisions of the Local Government Act 1993.

B11. WATER AND SEWER INFRASTRUCTURE

The documentation required for the Section 68 approval process prior to the issue of a Subdivision Works Certificate for Stage 1 shall comprise plans, calculations and specifications which demonstrate that the required works are in accordance with all Council's standards, all other relevant codes and guidelines and the following approved documents:

(a) *Aoyuan Moss Vale Subdivision Stage 1 Water Servicing Strategy* prepared by Urban

Water Solutions dated 25 May 2020

- (b) *Aoyuan Moss Vale Subdivision Sewer Servicing Strategy* prepared by Urban Water Solutions dated 8 November 2019
- (c) *Water and Sewer Infrastructure Staging Plan* prepared by Premise dated 11 May 2022.

This Stage 1 documentation shall demonstrate compliance with the following sewer and water requirements:

- (i) Sewer: The following sewer infrastructure to be constructed by the applicant at no cost to Council:
 - a. Construction of sewer reticulation infrastructure throughout stage 1 area;
 - b. Construction of a new sewer pump station SPS1 with emergency storage of 248KL (8 hours Average Dry Weather Flow) with flow rate of 12L/s.
 - c. Construction of 580m of a rising main (minimum DN160 HDPE) connecting with the existing 150mm gravity main in Lovelle Street;
 - d. Construction of 960m of a 450mm gravity main connecting MH GH01102 to SPS MV17;
 - e. Upgrading of SPS MV17 pump capacity to 25L/S;
 - f. Upgrading of 230m of rising main from SPS MV17 to DN200 HDPE.
- (ii) Water: The following water infrastructure to be constructed by the applicant at no cost to Council:
 - a. Connect directly to the existing water main infrastructure in the vicinity of the Hill Road Low Level Reservoir, with final connection details to be determined by water modelling and in consultation with Council.
 - b. The transfer water main required to be constructed within the site to connect the Stage 1 reticulation to the reservoir shall be designed and installed by the applicant at no cost to Council and shall be protected by a suitable easement created in favour of Council.
 - c. The main shall be transferred to Council upon the completion of the Stage 1 Development.
 - d. The detailed design and modelling for the development supply mains needs to consider the potential for water quality impacts due to residence time in the DN450 main due to lower demands from early development. Consideration must be given to gradual upsizing if deemed necessary by the modelling outcomes

B12. MODIFICATION OF DA 21/0772

Prior to the issue of a Subdivision Works Certificate and pursuant to Section 4.17(1)(b) of the *Environmental Planning and Assessment Act 1979*, the applicant is to modify development consent DA 21/0772 in Notice of Determination dated 3 March 2021 as prescribed by Clause 97 of the *Environmental Planning and Assessment Regulation 2000* in the following manner:

- (a) Schedule 2 Condition 1 – update as follows:

Plan Title/ Supporting Document	Reference Version	Prepared by	Dated
Context Plan for temporary wastewater system on-site treatment	B, E 18001S1 – Sheet 4 2 of 3-4	JMD Development consultants	16/10/2020 10/12/2020
Sight lines from H1 & H2 to STP	B, C 18001S1 – Sheet 2 3 of 3 4	JMD Development consultants	22/10/2020 10/11/2020
Detail Plan and elevation of proposed temporary on-site wastewater treatment plant	C, E 18001S1 – Sheet 3 4 of 3 4	JMD Development consultants	27/10/2020 8/12/2020

(b) Condition 31 – IPART Consideration

Documentary evidence must be provided to the effect that a License has been granted under the Water Industry Competition Act (~~WCAT~~ 'WICA') 2006 for the design, installation and operation of the interim Wastewater System prior to the issue of any ~~Occupation Certificate~~ Construction Certificate, or alternatively, evidence that a License is not required must be provided to the Certifier by the Independent Pricing and Regulatory Tribunal ('IPART').

(c) Addition of a new condition in a new Section **“Conditions to be satisfied during the operation of the development”**:

The operation of the Interim Wastewater System must be undertaken in accordance with the WICA licenses and Section 68 approvals.

B13. FLOODING

All residential allotments must contain a building envelope and vehicular access above the 1% Annual Exceedance Probability ('AEP') flood event. The plans lodged with the Subdivision Works Certificate for Stage 1 of the approved subdivision on the site must contain the AEP flood frequency line for all watercourses and overflow paths on the subdivision plans.

Reason: To ensure the flooding hazard is appropriately managed on the site.

B14. GEOTECHNICAL

A detailed geotechnical investigation shall be undertaken by an appropriately qualified geotechnical engineer and shall include (but not necessarily be limited to) the following as outlined in the *Preliminary Geotechnical Investigation* prepared by Douglas Partners dated February 2019:

- (a) Detailed investigation, assessment and laboratory testing of the erosion and salinity potential of the site;
- (b) Detailed geotechnical investigations for determination of final retaining wall, pavement thickness designs and lot classifications;
- (c) Detailed engineering works for appropriate hillside development; and
- (d) Routine inspections and earthworks monitoring during construction.

This Report shall provide a site classification in accordance with the current version of Australian Standard (AS2870) *Residential Slabs and Footings* for each residential allotment in

the subdivision. Details shall be reflected in the Subdivision Works Certificate plans.

Reason: To ensure the geotechnical constraints on the site are appropriately managed on the site for future development.

ROADS AND VEHICLE ACCESS

B15. SECTION 138 APPROVAL

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as the erection of a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Councils Development Engineer, prior to the issue of the Subdivision Certificate.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- (a) A copy of approved design plans related to the development and proposed works to be undertaken (including all proposed road works and proposed roundabouts).
- (b) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- (c) Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Advice: Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of Transport for NSW for engineering design plans, Traffic Control Plans and approvals under Section 138 of the *Roads Act 1993*.

Reason: To ensure public infrastructure is adequately maintained and the works comply with the roads Act 1993.

B16. STREET & TRAFFIC SIGNS AND LINE MARKINGS PLAN

The developer shall obtain approval for proposed street and traffic signs and line markings within the road reserve, by submitting plans detailing their type, location and orientation prior to the issue of the Subdivision Works Certificate. The plans also to include bus stops and signage to guide the road users to major roads and town centres.

The signs and line markings are to be installed in accordance with the Council's Engineering Specifications, Standard Drawings , relevant Standards and approved Engineering Plans.

Reason: *To ensure compliance with Council Engineering Plans and Specifications, and relevant Standards.*

B17. ROADS AND ACCESS CONSTRUCTION WORKS

Details of the following road works shall be provided on the Subdivision Works Certificate plans demonstrating compliance with Council's Design Specifications:

- (a) Street name signs and posts - street signage shall be provided in accordance with Council's Engineering Standard Drawing Nos SD119A, SD119B and SD119C;
- (b) Construction of footpath and shared use path in subdivision - concrete footpath and shared use path in Stage 1 of the subdivision as per Council's Standard Drawings;
- (c) Construction of gutter crossings - gutter crossings for vehicular access in accordance with Standard Drawings Nos SD107 for access to the lots;
- (d) Construction of a private road surfaced with asphaltic concrete for a minimum of 6 metres wide within Lot 1111 and accordance with Council's requirements;
- (e) Driveway for battle-axe lot 1201 shall be 4.5m wide and located within a 6.0m wide access handle.

All works are to be completed prior to the issue of the Subdivision Certificate.

Reason: *To ensure compliance with Council's road requirements and appropriate access to the site is provided.*

B18. CONSTRUCTION OF ROADS AND ROUNDABOUTS

All road and roundabout constructions shall be in accordance with Council's Design Specifications and to the satisfaction of the Group Manager Planning, Development and Regulatory Services with details to be provided on the Subdivision Works Certificate plans. All roundabouts to give consideration to ongoing public safety and amenity.

- (a) Construction of road pavements to be surfaced with asphaltic concrete in all subdivision roads.
- (b) Construction of roundabouts along subdivision boulevards in Stage 1 as per Engineering Plans drawing numbers 200-205; revision D; prepared by Orion Consulting; dated 30/09/2020 and Austroads Guide to Road Design Part 4B.
- (c) Construction of a roundabout and associated pedestrian facilities at the intersection of Yarrowa Road and Spencer Street as per Council's Standard Drawings and concept plans prepared by JMD Development Consultants; Reference No. 18001E2; Issue B; dated 29/06/21. The detailed design of the roundabout is to be accompanied by an independent Road Safety Audit, undertaken in accordance with relevant Austroads guidelines.

Note: Where the subdivision is staged and required roadworks are incomplete, Council may require the construction of temporary cul-de-sacs or turning facilities for large vehicles such as garbage trucks. These works are to be constructed to the requirements of Council.

Reason: To ensure that adequate access is provided and all roads and roundabouts are designed and constructed in accordance with relevant Council and Austroads Standards.

STORMWATER

B19. STORMWATER - CONTROL OF PEAK DISCHARGE

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Design Specifications and Drawings. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with Subdivision Works Certificate application.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Subdivision Works Certificate documentation.

Reason: To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.

B20. DETAILED STORMWATER DRAINAGE SYSTEM DESIGN

Prior to the issue of the Subdivision Works Certificate, a detailed storm water hydraulic drainage plans for the disposal of storm water from the site, prepared in accordance with Council's Design Specifications and the *Integrated Water Cycle Management Report* prepared by Orion Consulting dated 5 March 2020 (Revision 02), shall be submitted to Council and approved by Council's Development Engineer.

The downstream system shall be suitably upgraded to safely convey the receiving flows from the development as required. The design shall show the details of maintenance vehicle access to stormwater facilities that will be handed over to Council.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Engineering Design Specifications and Standard Drawings.

Reason: To ensure adequate storm water management on the site.

B21. DETENTION SYSTEMS

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the *Australian Rainfall & Runoff*. All batters shall be in accordance with Council's Engineering Specifications and Drawings to facilitate maintenance and provide a safe environment. Details shall be provided with Subdivision Works Certificate application.

Reason: To control stormwater flows.

LANDSCAPING AND TREE MANAGEMENT

B22. LANDSCAPE PLAN

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, generally in accordance with Landscape Concept Plans L-SD-01 - L-SD-18 Rev C prepared by Arterra Design Pty Ltd dated 6/10/20 conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Subdivision Works Certificate.

The plan shall include the following information:

- (a) Location of all existing and proposed landscape features including materials to be used;
- (b) Delineate and identify all trees to be retained, removed or transplanted;
- (c) Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity;
- (d) Pot size at planting out stage;
- (e) Soil treatment prior to planting out, fertilizing and water maintenance schedule;
- (f) Suitable landscape treatment to soften the appearance of the site boundary retaining wall, on the north western boundary adjoining Lot 1 DP 842623.

Reason: To ensure appropriate landscaping treatments are applied to facilitate amenity.

B23. PROTECTION OF EXISTING TREES AND NATIVE VEGETATION

Prior to the issue of the Subdivision Works Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities within the limit of works must also be marked on all plans.

Road design and construction shall ensure preservation of existing roadside vegetation where possible.

Reason: To ensure the retention and preservation of local vegetation and to clearly articulate trees and vegetation to be removed and retained.

B24. PRE-CLEARANCE SURVEYS

Prior to the issue of the Subdivision Works Certificate, an ecologist shall be engaged to undertake preclearance surveys and clearance supervision of fauna habitat, including where there is proposed disturbance of creek banks that provide nesting habitat. The preclearing survey by the ecologist shall determine if the Salix with the hollow is currently utilised as fauna habitat and if it should be:

- (i) retained with no modification
- (ii) poisoned and pruned so the hollow is retained as a stag (dead) tree
- (iii) removed and the hollow replaced by a nest box in a suitable tree in the area
- (iv) removed and the hollow section of the tree is relocated in another suitable tree in the area.

Details / plans addressing the following shall be submitted to the satisfaction of Council and the Natural Resources Access Regulator.

Reason: To protect fauna and habitat on the site.

B25. VEGETATION MANAGEMENT PLAN

A Vegetation Management Plan (VMP) shall be prepared in accordance with the '*Controlled activities on waterfront land – Guidelines for Vegetation Management Plans on Waterfront Land*' (Department of Primary industries (Office of Water) July 2012) for the protection and restoration of the riparian corridors and habitat on the site. The VMP shall be submitted to Council and the Natural Resources Access Regulator (NRAR) with a Controlled Activity Approval application and shall include:

- (a) Identify the riparian corridor widths, vegetation species (to comprise species characteristic of the Southern Highlands Shale Woodlands Community) and planting densities.
- (b) Riparian restoration / landscaping including species characteristic of the Southern Highlands Shale Woodlands community; and
- (a) Details regarding the protection or enhancement of downstream aquatic ecosystems during construction and in the longer term including adequate sediment and erosion controls are implemented during construction.

Reason: *To outline the requirements for the preparation of the Vegetation Management Plan and to ensure the ecological features of the site are protected*

B26. DAM DEWATERING

An ecologist is to be engaged to prepare and implement a dam dewatering plan for dams subject to earthworks within stage 1. Details are to be provided with the Subdivision Works Certificate plans.

Reason: *To protect fauna and habitat on the site.*

CONSTRUCTION MANAGEMENT

B27. CONSTRUCTION MANAGEMENT PLAN

A Construction Management Plan (CMP) is required to be submitted and approved by the appointed Principal Certifier prior to issue of the Subdivision Works Certificate. The CMP shall indicate measures to be implemented to mitigate construction risks in the protection of the environment as well as public health, safety and convenience. The CMP must address the following:

- (a) Details of site security;
- (b) Off-street parking for employees, contractors and sub-contractors.
- (c) Public safety in the use of roads and footpaths where development activities interacts with existing facilities and operations.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Provision for loading and unloading materials;
- (f) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- (g) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- (h) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (i) External lighting and security alarms proposed for the construction site.
- (j) Firefighting measures to be available on site during development and construction.
- (k) Sanitary amenities proposed on site during development and construction.

- (l) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- (m) Details of management of storm water run-off and the proposed sediment and erosion control measures including the location of any rubble grids;
- (n) Details of any air and dust management;
- (o) Details of noise and vibration controls;
- (p) Anticipated staging and duration of works
- (q) Provision of Construction Traffic Management Plan (CTMP) and Traffic Control Plans (TCP) addressing construction related traffic issues including:
 - (i) Surrounding traffic environment including roads, public transport and existing parking restrictions
 - (ii) Truck routes to and from the site
 - (iii) General site access and egress for construction vehicles and equipment purposes
 - (iv) Frequency of truck movements
 - (v) Sweep paths for trucks entering, circulating and exiting site
 - (vi) Location of vehicle standing areas to load and unload and any work zones (if required)
 - (vii) Impact of works on residents, businesses, pedestrians, cyclists, local traffic, emergency services and management of staff parking
 - (viii) Directional signage for pedestrian and trafficable areas

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment during construction.*

B28. EROSION AND SEDIMENT CONTROL PLAN

An Erosion and Sediment Control Plan shall be prepared in accordance with the NSW Department of Housing manual '*Managing Urban Stormwater: Soils and Construction Certificate*' (the Blue Book) for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Subdivision Works Certificate.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale;
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall;
- (c) Location of and basic description of existing vegetation;
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites;
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc;
- (f) Nature and extent of earthworks, including cut and fill roadworks;
- (g) Location of all soil and material stockpiles;
- (h) Location of site access, proposed roads and other impervious areas;
- (i) Existing and proposed drainage patterns;
- (j) Location and type of proposed erosion and sediment control measures;
- (k) Site rehabilitation proposals, including final contours;
- (l) Time of placement of sediment controls;
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site;
- (n) Maintenance schedule.

Reason: *To minimise soil erosion and sediment movement during construction.*

B29. WASTE MANAGEMENT PLAN

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Subdivision Works Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

Reason: *To minimise the amount of waste going to landfill.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

B30. APPOINTMENT OF PRINCIPAL CERTIFIER (PC)

No work shall commence in connection with this Development Consent until:

- (a) a Subdivision Works Certificate for the subdivision work has been issued by:
 - (i) the consent authority; or
 - (ii) a Principal Certifier (PC); and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a Principal Certifier for the subdivision work, and
 - (ii) notified the Principal Certifier that the person will carry out the subdivision work as an owner-builder, if that is the case, and
- (c) the principal certifying authority has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any inspections that are required to be carried out in respect of the subdivision work in accordance with Council's Engineering Construction Specifications, and
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
 - (i) appointed a principal contractor for the subdivision work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the Principal Certifier of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and
- (e) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the subdivision work.

Reason: To ensure the subdivision work proceeds in accordance with the Environmental Planning and Assessment Act 1979

B31. ERECTION OF SIGNS

A sign must be erected in a prominent position on any site on which subdivision is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out, but must be removed when the work has been completed.

Reason: The condition is prescribed under clause 98A(2) and (3) of the Environmental Planning and Assessment Regulation 2000.

B32. CONSTRUCTION SUPERVISOR

A minimum of 48 hours prior to commencement of any construction works on site, the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- (a) Name of Representative:
- (b) Company and position:
- (c) Contact phone and after hours contact:
- (d) Signature & Acceptance of representative by the Developer:

Council requires that the nominated "Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site, the representative shall inform Council in writing of their intention 7 days before entering the site and submit to Council a proposed Schedule of Works. Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: To ensure compliance with relevant statutory requirements.

B33. EROSION AND SEDIMENT CONTROL

Erosion and sediment control measures, as outlined in the approved Erosion and Sediment Control Plan, shall be installed prior to the commencement of works.

Reason: To ensure that sediment does not leave the site as a result of the construction of the

development.

B34. RELOCATION OF EXISTING SERVICES

Any services required to be relocated as a result of the development shall be completed at no cost to Council. The developer is to ensure minimal service disruptions as a result of service relocation works.

Reason: To ensure compliance with relevant statutory requirements.

B35. FENCING OF THE CONSTRUCTION SITE

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Reason: To ensure that the safety of the public is not compromised.

B36. TREE RETENTION

All trees shown on the development consent to be “retained” shall be appropriately marked and protected prior to the commencement of construction works.

Reason: To ensure that trees are retained without damage.

B37. SHORING AND ADEQUACY OF ADJOINING PROPERTY

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

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

Reason: To ensure compliance with the prescribed condition required by Clause 98E of the Regulation.

CONDITIONS TO BE SATISFIED DURING THE STAGE 1 CONSTRUCTION PHASE

B38. COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

Building work must be carried out in accordance with the requirements of the Building Code of Australia.

Reason: *The condition is prescribed under clause 98(1)(a) of the Environmental Planning and Assessment Regulation 2000.*

B39. APPROVED PLANS TO BE AVAILABLE ON SITE

The Subdivision Works Certificate, approved plans, specifications, approvals (including s68 and 138 approved plans), documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

B40. APPROVED HOURS OF CONSTRUCTION/DEMOLITION

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

B41. CONSTRUCTION MANAGEMENT PLAN

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan. All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

Reason: *To ensure construction is managed in accordance with the approved plan.*

B42. CONSTRUCTION MANAGEMENT AND MAINTENANCE OF THE SITE

The following measures shall be undertaken during construction activities on the site:

- (a) All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the carrying out of works in the development.
- (b) During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of the approved Construction Traffic Management Plan.
- (c) All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.
- (d) No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

- (e) Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.
- (f) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work. All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the stormwater system.
- (g) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- (h) Any run-off and erosion control measures required shall 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.
- (i) All vehicles entering or leaving the site shall have their loads covered
- (j) All vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (k) At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *To ensure the amenity of the environment and public safety is maintained during construction and to ensure that pedestrian and vehicular access in public places is not restricted.*

B43. EROSION AND SEDIMENT CONTROL MEASURES

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate qualification and experience in erosion and sediment control.
- (b) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (c) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (d) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (e) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.

- (f) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (g) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (h) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

Reason: To minimise soil erosion and sediment movement during construction and to ensure that the environment is protected.

B44. SOIL AND WATER MANAGEMENT - SITE MAINTENANCE

Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

Reason: To minimise construction / demolition materials being trucked off site.

B45. STORMWATER

The following stormwater requirements shall be undertaken during construction:

- (a) Connection to kerb - All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.
- (b) Construction - The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e., provision of drainage easements).
- (c) Discharge - All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

Reason: To ensure that stormwater complies with Council's standards, prevents erosion of the site from stormwater and that stormwater is appropriately disposed of.

B46. IMPORTED 'WASTE-DERIVED' FILL MATERIAL

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- (b) Any other waste-derived material (including excavated natural material – ENM) the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

Note: Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*. Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes.

B47. EARTHWORKS, RETAINING WALLS AND STRUCTURAL SUPPORT

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, any other waste-derived material (including excavated natural material – ENM) the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: To ensure that the development is structurally adequate and to ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

B48. DAMAGE TO ADJOINING PROPERTIES

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

Reason: To ensure adjoining properties are not structurally impacted by the development.

B49. SHORING AND ADEQUACY OF ADJOINING PROPERTY (IF APPLICABLE)

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

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary, underpin the building, structure or work to prevent any such damage.

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

Reason: Prescribed conditions pursuant to Clause 98E of the Regulation.

B50. PROTECTION OF PUBLIC PLACES

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 *Roads Act 1993* approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of SafeWork NSW, the Principal Certifier and with relevant Australian Standards.

Reason: To protect public safety.

B51. CONSTRUCTION NOISE

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

B52. TREE PROTECTION (IF RELEVANT)

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction

B53. RESPONSIBILITY FOR CHANGES TO PUBLIC INFRASTRUCTURE

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

B54. ABORIGINAL CULTURAL HERITAGE

The applicant must ensure that they have taken all reasonable precautions to prevent harm to Aboriginal objects. If Aboriginal objects are identified during works then all work must stop and Heritage NSW must be contacted immediately by contacting Environment Line on 131 555 or emailing: info@environment.nsw.gov.au. Work may not recommence in the area until advised by the Heritage NSW.

The extent of works for Stage 1 must not impact on the boundary of site 52-4-0194.

Reason: To ensure the protection of Aboriginal Cultural Heritage.

B55. DISCOVERY OF CONTAMINATION

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority. Appropriate personal protection equipment (PPE) must be worn.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A STAGE 1 SUBDIVISION CERTIFICATE

B56. SUBDIVISION CERTIFICATE

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with Section 6.15 of the *Environmental Planning and Assessment Act 1979*) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and 3 copies shall be included with the application.

All works specified in Council's development consent and approved Subdivision Works Certificate plans shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

Note: *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979.*

B57. SECTION 138 ROADS ACT FINAL

The applicant is to ensure that works associated with any Section 138 approval for the development are completed and inspected by Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

B58. SECTION 68 LOCAL GOVERNMENT ACT FINAL

The applicant is to ensure that the works associated with the Section 68 approval for this development be completed and inspected by Council prior to the issue of the Subdivision Certificate.

Reason: To ensure that the development is completed as per this consent and the approved plans.

B59. COUNCIL PROPERTY

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of the Subdivision Certificate at no cost to Council.

Reason: To ensure that Council's assets are protected.

B60. DEDICATION OF RIGHT OF CARRIAGEWAY / EASEMENTS

The creation, or obtaining by the Applicant, of the following easements and rights of carriageway, at the Applicant's expense must be provided prior to the issue of the Subdivision Certificate:

- (a) Splay corners at the junction of public roads as per Council's Standard Drawing SD129.
- (b) Inter-allotment drainage easement a minimum of 2 metres wide for the lots that do not drain natural to a public system (road, watercourse etc.).
- (c) Right of Carriageway and easement for services a minimum of 10 meters wide over Lot 1111 in favour of Lots 1109 and 1110.
- (d) A drainage reserve at downstream for management of stormwater within Stage 1 of the subdivision prior to entry into Moss Vale Golf Course.
- (e) Sewerage easement a minimum of 3 meters wide over the sewer main within the private properties in favour of Council

Reason: To protect infrastructure.

B61. SECTION 88B INSTRUMENT

The original plans of subdivision shall be accompanied by a Section 88B Instrument under the *Conveyancing Act 1919*, which requires:

- (a) Access to future dwellings on the lots accessing off Boulevards shall be restricted to locations identified on the Subdivision Works Certificate approved plans.
- (b) No solid metal "colorbond" style boundary fencing so as to respect the character of the locality.
- (c) to ensure ongoing protection from the impact of bush fire, the entirety of the proposed residential lots shall be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bushfire Protection 2019* in perpetuity.

- (d) An Instrument for the provision for:
- (i) On-going management/maintenance of the right of carriageway including clear details of obligations/responsibilities of the affected parties;
 - (ii) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway; and
 - (iii) Maintenance and repair of the private sewer line infrastructure within individual residential lots (within stage1), shall be provided by the subject applicant, until such time as the ownership of this infrastructure is transferred to Wingecarribee Council, where upon this maintenance responsibility shall be undertaken by Council

The draft Section 88B Instrument shall submit to Council for approval prior to issue of the Subdivision Certificate.

- (e) An Instrument for the provision of a site classification provided by the geotechnical engineer in accordance with the current version of Australian Standard (AS2870) *Residential Slabs and Footings* for each residential allotment in the subdivision.

Full details, including draft Section 88B Instrument, shall be submitted for the approval of Council with the application for a Subdivision Certificate.

Reason: *To ensure compliance with the Conveyancing Act 1919 and Council Policy and engineering requirements.*

B62. PROVISION OF SERVICES

A separate access, sewer connection, stormwater drainage connection, water service and electricity supply shall be provided to each allotment within the subdivision at the applicant's expense prior to the issue of the Subdivision Certificate.

All property services shall be located within the lots that they serve in accordance with Council's Engineering Specifications, Standard Drawings and approved plans. The applicant shall provide to Council written confirmation of compliance.

Reason: To ensure that all available services are provided to each lot within the subdivision.

B63. ASSET MANAGEMENT

The applicant shall provide a detailed summary of the Assets that will be handed to Council at the end of the maintenance period prior to the issue of the Subdivision Certificate. The details shall be provided in a tabular form so as to allow Council to update its Assets register in accordance with Council's Engineering Specifications and Guidelines Part 3 - Asset Handover and Work as Executed Specifications.

Reason: To ensure appropriate asset management.

B64. CONSTRUCTION OF ALL CIVIL ENGINEERING WORKS AND SERVICES

All civil engineering works and services, including construction works within the road reserve, are to be constructed in accordance with the Council's Engineering Specifications, Standard Drawings and approved engineering plans prior to the issue of the Subdivision Certificate.

Reason: To ensure that the works and services are constructed in accordance with the approved plans.

B65. CERTIFICATION OF INTERNAL CIVIL WORKS

On completion of works and prior to issue of the Subdivision Certificate, certification from a practicing appropriately qualified engineer shall be submitted to Council detailing that all internal civil works, including roadwork, internal driveways, paths and stormwater drainage system including any onsite detention, are in accordance with approved plans and specifications.

Reason: To comply with Council's requirements.

B66. CERTIFICATION OF YARRAWA ROAD/SPENCER STREET/DARRAN ROAD ROUNDABOUT WORKS

On completion of works and prior to issue of the Subdivision Certificate, certification from a practicing appropriately qualified engineer shall be submitted to Council detailing that all engineering works for the Yarrawa Road/Spencer Street/Darran Road Roundabout have been constructed in accordance with approved plans and specifications.

Reason: To comply with Council's requirements.

B67. ENGINEERING DETAILS IN DXF FORMAT

The applicant shall provide a copy of the Work As Executed information in DXF format prior to the issue of the Subdivision Certificate. The developer may contact Council's GIS Officer for further details and technical specifications.

Reason: To ensure appropriate records are held and asset management.

Note: The successful handover of constructed assets to Council resulting from new developments must be accompanied by the work as executed (WAE) documents specified on the Council Website: <https://www.wsc.nsw.gov.au/Development/Engineering-Standards#section-8>

Failure to provide completed documents in this format will result in a delay in the issue of the Subdivision Certificate and retention of bonds held until such time as Council have deemed the WAE information to be complete in the required format. The standards are updated as required; please ensure you are using the correct version.

Please note the work as executed information requirements include providing surveyed levels for all underground assets. WAE Information submitted must be checked and signed off by a Registered Surveyor or suitably qualified Engineer.

B68. PERMANENT ROAD SURVEY MARKS

Permanent road survey marks shall be provided to the satisfaction of the Group Manager Planning, Development and Regulatory Services prior to the issue of the Subdivision Certificate.

Reason: To satisfy Council's Engineering Requirements.

B69. RESTRICTION AS TO USER - STORMWATER FACILITIES

A "Restriction as to User" shall be included on the plan of subdivision and title of the land to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Subdivision Certificate.

Reason: To provide appropriate stormwater management.

B70. STORM WATER FACILITIES MAINTENANCE

A "Positive Covenant" shall be included on the plan of subdivision and title of the land and requiring that the proposed storm water facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument (*Conveyancing Act 1919*) shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to issue of the Subdivision Certificate.

Reason: To provide appropriate storm water management.

B71. STORMWATER CCTV

The contractor is to provide CCTV footage as a single video file with accompanying inspection report of all stormwater pipes/culverts that is free of any defect, with the application for the Subdivision Certificate.

Reason: To ensure Council receives all new assets without any defect.

B72. PROVISION OF PUBLIC LIGHTING

The applicant shall provide public lighting in accordance with the requirements of Council's Engineering Design Specifications and relevant Australian Standards for street lighting to the following locations prior to the issue of the subdivision certificate:

- (a) subdivision roads including roundabouts.
- (b) roundabout at the intersection of Yarrowa Road and subdivision road for access to Stage 1 of the development.
- (c) roundabout at the intersection of Yarrowa Road and Spencer Street.

Reason: To ensure appropriate street lighting is provided.

B73. ENERGY SERVICE PROVIDER REQUIREMENTS

Underground electricity to service the development in accordance with the requirements of the Energy Service Provider must be provided. The applicant shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained in the form of a Notification of Arrangement (NOA). The requirements of the supply authority must be met prior to the issue of the Subdivision Certificate.

Reason: To ensure appropriate infrastructure is provided to the development.

B74. IDENTIFICATION OF FILL ON SITE

Prior to issue of the Subdivision Certificate, the applicant shall submit to Council for its approval a plan detailing the extent of fill, with engineering certification from a qualified and chartered

structural engineering professional identifying the specification of the filling operation in terms of the level of compaction achieved for each layer of fill placed.

The certification shall be completed by suitably qualified Geotechnical Engineer. A Restriction as to User shall be created over the extent of the filling prior to the issue of the Subdivision Certificate, which ensures that any structure placed over that area is constructed with a suitable footing system.

Reason: To alert future landowners of the existence of fill on the land.

B75. DEFECTS AND LIABILITY BOND

Prior to the issue of any Subdivision Certificate the developer shall lodge a cash bond to cover the defects liability period of 24 months for any public infrastructure constructed by them which will handed over to Council in accordance with Bonds Policy. The liability period will commence from the date of issue of the Subdivision Certificate.

The security bond will be in an amount equal to 10% of the value of the total civil works with a minimum value of \$10,000 based on the civil costs supported by written evidence. The bond shall be assessed by Council for release after the 24 months period on formal request from the developer.

In addition, a bond covering 10% installation cost of the sewer network will be held by Council until such time that the Chelsea Gardens network is discharging to the Council sewer system. This portion of the bond release will require the Moss Vale STP upgrades to be complete, the Chelsea Gardens pump station to be commissioned and the temporary on-site wastewater treatment plant to be decommissioned all to the satisfaction of Council.

Reason: To ensure appropriate warranty periods apply for defect liability.

B76. INTERIM WASTEWATER TREATMENT SYSTEM – IPART APPROVAL TO COMMENCE

Prior to issue of the Subdivision Certificate to create the first residential lot, the applicant shall submit to Council evidence that approval to commence commercial operation has been granted by the relevant Minister under the *Water Industry Competition Act 2006* ('WICA') in relation to all licences required to be issued under WICA in relation to the development.

B77. DEDICATION OF LAND FOR SEWER INFRASTRUCTURE

Prior to the issue of the Subdivision Certificate to create the first residential lot, the applicant shall submit documentary evidence to Council that the dedication to Council of Land associated with the construction of sewer pump station SPS1 has been completed (noted as proposed Lot 1184 on the approved subdivision plan and currently located within Lot 12 DP 866036).

B78. EASEMENT FOR WATER MAIN

Prior to the issue of the Subdivision Certificate to create the first residential lot, the applicant shall submit documentary evidence to Council that an easement in favour of Council for the water main required to be constructed within the site to connect the Stage 1 reticulation to the reservoir has been created. The main shall be transferred to Council upon the completion of the Stage 1 Development.

B79. COMPLETION OF SECTION 68 REQUIRED WORKS

Prior to issue of the Subdivision Certificate to create the first residential lot, the applicant shall ensure that all of the required works associated with any/all Section 68 approvals for this development have been completed and inspected to Council's satisfaction.

Reason: To ensure that the development is completed as per this consent and the approved plans.

B80. CERTIFICATION OF SEWAGE PUMP STATION

Prior to the issue of the Subdivision Certificate, the applicant shall submit to Council the relevant design/ construction certifications for the sewage pump station pursuant to Council's *Engineering Construction Specification: C32 Summary of mandatory Hold and Witness Points for Civil Construction works*, Version 1.0.

Reason: To ensure adequacy of all aspects of the pump station (including structural) prior to handover.

B81. STREET TREE PLANTING

Street trees must be planted in accordance with the approved Landscape Concept Plans prior to issue of the Subdivision Certificate. The certifying authority must be satisfied by documents accompanying the application for subdivision certificate that the trees have been planted and Council's Urban Street Tree Master Plan must be referenced with respect to any street plantings.

Reason: To maintain and improve visual amenity.

B82. COMPLETION OF LANDSCAPING AND LANDSCAPE CERTIFICATION

Certification is to be provided to the Principal Certifier from the Landscape Architect that all tree planting/landscape civil works have been carried out in accordance with the approved landscape plan. Landscaping as per the approved Landscaping Plan shall be established prior to the issue of the Subdivision Certificate.

Reason: To ensure that the landscaping has been carried out in accordance with the approved landscape plan and is completed prior to the issue of the Subdivision Certificate.

B83. SECTION 7.11 CONTRIBUTIONS

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

- (a) Roads & Traffic Management Facilities
- (b) Resource Recovery Centre 2009
- (c) Central Library Facility
- (d) Section 94 Administration 2011 to 2031
- (e) Open Space & Recreation Facilities

A "Developer Charges - Notice of Payment" is at **Attachment A**, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the issue of the Subdivision Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25l of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Note: Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.

Note: Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).

Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

B84. WATER MANAGEMENT ACT - CERTIFICATE OF COMPLIANCE

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained prior to the issue of Subdivision Certificate.

Note: Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges prior to the issue of Subdivision Certificate as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- (a) Water Supply and Sewerage Development Servicing Plan;
- (b) Stormwater Development Servicing Plan.

Developer Charges as prescribed by Council's Sewerage Development Servicing Plan can be deferred until such time as the decommissioning of the temporary on-site wastewater treatment plant servicing Stage 1 and the connection of Stage 1 residential lots to the upgraded Moss Vale Sewer Treatment Plant occurs.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed in **Attachment A**.

Should new DSPs be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

Note: Payment of the above charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e., a minimum of 10 days).

Compliance Certificate

Compliance Certificate fees, in accordance with Council's Revenue Policy are listed in **Attachment A** and shall be paid prior to the issue of the Subdivision Certificate:

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, the Subdivision Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments

CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT

B85. MANAGEMENT AND MAINTENANCE OF SEWER NETWORK

As the applicant will be managing the sewer generation of the estate until such time that the network can be connected to the council sewer network, the applicant will be required to manage full maintenance of the reticulation sewer network and all associated infrastructure. Ownership of the sewer network will not pass to Council until return of the bond portion collected to cover sewer installation.

Council will permit the applicants operation contractor use of Council's easement for access over the sewer network during the applicant's period of maintenance. The applicant's maintenance responsibility of the sewer network must be detailed in sales documentation which must also be submitted with the Section 68 application for review by Council.

Note: This condition does not preclude the obligations of any licenced entity under the *Water Industry Competition Act 2006*.

Reason: *To ensure appropriate maintenance of sewerage infrastructure.*

B86. SEWER BOND RETURN

The security bond collected to cover the installation cost of the sewer shall be assessed by Council for release after the Moss Vale STP upgrades are complete, the Chelsea Gardens pump station commissioned, and the temporary on-site wastewater treatment plant decommissioned all to the satisfaction of Council.

Prior to the handover of the reticulation sewer, the applicant is to CCTV the entire sewer network and complete any water jetting and maintenance repairs as required. All CCTV footage collected during this handover process is to be submitted to Council for review and acceptance prior to handover and bond return.

Reason: *To ensure the infrastructure has been appropriately managed prior to full acceptance by Council.*

B87. CONNECTION TO THE SEWER NETWORK AND THE MOSS VALE SEWAGE TREATMENT PLANT

The applicant is to connect this stage of the subdivision to the Wingecarribee Shire Council sewerage network within three (3) months of notification that treatment capacity for the development is available at Moss Vale Sewage Treatment Plant.

Reason: *To ensure the long term arrangements for sewerage servicing of the site are undertaken as expeditiously as possible.*

CONDITIONS IMPOSED BY CONCURRENCE/REFERRAL/INTEGRATED AGENCIES

B88. WATER NSW – CONCURRENCE CONDITIONS

The following conditions have been imposed by WaterNSW pursuant to Section 4.13(8)(a) of the *Environmental Planning and Assessment Act 1979* and Clause 11(1) of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*:

General

1. The lot layout, staging and works of Stage 1 of the subdivision shall be as specified in the Statement of Environmental Effects prepared by Urbis (dated 23 July 2019) and as amended on the Plans of Proposed Subdivision Stage 1A - (Ref: 18001(S1A)DP1, Sheets 1 and 2, Issue F, dated 27-04-2022; Stage 1B - Ref: 18001(S1B)DP1, Sheets 1 and 2, Issue H, dated 27-04-2022; Stage 1C - Ref: 18001(1C)DP1, Sheets 1 and 2, Issue I; dated 27-04-2022) all prepared by John M. Daly & Associates Pty Ltd. No revisions to lot layout or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the subdivision.

Wastewater Management

2. For Stage 1, lots shall be connected via a reticulated sewer network and sewage pump station on Lot 1184 to a Package Wastewater Treatment System (PWTS) on Part Lot 1183, as an interim measure, and as shown on the Context Plan for Temporary On-Site Wastewater Treatment System and Detail Plan and Elevation of Proposed Temporary On-site Wastewater Treatment Plant (Ref: 18001S1; Sheet Nos. 2 and 4, Issue E, dated 10/12/2020) prepared by John. M. Daly & Associates Pty Ltd.
3. Council shall not issue Subdivision Certificates for relevant substages of the subdivision until each stage of the Package Wastewater Treatment System (subject to DA 21/0772), as shown in the following table, have been constructed, and approval to commence commercial operation is issued for each stage, as appropriate and required by Council under the *Local Government Act 1993* or by the relevant Minister under the *Water Industry Competition Act 2006*.

Subdivision Stage	Corresponding PWTS Stage
1A	1
1B	2
1C	2

4. As soon as there is sufficient capacity within the Moss Vale Sewage Treatment Plant and sewer network to accommodate the wastewater from Stage 1 of the subdivision, all lots in Stage 1 shall:
 - be connected to Council's reticulated sewerage network, and
 - be disconnected from the Package Wastewater Treatment Plant and irrigation system on the proposed Lot 1183.

Reason for Conditions 2 to 4 - To ensure that wastewater generated from future development on lots in the subdivision can be treated in a sustainable manner such that a neutral or beneficial effect on water quality is achieved over the longer term.

Sewer Pumping Station

5. The sewage pumping station, denoted SPS 1 on the Context Plan for On-Site Wastewater Treatment System (Ref: 18001S1; Sheet Nos. 2 and 4, Issue E, dated 10/12/2020) prepared by John M. Daly & Associates Pty Ltd shall:
 - have the electrical switchgear and access points associated with the sewage pump station located above the 1% Annual Exceedance Probability (1 in 100 year) flood level
 - have a minimum emergency storage volume equivalent to at least 3 hours peak wet weather flow

- be designed with sufficient hydraulic and volumetric capacity to collect and transfer all wastewater generated by relevant stages of the subdivision
- have an appropriate emergency storage capacity to accommodate wet weather flow
- have a permanent standby pump and access to an emergency power generation unit to ensure continuity of operation in the event of pump or power failure
- have an alarm system to trigger when the pump fails or when the system is reaching its capacity to ensure sufficient residual capacity for emergencies such as power failure or pump malfunction, and
- have an appropriate bunding around the sewage pump station to divert run-on away from the sewage pump station and prevent any overflows reaching natural drainage system or stormwater drains.

Reason for Condition 5 – *To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to ensure a sustainable neutral or beneficial effect on water quality over the longer term.*

Subdivision and Access Roads

6. The subdivision roads shall be located and constructed as shown on the General Layout, Road Hierarchy, and Engineering Plans (Project No. 19-34; Plan Nos. 001, 009, 200 to 206, Revision D, dated 30/09/2020) prepared by Orion Consulting. The roads shall be sealed and otherwise constructed in accordance with Council's engineering standards.
7. All stormwater structures and drainage works associated with the proposed subdivision roads shall be wholly included in a road or drainage reserve or within suitably defined easements.

Reason for Conditions 6 & 7 – *To ensure that the proposed subdivision roads and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.*

Stormwater Management

8. All stormwater management measures as specified in the Integrated Water Cycle Management Report (Revision 2, dated 5 March 2020) and shown on the Engineering Plans, Basin Layout Plan and Section & Details (Project No. 19-34; Plan Nos. 200 to 206, 404 and 405, Revision D, dated 30/09/2020) both prepared by Orion Consulting, shall be incorporated in the final stormwater drainage plans prior to the issuance of a Construction Certificate for Stage 1A of the subdivision and to be approved by Council. The stormwater management measures shall include:
 - pits, pipes, swales and inlet filters
 - ponds and Whites Creek Park Lake/on-site detention, and
 - two bioretention basins.
9. The bioretention basins shall also:
 - be located offline along the edge of the riparian zone of Whites Creek but above the 2% Annual Exceedance Probability (1 in 50 year) flood level
 - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable) once 80% of the lots within the catchment area draining to each of the basins is developed
 - direct all discharge and overflow to the proposed Whites Creek Park Lake/on-site detention via armoured discharge points such that discharge does not cause erosion

- be accessible from a road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
 - ensure the discharge outlets are consistent with the requirements of any Controlled Activity Approval under the *Water Management Act (2000)* from the Natural Resources Access Regulator (NRAR)
 - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures
 - erect signage at prominent public or other access points on each basin advising of the purpose and nature of the basin in water quality management, and
 - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
10. No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.
11. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of a Subdivision Certificate for Stage 1A that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
12. A Stormwater Operational Environmental Management Plan for each stage of the subdivision (Stages 1A, 1B and 1C) shall be prepared in consultation with Water NSW and Wingecarribee Shire Council by a person with knowledge and experience in the preparation of such plans. Each Plan shall:
- be prepared prior to the issuance of a Subdivision Certificate for that stage of the subdivision
 - be provided to Council when the management and maintenance of the stormwater management measures is handed over to Council
 - include details on the location, description and function of stormwater management structures such as pits, pipes, inlet filters, interallotment drainage, swales, bioretention basins, ponds, lake, and any other stormwater structures and drainage works
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, before and after handing over to Council, including the frequency of such activities
 - identify the individuals or positions responsible for inspection and maintenance activities, before and after handing over to Council, including a reporting protocol and hierarchy
 - outline the detailed requirements and measures for the protection of all stormwater structures from future upstream construction works i.e. construction of dwellings on future lots, and
 - include checklists for recording inspections and maintenance activities.
13. All stormwater treatment devices shall be monitored, maintained and managed as per the Stormwater Operational Environmental Management Plan.

Reason for Conditions 8 to 13 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.

Riparian Revegetation of the Drainage Reserve

14. A riparian revegetation planting program of the drainage reserve on proposed Lot 1182 shall be undertaken prior to the issuance of a Subdivision Certificate for Stage 1C as specified in the Landscaping Concept Plans (Project No. 18.08, Dwg. Nos. L-SD-04, L-SD-15 and L-SD-

16, Revision C, dated 6/10/20) prepared by Arterra Design Pty Ltd. The revegetation program shall:

- use a mixture of locally-native trees, shrubs, groundcovers and grass species
- have the trees and shrubs planted at 3-metre spacings and have tube stock, staked and protected to ensure a higher survival potential, and
- have a further round of planting, if 6 months after planting less than 50% of plantings have become established.

Reason for Condition 14 – *To ensure that appropriate measures are taken to offset the water quality impact of the increased intensity of the proposed development to have a sustainable neutral or beneficial effect on water quality and be sustainable over the longer term.*

Construction Activities

15. Soil & Water Management Plan, Notes & Details (Project No. 19-34; Plan Nos. 100 and 101, Rev D, dated 30/09/2020) prepared by Orion Consulting shall be updated, in consultation with Water NSW, for all works required for each stage of the subdivision by a person with knowledge and experience in the preparation of such plans. The Plans shall:

- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual
- be prepared prior to the issuance of a Construction Certificate for each stage in consultation with Water NSW and be to the satisfaction of Council, and
- include measures including sedimentation basins to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

16. A suitably qualified, certified professional shall oversee the implementation of the Soil and Water Management Plan for each stage of the subdivision. No works shall commence until effective erosion and sediment controls have been installed. The controls shall:

- be regularly inspected, maintained and retained until works have been completed, and
- have ground surface stabilised or groundcover re-established.

Reason for Conditions 15 & 16 – *To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.*

B89. GENERAL TERMS OF APPROVAL

General terms of approval from the following agencies have been provided and shall be complied with:

(a) Natural Resources Access Regulator ('NRAR')

Design of works and structures

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity(s) approval under the Water Management Act 2000 (Condition No GT0009-00015).

Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator (Condition No GT0019-00003).

Erosion and sediment controls

A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval (Condition No GT0014-00012).

B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land (Condition No GT0014-00012).

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised (Condition No GT0021-00004).

Plans, standards and guidelines

A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 20.0227 provided by Council to Natural Resources Access Regulator (Condition No GT0002-00801).

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required (Condition No GT0002-00801).

A. A security deposit must be provided, if required by Natural Resources Access Regulator (Condition GT0004-00003).

B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval (Condition GT0004-00003).

A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed bridge construction plans, 2. Detailed construction plans including drainage plans & erosion and sediment control plans, 3. Vegetation management plan (identifying riparian corridor widths, vegetation species and planting densities), 4. Project costings (Condition No GT0005-00333).

B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's Guidelines located on the website:

<https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>
(Condition No GT0005-00333).

All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person (Condition No GT0010-00006).

Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application and approved by Natural Resources Access Regulator (Condition No GT0012-00004).

The application for a activity; controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities> (Condition No GT0030-00008).

Rehabilitation and maintenance

Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s) (condition No GT0023-00001).

Reporting requirements

The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed (Condition No GT0016-00003).

(b) NSW Rural Fire Service

General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

8. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:
 - Minimal fine fuel at ground level;
 - Grass mowed or grazed;
 - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
 - Trees and shrubs located far enough from buildings so that they will not ignite the building;
 - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
 - Minimal plant species that keep dead material or drop large quantities of ground fuel;
 - Tree canopy cover not more than 15%;
 - Tree canopies not located within 2 metres of the building;
 - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
 - Lower limbs of trees removed up to a height of 2 metres above the ground.
9. Suitable legal instruments are to be placed upon the deposited plan(s) for the provision of asset protection zones where such are required over adjoining properties.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

10. Public road access shall comply with the following requirements of section 4.1.3 (1) of '*Planning for Bushfire Protection 2006*':

- Road(s) shall be two wheel drive, all weather roads.
 - Urban perimeter roads are two way, with a carriageway 8 metres minimum kerb to kerb.
 - The perimeter road is linked to the internal road system at an interval of no greater than 500 metres.
 - Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.
 - Public roads have a cross fall not exceeding 3 degrees.
 - All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.
 - Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.
 - Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres
 - The minimum distance between inner and outer curves is 6 metres.
 - Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
 - There is a minimum vertical clearance to a height of 4 metres above the road at all times.
 - The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
 - Public roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
 - Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
 - Public roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
 - One way only public access roads are no less than 4 metres wide (kerb to kerb) and provide parking within parking bays located outside the kerb to kerb space. Services are located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
 - Parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays.
 - Public roads directly interfacing the bush fire hazard provide roll top kerbing to the hazard side of the road.
11. Perimeter roads are to be provided to the extremity of the whole of the development.
12. Secondary public road access is to be provided during the development of stage 1.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

13. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Landscaping Assessment

The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

14. Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e., leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

END OF CONDITIONS

Attachment A: Notice of Payment – Developer Charges & Section 7.11



Civic Centre, Elizabeth St. Moss Vale, NSW 2577.
PO Box 141, Moss Vale. DX: 4961 Bowral.
Ph: (02) 4868 0888 Fax: (02) 4869 1203
wscmail@wsc.nsw.gov.au www.wsc.nsw.gov.au
Office Hours: Mon-Fri 8.30am - 4.30pm

Notice of Payment – Developer Charges & Section 7.11

20/0227

17 May 2022

PRIME MOSS VALE PTY LIMITED
PODIUM
351 ORAN PARK DRIVE
ORAN PARK NSW 2570

Re: 20/0227
COOMUNGIE 141 YARRAWA ROAD MOSS VALE NSW 2577

Development Description: *Chelsea Gardens and Coomungie Lands – Integrated and Staged Concept Development. Part A - Proposed Stage 1*

Water, Sewerage and Stormwater Headworks charges are levied under Section 64 of the Local Government Act and Section 306 of the Water Management Act 2000. Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Council's Contributions Plans.

Contributions Levy	Units	Rate	Amount Payable
S64 Sewerage (Shirewide)	176.00	\$11,461.91	\$2,017,295.61
Open Space & Community (Recoup)	176.00	\$806.02	\$141,859.35
Roads & Traffic (Moss Vale - Recoup)	176.00	\$10.89	\$1,916.19
Roads & Traffic (Moss Vale - Future)	176.00	\$2,170.84	\$382,068.23
Open Space & Community (Future Works)	176.00	\$1,629.60	\$286,808.77
Roads & Traffic (Shirewide - Future)	176.00	\$2,949.46	\$519,105.29
S64 Sewer Compliance Certificate	1.00	\$255.00	\$255.00
Administration (Shirewide)	176.00	\$521.96	\$91,865.09
S64 Stormwater Moss Vale - Whites Creek	176.00	\$1,644.18	\$289,375.53
S64 Water (Shirewide)	176.00	\$11,822.93	\$2,080,835.55
Open Space & Community (Acquisition)	176.00	\$96.25	\$16,939.95
S64 Stormwater Compliance Certificate	1.00	\$255.00	\$255.00
Central Library (Shirewide)	176.00	\$461.21	\$81,173.14
Resource Recovery Centre (Shirewide)	176.00	\$273.75	\$48,179.99
Roads & Traffic (Shirewide - Recoup)	176.00	\$16.85	\$2,966.02
S64 Water Compliance Certificate	1.00	\$255.00	\$255.00
Total			\$5,961,153.71

Payments must be either in the form of cash, bank cheque or credit card (credit cards subject to 1% surcharge. Amex and Diners not accepted).

IMPORTANT – The charges shown above are valid for payment until the date given below. After this period the charge will be indexed in accordance with the relevant Plan.

DATE CHARGES ARE VALID TO – 31 July 2022

Prepared by – Michael Park

Cashier Receipt No: _____

Total Paid: _____

Date Paid: _____

A COPY OF THIS NOTICE MUST BE PRESENTED WHEN MAKING PAYMENT

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