
ADMINISTRATION CONDITIONS
1. Development Description

Development consent is granted in accordance with Council's notice of determination for subdivision of land and carrying out of works to create 22 community title residential lots, one (1) community title lot and carrying out of works for the purpose of roads.

Reason: *To specify the scope of Council's consent.*

2. Development in Accordance with Plans and Documents

Unless otherwise specified by conditions of consent, the development shall be carried out in accordance with the information accompanying the development application, including the stamped consent documents set out in the following table and any notations or amendments made by Council.

In the event of an inconsistency between stamped consent documents set out in the following table, the more recently dated document shall prevail to the extent of the inconsistency.

Document Title	Reference	Dated	Prepared By
Plan of Proposed Community Title Subdivision.	6014 DP 271377 Sheets 1 to 5 of 5	1.02.2022	Stella Louise Walter
Community Management Statement	Sheets 1 to 14 of 14	-	-
Concept Drainage Plan.	Job Drawing Number 1923 CD02, Revision E.	22/02/22	Civil Development Solutions
Drainage Concept Typical Details.	Job Drawing Number 1923 CD02, Revision E.		
Concept Soil & Water management Plan Sheet 1.	Job Drawing Number 1923 CD02, Revision E.		
Concept Soil & Water Management Plan Sheet 2.	Job Drawing Number 1923 CD02, Revision E.		
Bushfire Hazard Assessment.	Ref: 3667BF.	December 14, 2020.	Harris Environmental Consulting (Zachary McCann).
Addendum to Bushfire Hazard Assessment.	Ref: 3667BF.	24 February 2022.	Harris Environmental Consulting.
Biodiversity Development Assessment Report.	Project no cdso1, Version Final v4.0.	August 2022.	Narla Environmental.
Vegetation Management Plan.	Project no Cdso var1, Version Final v3.0.	August 2022.	

Koala Assessment Report.	Project no cdso1var1, Version Final v3.0.	December 2020 (Revision Final V3.0 dated 23 March 2023).	
Arboricultural Impact Assessment & Tree Protection Plan.	Version 4.	8 November 2022.	Tree Survey (Phil Witten).

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

3. Tree Removal Permitted

Based on the assigned tree numbering contained in the Arboricultural Impact Assessment Report (AIA) by Tree Survey, dated 8th November 2022 (Version 4). The following trees are permitted for removal. These are trees No. 1, 3-7, 9-23, 26, 29, 30, 38, 39, 45-52, 57-60, 63-67, 73-82, 84-92, 98, 108-110, 113, 114, 116-126, 129, 130, 132, 135-141, 143, 144, 148-150, 152-154, 158-161, 166, 169, 170, 173-179, 181, 182, 188, 190, 192, 194, 220-228, 234, 240, 241, 247, 258-265, 268, 270- 276, 278-282, 286-292, 294-305, 307-310, 315, 317, 318, 330, 331, 341, 343-349, 354, 355 and 357-360.

Reason: *To identify trees permitted to be removed.*

4. Trees to be Retained

The following trees must be retained and protected. These are trees No. 2, 8, 24, 25, 27, 28, 31-37, 40-44, 53-56, 61, 62, 68-72, 83, 99-107, 111, 112, 115, 127, 128, 131, 133, 134, 142, 145-147, 151, 155-157, 162-165, 167, 168, 170, 172, 180, 183, 184, 186, 187, 189, 191, 193, 195-219, 229-233, 235-239, 242-246, 248-257, 266, 267, 269, 277, 283-285, 293, 306, 312-314, 316, 319-329, 332-340, 342, 350-353, 356 and 361-378, and other site trees not included in the AIA that are not exempt.

Reason: *To identify trees required to be retained.*

5. Inconsistency between documents

In the event of any inconsistency between the conditions of Council's consent and the drawings/documents referred to above, the conditions of consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

6. Tree Protection

Trees that require retention shall not be impacted during the construction/development of the site. The Tree Protection Zones (TPZ) for these trees as nominated in the Arboricultural Impact Assessment are required to be observed and utilised for the protection and in relation to the Australian Standard, AS 4970. These trees will require the installation of tree protection measures as referred in the Arboricultural Impact Assessment Report (Section 5.0) and include, but not be limited to protective fence. Additional protection measures must be included at the discretion of the project arborist.

The Tree Protection Zone must be protected in accordance with Section 5.5 of the AIA.

A protective fence is required to be installed to protect the TPZ from all site-related work and are recommended to be located in accordance with the requirements of the AS 4970. The fence is required to be secured to the ground with pegs to avoid movement during construction. This must be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phase of the development, and until landscaping works and installation of the drive/cross-overs is required.

Reason: *To ensure that the trees being retained are protected.*

7. Appointment of Project Arborist

A project arborist who conforms to the requirements of the AS 4970 (i.e. Level 5, Arboriculture) is required to be nominated as part of the conditions for the Subdivision Works Certificate, and they are to be provided with all related site documents.

Reason: *To ensure that the trees being retained are protected.*

8. Vegetation Management Plan

The proposed development is to comply with the requirements of the Vegetation Management Plan (prepared by Narla Environmental, dated August 2022, reference CDS01 var1, version Final v3.0) throughout all stages of the development.

Reason: *To ensure that the development complies with the requirements of the Vegetation Management Plan.*

9. Erection of Signs

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

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

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

Reason: *The condition is prescribed under the Environmental Planning and Assessment Regulation 2021.*

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

10. Application for a Subdivision Works Certificate

No subdivision work in the development shall be permitted to commence unless a

Subdivision Works Certificate for the work has been applied for and issued by Council or a suitably accredited certifier, 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.*

11. 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) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the subdivision work, and
 - (ii) notified the principal certifying authority that the person will carry out the subdivision work as an owner builder, if that is the case, and
- (b1) 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 critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) 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 certifying authority 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
- (c) 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 that there is certainty as to the consent applying to the land.*

12. Retirement of Offset Credits

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision works certificate that the credits listed in the following table have been retired to offset the impacts of the development, consistent with the Biodiversity Conservation Act 2016.

Credit type	Area affected (ha)	Credits required
PCT 944: Mountain Grey Gum - Narrow-leaved Peppermint grassy woodland on shales of the Southern Highlands, southern Sydney Basin Bioregion	5	53
Southern Myotis (<i>Myotis macropus</i>)	1.96	51

Reason: *Statutory requirement.*

13. Developer to provide photos of damage to Council property

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Subdivision Works Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

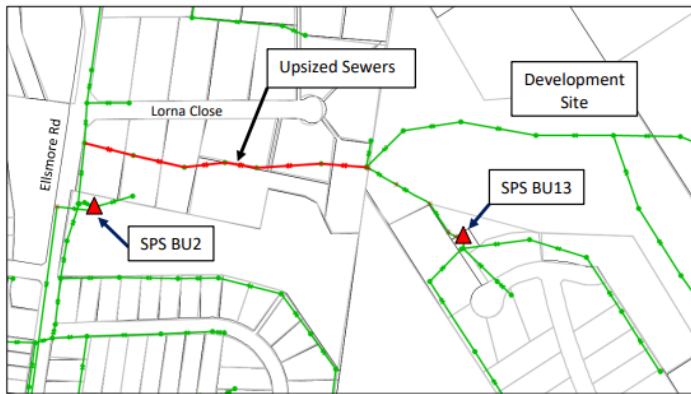
The construction supervisor is responsible to ensure that all contractors, sub contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of the Subdivision Certificate.

Reason: *To ensure that Councils assets are protected.*

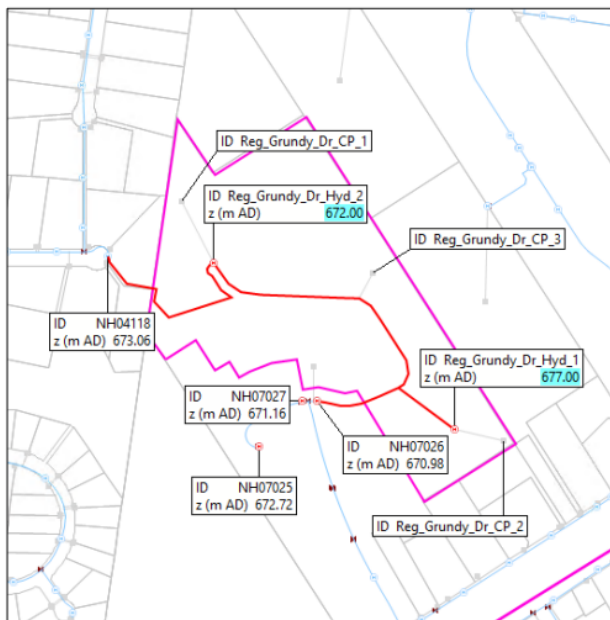
14. Water and Sewer Authority Conditions

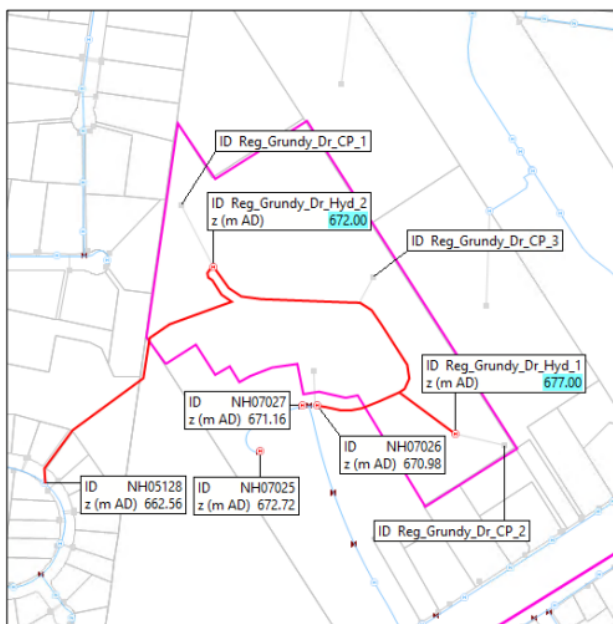
Prior to issue of a Subdivision Works Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act 1993*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines. The documentation submitted to satisfy this condition must include the scope of works as detailed in the UWS modelling report dated 23 March 2021, or otherwise agreed to in writing by Council's Coordinator Assets – Water, Sewer and Stormwater.

- **Sewer:** Upsize 317m of DN150 sewer to DN225 from MH GH04994 to MH GH02648 as shown in the figure below.



- Water:** The modelling demonstrates that providing a second connection to the development is required to enable compliance with fire flow requirements. The report details options available to meet this requirement.





Reason: To ensure water and sewer reticulation are in accordance with Council's standards.

15. Section 68 Local Government Act 1993 Approvals

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision certificate that the following applications for approval under section 68 of the Local Government Act 1993 have been made to and favourably determined by Council:

- Carry out sewerage work
- Carry out water supply work
- Carry out stormwater drainage work.

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

16. Section 138 Roads Act 1993 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 erect 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.

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- 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.

· 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 the Roads and Maritime Services for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

17. Supervising Arborist

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by information accompanying the application for subdivision works certificate that an arborist, qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4, has been engaged and shall be retained throughout the carrying out of all works in the development to ensure the proper protection and management of trees required to be retained and that any necessary pruning /root pruning is carried out in accordance with Australian Standard AS4973-1996 Pruning of Amenity Trees and Australian Standard AS4970-2009 Protection of trees on development sites. This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

Reason: *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

18. Tree Protection Measures, Certification

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision works certificate that the following stages have been assessed and documented (report, letter, certification) by the supervising arborist, and the related documentation has been given to the certifying authority.

Assessment/certification stages

Hold points	Work type	Document required
Pre-demolition	Installation of protection measures	Certificate
During construction	Any excavation within the TPZ of a tree will require the supervising arborist in attendance	Certificate
After completion	Assessment of trees that require retention and condition and any mitigation required	Certificate
During construction	Any further works required within the area of the TPZ, or decline related to the trees that have not been covered by this report	Report brief
During construction	Any crown modification including pruning or root disturbance	Report brief

Notes: *Construction refers to the time between the initiation of demolition and until an*

occupation certificate is issued.

Supervising arborist person nominated as responsible for the provision of the tree assessment, arborist report, consultation with stakeholders, and certification for the development project. This person will be adequately experienced and qualified with a minimum of a level 5 (AQF); Diploma in Horticulture (Arboriculture) (based upon the definition of a 'consulting arborist' from the AS 4970; Protection of trees on development sites; 2009, Section 1.4.4, p 6).

Reason: *To ensure satisfactory assessment and documentation of impacts of the development on trees from the carrying out of works in the development.*

19. 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 during the construction of the project to the satisfaction of Council.

Reason: *To ensure the structural stability of neighbouring buildings.*

20. Development within Vicinity of Sewer and Water Infrastructure

Where development is proposed within the area of influence of council sewer and water infrastructure, the weight imposed on the assets by the development works (both temporary and permanent) shall be proposed and assessed by a suitably qualified experienced professional and chartered Engineer.

The area of influence of the sewer main is considered that area within the angle of repose of 45 degrees for normal loam/clay/sand geology, or 60 degrees for rock geology measured 600mm from the outside of the pipe from base of the trench.

Notwithstanding the above, no development feature or temporary installation is permitted within 1.2m of the outside edge of a sewer maintenance hole/shaft and unobstructed personal access of minimum width of 900mm shall be provided to any maintenance hole/shaft located upon private property.

Reason: *To protect public infrastructure.*

21. Structural Engineer's Details

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

- (a) Retaining walls

- (b) Culverts.
- (c) Sewer / water main extensions/augmentations.

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.*

22. Construction Management Plan

To undertake development works including demolition, earthworks and construction a Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Subdivision Works Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

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

- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

23. Provision of Works and Services

Prior to the issue of the Subdivision Works Certificate, the developer shall obtain approval for the works to be undertaken by submitting documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which demonstrates that the proposed works are compliant with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards.

Reason: *To ensure that the works are constructed in accordance with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards.*

24. 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 the application for a Subdivision Works Certificate.

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.*

25. Building within Vicinity of Sewer Main

Where development is proposed within the area of influence of council sewer and water infrastructure, the weight imposed on the assets by the development works (both temporary and permanent) shall be proposed and assessed by a suitably qualified experienced professional Civil or Structural chartered Engineer.

The area of influence of the sewer main is considered that area within the angle of repose of 45 degrees for normal loam/clay/sand geology, or 60 degrees for rock geology measured 600mm from the outside of the pipe from base of the trench.

Notwithstanding the above, no development feature or temporary installation is permitted

within 1.2m of the outside edge of a sewer maintenance hole/shaft and unobstructed personal access of minimum width of 900mm shall be provided to any maintenance hole/shaft located upon private property.

Reason: *To protect public infrastructure*

26. Overland Flow Study and Detailed Stormwater Drainage System Design

Prior to the issue of the Subdivision Works Certificate, an overland flow study report and a detailed storm water hydraulic drainage plan, for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted to Council and approved by Council's Development Engineer.

The overland flow study report to analyse the flood behaviours in pre and post development scenarios and demonstrate compliance with the requirements of Bundanoon Township DCP for developments on flood liable land.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Note: *Subdivision Works Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the Roads Act 1993 applies.

Reason: *To ensure adequate storm water management.*

27. Submission of Plans for works within the Road Reserve

The applicant shall submit to Council 3 copies of Civil Engineering plans for the design of all works within the road reserve required adjacent/near/outside <insert address> including long and cross sections, details of proposed structures and specifications.

The drawings must be approved by Council in writing and any fees and charges paid prior to the issue of the Subdivision Works Certificate.

Such design shall be:

- (a) Prepared and submitted on A1 or A3 size sheets, undertaken by a chartered professional consulting Civil Engineer, and
- (b) Approved by Council under section 138 of the *Roads Act 1993*, prior to the issue of the Subdivision Works Certificate, and
- (c) Upon completion of the works and prior to the issue of a Subdivision Certificate, the Applicant is to provide to Council 2 copies of "Works as Executed Plans" (WAE). The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, and

- (d) All civil engineering works adjacent/near/outside [address] is to be supervised by Council. A maintenance period of 12 months shall apply to the work, after it has been completed and approved.

In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

Reason: *To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works.*

28. 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 signs and line markings are to be installed in accordance with the Wingecarribee Shire Council Engineering Plans and Specifications, relevant Standards and approved Engineering Plans.

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

29. Tree Retention - Road Design and Construction

The proposed road design and construction shall preserve and retain existing vegetation within the road reserve. Any trees proposed to be removed within the road reserve must be approved by Council and are to be clearly identified by survey and shown on submitted Subdivision Works Certificate plans.

All trees shown on approved engineering plans as being retained are to be appropriately marked and protected during construction works.

Reason: *To ensure preservation of as many existing trees as possible.*

30. Vehicular Crossings

Full-width, heavy-duty concrete vehicular crossing(s) shall be provided across the footway at the entrance(s) and/or exit(s) to the site, subject to approval by Council's Development Engineer. In this regard the Applicant shall obtain a copy of Council's Standard Drawing and lodge an application for vehicular crossing(s) (available from Council's Customer Services Centre or downloaded from Council's website), and pay the appropriate fees and charges prior to the lodgment of the Subdivision Works Certificate.

Reason: *To ensure appropriate access to the site can be achieved.*

31. Water and Sewer Engineering Design

The submission to and approval by Council's Development Engineer Water and Sewer of a master plan indicating how the provision of water supply and sewer collection is to be carried out including all mains, services, pumping stations as required prior to the issue of the Subdivision Works Certificate. This shall include all existing infrastructure, to which it is proposed to be connected. The master plan shall include details of calculations of the loads adopted for the system and peak flows throughout the system.

For developments greater than 5 lots, the developer shall undertake water and sewer modelling to determine the impact of the development on the existing water and sewer infrastructure. The developer may engage an approved hydraulic consultant or request Councils Modelling Engineer to complete the modelling and development assessment. Council will quote the modelling works at cost, on a case by case basis. The developer is required to complete the Water/Sewer Development Assessment Application form which is available from Councils website. All relevant information for the development must be included on the application form including the number of lots, proposed water and sewer connection points, pump station details including capacity, pump size, rising main diameter (as required) and anything else relevant to water and sewer. Any upstream development potential must be included to ensure a comprehensive assessment can be completed. A copy of master plans and/or design plans will assist with the assessment. Upon receipt of the application form, Councils Engineer will send a quotation to the applicant to undertake the modelling works. Typically, the modelling will be completed within 6-8 weeks of approval of the quotation. The modelling report will be issued via email and an invoice will follow. The outputs of the modelling will determine if and where upgrades of the water and/or sewer network are required.

Reason: *Ensure appropriate servicing of water and sewer reticulation.*

32. Water and Sewer Authority Conditions

Prior to issue of a Subdivision Works Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act 1993*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines. In this regard:

- Water supply: The development shall extend the potable water reticulation network within Reg Grundy Drive and provide a second connection to the local reticulation network through to Grice Drive.
- Sewerage: The local sewer reticulation network shall be augmented as per the recommendations contained within the UWS modelling report revision 2 dated 23 March 2021.
- Environmental Assessments: An amended 'Arboricultural Impact Assessment and Tree Protection Plan' and 'Biodiversity Development Assessment' addressing the works required to complete external to the subject site infrastructure upgrades and delivery is to be submitted with the Section 68 application.

Reason: *To ensure water and sewer reticulation are in accordance with Council's standards.*

33. Energy Service Provider Requirements

An electricity supply service is required to be provided to each lot in the development in accordance with the requirements of the Energy Service Provider. No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision works certificate that the requirements of the Energy Service Provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

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

34. 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.*

35. Erosion and Sediment Control Plan

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied by information accompanying the application for subdivision works certificate that an Erosion and Sediment Control Plan has been prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and will be implemented in the carrying out of the development.

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.*

36. Koala Assessment Report Compliance

No subdivision works certificate shall be granted for any subdivision work in the development unless the certifying authority is satisfied the implementation of Management Measures as per Section 5.1 and Table 2 of the Koala Assessment Report, reference cdso1var1, revision Final V3.0, dated 23 March 2023.

37. Updated Vegetation Management Plan

Prior to the issue of a subdivision works certificate, it is to be demonstrated that compensatory measures as defined in section 5.2 of the KAR have been addressed within the Vegetation Management Plan for the site (Narla Environmental 2022a, Project no Cdso var1, Version Final v3.0. August 2022).

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

37. Trees with wildlife hollows

Trees that require removal that contain cavities that are likely used by arboreal fauna require the following conditions as part of the removal process. This is to reduce the risk of harm to these animals.

- a) The removal process will be required to be supervised by a wildlife handler who is licenced under the NSW National Parks and Wildlife Act 1074, to rescue displaced wildlife.
- b) The wildlife handler must be clothed in protective clothing and appropriate equipment for the intended purpose of handling wildlife. A 'Greencard' for construction purposes must also be held by the wildlife specialist. If the handling of any potentially diseased wildlife occurs (e.g., bats, flying foxes), then the fauna specialist must be suitably vaccinated.
- c) An appropriately skilled and local wildlife carer must be notified at least 24 hours prior to tree removal so that any misplaced or injured animal can be accommodated and cared for.
- d) An aerial assessment will be required for all tree hollows that are affected by the work, and any tree hollow that is containing an animal is acted upon based on the recommendations by the nominated wild life handler.
- e) At least one nest box or equivalent niche is recommended for installation for each hollow removed that has been considered to have accommodated wildlife (irrespective of whether the hollow had an animal in it at the time of removal/assessment).

Reason: *For the protection of flora and fauna.*

38. Sub-surface utilities

The proposed route of sub-surface utilities, including stormwater, electricity, communications, water, and gas will require to avoid the Tree Protection Zone of any tree nominated for retention.

Any trenching, other than what has been allowed for should be avoided within the area of the

TPZ's for any tree nominated for retention. Any proposed route shall be re-routed outside of the TPZ. Under boring may be required if a limitation for the route of a service is restricted to an area that falls within the TPZ from any tree. Any excavation in the area of a TPZ must be authorised and conditioned by the project arborist.

Reason: *To ensure trees are protected.*

39. Notice of Commencement

No subdivision work in the development shall be permitted to commence unless a notice of commencement form has been submitted (form will be attached with issue of a Construction Certificate or Subdivision Works Certificate or available from Council's website), giving the Principal Certifier (PC):

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifier (PC) (either Wingecarribee Council or another Principal Certifier).
- (c) Details of the Principal Contractor or Owner Builder:
 - Name
 - Builders Licence Number or Owner Builder Permit Number
 - Principal Contractor Company Name
 - Principal Contractor ABN
 - Address of Principal Contractor or Owner Builder
 - Email Address
- (d) Copy of the HBCF Insurance Certificate (if residential building works exceed \$20,000) or Owner Builder Permit.
- (e) Details demonstrating compliance with development consent conditions relevant prior to commencement of the development been satisfied.

Reason: *Statutory requirement.*

Advice: *Attached Notice of Commencement form to be completed.*

40. Principal Certifier (PC) Sign

No subdivision work in the development shall be permitted to commence unless signage has been erected in a prominent position on the work site identifying:

- The Principal Certifier (PC) by showing the name, address and telephone number of the Principal Certifier (PC);
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

41. Subdivision Works Certificate & Appointment of Principal Certifying Authority

Subdivision work in accordance with a consent must not commence until:

- (a) A Subdivision Works Certificate has been issued.
- (b) The person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA).
- (c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment.
- (d) The person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

Advice: *Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.*

Reason: *Statutory requirement.*

42. Developers Representative during Construction of Works

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:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 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:

- 10 Inform Council in writing of their intention 7 days before entering the site.
- 11 Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works,

Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: *Statutory requirement.*

43. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Prior to any works being undertaken 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*). Works within the road reserve may include activities such as erect 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*.

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

- A copy of the approved development plans and proposed works to be undertaken.
- Plans and adequate documentation which validate that the required works are in accordance with Councils Engineering Plans and Specifications and relevant standards.
- 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.
- 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 the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

44. Relocation of Existing Services

Where existing services including drainage, sewerage and water are required to be relocated as a result of the development, a Section 68 approval is required from Council prior to commencing work. Inspection of these works by Council as the water supply authority is required..

Reason: *Statutory requirement.*

45. 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.*

46. Relocation of Sewerage

Prior to commencement of subdivision works within the zone of influence of the live assets, the existing sewer shall be relocated. Relocation of sewer main is to be clear of proposed subdivision works and buildings and all superseded mains and structures are to be removed from site. The scope of the relocation is to be detailed and approved in the Section 68 Application documents.

Reason: *To protect public utilities.*

47. Erosion and Sediment Control

No subdivision work in the development shall be permitted to commence unless erosion and sediment control measures have been installed in accordance with the approved Erosion and Sediment Control Plan.

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

48. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

49. Imported 'Waste-derived' Fill Material

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

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material 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.*

50. Relocation of existing services

Where existing services including drainage, sewerage and water are required to be relocated during construction, a Section 68 approval is required from Council prior to continuation of works. Inspection of these works by Council as the water supply authority is required.

Reason: *To ensure that utilities are provided appropriately to the development.*

51. Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (a) Sewer / water main extensions/augmentations.
- (b) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (c) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.
- (d) Sewer / water main extensions/augmentations.
- (e) Final inspection of water plumbing, sanitary drainage and stormwater drainage.

Note: *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

Reason: *Statutory requirement.*

52. Stormwater - 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).

Reason: *To assist in the prevention of erosion of the site from storm water.*

53. Stormwater - 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 is appropriately disposed of.*

54. 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*, 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: *Structural safety.*

55. Erosion and Sediment Control Plan Compliance

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.

Note: *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

Reason: *To ensure that the environment is protected.*

56. 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.*

57. Prevention of Nuisance

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.

Reason: *Health and amenity.*

58. Dust Control

The following measures must be taken to control the emission of dust on site:

- (a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- (b) 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.
- (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

Reason: *Environmental amenity*

59. Vegetation Management

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the prior consent of Council (unless considered exempt development).

Any vegetation removed with Council consent and any other vegetation cleared in association of the approved development shall be disposed of in accordance with the approved Waste Management Plan.

For minor development, vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

Reason: *To ensure compliance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by preserving the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Note: *Failure to comply with this condition may result in prosecution by Council.*

Note: *No vegetation shall be burnt except with an approval issued by Council pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2010. Failure to comply may result in a penalty of up to \$500 for an individual or up to \$1,000 for a corporation.*

Advice: *Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

60. Council Reserve / Street Tree Retention

All trees in public road reserves shall be preserved unless removal is permitted by the consent.

Advice: *Reference should be made to Council's Urban Street Tree Master Plan.*

Reason: *To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.*

61. Tree Removal/Tree Preservation

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Advice: *Tree removal should be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

Reason: *To comply with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.*

62. Protection of Trees

All trees to be retained require protection and shall not be impacted during the carrying out of works in the development. The Tree Protection Zones (TPZ) for these trees, as nominated in Arboricultural Impact Assessment by Tree Survey, dated 11th May 2021 (Version 2), shall be observed and utilised for the protection and in relation to the section titled, Restricted activities within the TPZ (Section 4.1). These trees will require installation of tree protection measures as illustrated in the Arboricultural Impact Assessment Report and include but not be limited to protective fencing. Protective fencing is required to be installed to protect the TPZ from all site-related work and is recommended to be located in accordance with the requirements of Australian Standard AS 4970-2009 Protection of trees on development sites. Fencing shall be secured to the ground with pegs to avoid movement during the carrying out of works in the development. This must be installed prior to the commencement of any work in the development and shall be maintained throughout the entire construction phase of the development, and until landscaping works and installation of the drive/cross-overs is required.

Reason: *To protect trees identified to be retained.*

63. Approved hours of Works

The carrying out of works in the development shall be limited to the following hours:

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

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the carrying out of works in the development.*

64. 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: *Compliance with condition of consent.*

65. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

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.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

66. Temporary Onsite Toilet

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

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

67. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

68. Notification of discovery of an archaeological relict

A person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not the person has been issued with a permit) shall:

- (a) within a reasonable time after a person first becomes aware or believes that the person has discovered or located that relic, notify the Office of Heritage of the location of the relic, unless the person believes on reasonable grounds that the Office of Heritage is aware of the location of the relic, and
- (b) within the period required by the Office of Heritage, furnish the Office of Heritage with such information concerning the relic as the Heritage Council may reasonably require.

Reason: *To comply with the provisions of the Heritage Act 1977.*

Note: *The relevant application form can be found at following website:*

www.environment.nsw.gov.au/resources/heritagebranch/heritage/S139-S146Frm2013.pdf

and mailed to:

The Heritage Council
C/- The Conservation Manager
Heritage Division
Office of Environment and Heritage
Locked Bag 5020
PARRAMATTA NSW 2124

or emailed to: heritage@heritage.nsw.gov.au

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

69. 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.

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

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.*

70. 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.*

71. 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.*

72. 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 Councils assets are protected.*

73. Flood Prone Land Restrictions 88B

A legally binding instrument pursuant to Section 88B of the Conveyancing Act 1919 shall be prepared in consultation with, and to the satisfaction of the Council for each allotment identified as affected by flooding in Council's Bundanoon Township Development Control Plan.

The required instrument(s) shall be registered on the title of the affected lot(s) and proof of that registration shall be submitted to Council with the application for a Subdivision Certificate.

Reason: *To ensure that future purchases are aware of flood liability and restrictions.*

74. Section 88B Instrument – Various

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

- a) Finished floor level of future dwellings shall be above 663 AHD (as per CDS report No 1923, dated Dec 2020)
- b) The owners of the lots share equal responsibility for the maintenance of the community lots

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 Council policy positions.*

74. Section 88B Instrument – Community Management Statement

The original plans of subdivision shall be accompanied by a Section 88B Instrument under

the Conveyancing Act 1919, which requires all lots to comply with the requirements of the Community Management Statement.

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

Prior to the issue of a Subdivision Certificate, the Community Management Statement is to be updated to include specific reference to the recommendations and obligations in Section 3 of the Vegetation Management Plan, reference CDS01 var1, version Final v3.0, dated August 2022.

Reason: To ensure compliance with Council policy positions.

74. Section 88B Instrument – Koala Assessment Report

The original plans of subdivision shall be accompanied by a Section 88B Instrument under the Conveyancing Act 1919, which requires all lots to comply with the requirements of the Monitoring Plan, Adaptive Management Schedule and associated reporting of the Koala Assessment Report, Project no cds01var1, Version Final v3.0, December 2020 (Revision Final V3.0 dated 23 March 2023).

Reason: To ensure compliance with Council policy positions.

75. Dedication of Easements

The creation or obtaining by the Applicant of the following easements at the Applicant's expense prior to the issue of the Subdivision Certificate.

- (a) Stormwater drainage easement (E) over Lots 2-4 in favour of Council and upstream properties a minimum 4.0m wide.
- (b) Stormwater drainage easement (F) over Lot 1 in favour of Council and upstream properties variable width
- (c) Stormwater drainage easement (G) over Lots 13, 15 and 17 in favour of council and upstream properties a minimum 3.0m wide
- (d) Stormwater drainage easements (H) over Lot 1 in favour of the upstream properties a minimum 6.0m wide
- (e) Stormwater drainage easement (J) over Lot 13 in favour of Lot 14 a minimum 2.0m wide
- (f) Sewerage easements along the sewer main in favour of Council a minimum 3.0m wide
- (h) Water supply easements 1m wide placed centrally over the installed potable water in favour of Council

Reason: To protect infrastructure.

76. Section 88B Instrument - Building Envelopes

No subdivision certificate shall be granted for the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision certificate that original

plans of subdivision and an accompanying section 88B Instrument under the *Conveyancing Act 1919*, identifying a building envelope on each lot in the development that is sited to minimise tree removal, have been submitted to and approved by Council.

Reason: *To minimise tree removal associated with future development of lots in the development.*

77. Access by Right of Carriageway

The applicant shall submit to Council for approval the draft Section 88B Instrument under the *Conveyancing Act 1919* for the approved subdivision prior to issue of the Subdivision Certificate.

The Instrument shall include:

- Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Reason: *To comply with Councils engineering requirements.*

78. Provision of Public Lighting

No subdivision certificate shall be granted for the development unless public lighting has been provided to all roads in the development in accordance with the requirements of Council Development Engineering Specifications and Drawings and relevant Australian Standards, including Australian/New Zealand Standard AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting.

Reason: *To ensure appropriate street lighting is provided.*

79. Energy Service Provider Requirements

An electricity supply service is required to be provided to each lot in the development in accordance with the requirements of the Energy Service Provider. No subdivision certificate shall be granted for the development unless the certifying authority is satisfied by evidence accompanying the application for subdivision certificate that the requirements of that provider have been obtained in the form of a Notification of Arrangement (NOA), and have been satisfied.

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

80. 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 Wingecarribee Shire Council Engineering Design and Construction Specifications and Drawings, relevant Standards 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.*

81. Engineering Details in DXF Format

The Developer shall provide a copy of the Work As Executed information on disk 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 and Professional Engineer as required.

82. 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.*

83. Asset Management

The developer 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.

The assets to be identified include:

- Roadways length and width and type of surface
- Drainage systems length and size of pipes, number of pits, total area (m²)
- Sewer
- Water
- Open Space and total area being dedicated (m²)

Reason: *To ensure appropriate asset management.*

84. Defects and Liability Bond for Public Assets - Civil Works

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. 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 in accordance with Council's Bond Policy. The bond shall be assessed by Council for release after the 24 month period on formal request from the developer.

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

85. Maintenance and Bond for Public Assets - Civil Works

The developer shall at their own expense maintain all civil works constructed by them and which will fall into Councils care with respect to the development for a period of 12 months after the date of issue of the Subdivision Certificate. Prior to the issue of the Subdivision Certificate the Developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total engineering works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the 12 month period on request by the developer.

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

86. Provision of Services

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

All property services shall be located within the lots that they serve in accordance with Wingecarribee Shire Council Engineering Design and Construction Specifications, Drawings and relevant Standards. 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.*

87. 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 (i.e. internal driveways, paths and stormwater drainage system including any onsite detention) are in accordance with approved plans and specifications.

Reason: *To comply with Councils requirements.*

88. Construction of Kerb & Gutter and Drainage

Concrete kerb and gutter and associated drainage system in Reg Grundy Drive and Community Lot 1 for the development for the adequate discharge of storm water shall be constructed in accordance with the Wingecarribee Shire Councils Engineering Design and Construction Specifications and drawings prior to the issue of the Subdivision Certificate.

Reason: *To ensure that storm water is appropriately managed.*

89. Drainage Pipeline Easement

Protection of the development and/or property by provision, within an easement, of underground drainage pipelines and fail-safe above ground flow paths to cater for storm water flooding from all roofed and paved areas of the site and to connect to (WHAT), prior to the issue of the Subdivision Certificate.

Reason: *To ensure that storm water is appropriately managed.*

90. Existing Drainage Augmentation

The existing drainage system shall be augmented prior to the issue of the Subdivision Certificate to accommodate drainage from the proposed development and to protect other property in consultation with Council.

Reason: *To control storm water flows.*

91. Inter-allotment Drainage for Upstream/Adjoining Property

Inter-allotment drainage shall be provided for all lots that do not drain natural to a public system (road, watercourse etc.) prior to the issue of the Subdivision Certificate. All inter-allotment drainage system (pipes, pits, etc.) shall be contained within a suitable easement to drain water a minimum of 2 metres wide.

Reason: *To control stormwater flows.*

92. Boundary Grated Catch Drains

Prevention of "sheet flows" over the public footpath by provision of a grated catch drain and an inlet pit adjacent to the driveways at the property boundary, with piped water discharged to the satisfaction of the Development Engineer prior to the issue of the Subdivision Certificate.

Reason: *To control stormwater flows.*

93. 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.

Reason: *To control storm water flows.*

94. Flooding - Finished Surface Level Work as Executed

Where any part of any allotment created is within the 1% AEP flood an appropriate Restriction as to User shall be created on the title of that lot prior to issue of the Subdivision Certificate. The works as executed plans and title document shall state the 1% AEP flood level and the minimum finished floor level for that allotment. The finished floor level is to be a minimum of 500mm above the 1% AEP flood level.

Reason: *To ensure appropriate flood protection to property.*

95. Stormwater Facilities Alterations

A "Restriction as to User" shall be included on the plan of subdivision and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water 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 storm water management.*

96. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the plan of subdivision and title of the proposed development 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.*

97. 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: *Engineering Requirements.*

98. Street Name Signs and Posts

Street signage shall be provided prior to the issue of the Subdivision Certificate:

- a) 150mm Street signage and post shall be provided prior to the issue of the Subdivision Certificate in accordance with Council's Engineering Standard Drawings and Specifications.

Reason: *To comply with Councils requirements.*

99. Construction of Footpath in Subdivision

Concrete paving 1.2 metres wide shall be provided continuous one side within the footway on the Reg Grundy Drive road extension and existing road reserve and one side of the subdivision road reserve prior to the issue of the Subdivision Certificate. Footpath shall be constructed in accordance with Standard Drawing No SD118. Kerb ramps where required are to be constructed in accordance with Standard Drawing No SD111.

Reason: *To provide pedestrian access to the development.*

100. Construction of Road

Reg Grundy Drive road extension and the subdivision road shall comply with the requirements of Council's standard road profile drawing SD101 for Local Road and Access Road (type 3) respectively.

All road pavement with an asphaltic concrete surface shall be constructed in accordance with Council's Engineering Specifications, standard drawings and relevant standards prior to the issue of the Subdivision Certificate.

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.*

101. Residential Driveway

A standard concrete vehicular gutter layback and concrete footpath crossing at the property boundary and across the road reserve, shall be constructed at the driveway entrance in accordance with Council's Standard drawing Nos SD107 and SD123 prior to the issue of the Subdivision Certificate. Reason: To comply with Council's Engineering Specifications and Drawings., Nos SD107 and SD123 prior to the issue of the Subdivision Certificate.

Reason: *To comply with Council's Engineering Specifications and Drawings.*

102. Provision of Reticulated Sewer to Each Lot

Reticulated sewer service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

Sewerage mains shall be constructed to serve the development.

Reason: *To ensure that the development is serviced.*

103. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of the Subdivision Certificate.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

Reason: *To ensure that the development is serviced.*

104. Construction of Water Service

A water service shall be installed to each lot in the subdivision prior to the issue of the Subdivision Certificate.

Council's application form shall be completed by the Developer and the appropriate fee paid.

Reason: *To ensure that the development is serviced.*

105. Street Trees

No subdivision certificate shall be granted for the development unless the certifying authority is satisfied that street trees have been planted in the roads in the development in compliance with Council's Urban Street Tree Masterplan.

Advice: *Council's Urban Street Tree Master Plan must be referenced with respect to any street plantings.*

Reason: *To maintain and improve visual amenity.*

106. Site Classification

The developer's geotechnical engineer shall provide a site classification in accordance with the current version of Australian Standard (AS2870) Residential Slabs and Footings for each lot in the subdivision that will be built upon. The site classification shall be registered on the Section 88B Instrument under the *Conveyancing Act 1919*, prior to the issue of the Subdivision Certificate.

Reason: *To advise future landowners of the site classification.*

107. Section 7.11 Contributions (formerly Section 94)

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:

Drafting Note: *Assessment Officer to determine which plans apply - delete plans not applicable.*

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities
- Bundanoon (Bundanoon Consents Only)

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 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 25I 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.*

108. 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:

Drafting Note: *Assessment Officer to determine which plans apply - delete plans not applicable.*

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

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 as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, www.abs.gov.au < http://www.abs.gov.au >.			

Should new DSP's 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 as follows and shall be paid prior to the issue of the **Subdivision Certificate**:

Water \$----- + Sewer \$----- + Stormwater \$----- = \$-----

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.*

109. Compliance with Koala Assessment Report

Prior to the issue of a Subdivision Certificate, certification is to be provided from a suitably qualified ecologist confirming the development has complied with the requirements of the Koala Assessment Report, reference cdso1var1, revision Final V3.0, dated 23 March 2023. and that appropriate measures have been put in place for the ongoing management and longevity of koala habitat in accordance with the report.

A Monitoring Plan and Adaptive Management schedule for Koalas and Koala habitat within the site must be established in accordance with Section 5.3, Table 3 and Section 5.4v of the KAR.

Reason: *To protect the environment.*

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

110. Erosion Control on Completed Developments

Adequate erosion and sediment control measures shall be maintained in place where necessary until site stabilisation and revegetation is finalised.

Reason: *To protect the environment.*

INTEGRATED DEVELOPMENT CONDITIONS

111. General Terms of Approval - NSW Rural Fire Service

General Terms of Approval have been granted by the NSW Rural Fire Service for the development pursuant to section 100B of the *Rural Fires Act 1997*. The conditions provided by the NSW Rural Fire Service are provided attached to this consent reference DA20210129000340-CL55-2, dated 1 June 2022.

The General Terms of Approval and associated bush fire safety authority are to be complied with throughout the entirety of the development.

112. General Terms of Approval – Water NSW

General Terms of Approval have been granted by the Water NSW for the development pursuant to section 6.64 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. The conditions provided by Water NSW are provided attached to this consent reference 21003-a3, dated 14 June 2022.

The General Terms of Approval are to be complied with throughout the entirety of the development.

ADVISORY MATTERS

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Commonwealth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

END OF CONDITIONS